

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 5, 2017 AGENDA**

| Subject: | Type: | Submitted By: |
|---|---|-------------------------------------|
| RELEASE OF EASEMENTS – BRENTWOOD CROSSING, BRENTWOOD CROSSING REPLAT NO 1, BRENTWOOD CROSSING REPLAT NO. 2 | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | CHRISTOPHER SOLBERG CITY PLANNER |

SYNOPSIS

A resolution has been prepared to authorize the Mayor and City Clerk, in consultation with the City Engineer, to execute documents required to allow for the release of existing easements on Lots 1-17 and Outlots A-C La Vista City Centre, formerly platted as Brentwood Crossing, Brentwood Crossing Replat No.1, and Brentwood Crossing Replat No. 2.

FISCAL IMPACT

N/A

RECOMMENDATION

Approve.

BACKGROUND

At the July 19, 2016 City Council meeting, the City Council approved a final plat for Lots 1-17 and Outlots A-C La Vista City Centre that included various easements for utilities. These new easements will replace current easements depicted within the Brentwood Crossing, Brentwood Crossing Replat No.1, and Brentwood Crossing Replat No. 2 plats. To complete this action the existing easements will need to be released.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO RELEASE UTILITY EASEMENTS ON LOTS 1-17 AND OUTLOTS A – C LA VISTA CITY CENTRE, FORMERLY PLATTED AS BRENTWOOD CROSSING, BRENTWOOD CROSSING REPLAT NO. 1, AND BRENTWOOD CROSSING REPLAT NO. 2 AND TO AUTHORIZE THE ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, The City of La Vista (Easement Holder) has been granted certain utility easements as depicted on the below listed plats;

1. Plat and Dedication of Brentwood Crossing filed December 26, 1990 at Instrument No. 90-18556, records of Sarpy County, Nebraska;
2. Plat and Dedication of Brentwood Crossing, Replat No. 1 filed March 3, 1993 at Instrument No. 93-04107, records of Sarpy County, Nebraska;
3. Plat and Dedication of Brentwood Crossing, Replat No. 2 filed March 11, 1994 at Instrument No. 1994-05583, records of Sarpy County, Nebraska; and

WHEREAS, the City of La Vista approved a final plat for Lots 1-17 and Outlots A-C La Vista City Centre; and

WHEREAS, new easements will replace the current easements; and

WHEREAS, the location of the utility easements are shown on the attached Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the release of the utility easements and authorize such further actions necessary or appropriate to carry out the actions approved herein

PASSED AND APPROVED THIS 5TH DAY OF JULY, 2017.

CITY OF LA VISTA

Douglas Kindig, Mayor

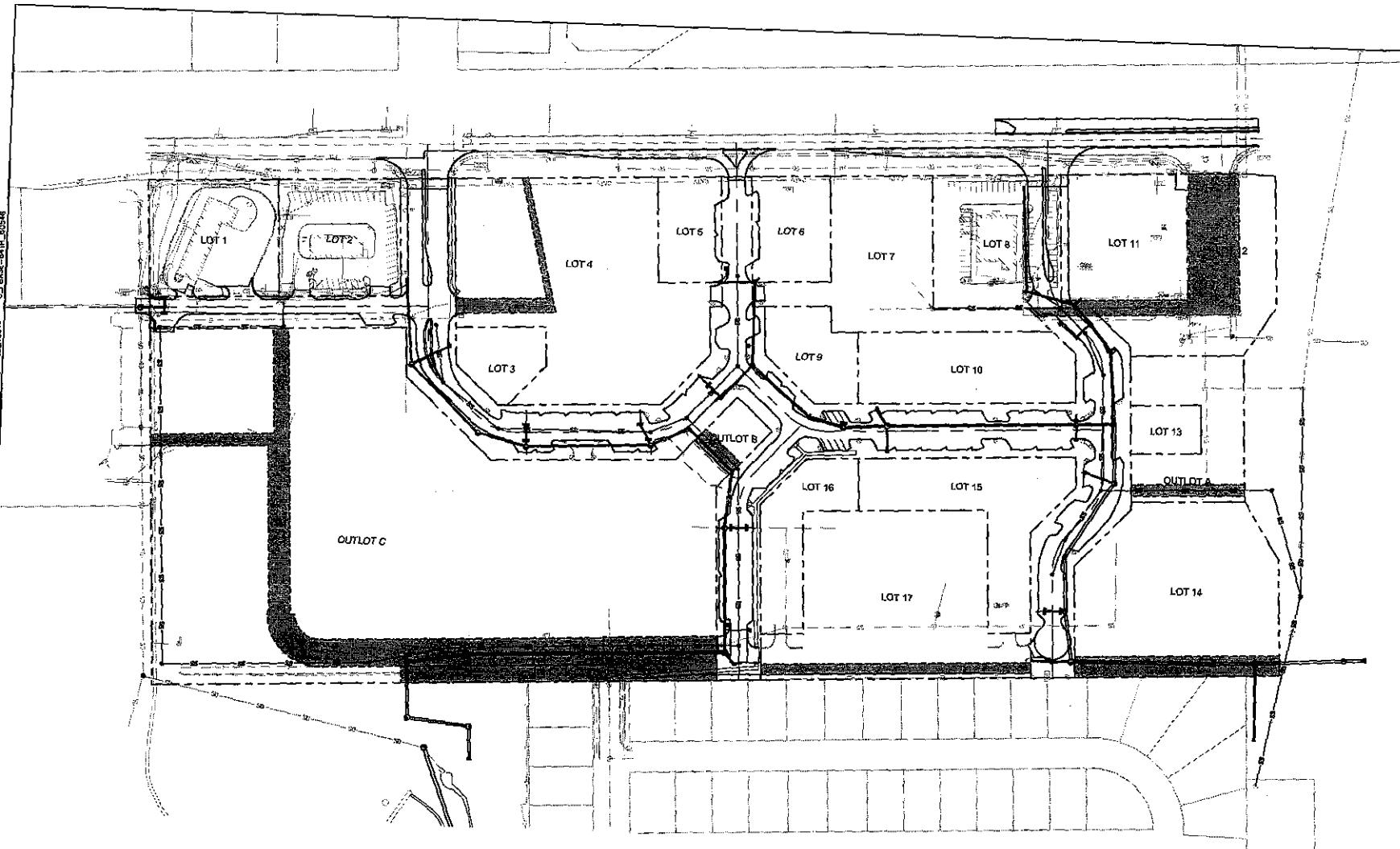
ATTEST:

Pamela A. Buethe, CMC
City Clerk

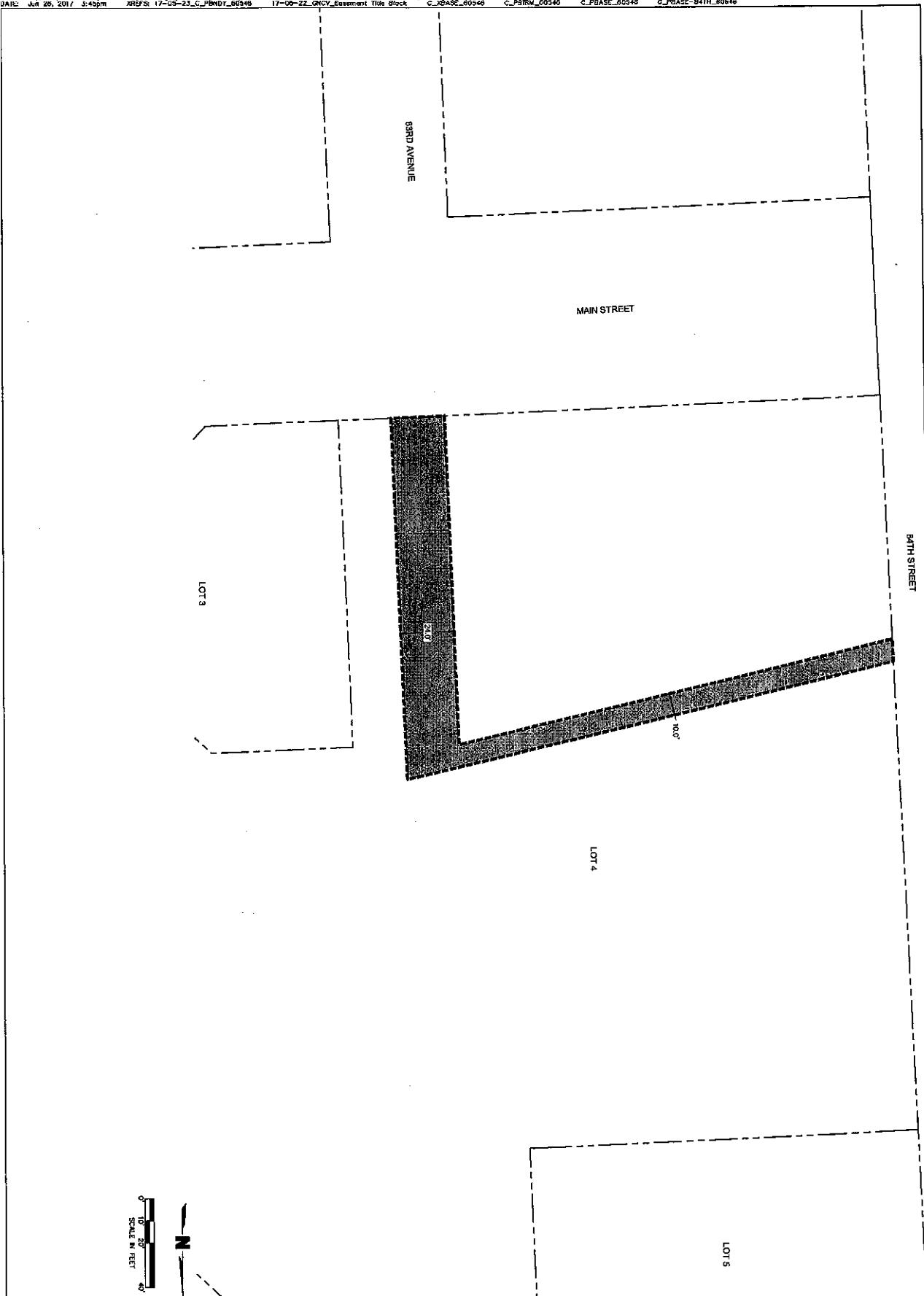
EXHIBIT "A"

