

ITEM B

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JANUARY 19, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
RELEASE OF EASEMENTS – LOT 3, SOUTHPORT WEST REPLAT 1	◆ RESOLUTION (2) ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

Two resolutions have been prepared to authorize the Mayor and City Clerk, in consultation with the City Engineer, to execute documents required to allow for the release of existing easements on Lot 3, Southport West Replat 1 (Costco site).

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approve.

**BACKGROUND**

At the November 17, 2015 City Council meeting, the City Council approved a subdivision agreement with Costco Wholesale Corporation that provided for a 30-foot wide sewer and drainage easement. The new easement will replace a current 60-foot wide sewer and drainage easement and a 15-foot wide storm sewer easement on Lot 3, Southport West Replat 1. To complete this action the existing easements will need to be released.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO RELEASE A SEWER AND DRAINAGE EASEMENT ON LOT 3, SOUTHPORT WEST REPLAT 1 SUBDIVISION; AND TO AUTHORIZE THE MAYOR TO TAKE SUCH ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, Cabela's Retail, Inc. and the City of La Vista, Sarpy County, Nebraska, were granted a Sewer and Drainage Easement recorded as Instrument No. 2006-17150 in the Sarpy County Register of Deeds office; and

WHEREAS, Costco Wholesale Corporation is the owner of Lot 3, Southport West Replat 1; and

WHEREAS, the location of the sewer and drainage easement across Lot 3, Southport West Replat 1, must be adjusted due to the site layout on the approved PUD site plan; and

WHEREAS, the City and Costco Wholesale Corporation desire to accomplish said adjustment by the termination and release of the original easement across Lot 3, Southport West Replat 1 and concurrent grant of new easement by separate instrument.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the release of the sewer and drainage easement across Lot 3, Southport West Replat 1, pursuant to the Release of Sewer and Drainage Easement in form and content presented at this meeting and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Release of Sewer and Drainage Easement, and to take such further actions as necessary or appropriate to carry out the resolutions approved herein.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY, 2016.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO RELEASE A STORM SEWER EASEMENT ON LOT 3, SOUTHPORT WEST REPLAT 1 SUBDIVISION; AND TO AUTHORIZE THE MAYOR TO TAKE SUCH ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, Sanitary and Improvement District No. 253 and the City of La Vista, Sarpy County, Nebraska, ("City") were granted a Permanent Storm Sewer Easement recorded as Instrument No. 2005-23676 in the Sarpy County Register of Deeds office; and

WHEREAS, the City annexed the property located with Southport West, and is now the sole beneficiary of the dedicated storm sewer easement; and

WHEREAS, Costco Wholesale Corporation is the owner of Lot 3, Southport West Replat 1; and

WHEREAS, the location of the storm sewer easement across Lot 3, Southport West Replat 1, must be adjusted due to the site layout on the approved PUD site plan; and

WHEREAS, the City and Costco Wholesale Corporation desire to accomplish said adjustment by the termination and release of the original easement across Lot 3, Southport West Replat 1 and concurrent grant of new easement by separate instrument.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the release of the storm sewer easement across Lot 3, Southport West Replat 1, pursuant to the Release of Storm Sewer Easement in form and content presented at this meeting and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Release of Storm Sewer Easement, and to take such further actions as necessary or appropriate to carry out the resolutions approved herein.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY, 2016.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

**RELEASE OF SEWER AND DRAINAGE EASEMENT**  
*(Instrument No. 2006-17150)*

WHEREAS, on or about May 18, 2006 a Permanent Sewer and Drainage Easement was granted to Cabela's Retail, Inc. ("Cabela's") and to the City of La Vista (the "City") and recorded of record with the Register of Deeds of Sarpy County, Nebraska on May 24, 2006 at Instrument No. 2006-17150 (the "2006 Easement") over, under and upon a part of the following real estate (the "Property"):

Lot 3, Southport West Replat 1, City of La Vista, Sarpy County, Nebraska;

WHEREAS, Costco Wholesale Corporation, a Washington corporation ("Costco"), the owner of the Property, has requested a release of the 2006 Easement;

WHEREAS, the Public Works Department of the City and the Cabela's have investigated this request and have no objection to the release of the 2006 Easement;

WHEREAS, Costco has provided an acceptable alternate sewer and drainage easement as reflected in the Detention and Storm Sewer Easement Agreement granted of even date herewith; and

WHEREAS, the release of the 2006 Easement will not adversely impact the City Master Plan.

NOW, THEREFORE, in accord with the applicable provisions of the ordinances of the City of La Vista, the release of the 2006 Easement is approved and delivery of this release is authorized.

*[remainder of page left intentionally blank]*

IN WITNESS WHEREOF, the undersigned have executed this Release of Sewer and Drainage Easement, intending to be legally bound, as of the day and year first written above.

**CITY:**

THE CITY OF LA VISTA,  
a Nebraska municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**STATE OF NEBRASKA**                    )  
    )SS  
**COUNTY OF SARPY**                    )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that he/she was authorized to execute the instrument as the \_\_\_\_\_ of the City of La Vista, a Nebraska municipal corporation, and acknowledged it to be the free and voluntary act and deed of said corporation, for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal affixed on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public in and for the  
State of Nebraska  
My appointment expires \_\_\_\_\_

*[signatures continue on following page]*

IN WITNESS WHEREOF, the undersigned have executed this Release of Sewer and Drainage Easement, intending to be legally bound, as of the day and year first written above.

**CABELA'S:**

CABELA'S RETAIL, INC., a Nebraska corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**STATE OF NEBRASKA**              )  
    )  
    )  
**COUNTY OF SARPY**              )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that he/she was authorized to execute the instrument as the \_\_\_\_\_ of the Cabela's Retail, Inc., a Nebraska corporation, and acknowledged it to be the free and voluntary act and deed of said corporation, for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal affixed on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public in and for the  
State of Nebraska  
My appointment expires \_\_\_\_\_

**RELEASE OF STORM SEWER EASEMENT**  
*(Instrument No. 2005-23676)*

WHEREAS, on or about July 8, 2005 a Permanent Storm Sewer Easement was granted to Sanitary and Improvement District No. 253 of Sarpy County, Nebraska (the “**Sanitary Improvement District**”) and to the City of La Vista (the “**City**”) and recorded of record with the Register of Deeds of Sarpy County, Nebraska on July 12, 2005 as Instrument No. 2005-23676 (the “**2005 Easement**”) over, under and upon a part of the following real estate (the “**Property**”):

A 15.00 foot wide Permanent Storm Sewer Easement located in the SW  $\frac{1}{4}$  of Section 18, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the Southwest corner of said SE1/4 of Section 18; thence N86°56'35E (assumed bearing) along the South line of said SE1/4 of Section 18, a distance of 869.68 feet; thence N03°03'25"W, a distance of 64.59 feet to a point on the Northerly right-of-way line of Giles Road, said point also being the point of beginning; thence N43°22'12"W, a distance of 129.96 feet; thence N86°58'12"E, a distance of 19.68 feet; thence S43°22'12"E, a distance of 129.96 feet to a point on said Northerly right-of-way line of Giles Road; thence S86°58'12"W along said Northerly right-of-way line of Giles Road, a distance of 19.68 feet to the point of beginning

Said 15.00 foot wide Permanent Storm Sewer Easement contains an area of 1,949 square feet or 0.045 acres, more or less.

WHEREAS, Costco Wholesale Corporation, a Washington corporation (“**Costco**”), the owner of the Property, has requested a release of the 2005 Easement;

WHEREAS, the Public Works Department of the City and the Sanitary Improvement District have investigated this request and have no objection to the release of the 2005 Easement;

WHEREAS, Costco has provided an acceptable alternate sewer and drainage easement as reflected in the Detention and Storm Sewer Easement Agreement granted of even date herewith; and

WHEREAS, the release of the 2005 Easement will not adversely impact the City Master Plan.

NOW, THEREFORE, in accord with the applicable provisions of the ordinances of the City of La Vista, the release of the 2005 Easement is approved and delivery of this release is authorized.

IN WITNESS WHEREOF, the undersigned have executed this Release of Storm Sewer Easement, intending to be legally bound, as of the day and year first written above.

**CITY:**

THE CITY OF LA VISTA,  
a Nebraska municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF NEBRASKA              )  
                                    )  
                                    )SS  
COUNTY OF SARPY              )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that he/she was authorized to execute the instrument as the \_\_\_\_\_ of the City of La Vista, a Nebraska municipal corporation, and acknowledged it to be the free and voluntary act and deed of said corporation, for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal affixed on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public in and for the  
State of Nebraska  
My appointment expires \_\_\_\_\_

*[signatures continue on following page]*

IN WITNESS WHEREOF, the undersigned have executed this Release of Storm Sewer Easement, intending to be legally bound, as of the day and year first written above.

**SANITARY IMPROVEMENT DISTRICT:**

SANITARY AND IMPROVEMENT DISTRICT  
NO. 253 OF SARPY COUNTY, NEBRASKA

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF NEBRASKA        )  
                                  )  
                                  )SS  
COUNTY OF SARPY        )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that he/she was authorized to execute the instrument as the \_\_\_\_\_ of the Sanitary and Improvement District No. 253 of Sarpy County, Nebraska, and acknowledged it to be the free and voluntary act and deed of said corporation, for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal affixed on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public in and for the  
State of Nebraska  
My appointment expires \_\_\_\_\_