

**CITY OF PAPILLION
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 2, 2021 AGENDA**

| Subject: | Type: | Submitted By: |
|---|---|--|
| Approve the vacation of the unimproved parts of Jefferson Street, Monroe Street, Beadle Street, Addition Street and alley right-of-way lying within or between Blocks 21, 22 and 23 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 #1916 (3 rd Reading) | Jeffrey L. Thompson, P.E. Public Works Director/City Engineer |

SYNOPSIS

This is a request to vacate the unimproved parts of Jefferson Street, Monroe Street, Beadle Street, Addition Street and alley 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 #1916 is being presented in conjunction with Ordinance #1917 to convey the vacated right-of-way to the Papio-Missouri River Natural Resources District.

ATTACHMENTS:

Ordinance #1916

2 Pages

ORDINANCE NO. 1916

AN ORDINANCE TO VACATE THAT PART OF N JEFFERSON STREET, PART OF N MONROE STREET, PART OF N BEADLE STREET, ADDITION STREET, AND THE ALLEY PRIMARILY ABUTTING BLOCKS 21 THROUGH 23, PAPILLION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA WITH TITLE THERETO RETAINED BY THE CITY OF PAPILLION 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 parts of N Jefferson Street, N Monroe Street, Addition Street, and alley right-of-way should be and the same is hereby vacated, subject to the reservations stated below; 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 ALLEY WITHIN BLOCKS 21 AND 22, PAPILLION TOGETHER WITH ALL OF THE ALLEY LYING WITHIN BLOCK 23, PAPILLION, EXCEPT THE WEST 10.00 FEET THEREOF, PAPILLION TOGETHER WITH LOT 7 EXCEPT THE NORTH 52.00 FEET AND EXCEPT THE WEST 10 FEET THEREOF, BLOCK 23, PAPILLION, TOGETHER WITH THAT PART OF N MONROE STREET LYING BETWEEN BLOCKS 21 AND 22, LYING NORTH OF A LINE BETWEEN THE SOUTHWEST CORNER OF SAID BLOCK 21, AND THE SOUTHEAST CORNER OF SAID BLOCK 22, AND SOUTH OF A LINE BETWEEN THE NORTH LINE OF THE ALLEY IN SAID BLOCK 21, AND THE NORTH LINE OF THE ALLEY IN SAID BLOCK 22, TOGETHER WITH THAT PART OF N JEFFERSON STREET LYING BETWEEN SAID BLOCKS 22 AND 23, LYING NORTH OF A LINE BETWEEN THE SOUTHWEST CORNER OF SAID BLOCK 22, AND THE SOUTHEAST CORNER OF SAID BLOCK 23, AND SOUTH OF A LINE BETWEEN THE NORTH LINE OF THE ALLEY IN SAID BLOCK 22, AND THE NORTH LINE OF THE ALLEY WITHIN SAID BLOCK 23, TOGETHER WITH THAT PART OF THE WEST ½ OF ADDITION STREET LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 21 AND NORTH 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 WITHIN 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 N Jefferson Street, N Monroe Street, Addition Street, and alley 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.

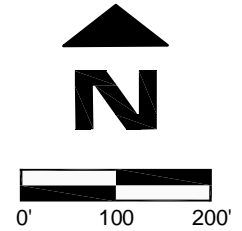
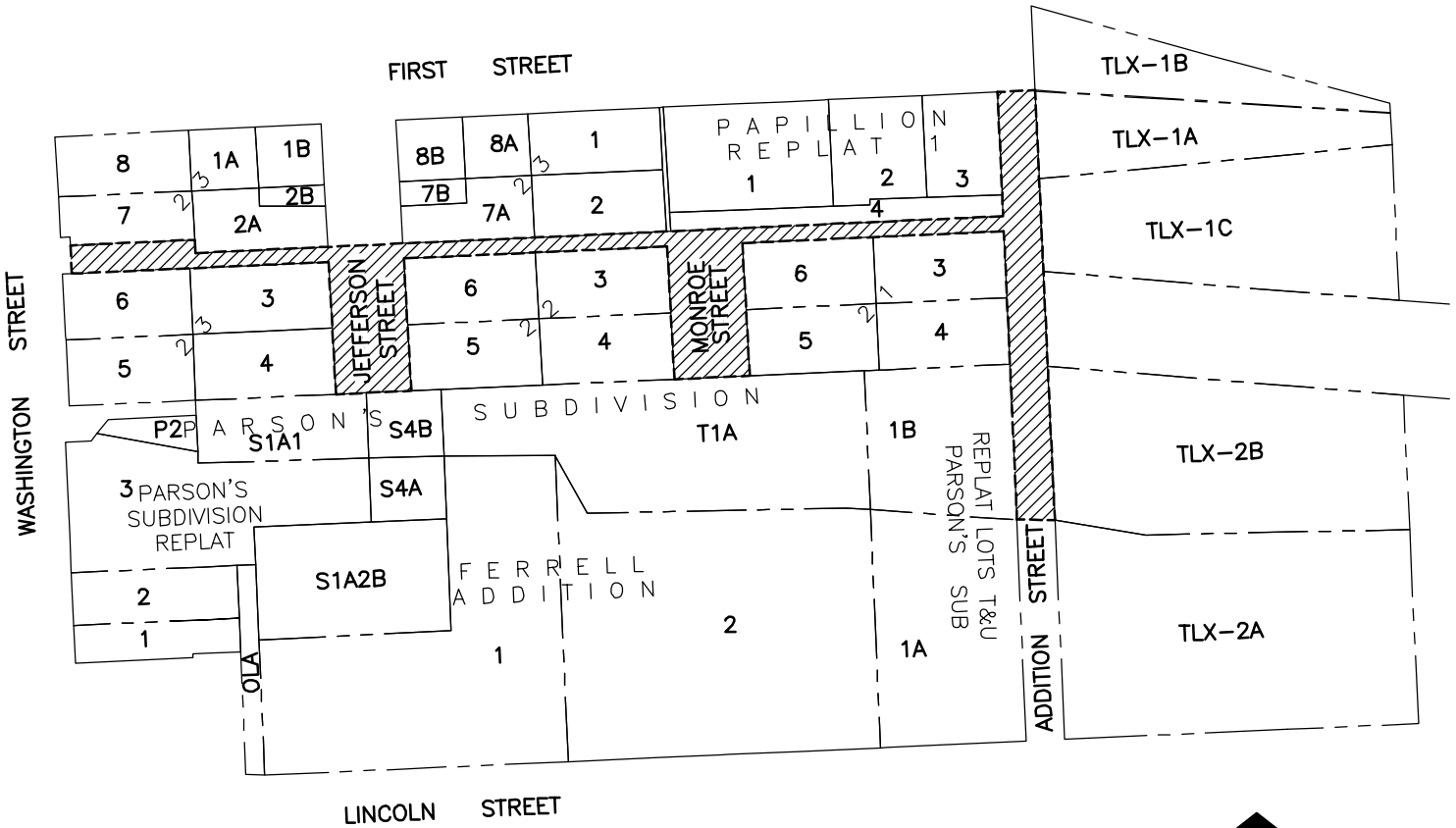
CITY OF PAPIILLION

DAVID BLACK, Mayor

Attest:

NICOLE BROWN, City Clerk

1st Reading: January 5, 2021
2nd Reading: January 19, 2021
3rd Reading: February 2, 2021



LEGAL DESCRIPTION

ALL OF THE ALLEY LYING WITHIN BLOCKS 21 AND 22, PAPILLION,
 TOGETHER WITH ALL OF THE ALLEY LYING WITHIN BLOCK 23, EXCEPT THE WEST 10.00 FEET THEREOF, SAID PAPILLION,
 TOGETHER WITH LOT 7 EXCEPT THE NORTH 52.00 FEET AND EXCEPT THE WEST 10.00 FEET THEREOF, BLOCK 23, SAID PAPILLION,
 TOGETHER WITH THAT PART OF MONROE STREET LYING BETWEEN SAID BLOCKS 21 AND 22, LYING NORTH OF A LINE BETWEEN THE SOUTHWEST CORNER OF SAID BLOCK 21, AND THE SOUTHEAST CORNER OF SAID BLOCK 22, AND SOUTH OF A LINE BETWEEN THE NORTH LINE OF THE ALLEY IN SAID BLOCK 21, AND THE NORTH LINE OF THE ALLEY IN SAID BLOCK 22,
 TOGETHER WITH THAT PART OF JEFFERSON STREET LYING BETWEEN SAID BLOCKS 22 AND 23, LYING NORTH OF A LINE BETWEEN THE SOUTHWEST CORNER OF SAID BLOCK 22, AND THE SOUTHEAST CORNER OF SAID BLOCK 23, AND SOUTH OF A LINE BETWEEN THE NORTH LINE OF THE ALLEY IN SAID BLOCK 22, AND THE NORTH LINE OF THE ALLEY IN SAID BLOCK 23,
 TOGETHER WITH THAT PART OF THE WEST 1/2 OF ADDITION STREET LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 21 AND NORTH 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
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Date:8-29-2018
 Drawn By:BBK
 Reviewed By:DHN
 Revision Date:

EXHIBIT " A "

CITY OF PAPILLION

Book
 Page