

**CITY OF PAPILLION  
MAYOR AND CITY COUNCIL REPORT  
January 5, 2021 AGENDA**

| <b>Subject:</b>  | <b>Type:</b>                                    | <b>Submitted By:</b>  |
|--|---|---|
| Approve the conveyance of title for the unimproved parts of Addition Street in the NW 1/4 of Section 26 in T14N, R12E of the 6 <sup>th</sup> P.M., Sarpy County, Nebraska to be vacated by Ordinance #1918 from the City of Papillion to PW & RD Enterprises, Inc. | Ordinance<br>#1919<br>(1 <sup>st</sup> Reading) | Jeffrey L. Thompson, P.E.<br>Public Works Director/City<br>Engineer |

**SYNOPSIS**

This is a request to convey a vacated portion of the unimproved part of Addition Street right-of-way to the current property owner PW & RD Enterprises, Inc. Such vacated area contains an existing section of the Papio Fun Park go-carting track, which improvements are maintained by the current property owner, PW & RD Enterprises, Inc. Pursuant to § 166-15 of the Papillion Municipal Code, the City Council may convey title to PW & RD Enterprises, Inc. Pursuant to Neb. Rev. Stat. § 16-611, the City is reserving easements within the area to be vacated and conveyed to PW & RD Enterprises, Inc.

The request was reviewed by the Planning Director and Public Works Director/City Engineer. The right-of-way that is proposed to be vacated is not improved as a public street and is not needed for any future improvements of this roadway. It is in the best interest of the City to vacate the right-of-way and convey it to PW & RD Enterprises, Inc.

**FISCAL IMPACT**

Not applicable.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Staff has been working cooperatively with the Papio-Missouri River Natural Resources District and Sarpy County to address right-of-way dedications along West Papillion Creek to ensure that right-of-way dedications are consistent with the street network and with the use of the land within such dedications.

Ordinance #1919 is being presented in conjunction with Ordinance #1918 to vacate the right-of-way proposed to be conveyed to the PW & RD Enterprises, Inc.

**ATTACHMENTS:**

Ordinance #1919  
Quit Claim Deed

2 Pages  
2 Pages

ORDINANCE NO. 1919

AN ORDINANCE TO CONVEY VACATED PORTION OF ADDITION STREET WITHIN SECTION 26, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA RIGHT-OF-WAY AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Papillion approved Ordinance No. 1919 to vacate that part of unimproved parts of Addition Street within Section 26, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska right-of-way, as depicted on Exhibit A, and to retain title of such property to the City of Papillion (hereinafter “Vacated Right-of-Way”); and

WHEREAS, the City Council of the City of Papillion voted unanimously on March 3, 1992 to approve a building permit that allowed PW & RD Enterprises, Inc. to construct improvements for Papio Fun Park within the unimproved part of Addition Street, which is referenced as Beadle Street within the official City Council minutes; and

WHEREAS, PW & RD Enterprises, Inc. subsequently constructed such improvements for Papio Fun Park within such part of Addition Street right-of-way; and

WHEREAS, the City of Papillion deems it to be in the best interests of the City to convey to PW & RD Enterprises, Inc. that part of Addition Street within Section 26, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, which was vacated pursuant to Ordinance No. 1918, because such vacated right-of-way contains an existing portion of Papio Fun Park; and

WHEREAS, Neb. Rev. Stat. § 16-611 grants to the City of Papillion upon vacation of a street the power to sell, convey, or exchange such property if the title is retained in such property; and

WHEREAS, Neb. Rev. Stat. § 16-202 grants to the City of Papillion the power to sell and convey any real estate owned by the City by ordinance directing the sale or conveyance of such real estate and the manner and terms thereof;

THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Papillion as follows:

Section 1: That the real estate legally described as:

ALL OF THE WEST ½ OF ADDITION STREET LYING SOUTH OF A LINE BETWEEN THE SOUTHWEST CORNER OF TAX LOT X-2B AND THE NORTHEAST CORNER OF LOT 1A, REPLAT OF LOTS “T” AND “U”, PARSONS SUBDIVISION, ALL IN THE NW 1/4 OF SECTION 26, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA

which is more particularly described by metes and bounds in Exhibit A shall be conveyed by appropriate deed of conveyance to the PW & RD Enterprises, Inc in a form substantially similar to Exhibit B, attached hereto, subject to the reservations stated herein.

Section 2: 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 there; and

(b) There is reserved to the City, any public utilities, and 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 3: The consideration received by the City for this conveyance shall be relief from any continued maintenance, liability, or other duties associated with the property.

Section 4: That the Mayor is hereby authorized to execute on behalf of the City of Papillion all necessary deeds of conveyance and written conveyance and exchange documents to carry into full force and effect the terms and intent of this ordinance.

Section 5: That the City Clerk is directed to effectuate the publishing of notice of this conveyance and the terms thereof for three (3) consecutive weeks in a legal newspaper published in or of general circulation within the City of Papillion immediately after the passage and publication of this ordinance. If within (30) thirty days after the passage and publication of this ordinance a valid remonstrance petition against such sale is signed by registered voters of the city equal in number to thirty (30%) percent of the registered voters of the city voting at the last regular municipal election held therein and is filed with the City Council of the City of Papillion, the property shall not then, nor within one (1) year thereafter, be sold pursuant to Neb. Rev. Stat. § 16-202.

