

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**NOVEMBER 2, 2021 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
DECLARATION AS TO USE – APPLEWOOD CREEK TRAIL PROJECT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT DOWSE CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared authorizing the execution of a Declaration as to Use for the portions of Outlot A, Mayfair 2<sup>nd</sup> Addition, and Outlots C and D, Val Vista to be used for construction, operation, and maintenance of a recreational trail, known currently as the Applewood Creek Trail project.

**FISCAL IMPACT**

No fiscal impact. The FY21/FY22 Biennial Budget provides funding for the construction of the Applewood Creek Trail project.

**RECOMMENDATION**

Approval

**BACKGROUND**

As the Applewood Creek Trail project is to comply with Federal Highway Administration 23 CFR 1.23(a), “Interest to be acquired – The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project,” the City is to pass a resolution as to declare the portions of the above mentioned outlots for the construction, operation and maintenance of the Applewood Creek Trail project. The attached exhibit shows the extent of the Declaration, including a legal description.

Currently, the above-mentioned project is finishing the Right-of-Way phase of work and is anticipated to be bid in late 2021 or early 2022, with construction expected to last most of the 2022 construction season.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A DECLARATION AS TO USE OF THE PORTIONS OF OUTLOT A, MAYFAIR 2<sup>ND</sup> ADDITION, AND OUTLOTS C AND D, VAL VISTA FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF A RECREATIONAL TRAIL.

WHEREAS, the City of La Vista, Nebraska, a municipal corporation, is the owner of Outlot A, Mayfair 2<sup>nd</sup> Addition and Outlots C and D, Val Vista, in La Vista, Sarpy County, Nebraska, and

WHEREAS, said Outlot A Mayfair 2<sup>nd</sup> Addition and Outlots C and D Val Vista are within the City of La Vista and being maintained by the City of La Vista Parks Department, and

WHEREAS, the City of La Vista, hereby wishes to construct, operate, and maintain a recreational trail, across a portion of said property, and

WHEREAS, the recreational trail, is to be constructed as part of Local Public Agency (LPA) Project TAP-77(61), Control Number 22757, and identified as Applewood Creek Trail Project, and

WHEREAS, To comply with Federal Highway Administration 23 CFR 1.23(a) – “Interest to be acquired – The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project”; It is necessary for the City of La Vista, Nebraska, to declare that a portion of said property shall be used for the construction, operation, and maintenance of a recreational trail and associated appurtenances.

NOW THEREFORE, BE IT RESOLVED, that the Mayor of the City of La Vista, Nebraska, hereby approves the use of a portion of said land owned by the City of La Vista, Nebraska for the construction, operation, and maintenance of a recreational trail, and associated appurtenances, as described and shown on attached Exhibit “A”, and as aligned in project plans and specifications for LPA Project TAP-77(61), Control Number 22757, and identified as Applewood Creek Trail Project.

PASSED AND APPROVED THIS 2ND DAY OF NOVEMBER 2021.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

## **DECLARATION AS TO USE**

**WHEREAS;** the City of La Vista, Nebraska, a municipal corporation, is the owner of Outlot A, Mayfair 2<sup>nd</sup> Addition and Outlots C and D, Val Vista, in La Vista, Sarpy County, Nebraska, and

**WHEREAS;** said Outlot A Mayfair 2<sup>nd</sup> Addition and Outlots C and D Val Vista are within the City of La Vista and being maintained by the City of La Vista Parks Department, and

**WHEREAS;** the City of La Vista, hereby wishes to construct, operate, and maintain a recreational trail, across a portion of said property, and

**WHEREAS;** the recreational trail, is to be constructed as part of Local Public Agency (LPA) Project TAP-77(61), Control Number 22757, and identified as Applewood Creek Trail Project, and

**WHEREAS;** To comply with Federal Highway Administration 23 CFR 1.23(a) – “Interest to be acquired – The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project”; It is necessary for the City of La Vista, Nebraska, to declare that a portion of said property shall be used for the construction, operation, and maintenance of a recreational trail and associated appurtenances.

**NOW THEREFORE, BE IT RESOLVED;** that the Mayor of the City of La Vista, Nebraska, hereby approves the use of a portion of said land owned by the City of La Vista, Nebraska for the construction, operation, and maintenance of a recreational trail, and associated appurtenances, as described and shown on attached Exhibit “A”, and as aligned in project plans and specifications for LPA Project TAP-77(61), Control Number 22757, and identified as Applewood Creek Trail Project.

Passed and approved this \_\_ day of November, 2021.

