

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 20, 2018 AGENDA

Subject:	Type:	Submitted By:
VACATION & CONVEYANCE — PART OF COTTONWOOD AVENUE RIGHT-OF-WAY	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG CITY PLANNER

SYNOPSIS

An ordinance has been prepared vacating and directing the conveyance of part of the Cottonwood Avenue right-of-way and manner and terms thereof.

FISCAL IMPACT

Consideration in part is anticipated to be receipt by the City of real property required for public improvements.

RECOMMENDATION

Approval.

BACKGROUND

An ordinance has been prepared vacating and directing the conveyance of part of the Cottonwood Avenue right-of-way as described in the Ordinance and shown on Exhibit A. Consideration in part is anticipated to be receipt by the City of real property required for public improvements.

ORDINANCE NO. ____

AN ORDINANCE VACATING PART OF COTTONWOOD AVENUE RIGHT-OF-WAY LOCATED IN LA VISTA CITY CENTRE ON ONE SIDE OF THE CENTER THEREOF, AUTOMATICALLY VESTING TITLE IN OWNER OF ABUTTING LOT 16, LA VISTA CITY CENTRE, DIRECTING CONVEYANCE AND MANNER AND TERMS THEREOF; AUTHORIZING FURTHER ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

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

Section 1. The following findings are hereby approved: Adjustment of boundaries within La Vista City Centre for purposes including planned public improvements, as determined and recommended by the City Engineer, is hereby declared necessary, expedient, proper and for the public interest, welfare, and good, and in connection with such adjustments, the City desires to vacate the following portion of Cottonwood Avenue in accordance with this Ordinance:

Part of Cottonwood Avenue right-of-way beginning at the southeast corner of Lot 16, La Vista City Centre, a subdivision as surveyed, platted, and recorded in Sarpy County, Nebraska; thence, S02°22'53"E for a distance of 1.00 feet; thence, S87° 37'07"W for a distance of 212.08 feet; thence N47°22'53"W for a distance of 1.41 feet to the southwesterly corner of said Lot 16; thence, N87°37'07"E for a distance of 213.08 feet on the south line of said Lot 16 to the point of beginning.
("Designated Area").

Section 2. Such Designated Area is hereby vacated, subject to any reserved rights provided by Nebraska statutes ("Vacated Right of Way"). The Vacated Right of Way is located only on one side of the center of Cottonwood Avenue. Title to such Vacated Right of Way, pursuant to Neb. Rev. Stat. Section 16-611(2), automatically shall vest in the owner of the abutting property, Lot 16, La Vista City Centre, ("Abutting Property") and become part of the Abutting Property. Notwithstanding anything in this Ordinance to the contrary, this Ordinance and such vesting of title shall be conditional on delivery and recording with the Sarpy County Register of Deeds of a deed conveying to the City part of Lot 16, La Vista City Centre, a replat approved in accordance with applicable law including such conveyed part of Lot 16 within the boundaries of Lot 17, La Vista City Centre, and Vacated Right of Way within the boundaries of Lot 16, La Vista City Centre, and such easements or interests as the City Engineer determines necessary or appropriate in connection with the lots, as replatted, or any improvements thereon or uses thereof.

Section 3. The Mayor and City Council hereby direct conveyance of the Designated Area and the manner and terms thereof as provided in this Ordinance. The Mayor, City Administrator, City Engineer, and City Clerk, and each of them ("Authorized City Officials"), or any designee of any of the Authorized City Officials, shall be authorized and are hereby directed to take all actions on behalf of the City as he, she or they determine necessary or appropriate to carry out this Ordinance, including without limitation, satisfying any applicable statutory requirements, carrying out all conveyances in accordance with this Ordinance, and execution, delivery, and recording with the Sarpy County Register of Deeds of any documents or instruments determined necessary or appropriate.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law, and satisfaction of any conditions set forth in this Ordinance.

PASSED AND APPROVED THIS 20TH DAY OF _MARCH, 2018.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk