

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 6, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
RELEASE OF TEMPORARY CONSTRUCTION EASEMENT, PART OF LOT 2 WILLOW BROOK REPLAT 1	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Director of Public Works and City Administrator to execute a Release of Temporary Construction Easement on part of Lot 2, Willow Brook Replat 1.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Approval

**BACKGROUND**

A temporary easement was obtained in 1992 for the reconstruction of Giles Road and was never formally released. The subject property is now being considered for development and the prospective purchaser has requested the temporary easement be released.

The Temporary Construction Easement contained a provision that it was to be released upon receipt of certification from the project engineers that the easement was no longer necessary. That certification was only recently received in response to the prospective purchaser of the property asking that the easement be released so that there would be less encumbrances if they purchase the property. The need for the temporary construction easement is past.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO RELEASE A TEMPORARY CONSTRUCTION EASEMENT ON A PART OF LOT 2 WILLOW BROOK REPLAT 1 AND TO AUTHORIZE THE DIRECTOR OF PUBLIC WORKS AND THE CITY ADMINISTRATOR TO TAKE SUCH ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, a temporary easement was obtained in 1992 for the reconstruction of Giles Road; and

WHEREAS, the certification from the project engineers stating that the easement is no longer necessary, has been received; and

WHEREAS, the subject property is now being considered for development and the prospective purchaser has requested the temporary easement be released; and

WHEREAS, the location of the temporary easement is shown on the attached Exhibit A; and

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 temporary construction easement on a part of Lot 2, Willow Brook Replat 1;

BE IT FURTHER RESOLVED, that the Director of Public Works and the City Administrator are hereby authorized to execute the release of the temporary construction easement, and to take such further actions as necessary or appropriate to carry out the actions approved herein.

PASSED AND APPROVED THIS 6TH DAY OF SEPTEMBER, 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 TEMPORARY CONSTRUCTION EASEMENT

WHEREAS, on or about November 13, 1992 a temporary construction easement was granted to the City of La Vista over, under, and upon a part of Lot 2A1, Willow Brook (now known as Lot 2, Willow Brook, Replat One), as more particularly described in the easement document recorded of record with the Register of Deeds of Sarpy County, Nebraska on December 16, 1992 at Instrument No. 92-27855.

WHEREAS, the temporary easement contained a provision that the easement would be in effect until the City receives written certification that the easement is no longer required, which certification has been received; and

WHEREAS, the Public Works Department of the City of La Vista has investigated this request and has no objection to release of the temporary construction easement; and

WHEREAS, the release of said 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 temporary construction easement, as reflected in Exhibit "A", which is situated over, under, and upon part of Lot 2A1, Willow Brook (now known as Lot 2, Willow Brook, Replat One), Sarpy County, Nebraska, is approved and delivery of the release is authorized.

APPROVED:

APPROVED:

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Public Works Director

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City Administrator

STATE OF NEBRASKA      )  
                            )      ss.  
COUNTY OF SARPY      )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016  
by \_\_\_\_\_ Public Works Director and by \_\_\_\_\_  
\_\_\_\_\_, City Administrator of the City of La Vista, a municipal  
corporation of the State of Nebraska, who acknowledged the same to be their voluntary act and deed  
on behalf of the City of La Vista.

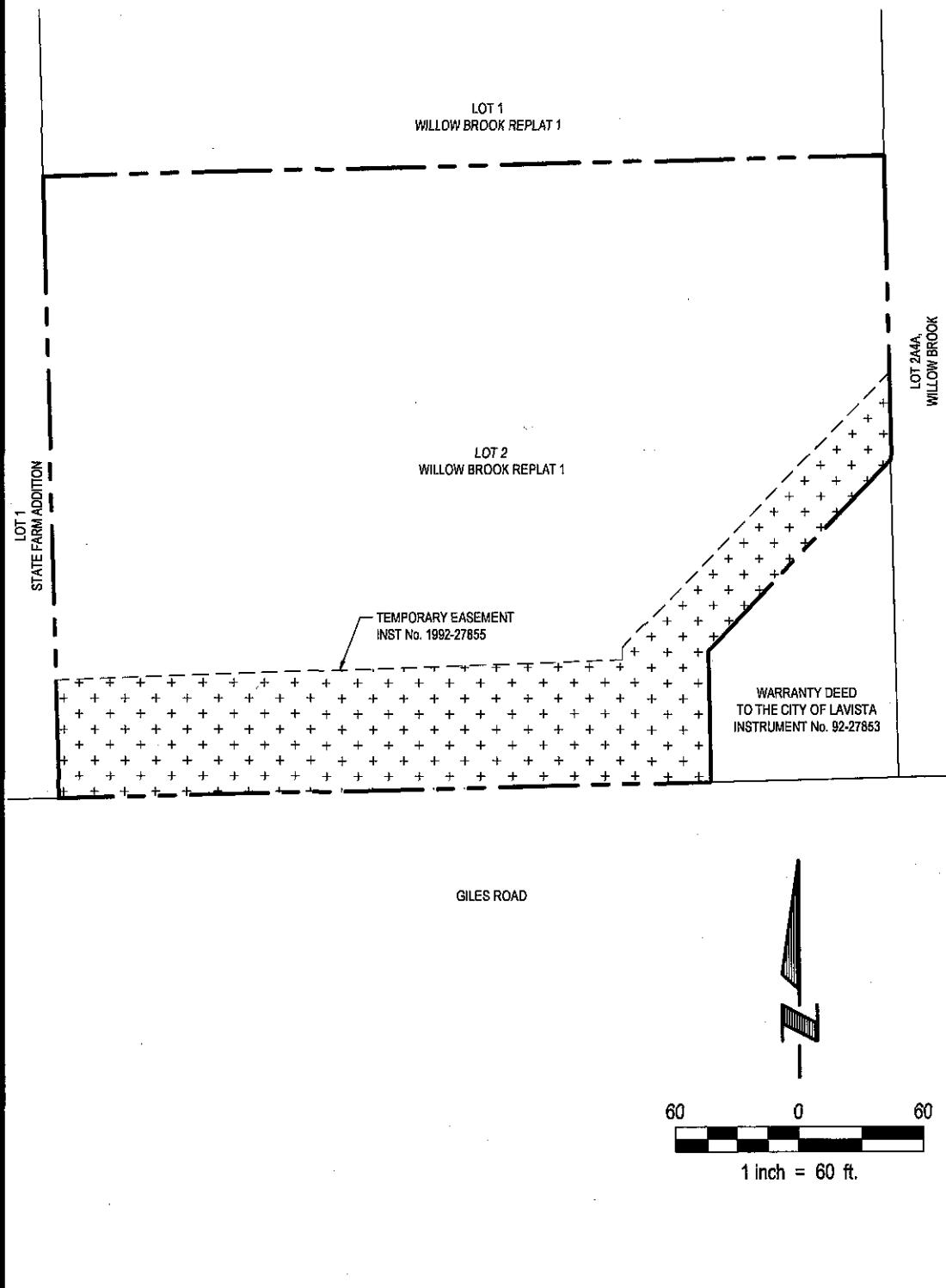
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Notary

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Public

**EXHIBIT "A"**



E & A CONSULTING GROUP, INC.

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Drawn by: JRS Chkd by: Date: 08/18/2016  
Job No.: P2016.272.001

**TEMPORARY EASEMENT  
LOT 2, WILLOW BROOK REPLAT 1**

SARPY COUNTY, NEBRASKA