BURDENED PARCEL LEGAL DESCRIPTION

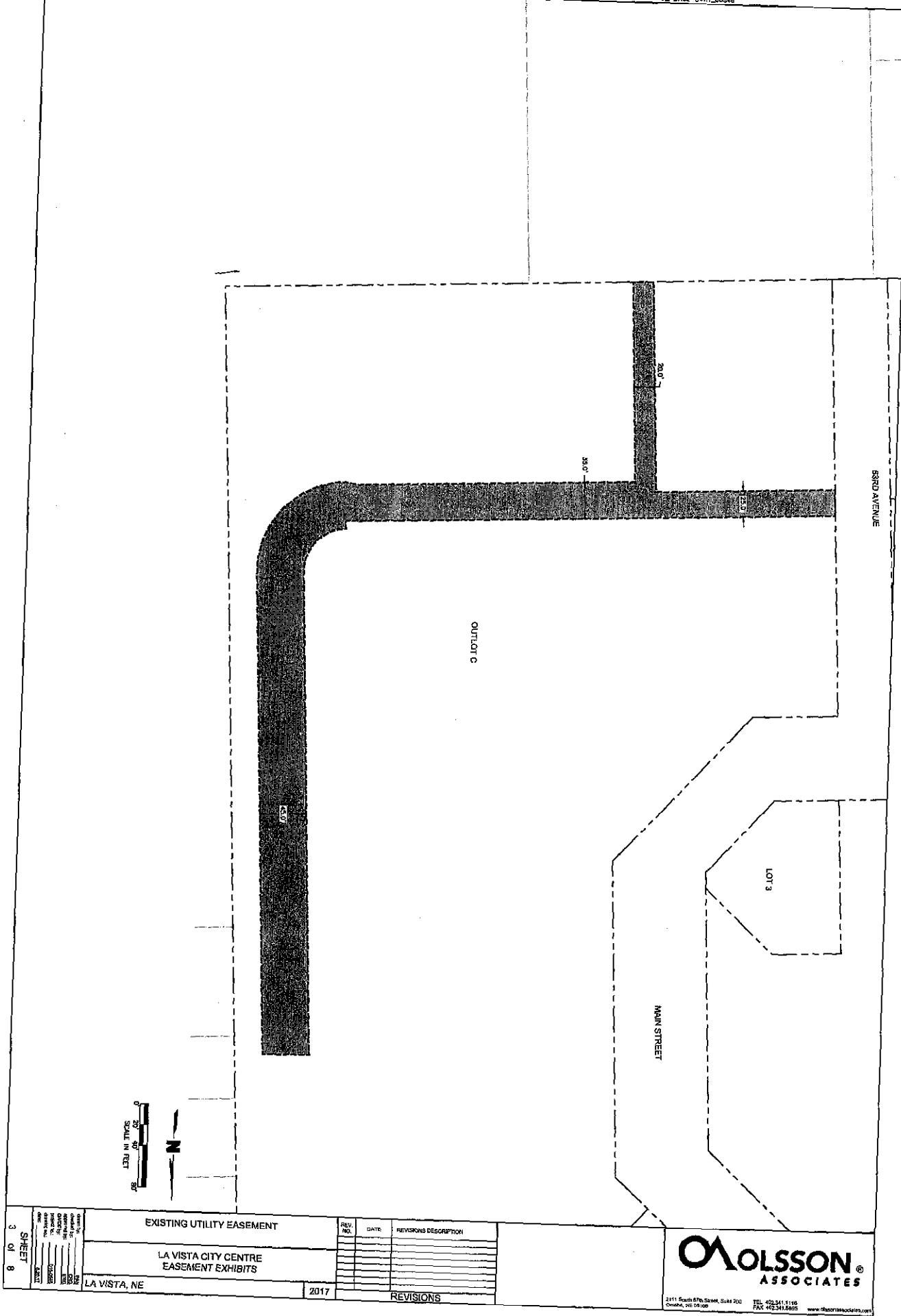
Lots 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 and Outlot C, La Vista City Centre, an addition to the City of La Vista, as surveyed, platted and recorded in Sarpy County, Nebraska.



