

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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
RIGHT-OF-WAY VACATION — JOSEPHINE STREET EAST OF 69 <sup>TH</sup> 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 69<sup>th</sup> 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 69<sup>TH</sup> STREET, LOCATED IN THE NW ¼ OF SECTION 13, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> 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 69<sup>th</sup> Street, located in the NW ¼ of Section 13, Township 14 North, Range 12 East of the 6<sup>th</sup> 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

## LEGAL DESCRIPTION

[illegible]

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