

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 21, 2012 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PERMIT TO USE CITY PROPERTY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to approve issuance of a permit to Sarah Kovar to use the vacated Birch Drive City right-of-way (ROW) that is adjacent to and immediately south of her residence at 7421 South 85<sup>th</sup> Street. Ms. Kovar proposes to use the property for a garden area.

**FISCAL IMPACT**

Historically, the City has not charged a fee for this type of permit to use City property. The City will be relieved a maintenance responsibilities for this property during the term of the permit.

**RECOMMENDATION**

Approval.

**BACKGROUND**

In May 2005 a permit was issued for the same purpose to Arthur and Loretta McEneaney. Mr. McEneaney has since sold their property to Ms. Kovar who also wishes to use the city property for a garden area. A standard form of *Permit to Use City Property* has been prepared and is attached. It provides for Ms. Kovar to use a portion of vacated Birch Drive ROW adjacent to her residence at 7421 South 85<sup>th</sup> Street for a ten year period.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,  
NEBRASKA APPROVING THE ISSUANCE OF A PERMIT TO USE CITY PROPERTY.

WHEREAS, the City of La Vista is the rightful owner of vacated right-of-way property located along Birch Drive immediately south and adjacent to 7421 South 85<sup>th</sup> Street; and

WHEREAS, the property owner of 7421 South 85<sup>th</sup> Street have requested permission to use a portion of said City property; and

WHEREAS, a standard form of Permit to Use City Property has been prepared.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of City of La Vista, Nebraska, that a Permit to Use City Property be granted to Sarah Kovar, property owner of 7421 South 85<sup>th</sup> Street, for use of a portion of vacated right-of-way located along Birch Drive immediately south and adjacent to their property and that the Mayor and City Clerk are hereby authorized to execute said permit.

PASSED AND APPROVED THIS 21ST DAY OF AUGUST, 2012

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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## Permit to Use City Property

**Permittee:** Sarah Kovar

### Permittee Property Adjacent to City Property ("Permittee Property"):

**Street Address:** 7421 South 85<sup>th</sup> Street, La Vista NE 68128

**Legal Description:** Part of Lot 16, Parkview Heights, a subdivision as surveyed and platted and recorded, Sarpy County, Nebraska.

**Permit Fee:** waived

**Term of Permit:** Ten years.

The above described City Property is not at this time needed for City use and may, subject to the terms hereof, be used by Permittee for the term of this permit for Permittee's own use and enjoyment. Permittee shall at all times maintain City Property with grass or other approved ground cover, clean of debris and shall at no time disturb or damage any sewer, utility, cable line or other improvement or service in, on or above City Property. Permittee may install fencing on the property upon issuance of a fence permit by the Chief Building Official. Permittee may maintain a garden on the property. Permittee shall not use the Permitted Property for any of the following purposes:

1. Permanent placement of any building or other structure;
2. Any excavation greater than two (2) feet in depth, except for fence posts not exceeding three feet in depth;
3. Any use or purpose that is in violation of federal or state law or City ordinance;
4. Storage of vehicle or recreational vehicles

The privileges and obligations of this permit shall inure to the benefit of and shall be surrendered to the City Clerk upon transfer of Permittee's Property to another owner. This permit is terminable by Permittee upon surrender to the City Clerk and is terminable by the City at any time upon thirty (30) days written notice to Permittee at the address shown above. In the event of termination, Permittee shall remove at Permittee's cost any structure, hard surfacing, fencing, underground sprinkler system or other improvements installed by Permittee that City determines will interfere with City's use hereafter.

