

**CITY OF PAPIILLION
MAYOR AND CITY COUNCIL REPORT
JANUARY 15, 2019 AGENDA**

Subject:	Type:	Submitted By:
Approval of a Resolution to refuse a conveyance of real property legally described as Lots 4, 5 and 6, Block 23, Papillion, Sarpy County, Nebraska from Sarpy County to the City of Papillion, Nebraska, and to authorize the City Clerk to file the approved Resolution with the Sarpy County Register of Deeds as an instrument of revocation to revoke such conveyance and to reinstate title of the property to Sarpy County.	Resolution No. R19-0010	Christine Myers, City Administrator

SYNOPSIS

This is a request to approve a Resolution to refuse a conveyance of real property from Sarpy County to the City, which property is legally described as Lots 4, 5 and 6, Block 23, Papillion, Sarpy County, Nebraska, and to authorize the City Clerk to file the approved Resolution with the Sarpy County Register of Deeds as an instrument of revocation, pursuant to Neb. Rev. Stat. § 76-246, to revoke the conveyance and to reinstate title of the property to Sarpy County.

BACKGROUND

In early 2018, representatives of the City, Sarpy County and the Papio-Missouri River Natural Resources District (“NRD”) met to discuss “cleaning up” the ownership of miscellaneous unbuildable parcels of real property which were located within the NRD’s West Papillion Creek boundaries but were titled to the City of Papillion or to Sarpy County. As a solution, the parties agreed that the City and Sarpy County would convey their respective miscellaneous parcels to the NRD. Thereafter, Sarpy County inadvertently conveyed several of the miscellaneous parcels, including the above-referenced property, to the City, rather than to the NRD.

After the approved Resolution is filed with the Sarpy County Register of Deeds and title is reinstated to Sarpy County, Sarpy County intends to reconvey the above-referenced property to the NRD, as was originally intended.

FISCAL IMPACT

None

RECOMMENDATION

Approval.

ATTACHMENTS:

Resolution R19-0010

Exhibit A – Special Warranty Deed

RESOLUTION NO. R19-0010

WHEREAS, pursuant to Neb. Rev. Stat. § 16-201, the City of Papillion has the power to do all acts in relation to the concerns of the City necessary to the exercise of its corporate powers, and to exercise such other and further powers as may be conferred by law; and

WHEREAS, Sarpy County, Nebraska, a body politic and corporate, as Grantor, conveyed to the City of Papillion the conveyance of certain real property, legally described as Lots 4, 5 and 6, Block 23, Papillion, Sarpy County, Nebraska (the "Property"), by virtue of a Special Warranty Deed, attached hereto as Exhibit A, which deed was recorded as Instrument Number 2018-13293 on June 13, 2018 by the Sarpy County Register of Deeds; and

WHEREAS, the City finds that the acceptance of such Property is not in the best interests of the City and that such conveyance of Property should be refused, because Sarpy County inadvertently conveyed such Property to the City, rather than to the Papio-Missouri River Natural Resources District (NRD), as was contemplated by the City, Sarpy County and the NRD; and

WHEREAS, pursuant to Neb. Rev. Stat. § 76-246, a conveyance that affects real property can be revoked by the execution, acknowledgement, certification and filing of an instrument of revocation with the register of deeds of the county in which the conveyance is recorded; and

WHEREAS, the City finds that Sarpy County's conveyance of the Property to the City should be revoked and that this Resolution should be filed with the Sarpy County Register of Deeds as an instrument of revocation, pursuant to Neb. Rev. Stat. § 76-246.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Council of the City of Papillion hereby refuses the conveyance of the following real property from Sarpy County, to wit:

Lots 4, 5 and 6, Block 23, Papillion, Sarpy County, Nebraska.

BE IT FURTHER RESOLVED by the Mayor and the City Council of the City of Papillion that the Papillion City Clerk is hereby authorized to file this Resolution with the Sarpy County Register of Deeds as the duly executed, acknowledged and certified instrument of revocation to revoke the conveyance of Lots 4, 5 and 6, Block 23, Papillion, Sarpy County, Nebraska, to the City of Papillion, filed as Instrument Number 2018-13293 on June 13, 2018, and to effectively reinstate the title in such Lots 4, 5 and 6, Block 23, Papillion, Sarpy County, Nebraska, to Sarpy County.

BE IT FURTHER RESOLVED that the Mayor, City Administrator, and City Attorney, or their respective designees, are hereby authorized to execute any and all other necessary written documents and memoranda, and any minor amendments thereto, necessary to facilitate the revocation of the above-referenced conveyance to the City of Papillion.

PASSED AND APPROVED THIS 15th DAY OF JANUARY, 2019.

CITY OF PAPILLION

David P. Black, Mayor

ATTEST:

Nicole Brown, City Clerk

(SEAL)

FILED SARPY COUNTY NEBRASKA INSTRUMENT NUMBER NEBRASKA DOCUMENTARY STAMP TAX

2018-13293

\$ Ex-2

06/13/2018 01:08:38 PM

Floyd J. Dowling

By: amber

REGISTER OF DEEDS



DEED

COUNTER ah C.E. ah
VERIFY ah D.E. ah
PROOF
FEES \$ 22.00
CHECK#
CHG CASH
REFUND CREDIT
SHORT NCR

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that for good and valuable consideration, the sufficiency and adequacy of which is hereby acknowledged, COUNTY OF SARPY, Nebraska, a body politic and corporate, as Grantor, does grant, bargain, convey and confirm unto CITY OF PAPIILLION, a political subdivision of the State of Nebraska, as Grantee, the real property in Papillion, Sarpy County, Nebraska, described as follows, to wit:

Lots 4, 5 and 6, Block 23, Papillion, Sarpy County, Nebraska

To have and to hold the above-described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the Grantee and to Grantee's successors and assigns forever.