A scale bar with markings at 0, 40, 80, and 100 feet. The text "SCALE IN FEET" is printed below the bar.



| PROPOSED OPPD EASEMENT | | | REV. NO. | DATE | REVISIONS DESCRIPTION |
|---|------|-----------|----------|------|-----------------------|
| LA VISTA CITY CENTRE EASEMENT EXHIBITS | | | | | |
| LA VISTA, NE | 2017 | REVISIONS | | | |
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| 793</ | | | | | |



COTTONWOOD AVENUE

LOT 17

CITY CENTRE DRIVE

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10
20
SCALE IN FEET
40

PROPOSED OPPD EASEMENT

| REV. NO. | DATE | REVISIONS DESCRIPTION |
|-------------|------|-----------------------|
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| | | |
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| | | |
| | | |
| 17 | | REVISIONS |

LA VISTA CITY CENTRE
EASEMENT EXHIBITS

LA VISTA, NE

3017

REVISIONS

OLSSON
ASSOCIATES

2311 South 67th Street, Suite 200
Omaha, NE 68106

25 402 M1 1116

TEL 402 341 5348
FAX 402 341 5892

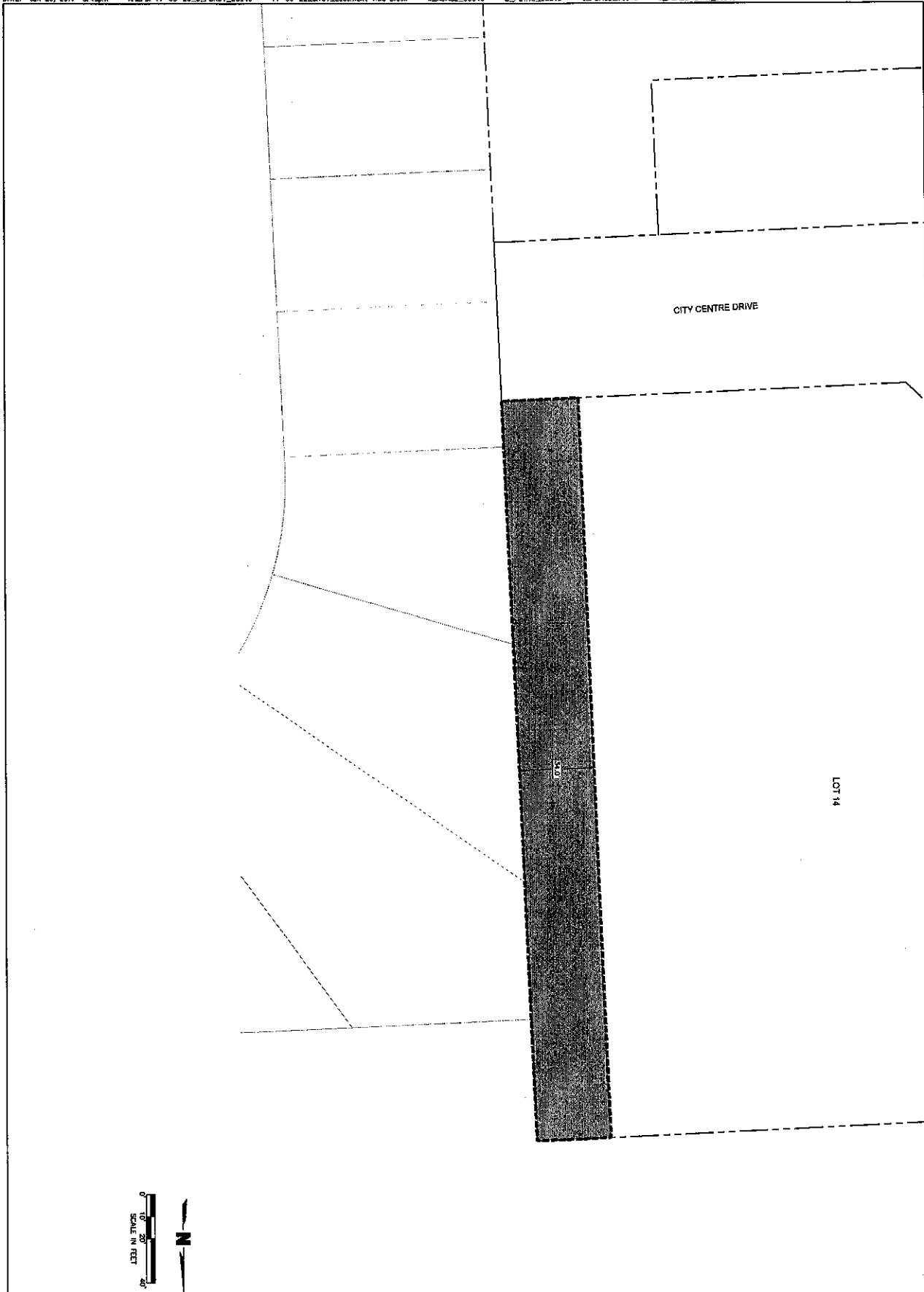
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www.elsevier.com

