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

Subject: RELEASE OF EASEMENTS – BRENTWOOD CROSSING, BRENTWOOD CROSSING REPLAT NO. 1, BRENTWOOD CROSSING REPLAT NO. 2

Type: RESOLUTION

Submitted By: 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.

Release of Easement
Exhibit "A"
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 )  
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 )  
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 )  
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 )  
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

Release of Easement  
Exhibit "A"

489575.2
STATE OF Nebraska )
COUNTY OF ________ ) SS.
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 )
COUNTY OF ________ ) SS.
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 )
COUNTY OF ________ ) SS.
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

Release of Easement
Exhibit "A"
489575.2