

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
FEBRUARY 6, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
DECLARE SURPLUS PROPERTY – OUTLOT A LA VISTA	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSOCIATE CITY PLANNER

**SYNOPSIS**

An ordinance has been prepared to authorize the sale and conveyance of Outlot A La Vista, a portion of unused excess property along Park View Blvd, to abutting property owner Victor A. Robb.

**FISCAL IMPACT**

The proposal is for the adjacent property owner to purchase Outlot A La Vista from the City for \$1,000.

**RECOMMENDATION**

Approval.

**BACKGROUND**

An ordinance has been prepared to authorize the sale and conveyance of Outlot A La Vista to abutting property owner Victor Robb for the purchase price of \$1,000.

The City purchased said property (approximately 3,100 square feet) from Mr. Robb in August of 2012 with the intention of constructing a park entrance marker for Central Park, after the Civic Center Park Master Plan identified creating a new vehicle park entrance that connects to Park View Boulevard in addition to calling out the potential location for a park entrance marker. The alignment for the recently constructed Central Park Access Road is different than what was originally contemplated in the Civic Center Park Master Plan, as the road was designed to preserve the 6 large coniferous trees in what was previously referred to as Flag Pole Park. This change in alignment moved the access roadway further north so it no longer lines up well with Outlot A, making Outlot A not suitable for a park entrance marker as originally intended. As this property is no longer well suited for a park entrance marker, staff does not see a productive public use for this property or a need for it to remain under public ownership, care and maintenance.

A notice of the sale and the terms of the sale (attached to this staff report) will be published for three consecutive weeks in the newspaper. After the period for filing a remonstrance has passed, the City will prepare the deed in which the City quitclaims its interest in the Outlot A La Vista to Victor Robb.

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

AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF, OUTLOT A LA VISTA LOCATED IN THE NW ¼ AND SW ¼ OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, AND THE MANNER AND TERMS THEREOF; AND TO AUTHORIZE FURTHER ACTIONS AND 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 for the City, upon receipt of applicable consideration, to sell and convey Outlot A La Vista located in the NW ¼ and SW ¼ of Section 14, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, as more particularly described or depicted in Exhibit A, attached hereto ("Property") according to the manner and terms described in Section 2 below.

Section 2. Upon payment of \$1,000.00, the City shall provide a quitclaim deed selling and conveying the Property to abutting property owner Victor A. Robb, 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 B 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 Robb, and all successors or assigns of Robb, the Property, or any of them.

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 the Property:

- i. The Property abuts an existing residential property on Lot 1020A La Vista, owned and occupied by Robb. Due to the proximity of the lot to Robb's property, Robb desires and represents to the City that he shall acquire the Property described in this Ordinance for the sole purpose of incorporating, owning and maintaining said parcel into and in connection with his home on Lot 1020A La Vista; and
- ii. Vacation, conveyances, and closing of or on the Property to Robb shall be subject to the following condition: Any construction, maintenance, or use of or on the property 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 conveyance shall be executed by the Mayor and City Clerk, who are hereby authorized to take such action. Exhibits A and B 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 the Property 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.