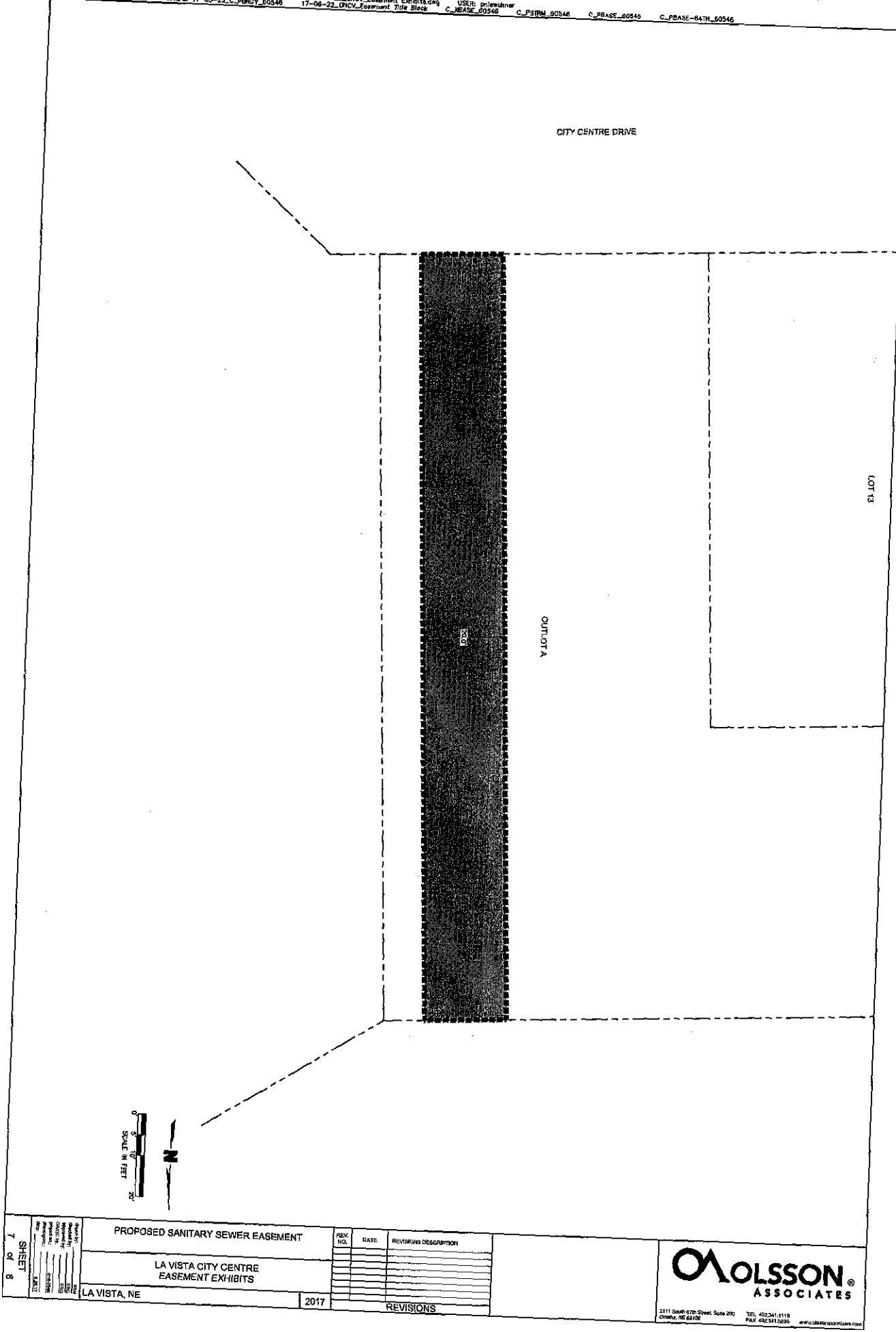
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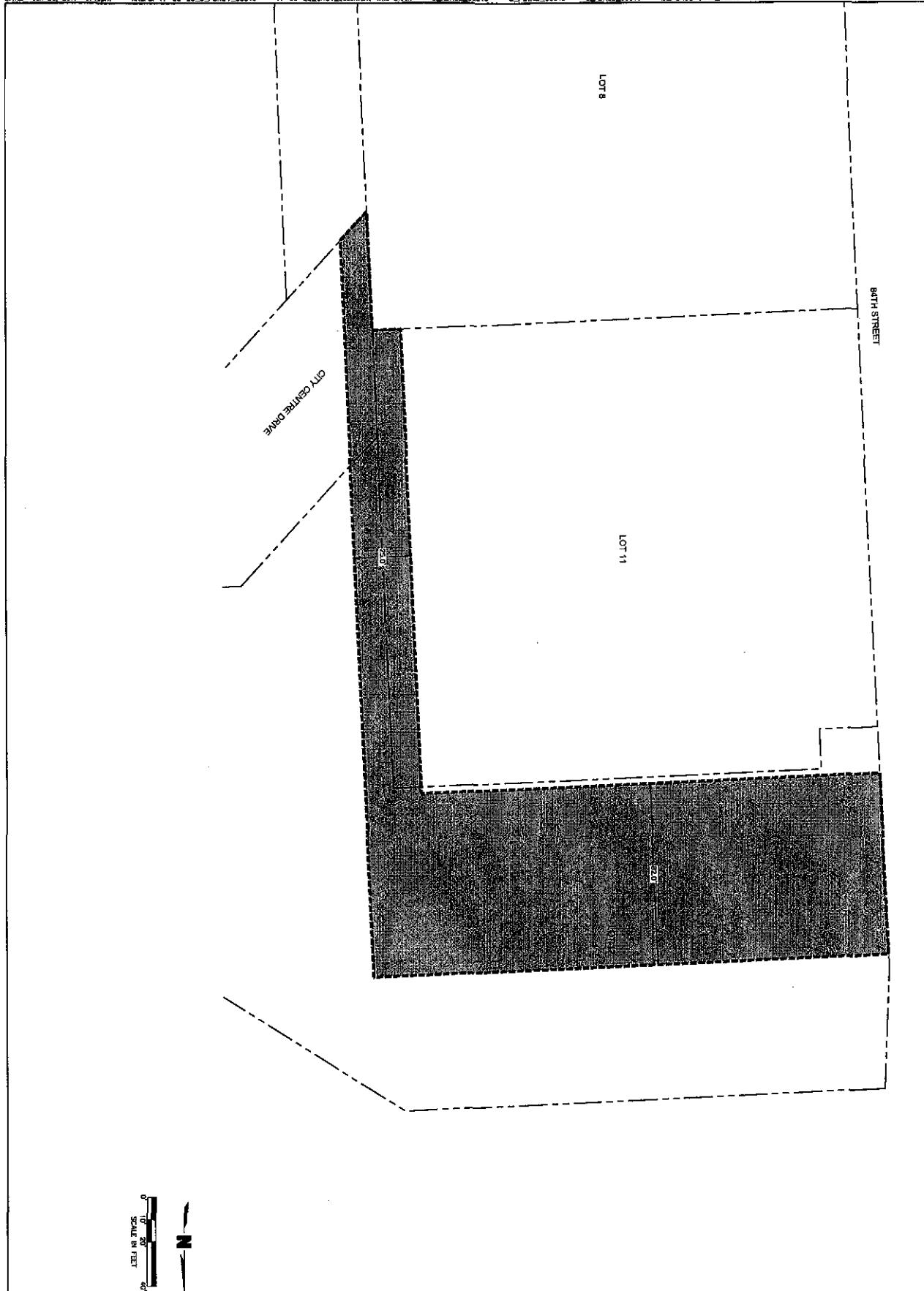
www.banana.com

