

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 1, 2007 AGENDA**

Subject:	Type:	Submitted By:
SARPY COUNTY RIGHT OF WAY VACATION —120 TH STREET (SOUTH OF GILES RD.)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A resolution has been prepared to repeal Resolution No. 06-136 in order to make a modified recommendation to the County Board regarding their approval of the vacation of a portion of unused right-of-way at 120th Street south of Giles Road.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

The City previously approved Resolution No. 06-136 after receiving a letter from Deb Houghtaling, County Clerk, regarding a request to vacate a portion of unused right-of-way at 120th Street south of Giles Road (see attached maps). The state statutes require notification and approval by the city for a road vacation or abandonment in the county if it is within the city's jurisdiction.

The City recommended approval of the vacation subject to a sewer and drainage easement across all of the subject right-of-way and that no filling be permitted in this area. The County Board subsequently took action to vacate the right-of-way with the conditions noted by the La Vista City Council. Since that time the County Attorney has not released the deed to the property due to his concern that the property owner desires to do some filling. The County Surveyor, Tom Lynam, has requested that the City consider revising the conditions for approval to a statement that allows for filling subject to the City's approval of a grading and drainage plan.

A resolution has been prepared to repeal the previous resolution and recommend approval based on the conditions as revised.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING APPROVAL OF THE PROPOSED VACATION OF A PORTION OF UNUSED RIGHT-OF-WAY LOCATED AT 120TH STREET SOUTH OF GILES ROAD IN SARPY COUNTY, NEBRASKA AS IDENTIFIED IN THE ATTACHED EXHIBIT "A", SUBJECT TO COMPLIANCE WITH THE CONDITIONS IDENTIFIED BY THE CITY ENGINEER, AND REPEALLING RESOLUTION NO 06-136.

WHEREAS, on October 3, 2006, the City Council approved Resolution No.06-136 regarding the vacation of a portion of unused right-of-way located at 120th Street south of Giles Road, located in the Southeast ¼ of Section 18, T14N, R12E of the 6th P.M., Sarpy County, Nebraska as identified in the attached Exhibit A; and

WHEREAS, the County Attorney and County Surveyor have requested that the City repeal the previous resolution and modify the conditions to allow for filling if a plan is approved by the City; and

WHEREAS, the City Engineer and staff recommend the vacation of this portion of unused right-of-way subject to the following revised conditions:

1. A sewer and drainage easement be granted across all of the right-of-way to be vacated; and
2. Filling shall only be permitted within the right-of-way to be vacated subject to the City's approval of a grading and drainage plan.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby repeal Resolution No. 06-136 and recommend to the County Board the approval the vacation of a portion of unused right-of-way located at 120th Street south of Giles Road subject to the two conditions listed in the last recital above.

