

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JULY 5, 2017 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
RELEASE OF EASEMENTS – BRENTWOOD CROSSING, BRENTWOOD CROSSING REPLAT NO 1, BRENTWOOD CROSSING REPLAT NO. 2	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG CITY PLANNER

**SYNOPSIS**

A resolution has been prepared to authorize the Mayor and City Clerk, in consultation with the City Engineer, to execute documents required to allow for the release of existing easements on Lots 1-17 and Outlots A-C La Vista City Centre, formerly platted as Brentwood Crossing, Brentwood Crossing Replat No.1, and Brentwood Crossing Replat No. 2.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approve.

**BACKGROUND**

At the July 19, 2016 City Council meeting, the City Council approved a final plat for Lots 1-17 and Outlots A-C La Vista City Centre that included various easements for utilities. These new easements will replace current easements depicted within the Brentwood Crossing, Brentwood Crossing Replat No.1, and Brentwood Crossing Replat No. 2 plats. To complete this action the existing easements will need to be released.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO RELEASE UTILITY EASEMENTS ON LOTS 1-17 AND OUTLOTS A – C LA VISTA CITY CENTRE, FORMERLY PLATTED AS BRENTWOOD CROSSING, BRENTWOOD CROSSING REPLAT NO. 1, AND BRENTWOOD CROSSING REPLAT NO. 2 AND TO AUTHORIZE THE ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, The City of La Vista (Easement Holder) has been granted certain utility easements as depicted on the below listed plats;

1. Plat and Dedication of Brentwood Crossing filed December 26, 1990 at Instrument No. 90-18556, records of Sarpy County, Nebraska;
2. Plat and Dedication of Brentwood Crossing, Replat No. 1 filed March 3, 1993 at Instrument No. 93-04107, records of Sarpy County, Nebraska;
3. Plat and Dedication of Brentwood Crossing, Replat No. 2 filed March 11, 1994 at Instrument No. 1994-05583, records of Sarpy County, Nebraska; and

WHEREAS, the City of La Vista approved a final plat for Lots 1-17 and Outlots A-C La Vista City Centre; and

WHEREAS, new easements will replace the current easements; and

WHEREAS, the location of the utility easements are shown on the attached Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the release of the utility easements and authorize such further actions necessary or appropriate to carry out the actions approved herein

PASSED AND APPROVED THIS 5TH DAY OF JULY, 2017.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

