

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 21, 2011 AGENDA**

| Subject: | Type: | Submitted By: |
|---|---|--|
| RIGHT-OF-WAY DEDICATION — EASTPORT PARKWAY | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR |

SYNOPSIS

A resolution has been prepared authorizing the Mayor to sign a document which will dedicate additional right-of-way for Eastport Parkway.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

The development of Eastport Parkway traversed the northeastern portion of Lot 16, Southport East when constructed. In order for the lot to be properly developed and the Parkway to have adequate right-of-way, the owner has agreed to dedicate part of the property to right-of-way.

A resolution has been prepared authorizing the Mayor to sign the attached plat and dedication for street widening. This document will also be recorded at the Register of Deeds office and upon doing so, Eastport Parkway have adequate right-of-way along Lot 16 Southport East.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING APPROVAL OF THE PLAT AND DEDICATION FOR STREET WIDENING FOR EASTPORT PARKWAY, LOCATED IN PART OF THE EAST ½ OF SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA AS IDENTIFIED IN THE ATTACHED EXHIBIT.

WHEREAS, the City Council approved the plat for Southport East which created Lot 16 and the adjacent right-of-way; and

WHEREAS, subsequently, as part of the Corps of Engineers permitting process for the construction of Eastport Parkway, the relocation of the road was required; and

WHEREAS, the additional right-of-way dedication for the relocated road was not completed by the property owner; and

WHEREAS, the City Council recommends approval of the plat and dedication document as attached for Eastport Parkway, located in part of the East ½ of Section 18, T14N, R12E of the 6th P.M., Sarpy County, Nebraska as identified in the attached Exhibit; and

WHEREAS, the City Engineer and Public Works Director recommend approval of the dedication.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby dedicate to the public for public use the street as shown on the attached Exhibit to be hereafter known as Eastport Parkway and authorize the Mayor to sign the dedication.

PASSED AND APPROVED THIS 21st DAY OF JUNE 2011.

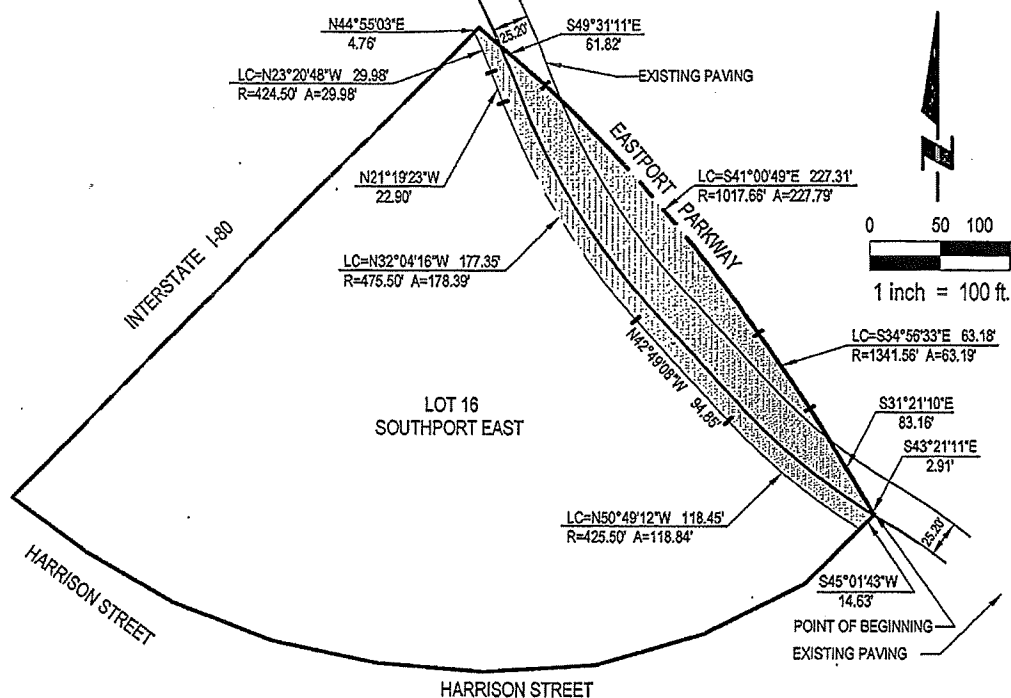
CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

PLAT AND DEDICATION FOR STREET WIDENING



DEDICATION: KNOW THAT ALL PERSONS BY THESE PRESENTS: That (we) (I) the undersigned R.K.S. Family Trust, sole owners of the irreg. strip of land described below and embraced within the above plat and shown as additional right of way for Eastport Parkway hereby dedicate(s) to the public for public use the said irreg. strip for street purposes to be hereafter known as Eastport Parkway.