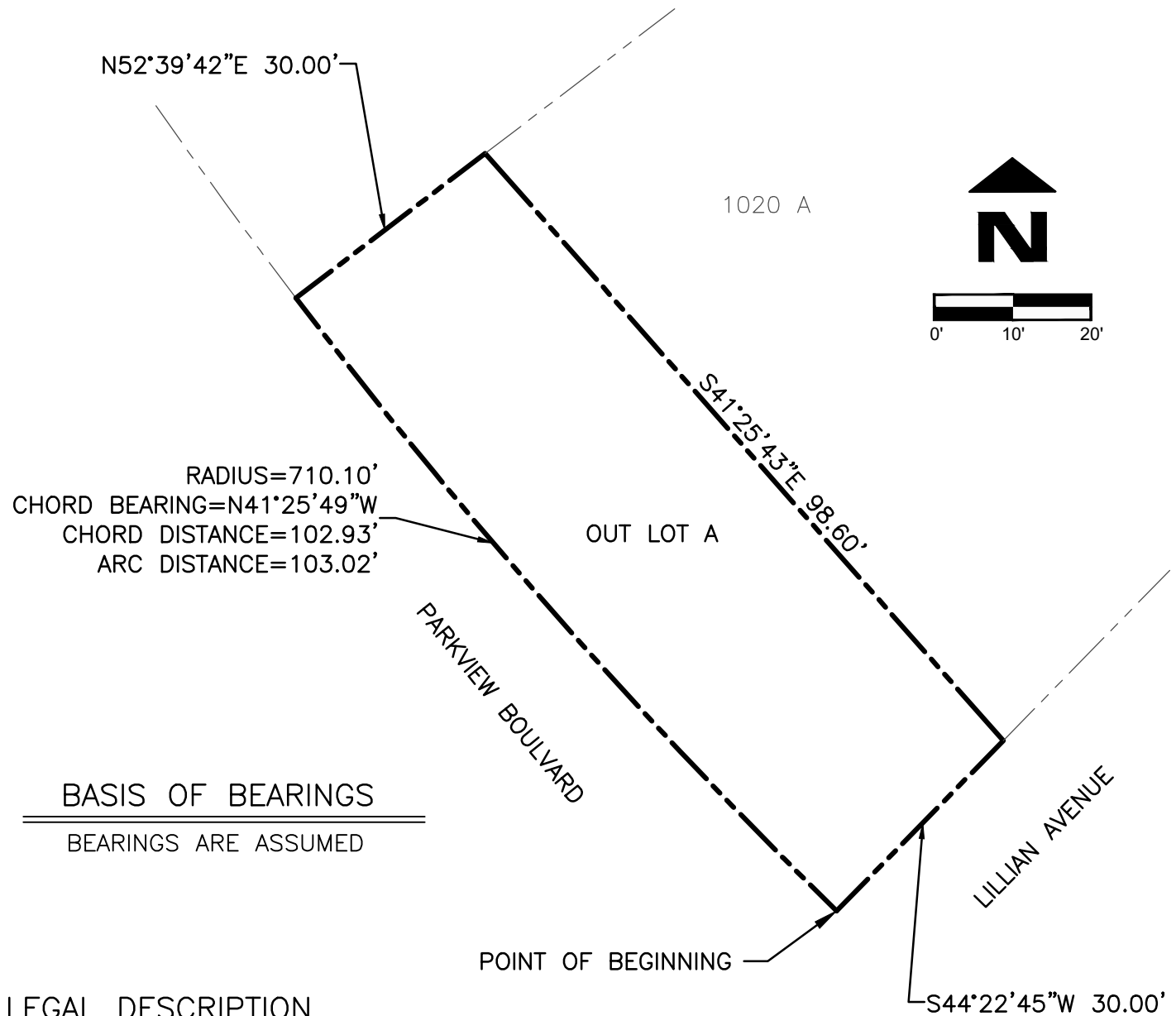
PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY 2024.

CITY OF LA VISTA

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

ATTEST:

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



### BASIS OF BEARINGS

BEARINGS ARE ASSUMED

### LEGAL DESCRIPTION

OUT LOT A, LAVISTA, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID OUT LOT A;

THENCE NORTHWESTERLY ON A 710.10 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING N41°25'49"W (ASSUMED BEARING), CHORD DISTANCE OF 102.93 FEET AND ARC DISTANCE OF 103.02 FEET ON THE WESTERLY LINE OF SAID OUT LOT A TO THE NORTHWESTERLY CORNER THEREOF;

THENCE N52°39'42"E 30.00 FEET ON THE NORTHERLY LINE OF SAID OUT LOT A TO THE NORTHEASTERLY CORNER THEREOF;

THENCE S41°25'43"E 98.60 FEET ON THE EASTERLY LINE OF SAID OUT LOT A TO THE SOUTHEASTERLY CORNER THEREOF;

THENCE S44°22'45"W 30.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT A TO THE POINT OF BEGINNING.

CONTAINING 3,143 SQUARE FEET OR 0.07 ACRES



Job Number: 171-23-2EX

thompson, dreessen & dörner, inc.

10836 Old Mill Rd

Omaha, NE 68154

p.402.330.8860 f.402.330.5866

td2co.com

dba: TD2 Engineering & Surveying  
NE CA-0199

Date: 12/15/2023

Drawn By: MRS

Reviewed By: JLC

Revision Date:

## EXHIBIT "A"

Book  
Page

## EXHIBIT "B"

### MANNER AND TERMS OF CONVEYANCE

**Manner of Conveyance:** Quitclaim Deed of Outlot A La Vista, more particularly described below, conveying from the City to the owner of the property abutting such Outlot A La Vista.

**Terms of Conveyance:**

1) Legal Description(s):

OUTLOT A, LAVISTA, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID OUT LOT A; THENCE NORTHWESTERLY ON A 710.10 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING N41°25'49"W (ASSUMED BEARING), CHORD DISTANCE OF 102.93 FEET AND ARC DISTANCE OF 103.02 W (ASSUMED BEARING), CHORD DISTANCE OF 102.93 FEET AND ARC DISTANCE OF 103.02 FEET ON THE WESTERLY LINE OF SAID OUT LOT A TO THE NORTHWESTERLY CORNER THEREOF; THENCE N52°39'42E 30.00 FEET ON THE NORTHERLY LINE OF SAID OUT LOT A TO THE NORTHEASTERLY CORNER THEREOF; THENCE S41°25'43"E 98.60 FEET ON THE EASTERLY LINE OF SAID OUT LOT A TO THE SOUTHEASTERLY E 98.60 FEET ON THE EASTERLY LINE OF SAID OUT LOT A TO THE SOUTHEASTERLY CORNER THEREOF; THENCE S44°22'45"W 30.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT A TO THE POINT OF W 30.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT A TO THE POINT OF BEGINNING. CONTAINING 3,143 SQUARE FEET OR 0.07 ACRES

2) Consideration to be paid to City: \$1,000.00

3) Method of Payment: Cash at closing.

4) Closing Date: As parties may agree.

5) Purchaser: Victor A. Robb

**VACATION AND CONVEYANCE OF EXCESS PROPERTY  
OUTLOT A LA VISTA**

Ordinance declaring excess property	City Council 2/6/2024
Publish ordinance	2/14/2024
Publish Notice of Real Estate Sale for 3 weeks immediately after passage and publication of ordinance	2/21, 2/28, 3/6
Passage of 30 days after publication of ordinance (without filing of remonstrance)	3/16/2024
Closing	3/20/2024 (or such later date as agreed)

## **NOTICE OF REAL ESTATE SALE**

NOTICE IS HEREBY GIVEN that at an open and public meeting of the Mayor and the City Council of the City of La Vista held at 6:00 P.M. on February 6, 2024, the City exercised by ordinance its power to sell and convey real estate by directing by ordinance the conveyance of the following parcel of real estate by quitclaim deed to an abutting property owner on the terms specified:

### **Legal Description:**

OUTLOT A, LAVISTA, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID OUT LOT A; THENCE NORTHWESTERLY ON A 710.10 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING N41°25'49"W (ASSUMED BEARING), CHORD DISTANCE OF 102.93 FEET AND ARC DISTANCE OF 103.02 W (ASSUMED BEARING), CHORD DISTANCE OF 102.93 FEET AND ARC DISTANCE OF 103.02 FEET ON THE WESTERLY LINE OF SAID OUT LOT A TO THE NORTHWESTERLY CORNER THEREOF; THENCE N52°39'42"E 30.00 FEET ON THE NORTHERLY LINE OF SAID OUT LOT A TO THE NORTHEASTERLY CORNER THEREOF; THENCE S41°25'43"E 98.60 FEET ON THE EASTERLY LINE OF SAID OUT LOT A TO THE SOUTHEASTERLY E 98.60 FEET ON THE EASTERLY LINE OF SAID OUT LOT A TO THE SOUTHEASTERLY CORNER THEREOF; THENCE S44°22'45"W 30.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT A TO THE POINT OF W 30.00 FEET ON THE SOUTHERLY LINE OF SAID OUT LOT A TO THE POINT OF BEGINNING. CONTAINING 3,143 SQUARE FEET OR 0.07 ACRES