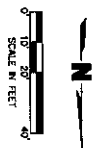
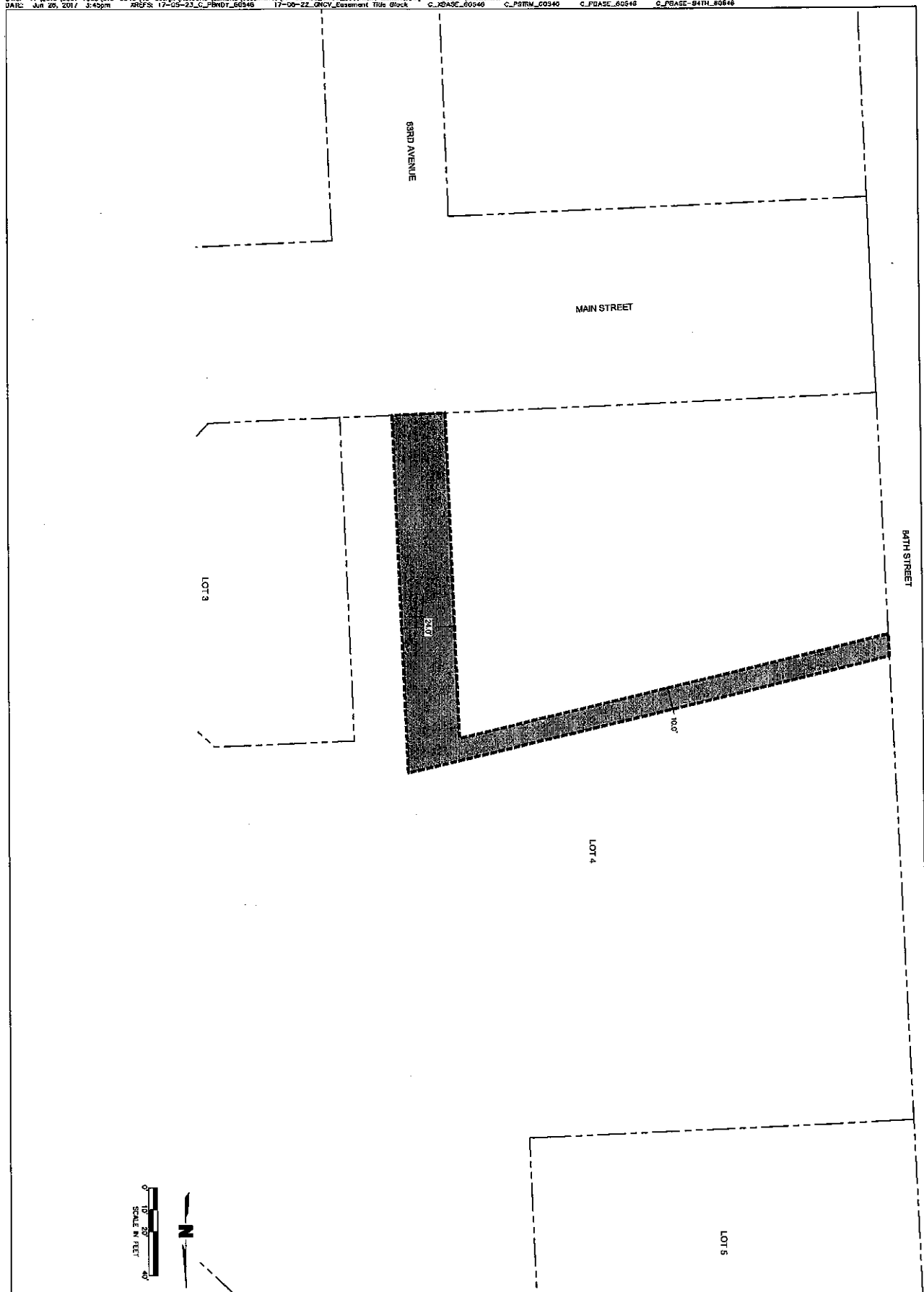
\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

**EXHIBIT "A"**


**BURDENED PARCEL LEGAL DESCRIPTION**

Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 and Outlot C, La Vista City Centre, an addition to the City of La Vista, as surveyed, platted and recorded in Sarpy County, Nebraska.