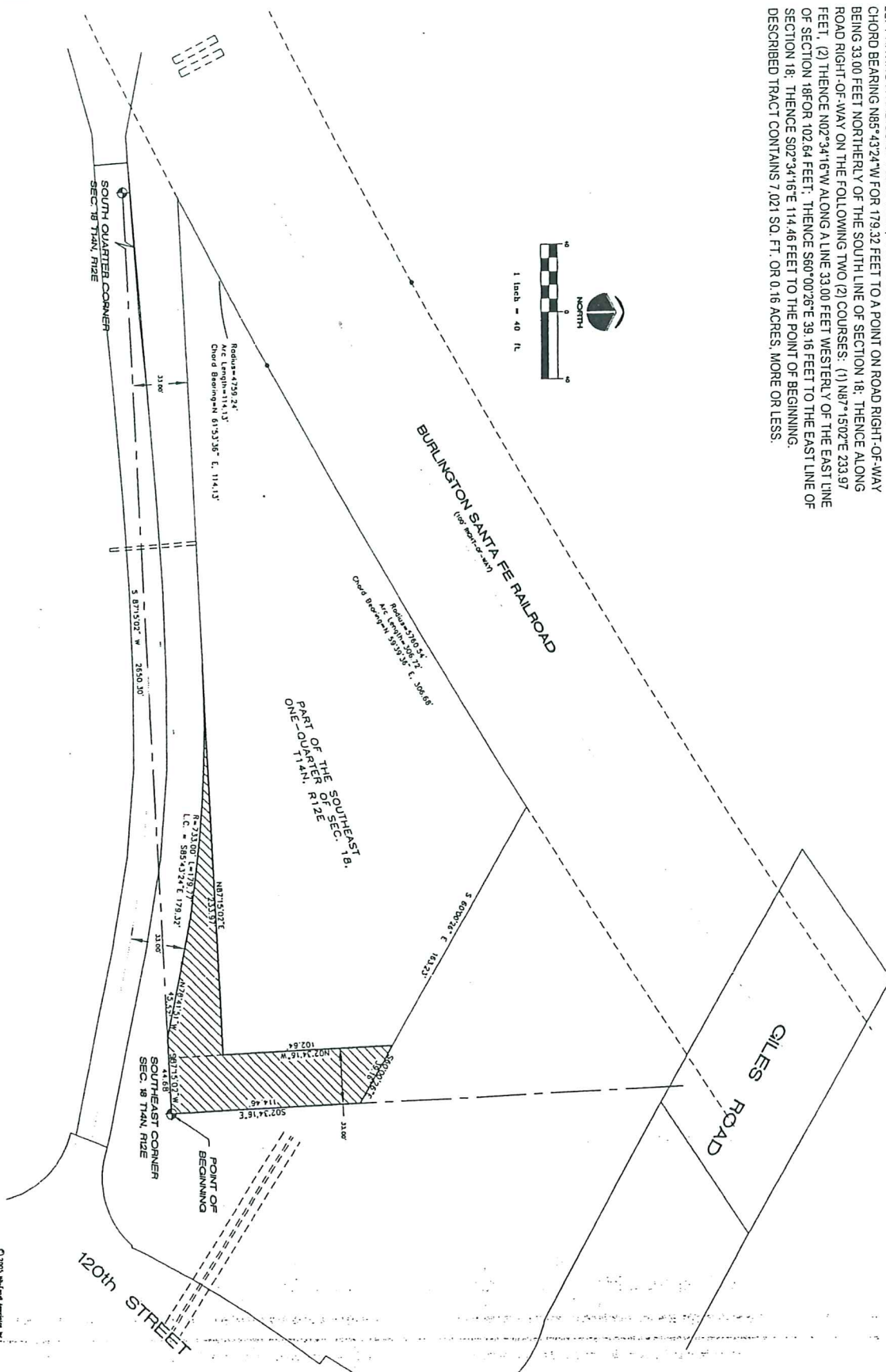
PASSED AND APPROVED THIS 1st DAY OF MAY 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



DRAWN WAF
CHECKED GAN
DATE: 9-13-2003

PART OF THE SOUTHEAST ONE QUARTER OF
SEC.18, T14N, R12E, SARPY COUNTY, NE



HILL-FARRELL ASSOCIATES, INC.
Architects • Engineers • Surveyors
9805 Giles Road, La Vista, NE 68128 (402)291-6100

PROJECT NO
05-231

SHEET
1 OF 1

SOUTHPORT PKWY

SOUTHPORT EAST REPLAT TWO

SOUTHPORT WEST

GILES RD

WEST GILES RD

PAPIO VALLEY 1 BUSINESS PARK

BROOK VALLEY 2 BUSINESS PARK

SARPY COUNTY INDUSTRIAL PARK REPLAT 1

PAPIO VALLEY 2 BUSINESS PARK

PINK INDUSTRIAL PARK

PINK INDUSTRIAL PARK REPLAT 3

PINK INDUSTRIAL PARK REPLAT 1

PINK INDUSTRIAL PARK REPLAT 2

CARY CIR

PORTAL RD

CENTENNIAL RD

ROBERTS RD

121ST ST

120TH ST

177TH ST

SOUTH PAPILLON CREEK

Map Scale
1 inch = 591 feet