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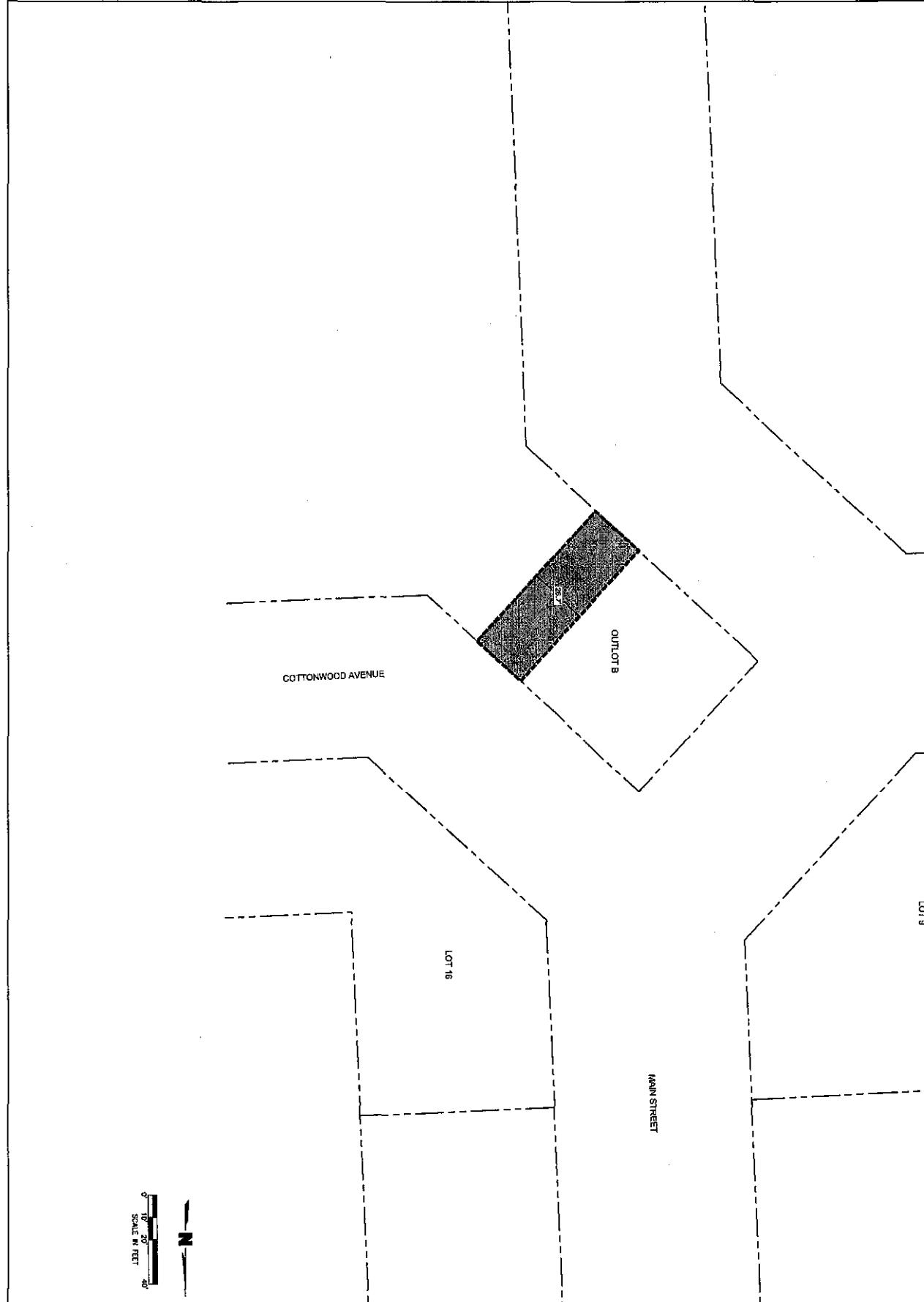


