

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1431

AN ORDINANCE VACATING, AND RESERVING AND RETAINING TITLE IN THE CITY TO, AND DIRECTING THE SALE AND CONVEYANCE OF, A PART OF 78TH STREET RIGHT-OF-WAY LOCATED IN THE NW 1/4 OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. It is hereby declared necessary, expedient, proper and for the public good to vacate, and for the City to reserve and retain title to (for sale and conveyance of), a part of 78TH Street right-of-way located in the NW 1/4 of Section 14, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described or depicted as Parcel 1 in Exhibit A, attached hereto ("Parcel 1"); and said Parcel 1 is hereby vacated and the City reserves and retains title thereto for sale and conveyance thereof as directed in Section 2 below. Such vacation, sale and conveyance, in addition to any other conditions specified in this Ordinance, shall be subject to approval, execution, and filing with the Sarpy County Register of Deeds of one or more replats incorporating applicable portions of Parcel 1, as described below, into abutting lots owned by the Grantees, and shall be effective on the date that the quitclaim deeds described in Section 2 below are filed with the Sarpy County Register of Deeds.

Section 2. Upon payment of adequate consideration and such costs and fees incurred by the City in connection with the vacation, sale and conveyance of Parcel 1 as determined satisfactory by the Community Development Director, the City shall provide quitclaim deeds selling and conveying Parcel 1 as follows:

<u>Description</u>	<u>Grantee</u>
The portion of Parcel 1 described or depicted as Parcel 2 in Exhibit B, and	Wyatt & Elizabeth Buls, husband and wife ("Buls")
The portion of Parcel 1 described or depicted as Parcel 3 in Exhibit C,	Terry & Mary Frecks, husband and wife ("Freck")

subject to the rights, conditions and limitations set forth in this Ordinance, including without limitation those set forth in this Section 2 below, and in accordance with the manner and terms of conveyance specified in Exhibit D attached hereto, which rights, conditions, limitations, manner and terms are hereby deemed to be in the best interests of the City; and all of which rights, conditions, limitations, manner and terms shall constitute covenants running with the land and continue in perpetuity and be binding on Buls, Frecks, and all successors or assigns of Buls, Frecks, Parcel 2, or Parcel 3, or any of them.

- a. In addition to any reserved rights provided elsewhere in this Ordinance or in any document or instrument of conveyance or under applicable law, the following rights, conditions and limitations shall be reserved in perpetuity to the City of La Vista with respect to each of Parcel 2 and Parcel 3:
 - i. the right to maintain, operate, repair, replace, extend and renew sewers and other improvements now existing in, on, over, under or across Parcel 2 or Parcel 3 and in the future to construct, maintain, repair, replace, extend and renew additional or other sewers and improvements;

ORDINANCE RECORD

No. 728—REFIELD & COMPANY INC., OMAHA

- ii. the right to authorize public utilities, cable television companies and other persons, systems or services to construct, maintain, repair, replace, renew, extend and operate now or hereafter installed water mains and gas mains, poles, lines, conduits, equipment and appurtenances above, in, on, over, across or below the surface of the ground for the purpose of serving the general public or abutting property;
- iii. the right to authorize such connections or branch lines as may be ordered, desired or permitted by the City or such other utility, person, system or service; and
- iv. the right to enter upon Parcel 2 or Parcel 3 to accomplish the above or to enforce or exercise any other rights or requirements set forth in this Ordinance or under any applicable laws, rules, or regulations, and any related or similar purposes at any and all times.

b. Parcel 1 abuts an existing residential property on Lot 1301, La Vista, owned and occupied by Buls, and an existing residential property on Lots 880 & 881, La Vista, owned and occupied by Frecks. Due to the proximity of the lots to their respective properties, the Buls and Frecks each desires and represents to the City that they each shall acquire their respective portions of Parcel 1 described in this Ordinance for the sole purpose of incorporating, owning and maintaining said parcels into and in connection with their respective homes on lots 1301, 880, and 881.

Vacation, conveyances, and closing of or on Parcel 2 to Buls and Parcel 3 to Frecks shall be subject to the following conditions:

- i. Buls and Frecks at their sole cost and expense shall apply for and receive approval of preliminary and final plats incorporating Parcel 2 and Parcel 3 into the existing abutting properties (Lots 1301, 880, and 881, La Vista) on such conditions as satisfactory to the Mayor and City Council; and
- ii. Any construction, maintenance, or use of or on the properties shall be subject to satisfaction of all applicable federal, state and local laws, rules, and regulations, as adopted, modified or superseded from time to time, including without limitation any applicable permitting, zoning, building code, or other requirements.

Such conveyances shall be executed by the Mayor and City Clerk, who are hereby authorized to take such action. Exhibits A through D as referenced above shall be incorporated into this Ordinance by reference.

Section 3. The City Clerk is hereby authorized and directed to publish notice of the sale of Parcel 1 and the terms of such sale in accordance with the requirements of Section 16-202 of the Revised Statutes of Nebraska.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 16th DAY OF NOVEMBER 2021.

CITY OF LA VISTA


Douglas Kindig, Mayor

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

ATTEST:



Pamela A. Buethe, CMC
City Clerk