

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 16, 2019 AGENDA

Subject:	Type:	Submitted By:
RIGHT-OF-WAY VACATION — JOSEPHINE STREET EAST OF 69 TH STREET (EBERLE WALDEN PARK)	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

An ordinance has been prepared to approve the vacation of a portion of unused Josephine Street right-of-way on the East side of South 69th Street, between Lots 125 and 126, La Vista Replat. The property has been developed as Eberle Walden Park.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

During the development of the improvement plans for Eberle Walden Park, staff recommended revising records of the property which was platted as Josephine Street right-of-way and is being used as a neighborhood park. A vacation ordinance, and a subsequent replat, have been prepared for City Council for this purpose. Ownership will remain with the City.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA VACATING, AND RESERVING AND RETAINING TITLE IN THE CITY TO, A PART OF JOSEPHINE STREET RIGHT-OF-WAY EAST OF SOUTH 69TH STREET, LOCATED IN THE NW ¼ OF SECTION 13, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

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

Section 1. It is hereby declared necessary, expedient, proper and for the public good to vacate, and for the City to reserve and retain title to, a part of Josephine Street right-of-way East of South 69th Street, located in the NW ¼ of Section 13, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference ("Property"), to be used, sold, conveyed, exchanged, or leased upon such terms and conditions as the City shall deem to be in the best interests of the City subject to the following conditions and limitations reserved in perpetuity to the City of La Vista:

- a. the right to maintain, operate, repair, replace, extend and renew sewers and other improvements now existing in, on, over, under or across the Property and in the future to construct, maintain, repair, replace, extend and renew additional or other sewers and improvements;
- b. the right to authorize public utilities, cable television companies and other persons, systems or services to construct, maintain, repair, replace, renew, extend and operate now or hereafter installed water mains and gas mains, poles, lines, conduits, equipment and appurtenances above, in, on, over, across or below the surface of the ground for the purpose of serving the general public or abutting property;
- c. the right to authorize such connections or branch lines as may be ordered, desired or permitted by the City or such other utility, person, system or service; and
- d. the right to enter upon the Property to accomplish the above or to enforce or exercise any other rights or requirements set forth in this Ordinance or under any applicable laws, rules, or regulations, and any related or similar purposes at any and all times.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 16TH DAY OF APRIL, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

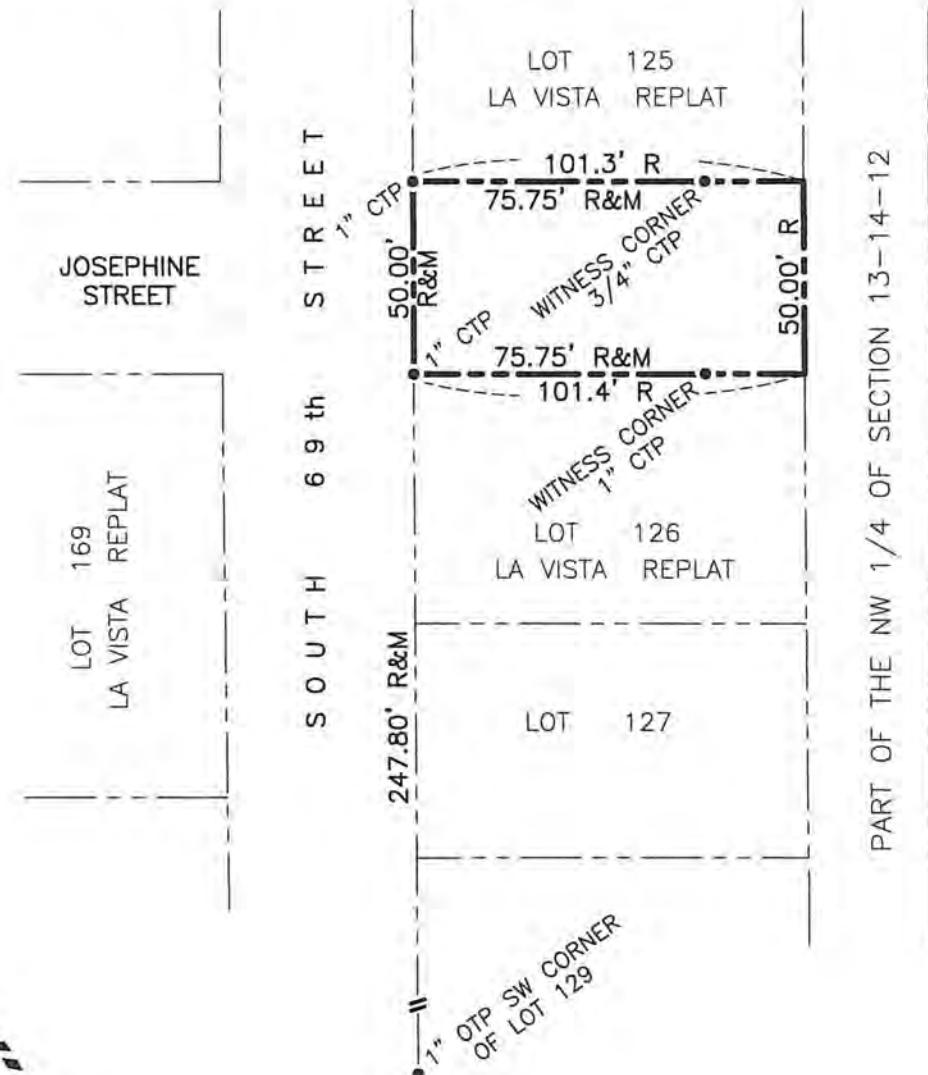
Pamela A. Buethe, CMC
City Clerk

LAND SURVEYOR'S CERTIFICATE

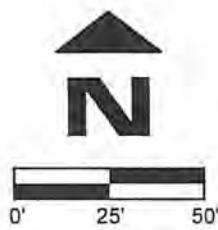
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

LEGAL DESCRIPTION

JOSEPHINE STREET RIGHT-OF-WAY LYING EAST OF SOUTH 69th STREET BETWEEN LOTS 125 AND 126, LA VISTA REPLAT, A SUBDIVISION IN SARPY COUNTY, NEBRASKA.



JULY 27, 2018
RONALD M. KOENIG
NEBRASKA RLS 496



LEGEND

- CORNERS FOUND
- R RECORDED DISTANCE
- M MEASURED DISTANCE
- CTP CRIMPED TOP PIPE
- OTP OPEN TOP PIPE