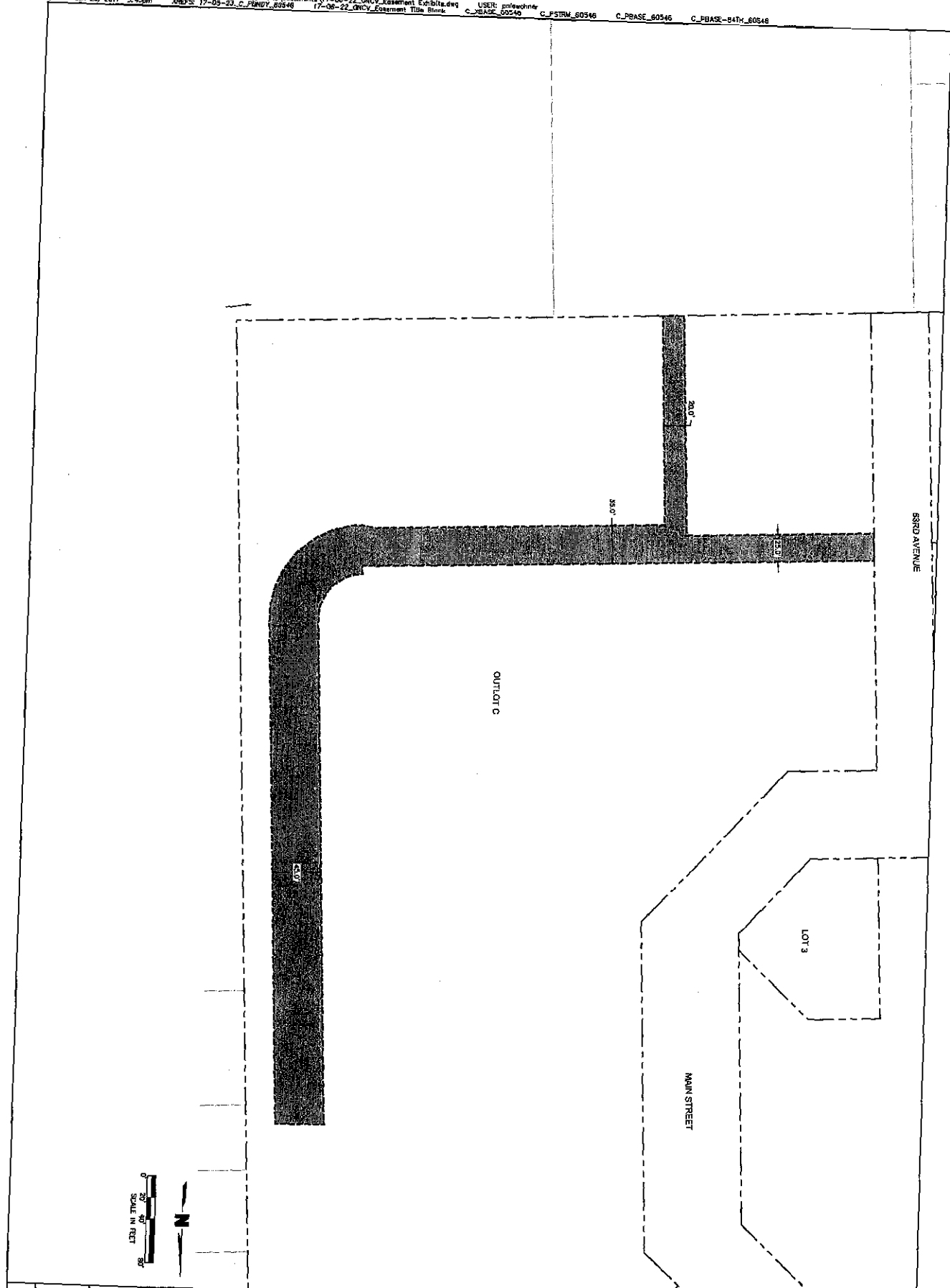




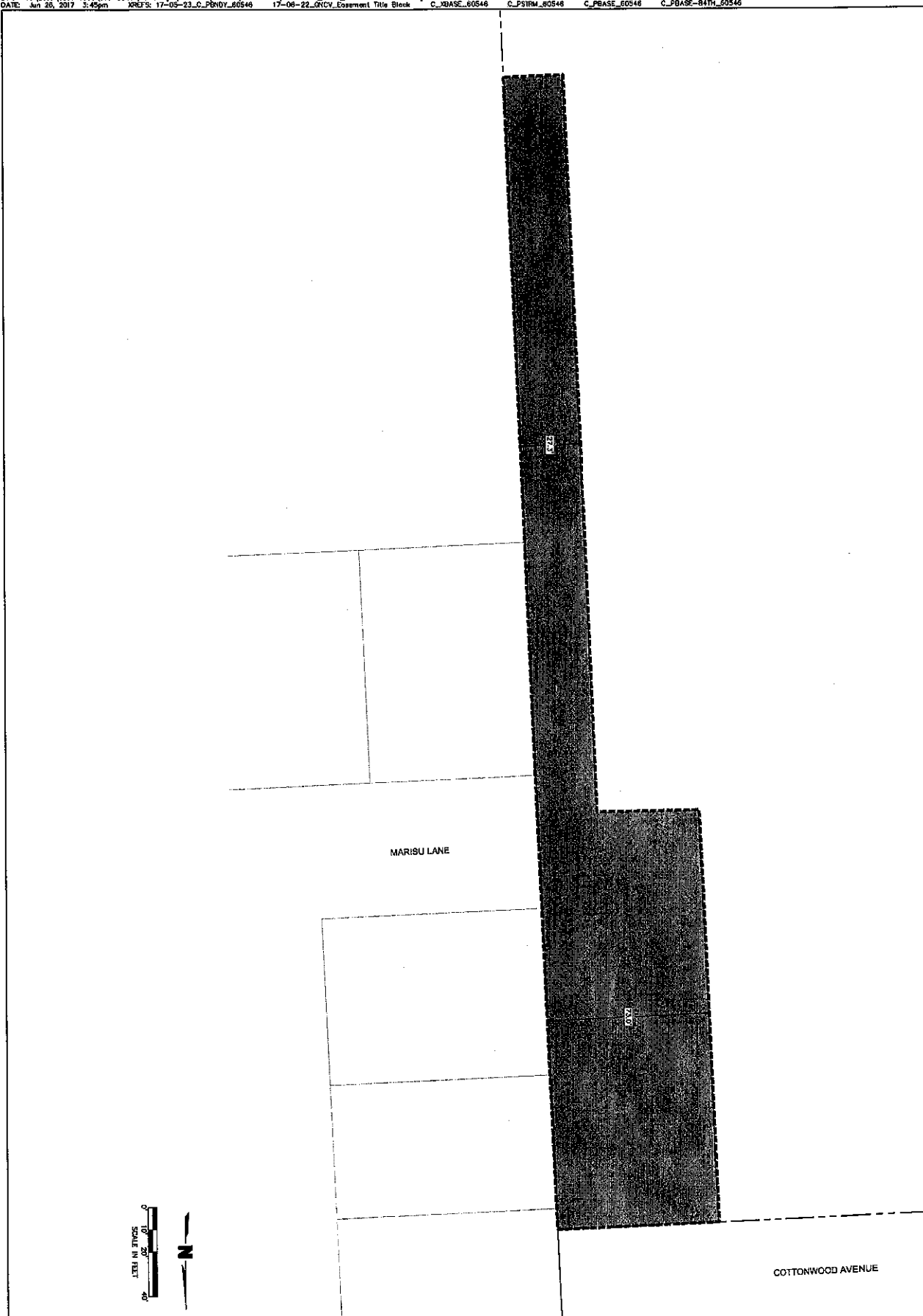
SHEET 2 of 8	PROPOSED OPPD EASEMENT		REV. NO.	DATE	REVISIONS DESCRIPTION
	LA VISTA CITY CENTRE EASEMENT EXHIBITS				
	LA VISTA, NE		2017	REVISIONS	



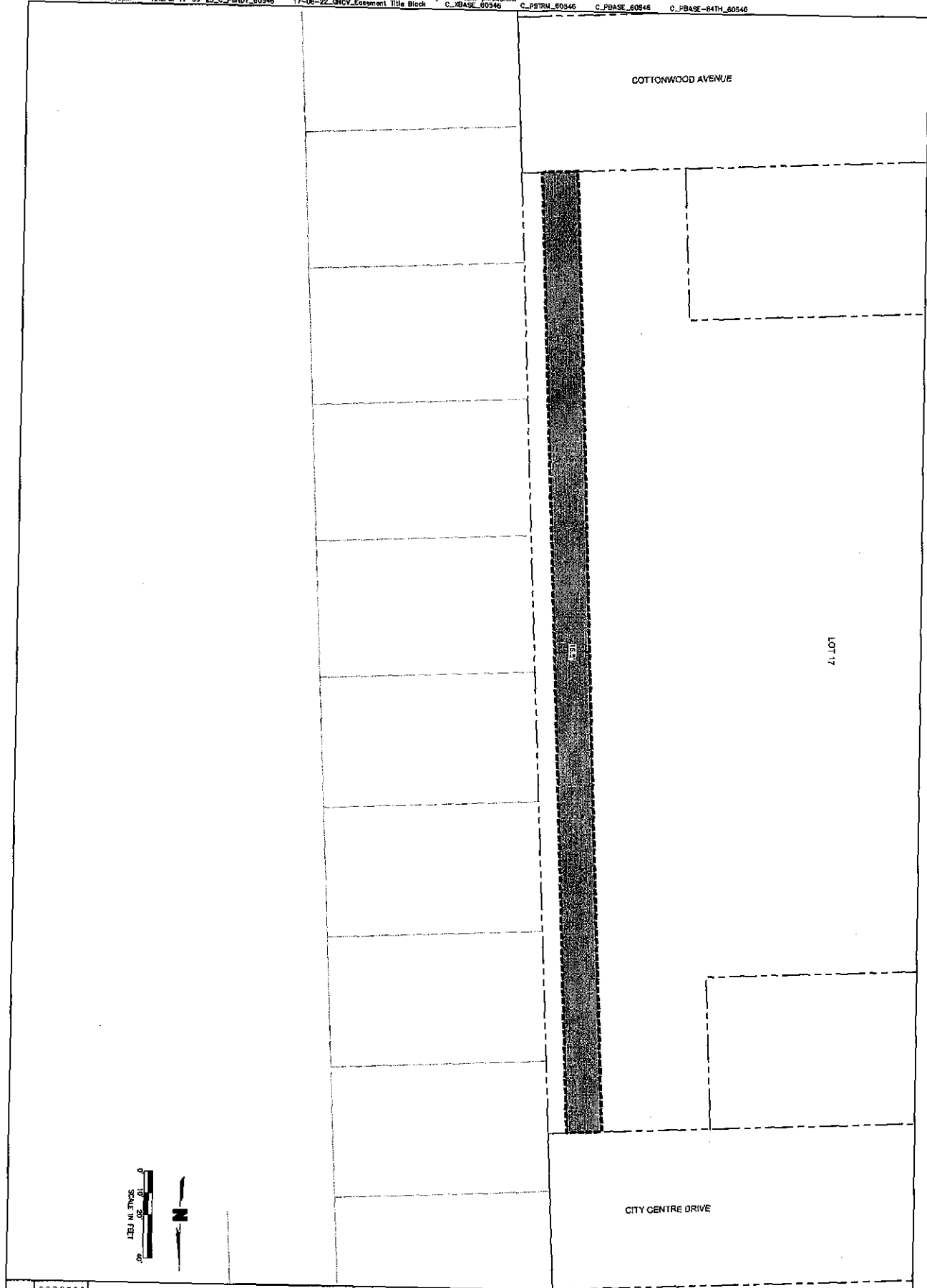
2111 South 27th Street, Suite 200  
 Omaha, NE 68106  
 TEL: 402.341.1115  
 FAX: 402.341.8855  
[www.olsonassociates.com](http://www.olsonassociates.com)



SHEET 3 of 8		EXISTING UTILITY EASEMENT LA VISTA CITY CENTRE EASEMENT EXHIBITS LA VISTA, NE		2017	REVISIONS	POLSSON ASSOCIATES 2111 South 87th Street, Suite 200 Omaha, NE 68114 TEL: 402.341.1166 FAX: 402.341.2665 www.polssonassociates.com
-----------------	--	--	--	------	-----------	---



SHEET 4 of 8	PROPOSED UTILITY & DRAINAGE EASEMENT	REV. NO.	DATE	REVISIONS DESCRIPTION
	LA VISTA CITY CENTRE EASEMENT EXHIBITS			
	LA VISTA, NE	2017	REVISIONS	



SHEET 5 of 8	PROPOSED OPD EASEMENT		REV. NO.	DATE	REVISIONS DESCRIPTION
	LA VISTA CITY CENTRE EASEMENT EXHIBITS				
	LA VISTA, NE		2017	REVISIONS	

2111 South 67th Street, Suite 200  
 Omaha, NE 68104  
 TEL: 402.341.7188  
 FAX: 402.341.3955  
[www.molssonassociates.com](http://www.molssonassociates.com)






CITY CENTRE DRIVE

LOT 13

OUTLOT A

20.0



0 5 10 20  
SCALE IN FEET

PROPOSED SANITARY SEWER EASEMENT

LA VISTA CITY CENTRE  
EASEMENT EXHIBITS

LA VISTA, NE

2017

## REVISIONS

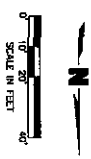
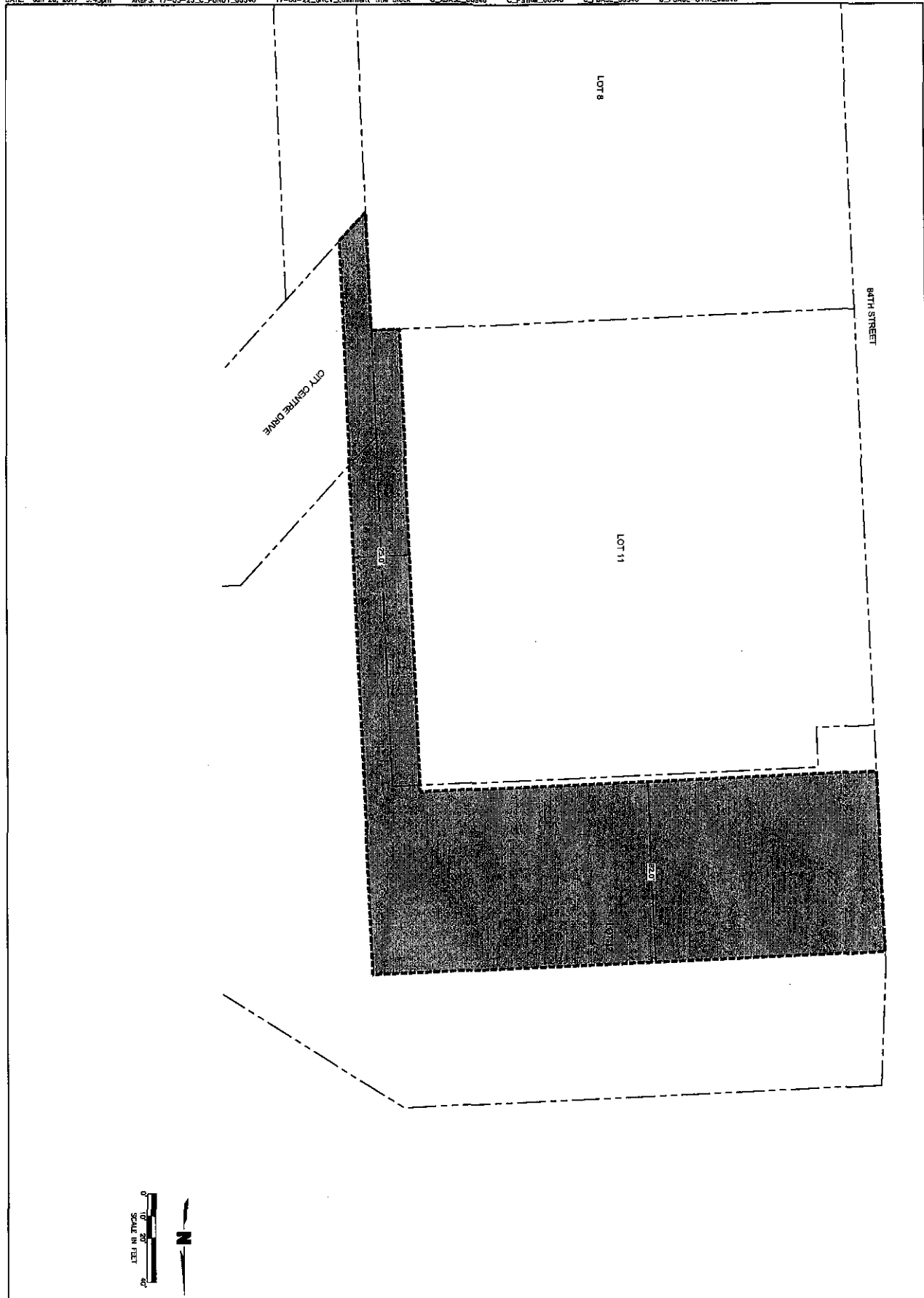
**OLSSON**  
ASSOCIATES

