

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1391

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 1384 DIRECTING CONVEYANCE OF REAL ESTATE, A PORTION OF TAX LOT 12 14-14-12 AND A PORTION OF OUTLOT A, LA VISTA CITY CENTRE, (BEING REPLATTED AS PART OF LOT 3, LA VISTA CITY CENTRE REPLAT FOUR) AND THE MANNER AND TERMS THEREOF; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AUTHORIZATION OF FURTHER ACTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. Repeal and Replacement of Ordinance No. 1384. Ordinance No. 1384 is hereby repealed and replaced in its entirety by this Ordinance.

Section 2. Findings and Determinations. The Mayor and City Council hereby make and approve the following findings and determinations as necessary, proper, expedient, and in the best interests and general welfare of the City and its residents:

1. The Mayor and City Council by separate action found, determined, and declared the following property owned by the City ("Surplus Property") as surplus property and not needed for any municipal purpose or use of the City, to be held, transferred, and/or conveyed in whole or in part as the Mayor and City Council determines necessary or appropriate in their sole discretion:

"Parcel 1" (Portion of Tax Lot 12 14-14-12)

A PORTION OF TAX LOT 12 14-14-12, BEING REPLATTED AS PART OF LOT 3, LA VISTA CITY CENTRE REPLAT FOUR, IN THE SOUTHWEST QUARTER AND NORTHWEST QUARTER, OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ON THE EAST LINE OF SAID LOT 3 FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) ON AN ASSUMED BEARING OF N02°37'08"E, 115.96 FEET; (2) N02°22'52"W, 11.17 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ON SAID NORTH LINE OF THE SOUTHWEST QUARTER, S87°27'28"W, 179.76 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE ON THE LINE OF LOT 3 FOR THE FOLLOWING TWENTY-FOUR (24) DESCRIBED COURSES: (1) N32°51'32"W, 41.46 FEET; (2) N39°33'31"W, 21.75 FEET; (3) N53°34'53"W, 82.42 FEET; (4) N33°37'10"E, 55.92 FEET; (5) N56°22'50"W, 15.21 FEET; (6) N33°37'10"E, 24.00 FEET; (7) S56°22'50"E, 6.31 FEET; (8) N49°10'45"E, 51.76 FEET; (9) N56°32'55"E, 66.27 FEET; (10) N61°02'30"E, 12.09 FEET; (11) N68°31'09"E, 11.30 FEET; (12) N77°58'40"E, 43.66 FEET; (13) S87°06'38"E, 29.01 FEET; (14) S79°32'17"E, 11.88 FEET; (15) S71°56'29"E, 86.35 FEET; (16) N18°03'31"E, 1.69 FEET; (17) S71°56'29"E, 10.91 FEET TO A POINT OF CURVATURE; (18) ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 36.85 FEET (LONG CHORD BEARS S19°09'41"E, 31.85 FEET); (19) S33°37'06"W, 41.61 FEET; (20) S18°13'25"W, 26.66 FEET; (21) S61°22'02"E, 50.32 FEET; (22) S31°23'44"E, 41.87 FEET; (23) S58°36'05"W, 108.01 FEET; (24) S02°22'52"E, 15.15 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 67,418.16 SQUARE FEET OR 1.548 ACRES, MORE OR LESS; and

"Parcel 2" (Portion of Outlot A, La Vista City Centre)

A PORTION OF OUTLOT A, LA VISTA CITY CENTRE, BEING REPLATTED AS PART OF LOT 3, LA VISTA CITY CENTRE REPLAT FOUR, IN THE SOUTHWEST QUARTER AND NORTHWEST QUARTER, OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ON THE SOUTH LINE OF SAID LOT 3 ON AN ASSUMED BEARING OF S87°37'07"W, 35.08 FEET; THENCE N02°22'53"W, 56.05 FEET; THENCE S87°37'07"W, 80.00 FEET; THENCE S02°22'53"E, 56.05 FEET TO A POINT ON SAID SOUTH LINE OF LOT 3; THENCE ON SAID SOUTH LINE OF LOT 3 S87°37'07"W, 35.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ON THE WEST LINE OF SAID LOT 3 FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: (1) N07°22'52"W, 123.61 FEET; (2) S87°37'08"W, 6.25 FEET; (3) N32°51'32"W, 3.53 FEET; THENCE N87°27'28"E, 179.76 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE ON SAID EAST LINE OF LOT 3 FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) S02°22'52"E, 11.17 FEET; (2) S02°37'08"W, 115.96 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 16,003.10 SQUARE FEET OR 0.367 ACRES, MORE OR LESS;

subject to any additions, subtractions, or modifications as the City Engineer or his designee determines necessary or appropriate pursuant to an accurate survey, which findings, determinations, and declarations are hereby ratified, affirmed, and approved. Attached as Exhibit A and incorporated herein by this reference is a general depiction of the part of Lot 3, La Vista City Centre Replat Four, constituting Parcel 1, and a general depiction of the part of Lot 3, La Vista City Centre Replat Four, constituting Parcel 2. La Vista City Centre Replat Four, as approved, is on file with the La Vista City Clerk.