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FAX 402/341-5693 www.olsonassociates.com





OLSSON[®]
ASSOCIATES



| SHEET | PROPOSED STORM & SANITARY SEWER EASEMENT | REV. | DATE | REVISIONS DESCRIPTION | LA VISTA CITY CENTRE EASEMENT EXHIBITS | LA VISTA, NE | 2017 | REVISIONS |
|--------|--|------|------|-----------------------|---|--------------|------|-----------|
| | | NO. | | | | | | |
| 9 of 9 | | | | | | | | |

RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT (this "Release") is made and entered into effective the _____ day of _____, 2017 ("Effective Date"), by the undersigned easement holders (collectively, "Easement Holder").

WHEREAS, La Vista City Centre, LLC, a Nebraska limited liability company ("Property Owner") is the owner of certain real property located in the City of La Vista, County of Sarpy, State of Nebraska, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference ("Burdened Parcel");

WHEREAS, Easement Holder has been granted certain utility easements as depicted on the below listed plats (collectively, the "Easement"):

1. Plat and Dedication of Brentwood Crossing filed December 26, 1990 at Instrument No. 90-18556, records of Sarpy County, Nebraska;
2. Plat and Dedication of Brentwood Crossing, Replat No. 1 filed March 3, 1993 at Instrument No. 93-04107, records of Sarpy County, Nebraska;
3. Plat and Dedication of Brentwood Crossing, Replat No. 2 filed March 11, 1994 at Instrument No. 1994-05583, records of Sarpy County, Nebraska

WHEREAS, Easement Holder now desires to terminate the Easement and release the Burdened Parcel from such easements.

NOW, THEREFORE, in consideration of the foregoing initial paragraph and recitals, and other good and valuable consideration, the receipt and sufficiency of which are all hereby acknowledged by each of the parties hereto, and intending to be legally bound, Easement Holder does, by this instrument and, as of the Effective Date, hereby vacate, release, quitclaim and abandon any and all easements and interests created by the Easement. Easement Holder further agrees that the Easement shall no longer encumber the Burdened Parcel.

[The Remainder of This Page Intentionally Left Blank and Signature Page Follows]

IN WITNESS WHEREOF, Easement Holder has executed this Release as of the Effective Date.

EASEMENT HOLDER:

[Cox Communications]

By: _____
Name: _____
Title: _____

[Black Hills Energy]

By: _____
Name: _____
Title: _____

[Century Link]

By: _____
Name: _____
Title: _____

Omaha Public Power District

By: _____
Name: _____
Title: _____

Peoples Natural Gas

By: _____
Name: _____
Title: _____

City of La Vista

By: _____
Name: _____
Title: _____

Metropolitan Utilities District

By: _____
Name: _____
Title: _____

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of June, 2017, by
_____, the _____ of [Cox Communications], on behalf of the _____.

[NOTARY SEAL]

Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of June, 2017, by
_____, the _____ of [Black Hills Energy], on behalf of the _____.

[NOTARY SEAL]

Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of June, 2017, by
_____, the _____ of [Century Link], on behalf of the _____.

[NOTARY SEAL]

Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of June, 2017, by
_____, the _____ of Omaha Public Power District, on behalf of the _____.

[NOTARY SEAL]

Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of June, 2017, by
_____, the _____ of Peoples Natural Gas, on behalf of the _____.

[NOTARY SEAL]

Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of June, 2017, by
_____, the _____ of the City of La Vista, on behalf of the _____.

[NOTARY SEAL]

Notary Public

STATE OF Nebraska)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of June, 2017, by
_____, the _____ of Metropolitan Utilities District, on behalf of the _____.

[NOTARY SEAL]

Notary Public