Purchaser: Victor A. Robb

Purchase Price: \$1,000.00

Method of Payment: Cash at closing

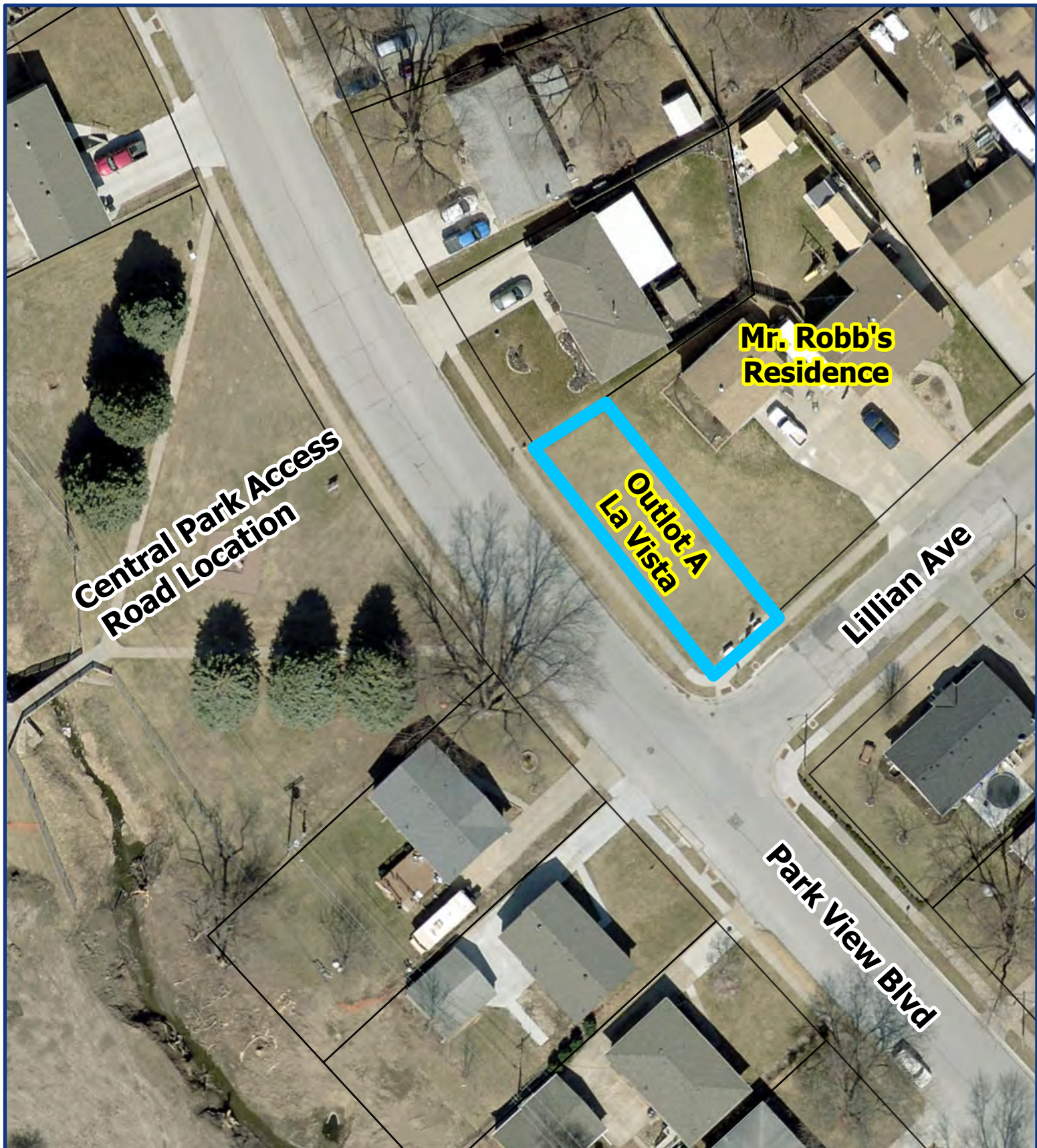
Closing Date: As parties may agree

The Parcel will be sold to the specified purchaser after 30 days have elapsed since the passage and publication of the ordinance authorizing and directing the sale, unless a valid and timely remonstrance petition against such sale is signed and filed in accordance with Neb. Rev. Stat. Section 16-202.

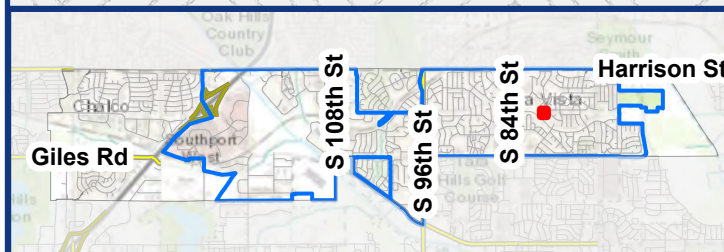
Pamela A. Buethe, MMC

City Clerk







**Exhibit A - Outlot A La Vista - Vicinity Map**



**Legend**

-  Property Lines
-  Outlot A La Vista (City-Owned Property)