EXHIBIT "A"

A TRACT OF LAND FOR DECLARATION AS TO USE FOR RECREATIONAL TRAIL PURPOSES LOCATED IN OUTLOT A MAYFAIR 2<sup>ND</sup> ADDITION IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID OUTLOT A; THENCE EASTERLY ON THE SOUTH LINE OF SAID OUTLOT A ON AN ASSUMED BEARING OF NORTH 87° 29' 31" EAST A DISTANCE OF 27.35 FEET TO A POINT ON THE SOUTH LINE OF SAID OUTLOT A AND THE POINT OF BEGINNING; THENCE NORTH 29° 30' 03" EAST A DISTANCE OF 88.38 FEET; THENCE NORTH 58° 45' 58" EAST A DISTANCE OF 78.08 FEET; THENCE NORTH 14° 58' 27" EAST A DISTANCE OF 214.39 FEET; THENCE NORTH 10° 36' 48" WEST A DISTANCE OF 344.64 FEET; THENCE NORTH 19° 02' 29" EAST A DISTANCE OF 242.56 FEET; THENCE NORTH 21° 30' 34" WEST A DISTANCE OF 195.58 FEET; THENCE NORTH 06° 24' 39" EAST A DISTANCE OF 203.34 FEET TO A POINT ON THE NORTH LINE OF SAID OUTLOT A; THENCE NORTH 87° 30' 10" EAST A DISTANCE OF 30.37 FEET; THENCE SOUTH 06° 24' 39" WEST A DISTANCE OF 200.59 FEET; THENCE SOUTH 21° 30' 34" EAST A DISTANCE OF 199.21 FEET; THENCE SOUTH 19° 02' 29" WEST A DISTANCE OF 245.70 FEET; THENCE SOUTH 10° 36' 48" EAST A DISTANCE OF 343.51 FEET; THENCE SOUTH 14° 58' 27" WEST A DISTANCE OF 233.26 FEET; THENCE SOUTH 58° 45' 58" WEST A DISTANCE OF 82.30 FEET; THENCE SOUTH 29° 30' 03" WEST A DISTANCE OF 61.79 FEET TO A POINT ON THE SOUTH LINE OF SAID OUTLOT A; THENCE SOUTH 87° 29' 31" WEST ON THE SOUTH LINE OF SAID OUTLOT A, A DISTANCE OF 35.38 FEET TO THE POINT OF BEGINNING CONTAINING 46,409.34 SQUARE FEET, MORE OR LESS.

ALSO;

A TRACT OF LAND FOR DECLARATION AS TO USE FOR RECREATIONAL TRAIL PURPOSES LOCATED IN OUTLOT D VAL VISTA IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID OUTLOT D; THENCE EASTERLY ON THE SOUTH LINE OF SAID OUTLOT D ON AN ASSUMED BEARING OF NORTH 87° 30' 10" EAST A DISTANCE OF 220.99 FEET TO THE POINT OF BEGINNING; THENCE NORTH 06° 24' 39" EAST A DISTANCE OF 17.53 FEET; THENCE NORTH 02° 56' 04" WEST A DISTANCE OF 170.46 FEET TO A POINT ON THE NORTH LINE OF SAID OUTLOT D; THENCE SOUTH 67° 04' 43" EAST A DISTANCE OF 33.34 FEET; THENCE SOUTH 02° 56' 04" EAST A DISTANCE OF 158.89 FEET; THENCE SOUTH 06° 24' 39" WEST A DISTANCE OF 15.28 FEET TO A POINT ON THE SOUTH LINE OF SAID OUTLOT D; THENCE SOUTH 87° 30' 10" WEST A DISTANCE OF 30.37 FEET ON THE SOUTH LINE OF SAID OUTLOT D TO THE POINT OF BEGINNING CONTAINING 5,424.48 SQUARE FEET, MORE OR LESS.

ALSO;

A TRACT OF LAND FOR DECLARATION AS TO USE FOR RECREATIONAL TRAIL PURPOSES LOCATED IN OUTLOT C VAL VISTA IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID OUTLOT C; THENCE WESTERLY ALONG THE NORTH LINE OF SAID OUTLOT C ON AN ASSUMED BEARING OF SOUTH  $87^{\circ} 30' 41''$  WEST A DISTANCE OF 11.41 FEET TO THE POINT OF BEGINNING; THENCE SOUTH  $34^{\circ} 44' 28''$  WEST A DISTANCE OF 369.90 FEET; THENCE SOUTH  $43^{\circ} 07' 16''$  WEST A DISTANCE OF 341.38 FEET; THENCE SOUTH  $21^{\circ} 47' 22''$  WEST A DISTANCE OF 205.76 FEET; THENCE SOUTH  $43^{\circ} 29' 19''$  WEST A DISTANCE OF 225.27 FEET; THENCE SOUTH  $01^{\circ} 19' 29''$  WEST A DISTANCE OF 149.77 FEET TO A POINT ON THE SOUTH LINE OF SAID OUTLOT C; THENCE NORTH  $71^{\circ} 10' 14''$  WEST A DISTANCE OF 31.46 FEET; THENCE NORTH  $01^{\circ} 19' 29''$  EAST A DISTANCE OF 151.87 FEET; THENCE NORTH  $43^{\circ} 29' 19''$  EAST A DISTANCE OF 231.08 FEET; THENCE NORTH  $21^{\circ} 47' 22''$  EAST A DISTANCE OF 205.66 FEET; THENCE NORTH  $43^{\circ} 07' 16''$  EAST A DISTANCE OF 344.83 FEET; THENCE NORTH  $34^{\circ} 44' 28''$  EAST A DISTANCE OF 344.90 FEET TO A POINT ON THE NORTH LINE OF SAID OUTLOT C; THENCE NORTH  $87^{\circ} 30' 41''$  EAST ALONG THE NORTH LINE OF SAID OUTLOT C A DISTANCE OF 37.68 FEET TO THE POINT OF BEGINNING CONTAINING 38,556.30 SQUARE FEET, MORE OR LESS.