Section 6: This Ordinance shall be in full force and effect fifteen (15) days after its passage. The City Clerk is directed to effectuate the publishing of this Ordinance for at least one (1) week in a newspaper in general circulation within the City of Papillion, which publication must take place within fifteen days after the passage of this Ordinance by the City Council. The City Clerk shall cause this Ordinance to be published in book or pamphlet form. This Ordinance shall have the same force and effect as though it had been published at large. A copy of said Ordinance shall be filed for use and examination by the public in the office of the City Clerk.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF PAPHILLION,

\_\_\_\_\_  
DAVID P. BLACK, Mayor

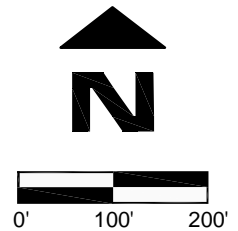
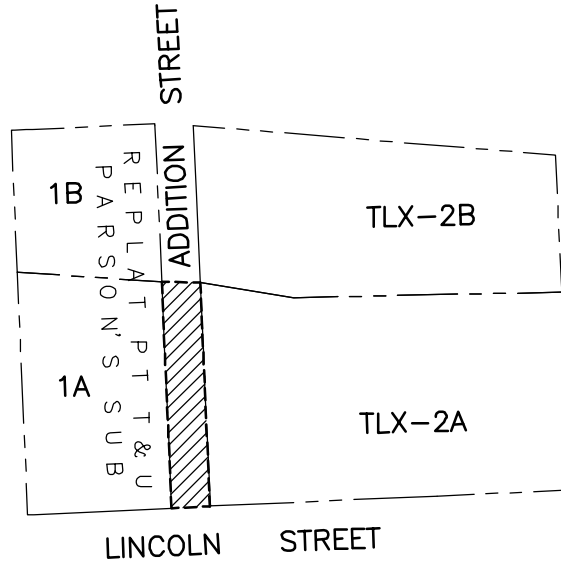
Attest:

\_\_\_\_\_  
NICOLE BROWN, City Clerk

First Reading: January 5, 2021

Second Reading:

Third Reading:



**LEGAL DESCRIPTION**

ALL OF THE WEST 1/2 OF ADDITION STREET LYING SOUTH OF A LINE BETWEEN THE SOUTHWEST CORNER OF TAX LOT X-2B AND THE NORTHEAST CORNER OF LOT 1A, REPLAT OF LOTS "T" AND "U", PARSONS SUBDIVISION, ALL IN THE NW 1/4 OF SECTION 26, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.



Job Number:181-18-004.1  
 thompson, dreessen & dornier, inc.  
 10836 Old Mill Rd  
 Omaha, NE 68154  
 p.402.330.8860 f.402.330.5866  
 td2co.com

Date:8-29-2018  
 Drawn By:BBK  
 Reviewed By:DHN  
 Revision Date:

**EXHIBIT " A "**

CITY OF PAPIILLION

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**CITY OF PAPIILLION, NEBRASKA  
QUITCLAIM DEED**

**CITY OF PAPIILLION**, a corporation organized and existing under the laws of the State of Nebraska, (“GRANTOR”), in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration received from **PW & RD ENTERPRISES, INC**, a Nebraska corporation (“GRANTEE”) does quitclaim, grant, bargain, sell, convey, and confirm unto GRANTEE the following described real estate (as defined in Neb. Rev. Stat. §76-201), subject to the reservations stated below:

ALL OF THE W ½ OF ADDITION STREET LYING SOUTH OF A LINE BETWEEN THE SW CORNER OF TAX LOT X-2B AND THE NE CORNER OF LOT 1A, REPLAT OF LOTS “T” AND “U”, PARSONS SUBDIVISION, ALL IN THE NE ¼ OF SECTION 26, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

Together such real estate is depicted and described the attached on Exhibit “A”.

This conveyance is subject to the following reservations pursuant to Neb. Rev. Stat. § 16-611:

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

[Signature on following page]

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF PAPILLION, A MUNICIPAL CORPORATION,

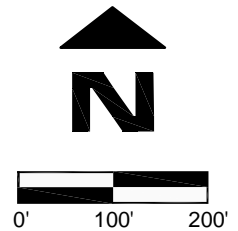
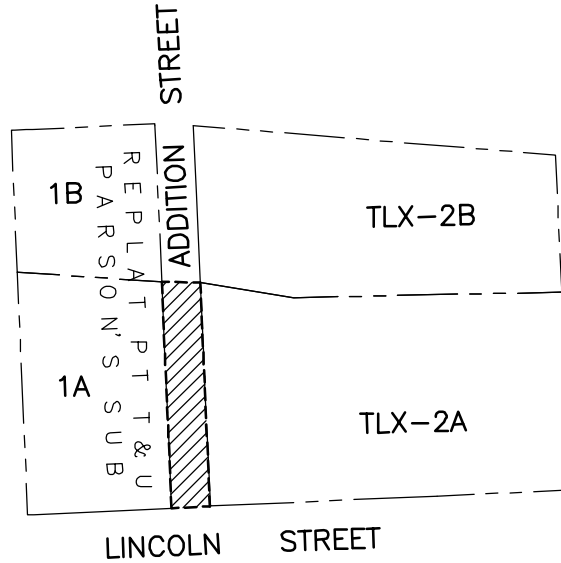
BY:

\_\_\_\_\_  
David P. Black, Mayor

STATE OF NEBRASKA    )  
                                  )ss.  
COUNTY OF SARPY     )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by David P. Black, Mayor for the City of Papillion, a Municipal Corporation.

\_\_\_\_\_  
Notary Public



**LEGAL DESCRIPTION**

ALL OF THE WEST 1/2 OF ADDITION STREET LYING SOUTH OF A LINE BETWEEN THE SOUTHWEST CORNER OF TAX LOT X-2B AND THE NORTHEAST CORNER OF LOT 1A, REPLAT OF LOTS "T" AND "U", PARSONS SUBDIVISION, ALL IN THE NW 1/4 OF SECTION 26, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.



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CITY OF PAPIILLION

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