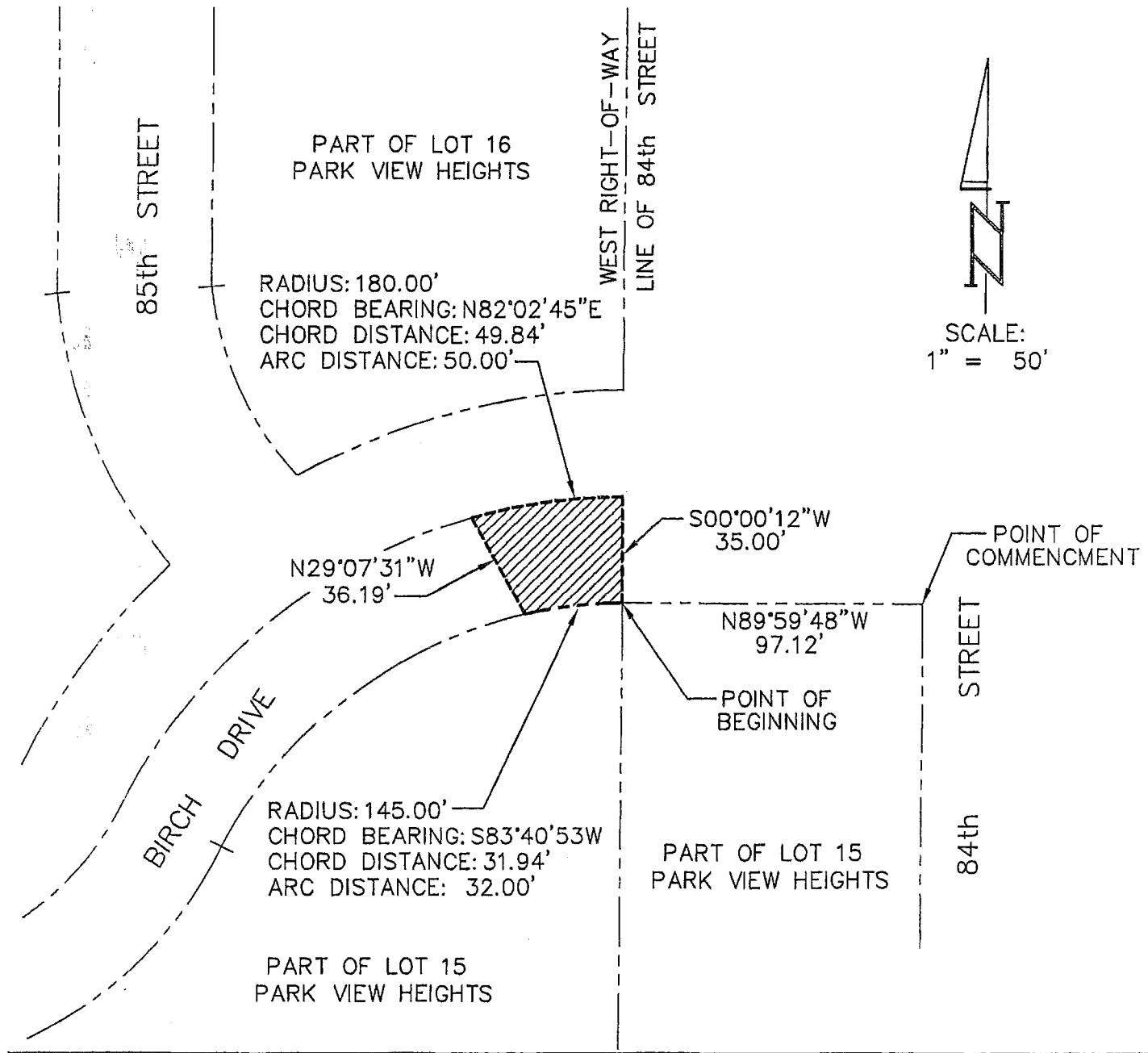
Approved by Resolution No. \_\_\_\_\_ of the City Council of the City of La Vista, Nebraska  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2012

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk



## LEGAL DESCRIPTION

PART OF BIRCH DRIVE RIGHT-OF-WAY LYING WITHIN THE SE 1/4 OF THE NE 1/4 OF SECTION 15, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF LOT 15, PARK VIEW HEIGHTS, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SAID SARPY COUNTY; THENCE N89°59'48"W (ASSUMED BEARING) 97.12 FEET ON THE NORTH LINE OF SAID LOT 15 TO THE WEST RIGHT-OF-WAY LINE OF 84th STREET AND THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ON THE NORTHERLY LINE OF SAID LOT 15 ON A 145.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S83°40'53"W, CHORD DISTANCE 31.94 FEET, AN ARC DISTANCE OF 32.00 FEET; THENCE N29°07'31"W 36.19 FEET TO THE CENTERLINE OF SAID BIRCH DRIVE; THENCE NORTHEASTERLY ON THE CENTERLINE OF BIRCH DRIVE ON A 180.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N82°02'45"E, CHORD DISTANCE 49.84 FEET, AN ARC DISTANCE OF 50.00 FEET TO THE WEST LINE OF 84th STREET; THENCE S00°00'12"W 35.00 FEET ON THE WEST LINE OF 84th STREET TO THE POINT OF BEGINNING.

## EXHIBIT "A"

CITY OF LAVISTA

TD2 JOB NO. 171-304-SD

DATE: MAY 16, 2005

THOMPSON, DREESSEN AND DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860