

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 6, 2022 AGENDA**

Subject:	Type:	Submitted By:
HARRISON STREET RIGHT-OF-WAY CONVEYANCE – SW OF 144 TH ST & HARRISON ST	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT CITY PLANNER

SYNOPSIS

A resolution has been prepared for Council to consider a request by Krishna, LLC, for the City of La Vista to authorize Sarpy County to vacate and convey a portion of Harrison Street right-of-way adjacent to the Bear Creek Apartments west of the intersection of Harrison Street and S. 144th Street.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A resolution has been prepared for Council to consider a request from Krishna, LLC to authorize Sarpy County to vacate and convey a portion of Harrison Street ROW adjacent to Krishna, LLC's property containing the Bear Creek Apartments. The applicant has communicated that they would like to obtain the additional parcel in order to construct an additional apartment building in the future. Future steps for the applicant in the development of an additional apartment building would include obtaining a conditional use permit, replatting the property, and successful completion of the City's design review process.

Section 39-1722 of the Nebraska Revised Statutes requires that any County government seeking to vacate right-of-way located within a municipality's extraterritorial jurisdiction must first obtain approval from the governing body of that municipality.

The City Engineer and Sarpy County Public Works have reviewed and are amendable to the request for right-of-way vacation. A detailed exhibit identifying the requested right of way and legal description are attached.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING SARPY COUNTY TO VACATE A PART OF HARRISON STREET RIGHT OF WAY LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, Krishna, LLC has made a request to Sarpy County to vacate a portion of Harrison Street right of way adjacent to the Bear Creek Apartments;

WHEREAS, the legal description for the specific portion of right of way requested to be vacated is identified in Exhibit A, which is presented with this Resolution ("Property"); and

WHEREAS, Section 39-1722 of the Nebraska Revised Statutes requires approval of the governing body of the City where County right of way is located within the future growth boundary of the City, prior to vacating such right of way; and

WHEREAS, Sarpy County is amenable to the request; and

WHEREAS, the City Engineer has reviewed and is amenable to the request;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that Sarpy County's vacation of that portion of Harrison Street right of way within the northeast quarter of Section 14, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska as identified in Exhibit A presented with this Resolution ("Exhibit A") is approved pursuant to Section 39-1722 of the Nebraska Revised Statutes, subject to the following conditions:

In addition to any reserved rights set forth in Sarpy County's Resolution approving vacation of the right of way described in Exhibit A, or specified by applicable laws, rules or regulations governing vacation of right of way by the City or Sarpy County, the following rights, conditions and limitations shall be reserved in perpetuity to Sarpy County and the City of La Vista with respect to the Property:

- i. 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;
- ii. 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;
- iii. 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

- iv. the right to enter upon Property to accomplish the above or to enforce or exercise any other rights or requirements set forth in this Resolution, the County Resolution, or under any applicable laws, rules, or regulations, or for any related or similar purposes, at any and all times.

Any proposed improvements on or to the Property shall require prior written approval of the County Engineer and City Engineer, and shall be subject to damage or removal in whole or in part by the City or County at the Property owner's sole cost and expense in connection with City or County exercise of any rights reserved to it in this Resolution or the County's Resolution.

BE IT FURTHER RESOLVED that recitals at the beginning of this Resolution and Exhibit A presented with this Resolution are incorporated into this Resolution by reference.

PASSED AND APPROVED THIS 6TH DAY OF SEPTEMBER 2022.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Bueth, MMC
City Clerk

SHEET 1 OF 2

LEGAL DESCRIPTION

THAT PART OF THE NE 1/4 OF SECTION 14, T14N, R11E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 240B, WILLOW CREEK REPLAT, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, SAID POINT ALSO BEING ON THE SOUTH LINE OF HARRISON STREET;

THENCE S00°08'14"E (ASSUMED BEARING) 20.00 FEET ON THE WEST LINE OF SAID LOT 240B TO THE POINT OF BEGINNING;

THENCE CONTINUING S00°08'14"E 55.00 FEET ON THE WEST LINE OF SAID LOT 240B TO THE NORTH LINE OF LOT 3B, WILLOW CREEK REPLAT III, A SUBDIVISION IN SAID SARPY COUNTY;

THENCE WESTERLY ON THE NORTHERLY LINE OF SAID LOT 3B ON THE FOLLOWING DESCRIBED FOUR COURSES:

THENCE S89°51'46"W 32.00 FEET;

THENCE N09°58'51"W 10.00 FEET;

THENCE S81°16'38"W 66.00 FEET;

THENCE S89°51'45"W 30.00 FEET;

THENCE N00°08'14"W 55.00 FEET;

THENCE N89°51'46"E 128.97 FEET ON A LINE 20.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID HARRISON STREET TO THE POINT OF BEGINNING.

CONTAINING 6,764 SQUARE FEET OR 0.16 ACRES MORE OF LESS

