

# **City of Scottsbluff, Nebraska**

**Monday, April 7, 2014**

**Regular Meeting**

## **Item Resolut.1**

**Council to consider the Ordinance authorizing the sale of .50 acres of city-owned property located at the Northeast corner of 5th Avenue and 42nd Street to Nebraska Public Power District.**

**Minutes: Following the passage of the Ordinance, notices regarding the sale of the city-owned property will be published which will begin the remonstrance period.**

**Staff Contact: Rick Kuckkahn, City Manager**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE SALE OF REAL ESTATE OWNED BY THE CITY OF SCOTTSBLUFF, NEBRASKA, DESCRIBED AS A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE SIXTH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS SET FORTH IN THIS ORDINANCE, CONTAINING APPROXIMATELY .50 ACRES.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:**

Section 1. The City owns the following described real estate:

A tract of land situated in the Southwest Quarter of the Southwest Quarter of Section 12, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Section 12, thence northerly on the west line of Section 12, on an assumed bearing of N00°00'00"E, a distance of 193.00 feet, thence bearing N89°47'28"E, on a line parallel with and 193.00 feet north of the south line of Section 12, a distance of 63.00 feet, to the point of intersection with the northwest corner of a tract of land as described in Deed Book 105, page 612, Scotts Bluff County Register of Deed's office, thence bearing S00°00'00"W, on the west line of said referenced tract of land, and on a line being 63.00 feet east of and parallel with the west line of Section 12, a distance of 100.00 feet, to the point of intersection with the southwest corner of said referenced tract of land, and said point also being the northwest corner of a second referenced tract of land as described in Deed Book 215, page 491, thence continuing southerly on the west line of second referenced tract of land, bearing S00°00'00"W, and on a line parallel with the west line of Section 12, a distance of 15.00 feet, to the point of intersection with the southwest corner of said second referenced tract of land, said corner being 78.00 feet north of the south line of Section 12, as measured perpendicular to said south line, thence bearing N89°47'28"E, on the south line of said second referenced tract of land, and on a line being 78.00 feet north of and parallel with the south line of Section 12, a distance of 100.00 feet, to the point of intersection with the southeast corner of said second referenced tract of land, and said point being 163.00 feet east of the west line of Section 12, as measured perpendicular to said west line, thence bearing N00°00'00"E, on the east line of said second referenced tract of land, and on a line being 163.00 feet east of and parallel with said west line of Section 12, a distance of 15.00 feet, to the point of intersection with the northeast corner of said second referenced tract of land, and said point also being the southeast corner of the tract of land described in Deed Book 105, page 612, thence continuing northerly on the east line of said referenced tract of land, bearing N00°00'00"E, and on a line being 163.00 feet east of and parallel with the west line of Section 12, a distance of 100.00 feet, to the point of intersection with the northeast corner of said referenced tract of land, and said point being 193.00 feet north of the south line of Section 12, as measured perpendicular to said south line, thence bearing N89°47'28"E, on a line 193.00 feet north of and parallel with the south line of Section 12, a distance of 10.00 feet, thence bearing S00°00'00"W, on a line being 173.00 feet east of and parallel with the west line of Section 12, a distance of 193.00 feet, to the point of intersection with the south line of Section 12, thence bearing S89°47'28"W, on the south line of Section 12, a distance of 173.00 feet, to the Point of Beginning, containing an area of 0.50 acres, more or less, of which the west 50 feet and the south 50 feet are reserved by the City of Scottsbluff for road, signage and utility purposes (the Areal estate@).

Section 2. An offer has been made by Nebraska Public Power District, a public corporation and political subdivision of the State of Nebraska, to purchase the real estate for \$1,200.00 cash. In addition, the offer includes an easement and right-of-way reserved by the City of Scottsbluff for road, street, signage, and utility purposes. The city is willing to accept this offer.

Section 3. The mayor and City Clerk are authorized to sign a contract and deed to convey the above described real estate by Deed to Nebraska Public Power District, a public corporation and political subdivision, on the following terms:

- a. The purchase price shall be \$1,200.00 in cash, which shall be paid at closing. Also at closing, the Deed will contain a reservation of a right-of-way and easement to the benefit of City of Scottsbluff for utility, road, street, and signage purposes.
- b. Closing of the sale is conditional upon no remonstrance against the sale being filed. Closing shall take place within 30 days after the expiration of the time for filing a remonstrance against the sale.
- c. It is understood between the parties that said property will not be subject to taxation when Nebraska Public Power District takes title to the property. The City of Scottsbluff shall pay all real estate taxes and personal property taxes, if any, levied or assessed against the property to the date of closing, including any taxes levied or assessed against the property for 2014.

