

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

| Subject: | Type: | Submitted By: |
|--|---|--|
| Approve the vacation of the unimproved part of Addition Street in the NW 1/4 of Section 26 in T14N, R12E of the 6 th P.M., Sarpy County, Nebraska with title thereto retained by the City of Papillion. | Ordinance #1918 (2 nd Reading) | Jeffrey L. Thompson, P.E. Public Works Director/City Engineer |

SYNOPSIS

This is a request to vacate the unimproved part of Addition Street that 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 vacated right-of-way is to remain the property of the City of Papillion; however, the intent is to convey title to the property owner, PW & RD Enterprises, Inc., 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 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 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 #1918 is being presented in conjunction with Ordinance #1919 to convey the vacated right-of-way to PW & RD Enterprises, Inc.

ATTACHMENTS:

Ordinance #1918

2 Pages

ORDINANCE NO. 1918

AN ORDINANCE TO VACATE THAT PART OF ADDITION STREET WITHIN SECTION 26, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA WITH TITLE THERETO RETAINED BY THE CITY OF PAPIILLION AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

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 Mayor and City Council of the City of Papillion, Nebraska wish to vacate such part of Addition Street right-of-way to allow such area to be conveyed to PW & RD Enterprises, Inc.

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 part of Addition Street 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 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 ¼ OF SECTION 26, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA

Section 2: That attached hereto and marked as Exhibit "A" and incorporated herein by reference is a map of that part of unimproved Addition 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 4: 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

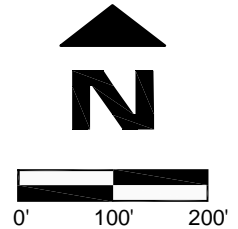
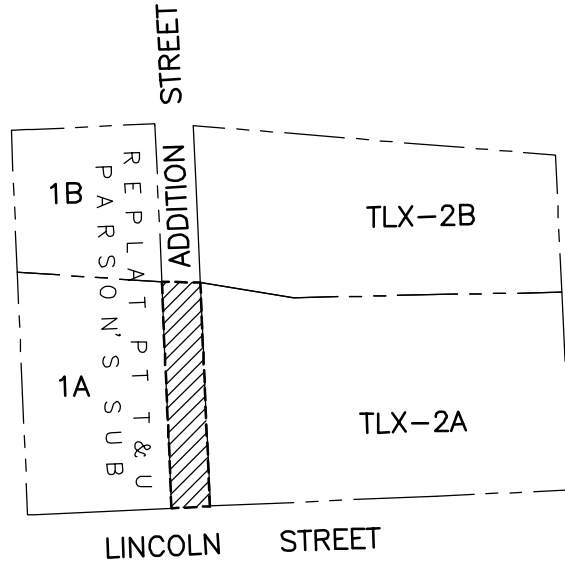
Attest:

NICOLE BROWN, City Clerk

1st Reading: January 5, 2021

2nd Reading: January 19, 2021

3rd 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.



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

EXHIBIT " A "

CITY OF PAPIILLION

Book
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