2111 South 87th Street, Suite 203  
Omaha, NE 68106

TEL 402.341.1110  
FAX 402.341.1111

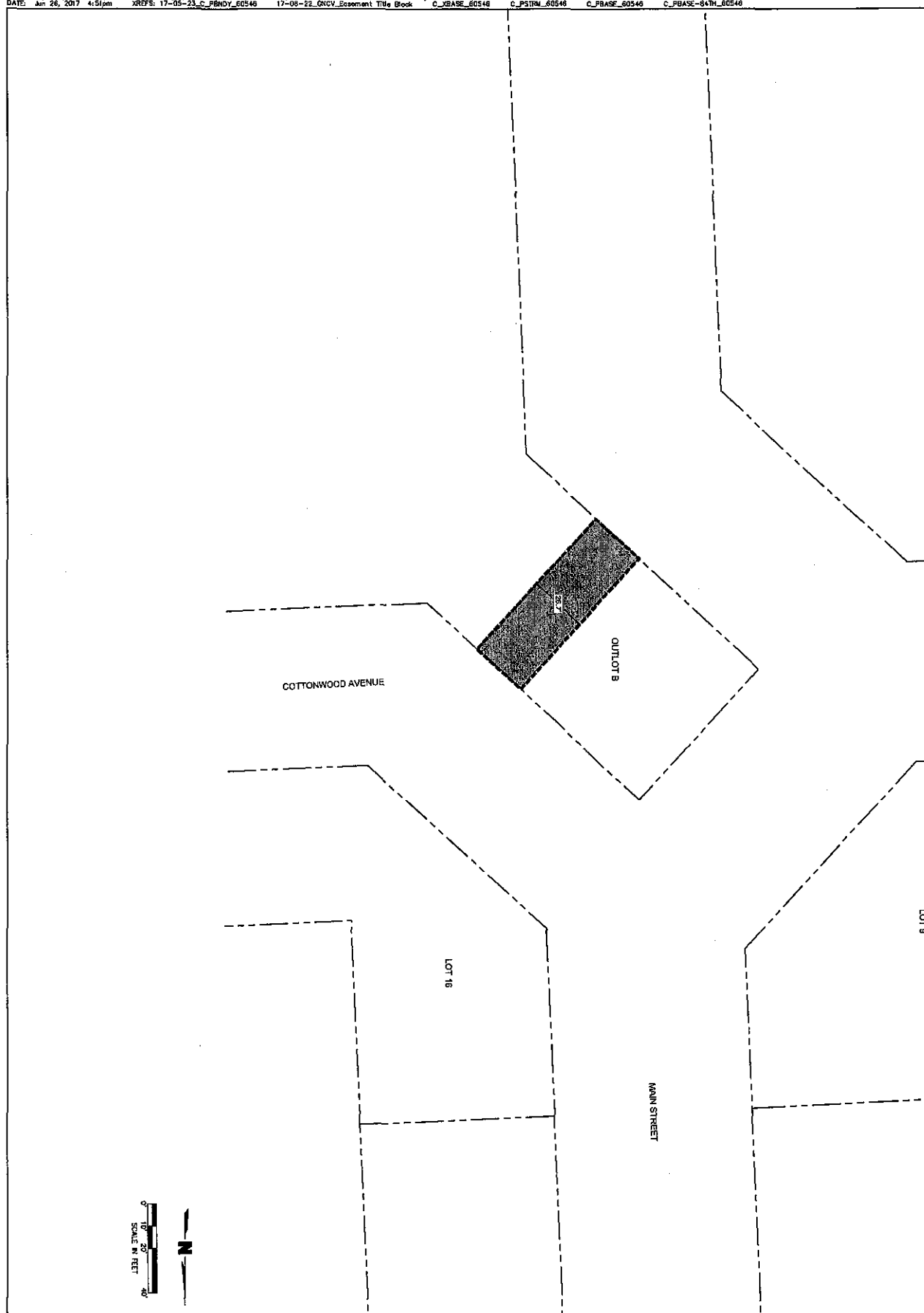
<http://www.elsevier.com/locate/jmb>

SHEET  
7 of 8



SHEET 8 of 8	EXISTING UTILITY EASEMENT		REV. NO. DATE REVISIONS DESCRIPTION
	LA VISTA CITY CENTRE EASEMENT EXHIBITS		REVISIONS
	LA VISTA, NE		2017

2111 South 87th Street, Suite 200  
 Omaha, NE 68114  
 TEL: 402.341.1118  
 FAX: 402.341.1493  
[www.molssonassociates.com](http://www.molssonassociates.com)



<b>PROPOSED STORM &amp; SANITARY SEWER EASEMENT</b>  <b>LA VISTA CITY CENTRE EASEMENT EXHIBITS</b>  <b>LA VISTA, NE</b>		<b>REV. NO.</b>  <b>DATE</b>  <b>REVISIONS DESCRIPTION</b>	
<b>2017</b>		<b>REVISIONS</b>	

Drawn by:                     

Checked by:                     

Design by:                     

Project No.:                     

Scale:

**MOJSSON ASSOCIATES**

2111 South 7th Street, Suite 200  
Ocala, FL 32668

TEL 402.341.1118  
FAX 402.341.0885

[www.mojssonassociates.com](http://www.mojssonassociates.com)

9 of 9

SHEET

### **RELEASE OF EASEMENT**

THIS RELEASE OF EASEMENT (this "Release") is made and entered into effective the \_\_\_\_ day of \_\_\_\_\_, 2017 ("Effective Date"), by the undersigned easement holders (collectively, "Easement Holder").