Section 4. The Clerk shall, immediately after the passage and publication of this Ordinance, publish notice of the sale and its terms for three consecutive weeks in the Scottsbluff Star-Herald.

Section 5. This Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED AND APPROVED ON APRIL \_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney

## NOTICE OF SALE

The City of Scottsbluff, Nebraska has executed a Contract to sell the following described real estate to Nebraska Public Power District ("NPPD"):

A tract of land situated in the Southwest Quarter of the Southwest Quarter of Section 12, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Beginning at the southwest corner of Section 12, thence northerly on the west line of Section 12, on an assumed bearing of  $N00^{\circ}00'00''E$ , a distance of 193.00 feet, thence bearing  $N89^{\circ}47'28''E$ , on a line parallel with and 193.00 feet north of the south line of Section 12, a distance of 63.00 feet, to the point of intersection with the northwest corner of a tract of land as described in Deed Book 105, page 612, Scotts Bluff County Register of Deed's office, thence bearing  $S00^{\circ}00'00''W$ , on the west line of said referenced tract of land, and on a line being 63.00 feet east of and parallel with the west line of Section 12, a distance of 100.00 feet, to the point of intersection with the southwest corner of said referenced tract of land, and said point also being the northwest corner of a second referenced tract of land as described in Deed Book 215, page 491, thence continuing southerly on the west line of second referenced tract of land, bearing  $S00^{\circ}00'00''W$ , and on a line parallel with the west line of Section 12, a distance of 15.00 feet, to the point of intersection with the southwest corner of said second referenced tract of land, said corner being 78.00 feet north of the south line of Section 12, as measured perpendicular to said south line, thence bearing  $N89^{\circ}47'28''E$ , on the south line of said second referenced tract of land, and on a line being 78.00 feet north of and parallel with the south line of Section 12, a distance of 100.00 feet, to the point of intersection with the southeast corner of said second referenced tract of land, and said point being 163.00 feet east of the west line of Section 12, as measured perpendicular to said west line, thence bearing  $N00^{\circ}00'00''E$ , on the east line of said second referenced tract of land, and on a line being 163.00 feet east of and parallel with said west line of Section 12, a distance of 15.00 feet, to the point of intersection with the northeast corner of said second referenced tract of land, and said point also being the southeast corner of the tract of land described in Deed Book 105, page 612, thence continuing northerly on the east line of said referenced tract of land, bearing  $N00^{\circ}00'00''E$ , and on a line being 163.00 feet east of and parallel with the west line of Section 12, a distance of 100.00 feet, to the point of intersection with the northeast corner of said referenced tract of land, and said point being 193.00 feet north of the south line of Section 12, as measured perpendicular to said south line, thence bearing  $N89^{\circ}47'28''E$ , on a line 193.00 feet north of and parallel with the south line of Section 12, a distance of 10.00 feet, thence bearing  $S00^{\circ}00'00''W$ , on a line being 173.00 feet east of and parallel with the west line of Section 12, a distance of 193.00 feet, to the point of intersection with the south line of Section 12, thence bearing  $S89^{\circ}47'28''W$ , on the south line of Section 12, a distance of 173.00 feet, to the Point of Beginning,

containing an area of 0.50 acres, more or less, of which the west 50 feet and the south 50 feet are reserved by the City of Scottsbluff for road, signage and utility purposes.

The terms of the sale are as follows:

1. The purchase price is the sum of \$1,200.00 to be paid in cash or its equivalent at closing.
2. The sale is conditioned upon no remonstrance against the sale pursuant to §16-202 Neb. Rev. Stat. being filed, and a reservation of a right-of-way and easement by the City for road, signage and utility purposes.
3. If no remonstrance is filed closing will take place within thirty (30) days after the expiration of the remonstrance.
4. Taxes and assessments: It is understood between the parties that said property will not be subject to taxation when Nebraska Public Power District takes title to the property. The City of Scottsbluff shall pay all real estate taxes and personal property taxes, if any, levied or assessed against the property to the date of closing, including any taxes levied or assessed against the property for 2014.

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City Clerk