



City of Grand Island

Tuesday, October 9, 2012

Council Session

Item F5

**#9406 – Consideration of Vacation a Part of Outlot A Lake
Heritage Second Subdivision**

Staff Contact: Chad Nabity

Council Agenda Memo

From: Regional Planning Commission

Meeting: October 9, 2012

Subject: Vacating a Portion of Outlot A of Lake Heritage Second Subdivision

Item #'s: F-5

Presenter(s): Chad Naby AICP, Regional Planning Director

Background

This property is located east of Blaine Street, and north of Bass Road, in the City of Grand Island, in Hall County, Nebraska. Lake Heritage Second Subdivision was platted by Doralene Niedfelt in 2010. Outlot A includes the lake and was intended for further development. The owner of the property wishes to retain a 22 foot strip of property at the southeast corner of the outlot and have it included with her adjoining property. In order to join this platted tract to the unplatted tract it is necessary vacate a portion of the platted Outlot A.

Discussion

Council will be considering both the request to vacate a portion of Outlot A of the existing subdivision and to approve new subdivision for the remainder of Outlot A at this meeting on October 9, 2012. The ordinance to vacate this subdivision is subject to a requirement that the developer of Lake Heritage Third Subdivision files the new plat within 60 days of approval of this ordinance and files a consolidation deed for this vacated portion of Outlot A and the adjoining property.

The request to vacate a portion of Outlot A of Lake Heritage Second Subdivision was considered by the Regional Planning Commission at the October 3rd, 2012 meeting. A motion was made by Ruge and seconded by Connelly to approve the request. A roll call vote was taken and the motion passed with 9 members present (McCarty, Reynolds, O'Neill, Hayes, Bredthauer, Connelly, Eriksen, Ruge and Haskins voting in favor, no member present abstaining).

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 ordinance as presented.

Sample Motion

Move to approve as recommended.



ORDINANCE NO. 9406

An ordinance to vacate a portion of Outlot A of Lake Heritage Second Subdivision in the City of Grand Island, Hall County, Nebraska; to provide for filing this ordinance in the office of the Hall County Register of Deeds; and to provide for publication and the effective date of this ordinance.

WHEREAS, the current owner of Outlot A of Lake Heritage Second Subdivision has requested that the City consider vacating a portion of that Outlot; and

WHEREAS, a plat for Lake Heritage Third Subdivision encompassing the remainder of Outlot A of Lake Heritage Second Subdivision has been filed by the current owner and recommended for approval by the Hall County Regional Planning Commission ; and

WHEREAS, this will have no impact on the rights-of-way or development of utilities to serve said property; and

WHEREAS, development of this property as proposed will provide needed housing units in an effective and efficient manner;

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

SECTION 1. That the portion of Outlot A of Lake Heritage Second Subdivision described as: PART OF OUTLOT A, LAKE HERITAGE SECOND SUBDIVISION IN THE NORTHWEST QUARTER (NW ¼ OF THE NORTHWEST QUARTER (NW ¼) OF SECTION THIRTY THREE (33), TOWNSHIP ELEVEN (11) NORTH, RANGE NINE (9) WEST OF THE SIXTH PRINCIPAL MERIDIAN, HALL COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Approved as to Form	☐ _____
October 5, 2012	☐ City Attorney

ORDINANCE NO. 9406 (Cont.)

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION THIRTY THREE (33); ASSUMING THE BEARING OF THE SOUTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID NORTHWEST QUARTER IS S89°36'13" W AND ALL BEARINGS CONTAINED HEREIN ARE RELATIVE THERETO ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW ¼ NW ¼) A DISTANCE OF 22.00 FEET; THENCE N 01°46'48"W A DISTANCE OF 228.48 FEET; THENCE S77°35'34" E A DISTANCE OF 22.44 FEET TO THE EAST LINE OF SAID NW ¼ OF THE NW ¼; THENCE S 01°46'48" E A DISTANCE OF 223.81 FEET TO THE PLACE OF BEGINNING. SAID TRACT CONTAINS 0.11 ACRES MORE OR LESS.

Is hereby vacated conditioned upon;

Approval of Lake Heritage Third Subdivision by the Grand Island City Council;

And

Filing of Lake Heritage Third Subdivision at the office of the Hall County Register of Deeds within 60 days of approval of this ordinance

And

Filing of a consolidation deed for that portion of Outlot A vacated by this ordinance and the unplatted tract of ground immediately adjoining to the east of this tract within 60 day of approval of this ordinance.

SECTION 2. The title to the property vacated by Section 1 of this ordinance shall revert to the owner or owners of the property platted as Outlot A of Lake Heritage Third Subdivision in the City of Grand Island, Hall County, Nebraska

ORDINANCE NO. 9406 (Cont.)

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

SECTION 4. This ordinance shall be in force and take effect from and after its passage and publication, without the plat, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: October 9, 2012.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk