

**CITY OF PAPILLION
MAYOR AND CITY COUNCIL REPORT
MARCH 7, 2023**

Subject:	Type:	Submitted By:
Ordinance to approve the vacation of alley right-of-way.	Ordinance No. 1988 (Third reading)	Phil Green, Deputy City Administrator

SYNOPSIS

This is a request to vacate a portion of alley right-of-way to the abutting property owner.

BACKGROUND

The right-of-way sought to be vacated is adjacent to the private property located at 129 N. Washington Street, and currently is designated as an alley. Rannells Properties, LLC, is the adjacent property owner and has asked the City to vacate a portion (approximately 1,000 sq. ft.) of the City's right-of-way and allow title to vest in said adjacent property owner. They have proposed using the property for customer and employee parking. Because the Rannells' lot is smaller in size than the majority of lots on that side of the alley, vacating the area they have requested will not affect the ability to continue using the remaining portion of the City's alley right-of-way for vehicular or pedestrian traffic.

Pursuant to Neb. Rev. Stat. §16-611 and Papillion Municipal Code §166-15, the title to any street or alley right-of-way that is vacated shall vest in the owners of the abutting property and become a part of such property, unless the City specifically reserves title to such street or alley. When the entire street or alley is vacated, the abutting property owners on either side of the street or alley are vested with one-half of the vacated street or alley; when only one half of the street or alley is vacated, title to the entire property so vacated vests in the property owner of the abutting property. Under this ordinance, only one-half of the alley would be vacated, therefore the entire vacated portion would vest in Rannells Properties, LLC. The remaining one-half of the alley would remain as City right-of-way. Rannells Properties, LLC has agreed to pay to the City the sum of \$2,500.00, which is the fair market value of the property based upon tax-assessed values.

This request has been reviewed by the Planning Director and the Public Works Director. The right-of-way that is proposed to be vacated and conveyed is not needed for any future improvements by the City. Furthermore, by conveying the property to the abutting property owner, the City will be relieved of any future obligations for maintenance. It is in the best interest of the City to vacate the right-of-way without retaining title thereof.

FISCAL IMPACT

The City will receive Two Thousand Five Hundred dollars (\$2,500.00) from the abutting property owner. This amount fairly compensates the City. Additionally, the City will save money on future maintenance and upkeep of the property.

RECOMMENDATION

Approval.

ATTACHMENTS

Ordinance No: 1988

Exhibit A Reference

Map

ORDINANCE NO. 1988

AN ORDINANCE TO VACATE THAT PART OF THE ALLEY RIGHT-OF-WAY DESCRIBED AS A PORTION OF LOT 7, BLOCK 18, PAPILLION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA WITH TITLE THERETO VESTING IN THE ABUTTING PROPERTY OWNER AND TO PROVIDE AN EFFECTIVE DATE THEREFORE.

BE IT ORDAINED by the Mayor and City Council of the City of Papillion, Nebraska ("City"), as follows:

Section 1: That pursuant to the authority and provisions of Neb. Rev. Stat. §16-611, the following described portion of alley right-of-way should be and same hereby is vacated, subject to the reservations stated below; that retaining title to such property is not in the best interest of the City of Papillion, and that pursuant to §16-611, title to such property shall vest in the abutting property owner:

THAT PART OF THE SOUTH 44.00 FEET OF LOT 7, BLOCK 18, PAPILLION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, COMMENCING AT THE SE CORNER OF SAID LOT 7;
THENCE WEST (ASSUMED BEARING) 35.40 FEET ON THE SOUTH LINE OF SAID LOT 7 TO THE POINT OF BEGINNING;
THENCE CONTINUING WEST 27.60 FEET ON THE SOUTH LINE OF SAID LOT 7 TO THE WEST LINE OF THE EAST 63.00 FEET OF SAID LOT 7;
THENCE NORTH 44.00 FEET ON THE WEST LINE OF THE EAST 63.00 FEET TO THE NORTH LINE OF THE SOUTH 44.00 FEET OF SAID LOT 7;
THENCE EAST 20.84 FEET ON THE NORTH LINE OF THE SOUTH 44.00 FEET OF SAID LOT 7;
THENCE S01*26'15"E 11.00 FEET;
THENCE SOUTHEASTERLY ON 100.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S11*07'05"E, CHORD DISTANCE 33.63 FEET, AN ARC DISTANCE OF 33.79 FEET TO THE POINT OF BEGINNING.

Containing 1,003 square feet

Section 2: Attached hereto and incorporated is Exhibit "A" depicting the right-of-way to be vacated.

Section 3: pursuant to Neb. Rev. Stat. §16-611:

- (a) There is reserved to the City the right to maintain, operate, repair and renew public utilities existing at the time title to the property is vacated; and

(b) There is reserved to the City, to any public utilities and to any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times.

Section 4: Effective Date and Publication. This ordinance shall be in full force and effect upon the later of (i) fifteen (15) days after its passage, or (ii) receipt of Two Thousand Five Hundred dollars and no cents (\$2,500.00) from Rannells Properties LLC. The City Clerk is directed to effectuate the publishing of this ordinance, in book or pamphlet form, for at least one (1) week in a newspaper of general circulation within the City of Papillion. Said publication shall take place within fifteen (15) days of the date of passage and approval of this ordinance by the City Council. Further, the City Clerk is directed to file a certified copy of this ordinance with the Sarpy County Register of Deeds within thirty (30) days after the effective date of this ordinance.

PASSED AND APPROVED this _____ day of _____, 2023

CITY OF PAPIILLION

David P. Black, Mayor

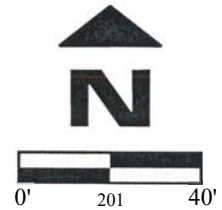
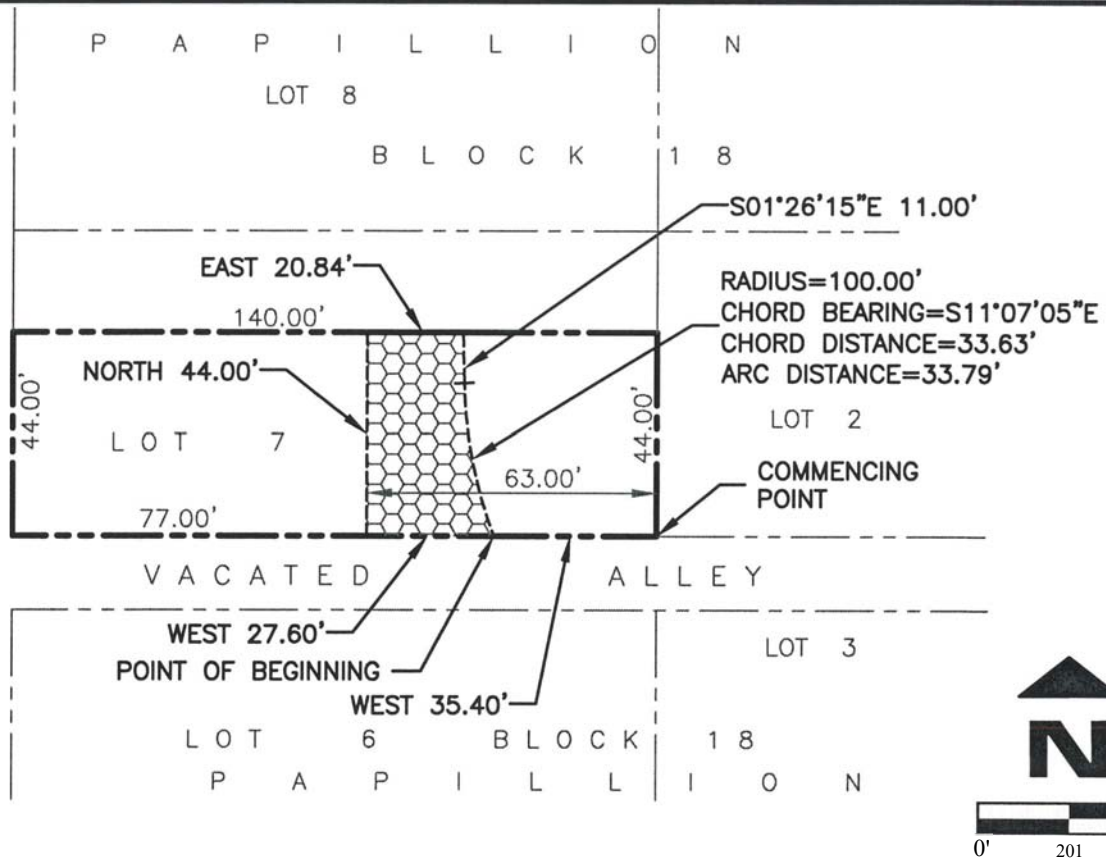
Attest:

Nicole Brown, City Clerk

First Reading: February 7, 2023

Second Reading: February 21, 2023

Third Reading: March 7, 2023



LEGAL DESCRIPTION

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CONTAINING 1,003 SQUARE FEET



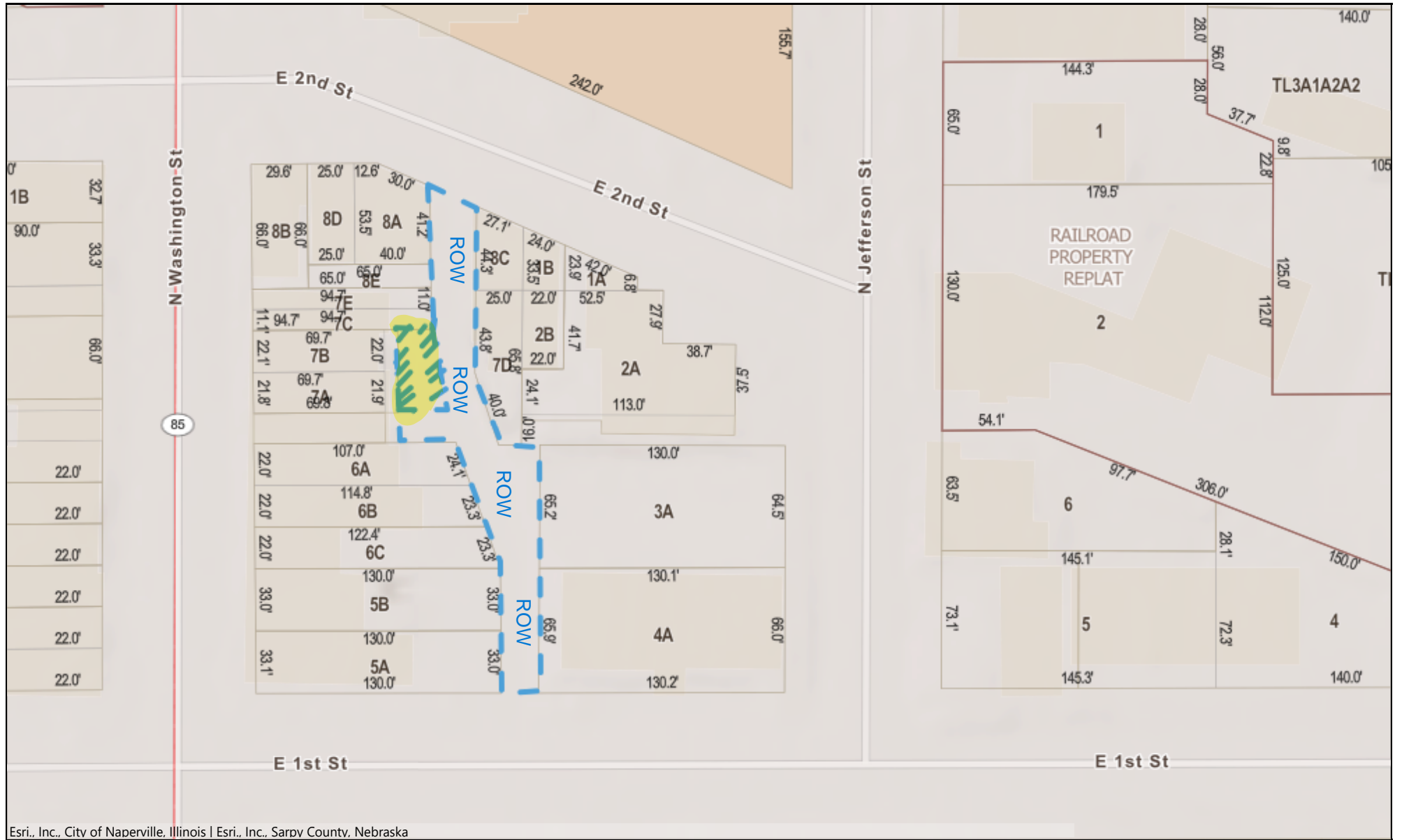
Job Number: 181-18-8(EXrev)
thompson, dreesen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com

Date: MAY 13, 2022
Drawn By: RJR
Reviewed By: RJR
Revision Date:

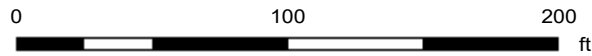
EXHIBIT " A "

CITY OF PAPILLION

Book
Page



Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 1128

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Notes

