



# City of Grand Island

Tuesday, September 25, 2012

Council Session

## Item F4

**#9405 - Consideration of Vacation of a Utility Easement Located in Hornady Subdivision (JEH Holdings, LLC)**

Staff Contact: Terry Brown, Interim Public Works Director

# **Council Agenda Memo**

**From:** Terry Brown, Manager of Engineering Services

**Meeting:** September 25, 2012

**Subject:** Consideration of Vacation of a Utility Easement Located in Hornady Subdivision (JEH Holdings, LLC)

**Item #'s:** F-4

**Presenter(s):** Terry Brown, Interim Public Works Director

## **Background**

A permanent utility easement was filed with Hall County on November 21, 2008, as part of the Hornady Subdivision.

There are no conflicts with utilities.

## **Discussion**

The developer of Hornady Subdivision has requested that a portion of the permanent utility easement be vacated to allow for redesign of the development. This vacation will allow for lot/building expansion and the majority of the easement will be rededicated as an outlot/drainage easement.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve the passing of an ordinance vacating the utility easement in Hornady Subdivision.

### **Sample Motion**

Move to approve the passing of an ordinance vacating the utility easement in Hornady Subdivision.

ORDINANCE NO. 9405

An ordinance to vacate an existing utility easement and to provide for filing this ordinance in the office of the Register of Deeds of Hall County, Nebraska; to repeal any ordinance or parts of ordinances in conflict herewith, and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. That the existing utilities easement located in a tract of land comprising that portion of Hornady Subdivision, more particularly described as follows:

PART OF LOT 4, HORNADY SUBDIVISION IN THE CITY OF GRAND ISLAND IN PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE ¼, SE ¼) OF SECTION TWENTY (20), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6<sup>TH</sup> P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE ¼, SE ¼; THENCE ON AN ASSUMED BEARING OF N90°00'00"W, ALONG THE SOUTH LINE OF SAID SE ¼, SE ¼, A DISTANCE OF 175.00 FEET; THENCE N01°07'46"W A DISTANCE OF 40.00 FEET TO A POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF STOLLEY PARK ROAD AND THE WEST R.O.W. LINE OF ARTHUR STREET, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 1, HORNADY SUBDIVISION; THENCE N90°00'00"W, ALONG SAID NORTH R.O.W. LINE, A DISTNACE OF 584.68 FEET TO A POINT BEING THE SOUTHWEST CORNER OF LOT 3, HORNADY SUBDIVISION; THENCE N00°42'56"E, ALONG THE WEST LINE OF SAID LOT 3, A

Approved as to Form	▣ _____
September 21, 2012	▣ City Attorney

ORDINANCE NO. 9405 (Cont.)

DISTANCE OF 182.38 FEET TO A WESTERLY CORNER OF SAID LOT 3; THENCE N35°16'23"E A DISTANCE OF 219.37 FEET TO THE POINT OF BEGINNING; THENCE N13°50'22"E A DISTANCE OF 142.20 FEET; THENCE N23°31'44"E A DISTANCE OF 32.25 FEET; THENCE N35°16'23"E A DISTANCE OF 139.77 FEET TO A POINT ON THE WEST LINE OF LOT 20, BLOCK 5, BEL AIR ADDITION; THENCE S45°58'46"E, ALONG SAID WEST LINE, A DISTANCE OF 59.21 FEET; THENCE S35°16'23"W A DISTANCE OF 294.70 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 13,099.94 SQUARE FEET OR 0.30 ACRES MORE OR LESS.

is hereby vacated. Such easement to be vacated is shown and more particularly described on Exhibit A attached hereto.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the real estate upon which the easement is located.

SECTION 3. This ordinance is directed to be filed, with the drawing, in the office of the Register of Deeds of Hall County, Nebraska.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: September 25, 2012.