And the Grantor for itself and its successors does hereby covenant with the Grantee and with Grantee's successors and assigns that Grantor:

1. Is lawfully seized of said real estate and that it is free from encumbrances, except easements, reservations, covenants, and restrictions of record;
2. Has legal power and lawful authority to convey the same; and
3. Warrants and will defend the title to said real estate against the lawful claims of all persons claiming the same or any part thereof through, by or under Grantor.

In witness whereof, Grantor has hereunto caused its legal seal to be affixed and signed by this Chairperson.

Dated April 17, 2018.

THE COUNTY OF SARPY, NEBRASKA

BY: *Don Kelly*
Chairperson, Board of Commissioners



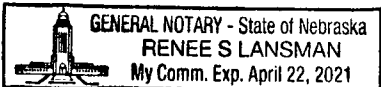
Attest

County Clerk

Renee Lansman
Chief Deputy

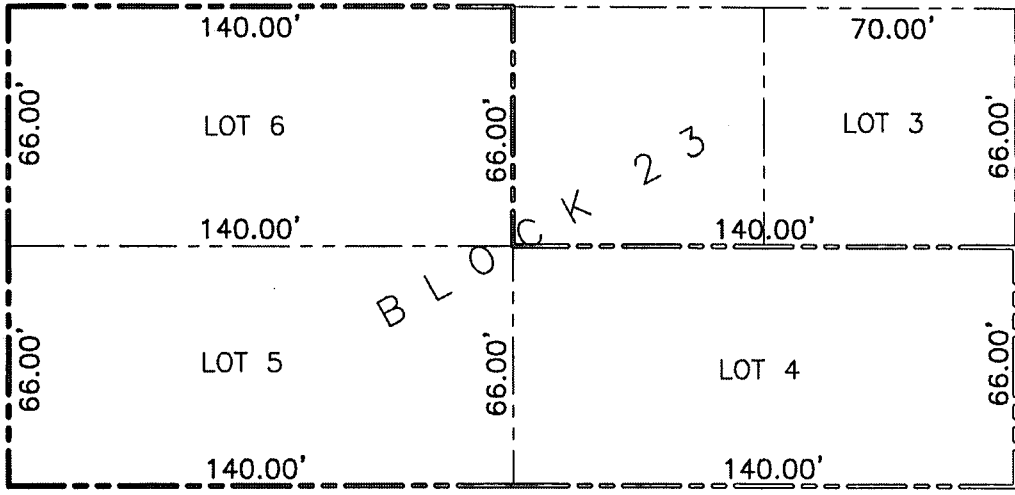
STATE OF NEBRASKA)
)SS
)

The foregoing instrument was acknowledged before me on *April 17*, 2018 by Don Kelly, Chairperson of the Board of Commissioners of the County of Sarpy, Nebraska, a body politic and corporate, on behalf of Grantor, Sarpy County.



Renee S Lansman
Notary Public

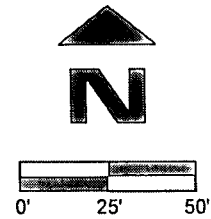
2018-132-13




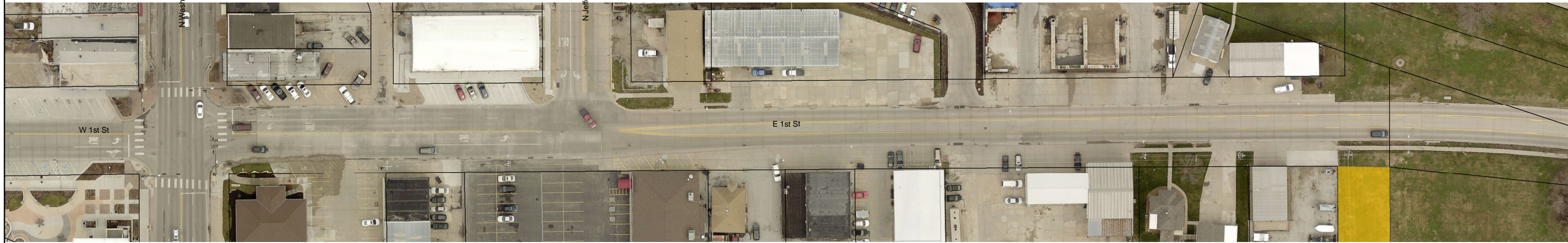
LEGAL DESCRIPTION – RECORDED IN BOOK 62 PAGE 337 AND BOOK 60 PAGE 613.

LOTS 4, 5 AND 6, BLOCK 23, PAPILLION, SARPY COUNTY, NEBRASKA.

NOTE: LOT 3, BLOCK 23, PAPILLION, SARPY COUNTY, NEBRASKA IS DEEDED TO A.A. BUCHER FROM SARPY COUNTY IN BOOK 61 PAGE 628.



	Job Number: 181-18-2-C thompson, dreessen & dorner, inc. 10836 Old Mill Rd Omaha, NE 68154 p.402.330.8860 f.402.330.5866 td2co.com	Date: 03/06/2018 Drawn By: DRS Reviewed By: MJS Revision Date:	<h1>EXHIBIT</h1>	Book Page
	CITY OF PAPILLION			



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Id	Owner	Action
1	City	City to vacate, retain, and deed to NRD
2	Sarpy	Sarpy to deed to NRD
3	City	City to deed to NRD
4	Sarpy	Sarpy to deed to NRD
5	Sarpy	Sarpy to deed to NRD

84th Street and West Papillion Creek