WHEREAS, La Vista City Centre, LLC, a Nebraska limited liability company ("Property Owner") is the owner of certain real property located in the City of La Vista, County of Sarpy, State of Nebraska, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference ("Burdened Parcel");

WHEREAS, Easement Holder has been granted certain utility easements as depicted on the below listed plats (collectively, the "Easement"):

1. Plat and Dedication of Brentwood Crossing filed December 26, 1990 at Instrument No. 90-18556, records of Sarpy County, Nebraska;
2. Plat and Dedication of Brentwood Crossing, Replat No. 1 filed March 3, 1993 at Instrument No. 93-04107, records of Sarpy County, Nebraska;
3. Plat and Dedication of Brentwood Crossing, Replat No. 2 filed March 11, 1994 at Instrument No. 1994-05583, records of Sarpy County, Nebraska

WHEREAS, Easement Holder now desires to terminate the Easement and release the Burdened Parcel from such easements.

NOW, THEREFORE, in consideration of the foregoing initial paragraph and recitals, and other good and valuable consideration, the receipt and sufficiency of which are all hereby acknowledged by each of the parties hereto, and intending to be legally bound, Easement Holder does, by this instrument and, as of the Effective Date, hereby vacate, release, quitclaim and abandon any and all easements and interests created by the Easement. Easement Holder further agrees that the Easement shall no longer encumber the Burdened Parcel.

**[The Remainder of This Page Intentionally Left Blank and Signature Page Follows]**

**IN WITNESS WHEREOF**, Easement Holder has executed this Release as of the Effective Date.

**EASEMENT HOLDER:**

[Cox Communications]

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

[Black Hills Energy]

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

[Century Link]

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Omaha Public Power District

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Peoples Natural Gas

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

City of La Vista

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Metropolitan Utilities District

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF Nebraska       )  
                                      ) SS.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of June, 2017, by \_\_\_\_\_, the \_\_\_\_\_ of [Cox Communications], on behalf of the \_\_\_\_\_.

[NOTARY SEAL]

\_\_\_\_\_  
Notary Public

STATE OF Nebraska       )  
                                      ) SS.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of June, 2017, by \_\_\_\_\_, the \_\_\_\_\_ of [Black Hills Energy], on behalf of the \_\_\_\_\_.

[NOTARY SEAL]

\_\_\_\_\_  
Notary Public

STATE OF Nebraska       )  
                                      ) SS.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of June, 2017, by \_\_\_\_\_, the \_\_\_\_\_ of [Century Link], on behalf of the \_\_\_\_\_.

[NOTARY SEAL]

\_\_\_\_\_  
Notary Public

STATE OF Nebraska       )  
                                      ) SS.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of June, 2017, by \_\_\_\_\_, the \_\_\_\_\_ of Omaha Public Power District, on behalf of the \_\_\_\_\_.

[NOTARY SEAL]

\_\_\_\_\_  
Notary Public



STATE OF Nebraska       )  
                                      ) SS.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of June, 2017, by  
\_\_\_\_\_, the \_\_\_\_\_ of Peoples Natural Gas, on behalf of the \_\_\_\_\_.

[NOTARY SEAL]

\_\_\_\_\_  
Notary Public

STATE OF Nebraska       )  
                                      ) SS.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of June, 2017, by  
\_\_\_\_\_, the \_\_\_\_\_ of the City of La Vista, on behalf of the \_\_\_\_\_.

[NOTARY SEAL]

\_\_\_\_\_  
Notary Public

STATE OF Nebraska       )  
                                      ) SS.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of June, 2017, by  
\_\_\_\_\_, the \_\_\_\_\_ of Metropolitan Utilities District, on behalf of the \_\_\_\_\_.

[NOTARY SEAL]

\_\_\_\_\_  
Notary Public