

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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
SARPY COUNTY RIGHT OF WAY VACATION —120 <sup>TH</sup> 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 120<sup>th</sup> 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 120<sup>th</sup> 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 120<sup>TH</sup> 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 REPEALING 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 120<sup>th</sup> Street south of Giles Road, located in the Southeast ¼ of Section 18, T14N, R12E of the 6<sup>th</sup> 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 120<sup>th</sup> Street south of Giles Road subject to the two conditions listed in the last recital above.

PASSED AND APPROVED THIS 1<sup>st</sup> DAY OF MAY 2007.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

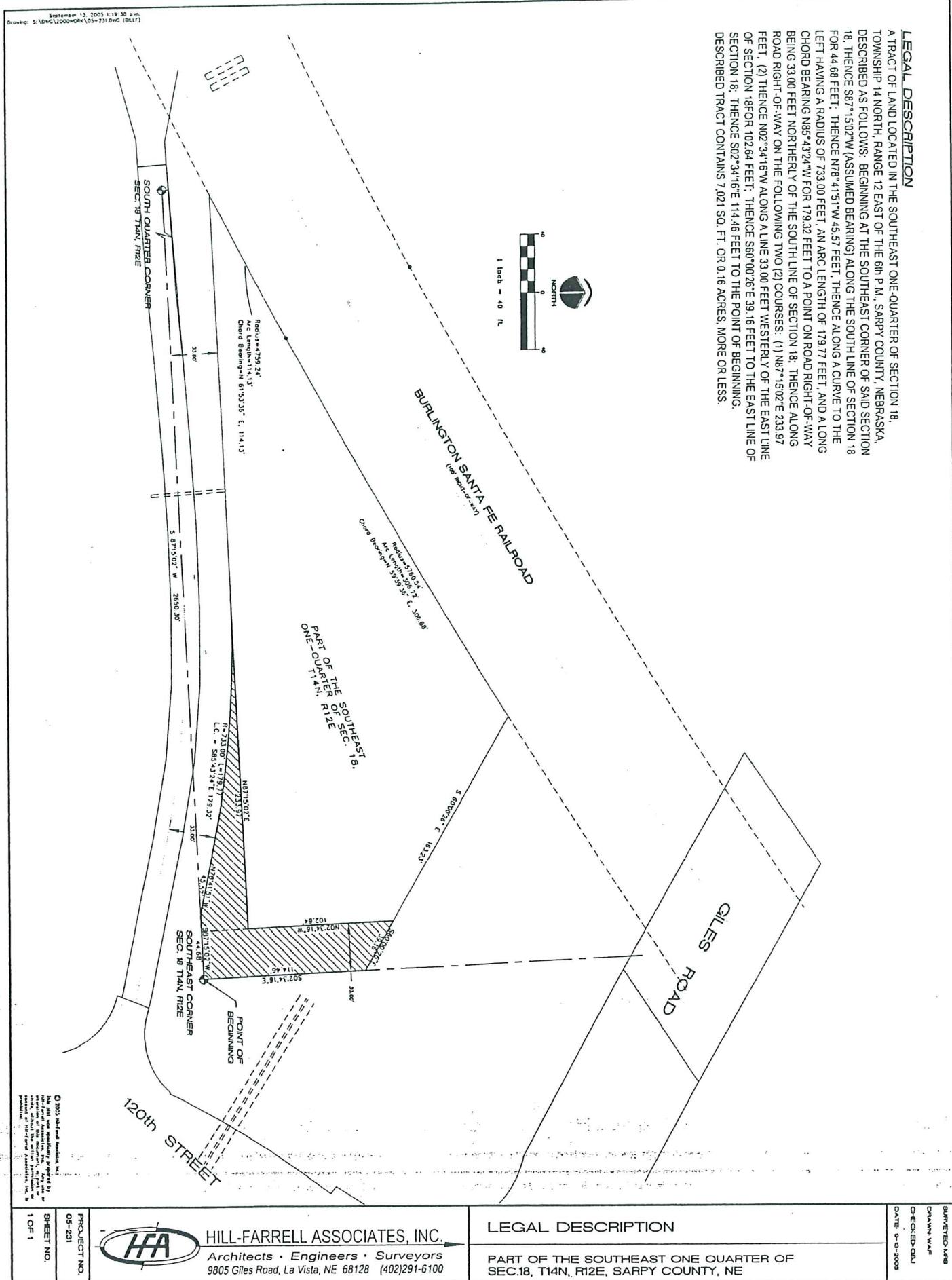
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Pamela A. Buethe, CMC  
City Clerk

# EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST, AT THE 6th P.M. SARRY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION FOR 44 68 FEET; THENCE N8°41'57" W 45 57 FEET, THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 733.00 FEET, AN ARC LENGTH OF 119.77 FEET, AND A LONG CHORD BEARING N57°43'24" W TO A POINT ON ROAD RIGHT-OF-WAY BEING 33.00 FEET NORTHERLY OF THE SOUTH LINE OF SECTION 18; THENCE ALONG ROAD RIGHT-OF-WAY ON THE FOLLOWING TWO (2) COURSES: (1) N87°15'02"E 233.97 FEET, (2) THENCE N02°34'16"W ALONG A LINE 33.00 FEET WESTERLY OF THE EAST LINE OF SECTION 18 FOR 102.64 FEET; THENCE S60°00'26"E 33.16 FEET TO THE EAST LINE OF SECTION 18; THENCE S02°34'16"E 114.46 FEET TO THE POINT OF BEGINNING. DESCRIBED TRACT CONTAINS 7.021 SQ. FT. OR 0.16 ACRES, MORE OR LESS.