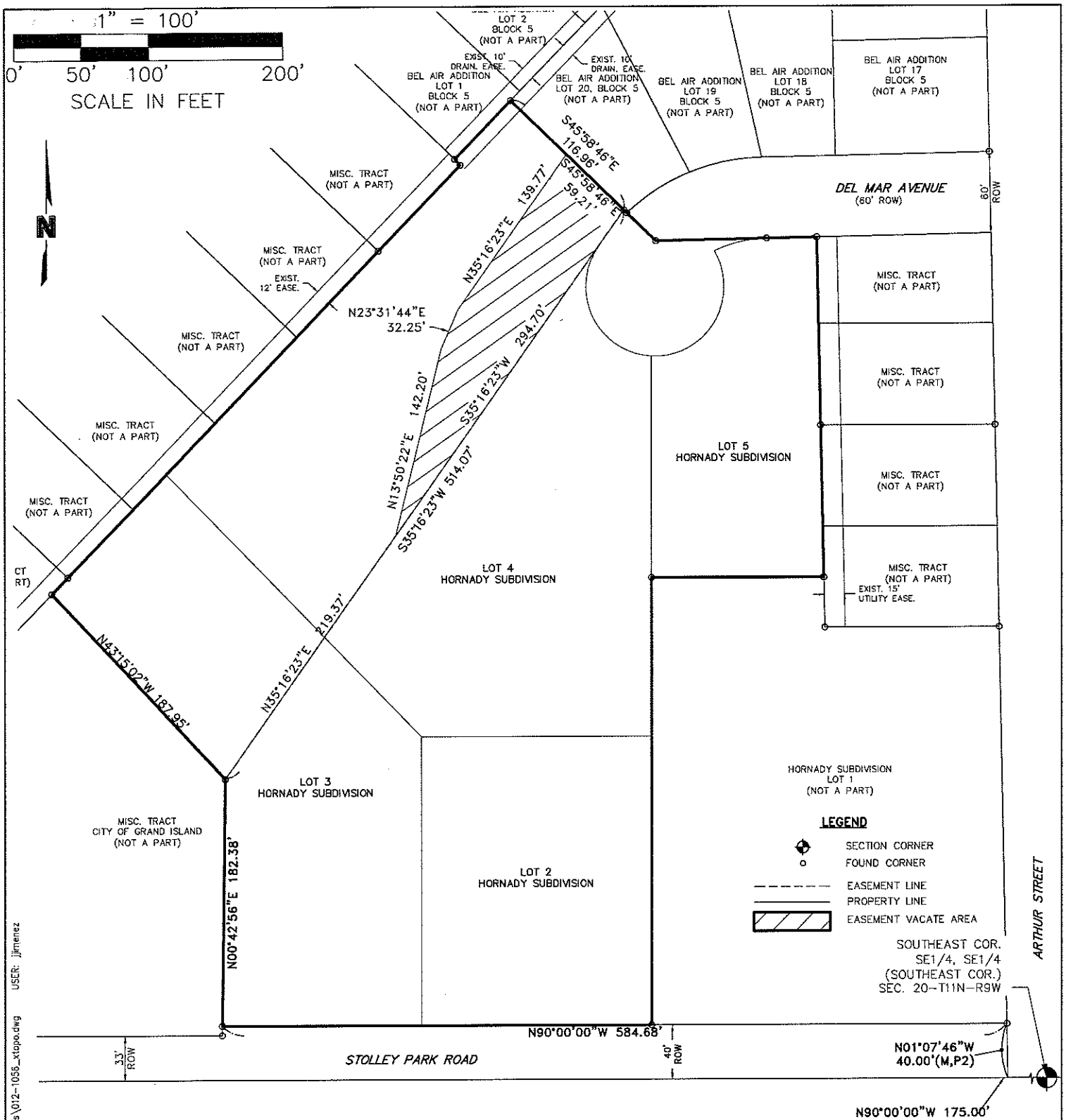
---

Jay Vavricek, Mayor

Attest:

---

RaNae Edwards, City Clerk



### VACATION OF EASEMENT DESCRIPTION

PART OF LOT 4, HORNADY SUBDIVISION IN THE CITY OF GRAND ISLAND IN PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4, SE1/4) OF SECTION TWENTY (20), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE 6TH P.M., HALL COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE1/4, SE1/4; THENCE ON AN ASSUMED BEARING OF N90°00'00\"W, ALONG THE SOUTH LINE OF SAID SE1/4, SE1/4, A DISTANCE OF 175.00 FEET; THENCE N01°07'46\"W A DISTANCE OF 40.00 FEET TO A POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF STOLLEY PARK ROAD AND THE WEST R.O.W. LINE OF ARTHUR STREET, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 1, HORNADY SUBDIVISION; THENCE N90°00'00\"W, ALONG SAID NORTH R.O.W. LINE, A DISTANCE OF 584.68 FEET TO A POINT BEING THE SOUTHWEST CORNER OF LOT 3, HORNADY SUBDIVISION; THENCE N00°42'56\"E, ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 182.38 FEET TO A WESTERLY CORNER OF SAID LOT 3; THENCE N35°16'23\"E A DISTANCE OF 219.37 FEET TO THE POINT OF BEGINNING; THENCE N13°50'22\"E A DISTANCE OF 142.20 FEET; THENCE N23°31'44\"E A DISTANCE OF 32.25 FEET; THENCE N35°16'23\"E A DISTANCE OF 139.77 FEET TO A POINT ON THE WEST LINE OF LOT 20, BLOCK 5, BEL AIR ADDITION; THENCE S45°58'46\"E, ALONG SAID WEST LINE, A DISTANCE OF 59.21 FEET; THENCE S35°16'23\"W A DISTANCE OF 294.70 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 13,099.94 SQUARE FEET OR 0.30 ACRES MORE OR LESS.

PROJECT NO: 2012-1056

DRAWN BY: JMJ

DATE: 07 25 2012

## VACATION OF EASEMENT

**MOLSSON**  
ASSOCIATES

201 East 2nd Street  
P.O. Box 1072  
Grand Island, NE 68802-1072  
TEL 308.384.8750  
FAX 308.384.8752

EXHIBIT

12