LEGAL DESCRIPTION: (attach additional sheets if needed)

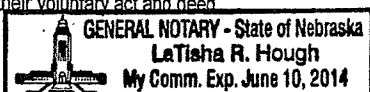
SEE ATTACHED SHEET

Acknowledgement by Individual

State of Nebraska)
 Douglas) S.S.
 County of ~~Sep~~)

R.K.S. Family Trust
Robert M. Gonderinger Trustee
 Robert M. Gonderinger, Successor Trustee of the
 R.K.S. Family Trust

On this 18th day of May, 2011, before me a Notary Public, duly qualified and commissioned in and for said County and State, personally appeared Robert M. Gonderinger, Successor Trustee, who (are) (is) personally known to me to be the identical person (s) whose names (s) are affixed to the foregoing instrument and they acknowledged the signing of the same to be their voluntary act and deed.



[Signature]
 Notary Public

(Mortgage Release-Corporate Acknowledgments and Approvals on reverse side)

SHEET 1 OF 2

the undersigned Beneficiary under Deed of Trust, Security Agreement and
Assignment of Rents dated the 18th of November, 2002
MORTGAGE RELEASE: That _____ Mortgage (s) under Mortgage dated _____ day of _____
-2- recorded at 200294404 Book No. _____, Page No. _____, Mortgage Records, Sarpy County,
Nebraska covering _____ and above described hereby consent to and approve of plat and dedication
and release from said mortgage the _____ strip dedicated for street purposes without prejudice to the lien
of mortgage on the remaining estate.

Robert M. Gonderinger

Robert M. Gonderinger, Successor Trustee of
the RKS Family Trust

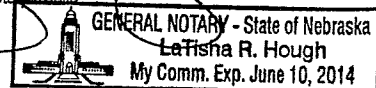
State of Nebraska)
Douglas) S.S.
County of Sarpy)

On this 10th day of May, 2011 before me a Notary Public, duly qualified and
commissioned in and for said County and State, personally appeared Robert M. Gonderinger, Successor Trustee of the
RKS Family Trust who (are) (is) personally known to me to be the identical person (s)
whose names (s) are affixed to the foregoing instrument and they acknowledge the signing of the same to
be their voluntary act and deed, and who is duly authorized to sign name.

Acknowledgment by Corporation
State of Nebraska)
County of Sarpy) S.S.

On this _____ day of _____, 2011 before me, the undersigned, a Notary Public
in and for said county, personally came _____
of the of the _____ Company, a corporation, to be personally known to be the
identical person whose name is affixed to the above _____
and he acknowledged the execution thereof to be his voluntary act and deed as such officer,
and the voluntary act and deed of said corporation.
Witness my hand and notarial seal at _____, in said county,
the day and year last above written.

Notary Public



Notary Public

Acknowledgment by Corporation
State of Nebraska)
County of Sarpy) S.S.

On this _____ day of _____, 2011 before me, the undersigned, a Notary Public
in and for said county, personally came _____
of the of the _____ Company, a corporation, to be personally known to be the
identical person whose name is affixed to the above _____
and he acknowledged the execution thereof to be his voluntary act and deed as such officer,
and the voluntary act and deed of said corporation.
Witness my hand and notarial seal at _____, in said county,
the day and year last above written.

Notary Public

APPROVALS: Above plat and dedication recommended for approval by:

City Engineer _____ Date _____

Public Works Director _____ Date _____

This plat and dedication approved and accepted by the City Council of the CITY OF LA VISTA this
day of _____, 2011