2. The City desires to construct additional public improvements for which additional real property is needed ("Property Needed for Public Improvements").
3. The City desires to transfer and convey the Surplus Property in consideration and exchange for Property Needed for Public Improvements.

Section 3. Directing Conveyance. It is hereby declared necessary, expedient, proper and for the public good for the City, upon payment or provision of applicable consideration, to sell and convey the Surplus Property in exchange for Property Needed for Public Improvements and according to the following manner and terms of conveyance ("Manner and Terms of Conveyance"):

Manner of Sale: Deed or other appropriate instrument of conveyance from City.

Terms of Sale:

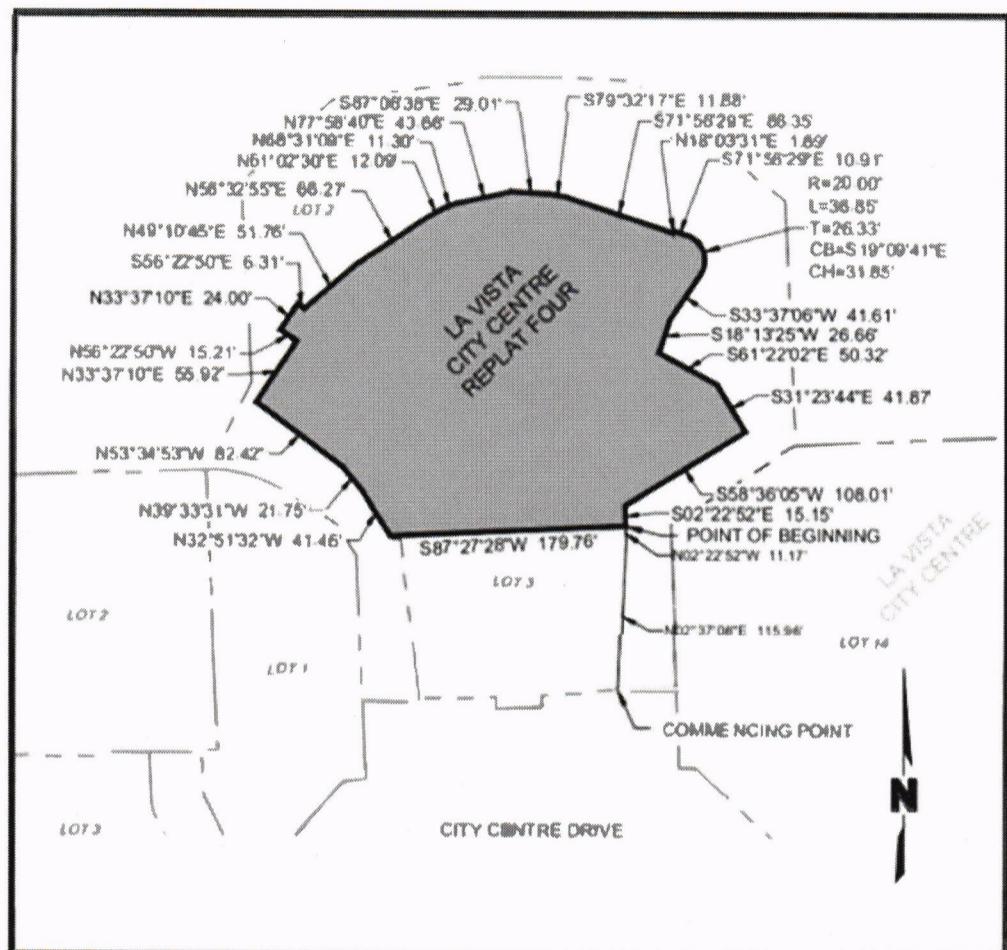
- 1) Property Description: See Section 2 above.
- 2) Consideration to be paid or provided to City: Consideration is anticipated to be receipt by the City of equivalent real property in exchange for public uses to the south, the location and boundaries of which to be determined by survey and subject to approval of the City Administrator; or such other appropriate equivalent consideration as approved by the City Administrator.
- 3) Method of Payment: Delivery and exchange of deeds or other appropriate instruments of conveyance or equivalent consideration at closing.
- 4) Closing Date: As the parties agree.
- 5) Purchaser: City Centre Music Venue, LLC or its assignee,

in addition to any other provisions of this Ordinance or agreed by any party authorized in Section 5 below, which sale, conveyance and Manner and Terms of Conveyance are hereby found and deemed to be in the best interests of the City. It is hereby directed that the Surplus Property be conveyed according to the Manner and Terms of Conveyance. Provided, however, notwithstanding anything in this Ordinance to the contrary, the direction, sale, conveyance, and use of the Surplus Property by the grantee or the grantee's successors or assigns pursuant to this Ordinance shall be subject to any required relocation or consent of the owner of any utilities using the Surplus Property, and adoption and satisfaction of all amendments and conditions of the La Vista Redevelopment Plan for the 84th Street Redevelopment Area, Comprehensive Development Plan, and any applicable redevelopment contract, subdivision agreement,