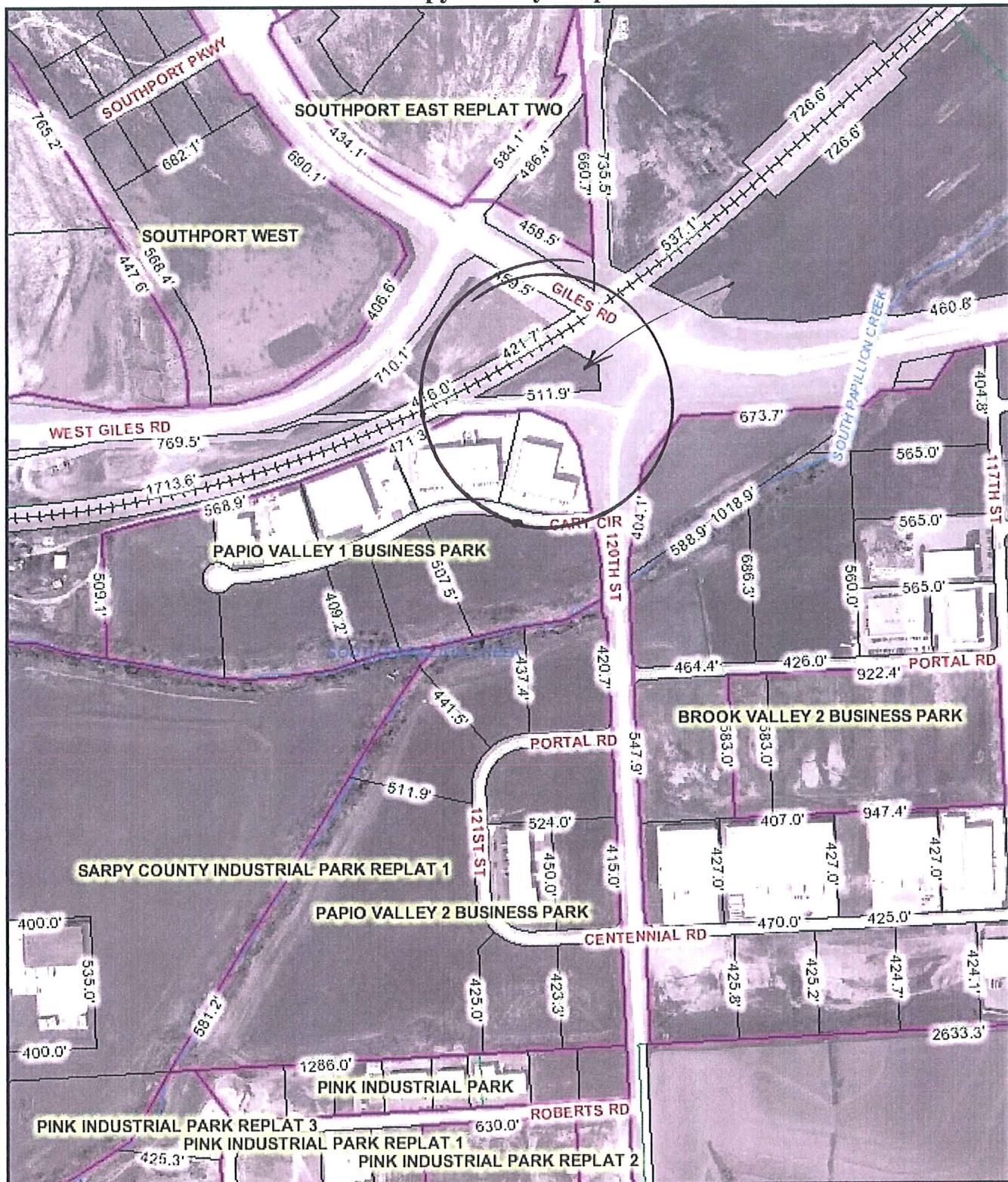
HILL-FARRELL ASSOCIATES, INC.

## LEGAL DESCRIPTION

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

SURVEYED-MFG  
DRAWN-WAF  
CHECKED-DAJ  
DATE: 2-2-2000

## Sarpy County Map



*Disclaimer:* This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale  
1 inch = 591 feet