ATTEST _____
City Clerk

Mayor _____
President, City Council _____

SHEET 2 OF 2

LEGAL DESCRIPTION – EASTPORT PARKWAY RIGHT-OF-WAY DEDICATION

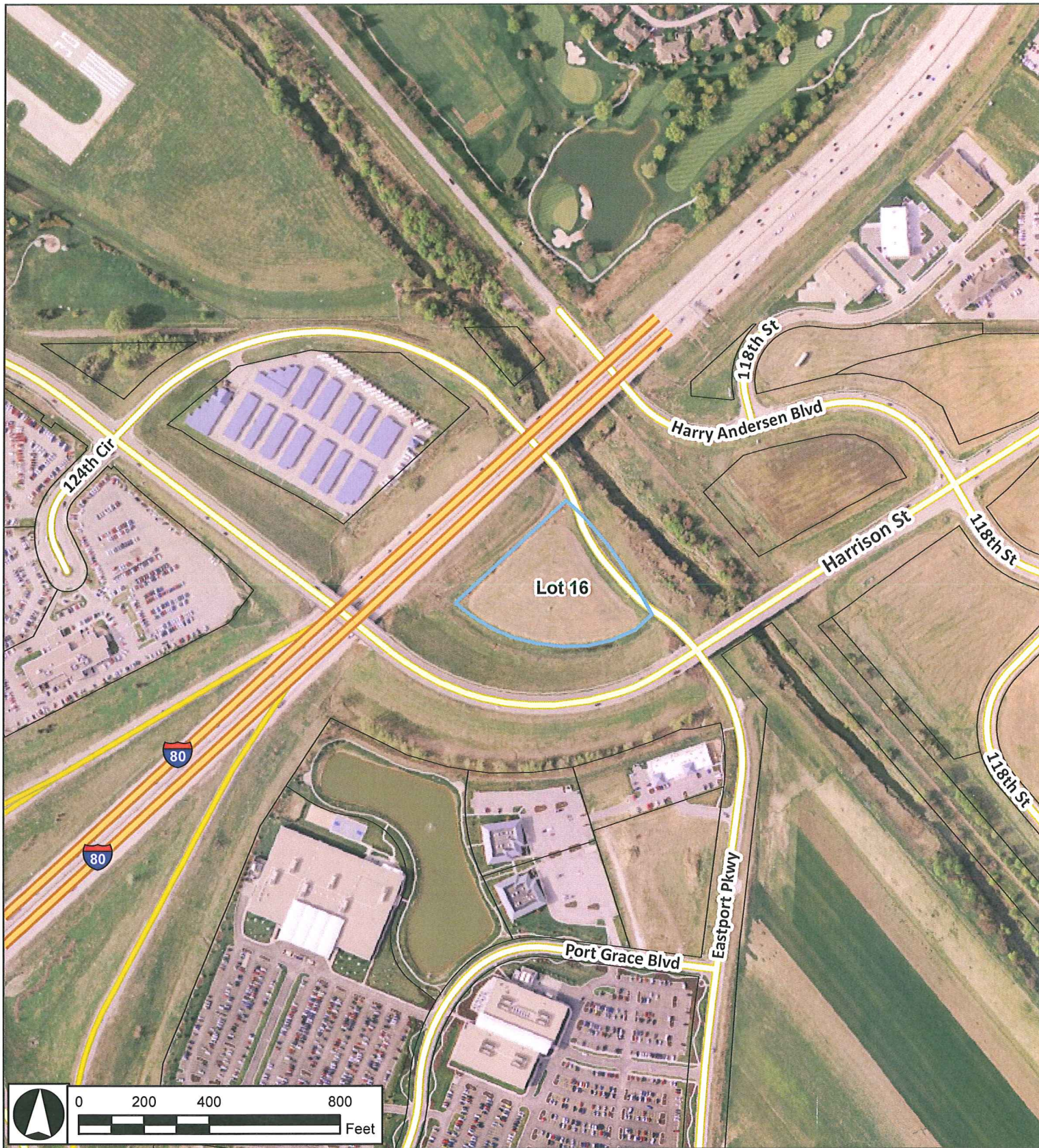
A TRACT OF LAND LOCATED IN PART OF LOT 16, SOUTHPORT EAST, A SUBDIVISION LOCATED IN PART OF THE EAST 1/2 OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 16, SOUTHPORT EAST, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF HARRISON STREET AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF EASTPORT PARKWAY; THENCE S45°01'43"W ALONG THE SOUTHERLY LINE OF SAID LOT 16, SOUTHPORT EAST, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF HARRISON STREET, A DISTANCE OF 14.63 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 425.50 FEET, A DISTANCE OF 118.84 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N50°49'12"W, A DISTANCE OF 118.45 FEET; THENCE N42°49'08"W A DISTANCE OF 94.85 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 475.50 FEET, A DISTANCE OF 178.39 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N32°04'16"W, A DISTANCE OF 177.35 FEET; THENCE N21°19'23"W, A DISTANCE OF 22.90 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 424.50 FEET, A DISTANCE OF 29.98 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N23°20'48"W, A DISTANCE OF 29.98 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 16, SOUTHPORT EAST, SAID LINE ALSO BEING THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 80; THENCE N44°55'03"E ALONG SAID NORTHWESTERLY LINE OF LOT 16, SOUTHPORT EAST, SAID LINE ALSO BEING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 80, A DISTANCE OF 4.76 FEET TO THE NORTHERLY CORNER OF SAID LOT 16, SOUTHPORT EAST, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF EASTPORT PARKWAY AND SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 80; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF EASTPORT PARKWAY, SAID LINE ALSO BEING THE NORTHEASTERLY LINE OF SAID LOT 16, SOUTHPORT EAST ON THE FOLLOWING DESCRIBED COURSES; S49°31'11"E, A DISTANCE OF 61.82 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 1017.66 FEET, A DISTANCE OF 227.79 FEET SAID CURVE HAVING A LONG CHORD WHICH BEARS S41°00'49"E, A DISTANCE OF 227.31 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 1341.56 FEET, A DISTANCE OF 63.19 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S34°56'33"E, A DISTANCE OF 63.18 FEET; THENCE S31°21'10"E, A DISTANCE OF 83.16 FEET; THENCE S43°21'11"E, A DISTANCE OF 2.91 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 20,159 SQUARE FEET OR 0.463 ACRES, MORE OR LESS.

#2000030.01
9-29-2001

E&A CONSULTING GROUP, INC.
12001 "Q" STREET
OMAHA, NE 68137



Vicinity Map

Lot 16 Southport East - ROW Dedication

May 12, 2011
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