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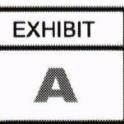
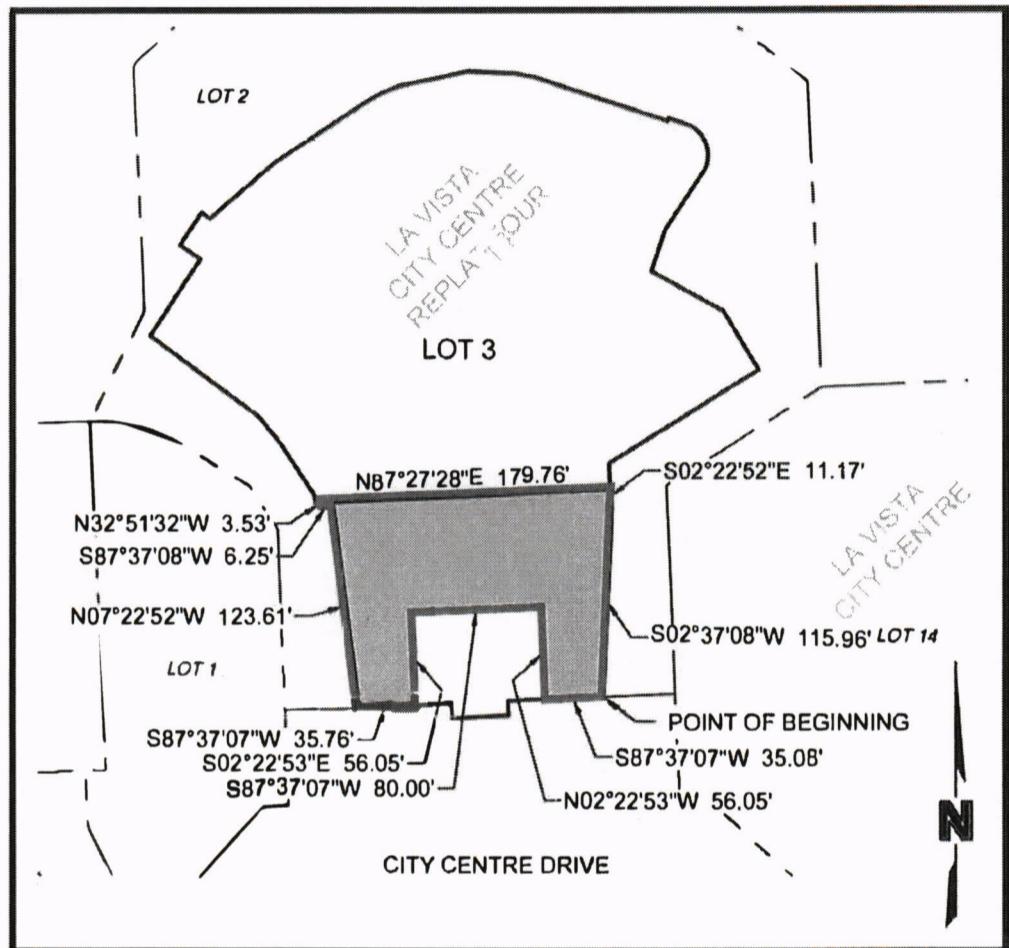
Parcel 1



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PARCEL 2



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or other documents, agreements, or instruments now or hereafter adopted, amended, governing or otherwise relating to redevelopment or use of the Surplus Property, in form and content satisfactory to the City Administrator, and satisfaction of any other applicable requirements of the Community Development Law or other applicable laws.

Section 4. Repeal of Conflicting Ordinances. Ordinance No. 1384, and any other ordinances or parts of ordinances as previously enacted that are in conflict with this Ordinance or parts of this Ordinance, are hereby repealed.

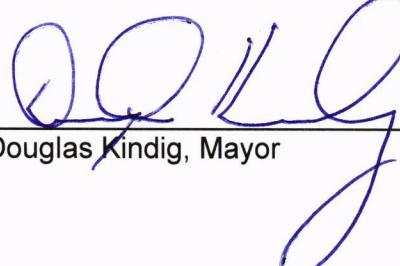
Section 5. Further Actions. The Mayor, City Administrator, City Clerk, or such other persons as the City Administrator may designate, each shall have full power and authority to take all actions as necessary or appropriate to carry out this Ordinance and the sale and conveyance of the Surplus Property, including without limitation, publishing any notice required by Neb. Rev. Stat. Section 16-202 and executing and delivering all deeds or other instruments or documents on behalf of the City in form and content he or she determines satisfactory.

Section 6. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 7. Effective Date. This Ordinance shall be in full force and effective as of March 3, 2020, subject to its passage, approval and publication in accordance with applicable law.

PASSED AND APPROVED THIS 17TH DAY OF MARCH, 2020.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe
Pamela A. Buethe, CMC
City Clerk