

**CITY OF PAPIILLION  
MAYOR AND CITY COUNCIL REPORT  
JANUARY 19, 2021 AGENDA**

| <b>Subject:</b>   | <b>Type:</b>                              | <b>Submitted By:</b>   |
|---|---|--|
| Approve the vacation of the unimproved part of the First Street right-of-way lying in the South ½ of the NE ¼ and in the NW ¼ of the SE ¼ of Section 26 in T14N, R12E of the 6 <sup>th</sup> P.M., Sarpy County, Nebraska with title thereto retained by the City of Papillion. | Ordinance #1914 (2 <sup>nd</sup> Reading) | Jeffrey L. Thompson, P.E.<br>Public Works Director/City Engineer |

**SYNOPSIS**

This is a request to vacate the unimproved part of First Street that contains an existing section of the West Papillion Creek levee system, including the West Papio Trail, which improvements are maintained by the Papio-Missouri River Natural Resources District. Pursuant to § 166-15 of the Papillion Municipal Code, the vacated right-of-way is to remain the property of the City of Papillion; however, the intent is to convey title to the Papio-Missouri River Natural Resources District via a separate ordinance. Pursuant to Neb. Rev. Stat. § 16-611, the City is reserving easements within the area to be vacated.

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 these roadways. It is in the best interest of the City to vacate the right-of-way and convey it to the Papio-Missouri River Natural Resources District.

**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 the 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 #1914 is being presented in conjunction with Ordinance #1915 to convey the vacated right-of-way to the Papio-Missouri River Natural Resources District.

**ATTACHMENTS:**

Ordinance #1914

2 Pages

ORDINANCE NO. 1914

AN ORDINANCE TO VACATE ALL OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY IN THE SOUTH  $\frac{1}{2}$  OF THE NE  $\frac{1}{4}$  AND IN THE NW  $\frac{1}{4}$  OF THE SE  $\frac{1}{4}$ , ALL IN SECTION 26, T14N, R12E, OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, EXCEPT THAT PART LYING WITHIN THE FIRST STREET RIGHT-OF-WAY WITH TITLE THERETO RETAINED BY THE CITY OF PAPIILLION AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

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

Section 1: That pursuant to the authority and provisions of Neb. Rev. Stat. § 16-611, the following described unimproved portion of First Street lying within the Union Pacific Railroad right-of-way should be and the same is hereby vacated; that retaining title to such property is in the best interest of the City of Papillion, and that pursuant to § 16-611, title to such property shall remain in the City of Papillion.

All of the Union Pacific Railroad right-of-way in the south  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  and in the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , all in Section 26, T14N, R12E, of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, except that part lying within the First Street right-of-way

Section 2: That attached hereto and marked as Exhibit "A" and incorporated herein by reference is a map of that part of unimproved First Street 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 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: Publication. 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. 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 \_\_\_\_\_, 2021.

CITY OF PAPIILLION

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

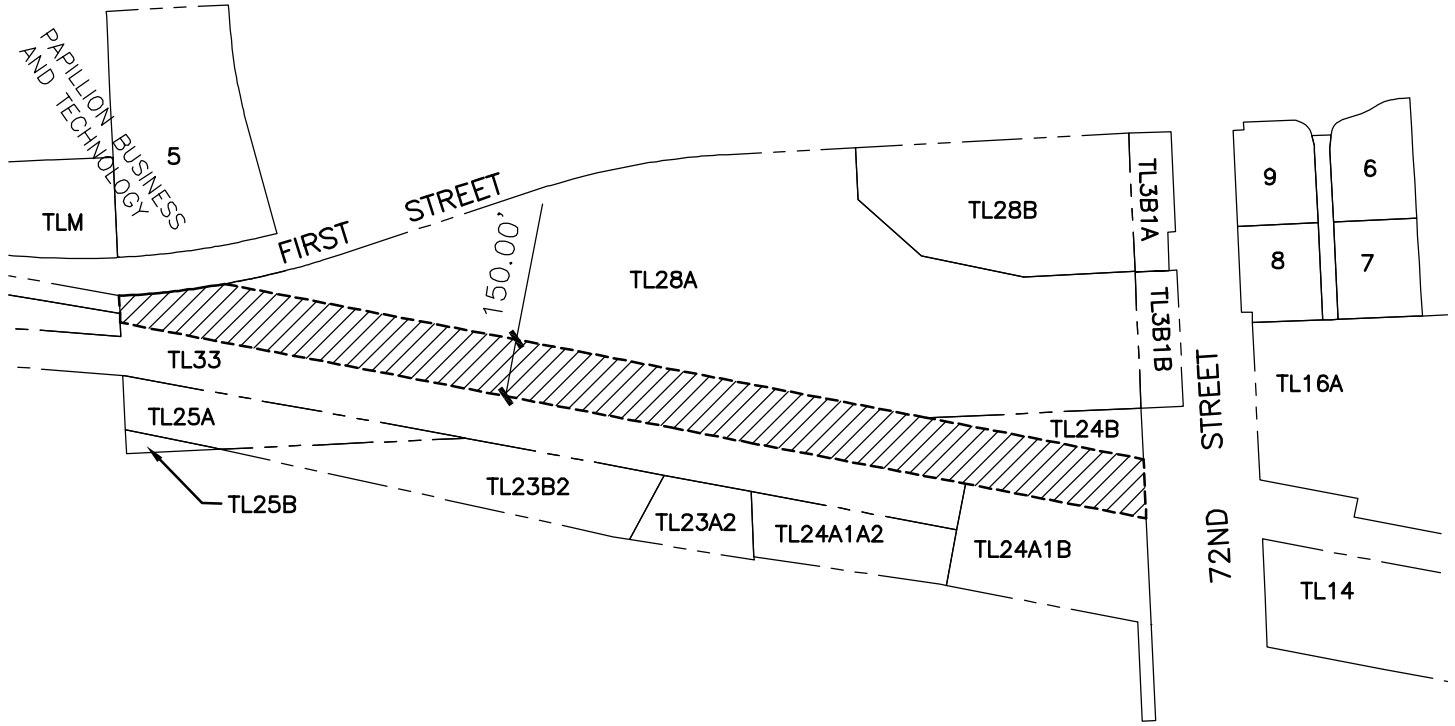
Attest:

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

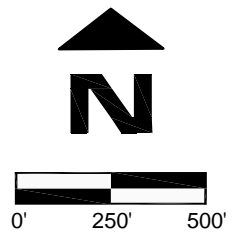
1<sup>st</sup> Reading: January 5, 2021

2<sup>nd</sup> Reading: January 19, 2021

3<sup>rd</sup> Reading:



LEGAL DESCRIPTION



ALL OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY IN THE SOUTH 1/2 OF THE NE 1/4 AND IN THE NW 1/4 OF THE SE 1/4, ALL IN SECTION 26, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, EXCEPT THAT PART LYING WITHIN FIRST STREET RIGHT-OF-WAY.



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

EXHIBIT " A "

CITY OF PAPILLION

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