

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

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
Approve the vacation of S 71 <sup>st</sup> Street and Flint Drive right-of-way abutting Lots 2 – 6, Seventy Two Place with title to vest in the abutting property owner (Papillion Schram Road Partners LLC).	Ordinance #1951  (2 <sup>nd</sup> Reading/ Public Hearing)	Mark A. Stursma, AICP Planning Director

**SYNOPSIS**

This is a request to vacate unimproved S 71<sup>st</sup> Street and Flint Drive right-of-way abutting Lots 2 – 6, Seventy Two Place to accommodate the replatting of Lots 1 – 4, 6, 7, and Outlot A, Seventy Two Place into Lots 1 – 6 and Outlot A, Seventy Two Place Replat 1.

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 being realigned as part of Seventy Two Place Replat 1. It is in the best interest of the City to vacate the right-of-way with ownership vesting in the adjoining property owner to accommodate the proposed replatting.

**FISCAL IMPACT**

Not applicable.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On February 2, 2021, City Council approved a Final Plat for Phase 1, Change of Zone, Subdivision Agreement, Sewer and Water Connection Agreement, and Maintenance Agreement (for on-street parking) for Seventy Two Place.

On June 30, 2021, Planning Commission unanimously recommended approval of the Seventy Two Place Replat 1 Final Plat and Change of Zone.

**ATTACHMENTS:**

Ordinance #1951

## ORDINANCE NO. 1951

AN ORDINANCE TO VACATE S 71<sup>ST</sup> STREET AND FLINT DRIVE RIGHT-OF-WAY ABUTTING LOTS 2 – 6, SEVENTY TWO PLACE WITH TITLE THERETO VESTING IN THE ABUTTING PROPERTY OWNERS AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the Mayor and City Council of the City of Papillion approved Resolution No. R21-0016 on February 2, 2021 for the Final Plat for Lots 1 – 68 and Outlots A – D, Seventy Two Place; and

WHEREAS, Lots 1 – 4, 6, and 7 and Outlot A Seventy Two Place together with S 71<sup>st</sup> Street and Flint Drive right-of-way are proposed to be replatted; and

WHEREAS, S 71<sup>st</sup> Street and Flint Street rights-of-way abutting Lots 2 – 6, Seventy Two Place need to be vacated and realigned for the proposed replatting; and

WHEREAS, it is anticipated that the following described real property generally located on the southeast corner of S 72<sup>nd</sup> Street and Schram Road will be platted into Lots 1 – 6 and Outlot A, Seventy Two Place Replat 1; and

WHEREAS, the City Council of the City of Papillion has received a recommendation from the Papillion Planning Commission to approve the Seventy Two Place Replat 1 Final Plat; and

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

Section 1: That pursuant to the authority and provisions of Neb. Rev. Stat. § 16-611, the S 71<sup>st</sup> Street and Flint Drive rights-of-way as legally described and depicted within Exhibit A should be and the same are hereby vacated; and that pursuant to § 16-611, title to such properties shall vest in the owners of the abutting properties and become a part of such properties, one-half on each side thereof.

Section 2: That attached hereto and incorporated herein is Exhibit A that legally describes and depicts those parts of S 71<sup>st</sup> Street and Flint Drive rights-of-way to be vacated.

Section 3: Publication. This ordinance shall be in full force and effect after it has been published at least one (1) week in a newspaper published within the City of Papillion. The City Clerk is directed to effectuate the publishing of this ordinance within fifteen (15) days of the date of its passage and approval by the City Council. 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 PAPILLION

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DAVID BLACK, Mayor

Attest:

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NICOLE BROWN, City Clerk

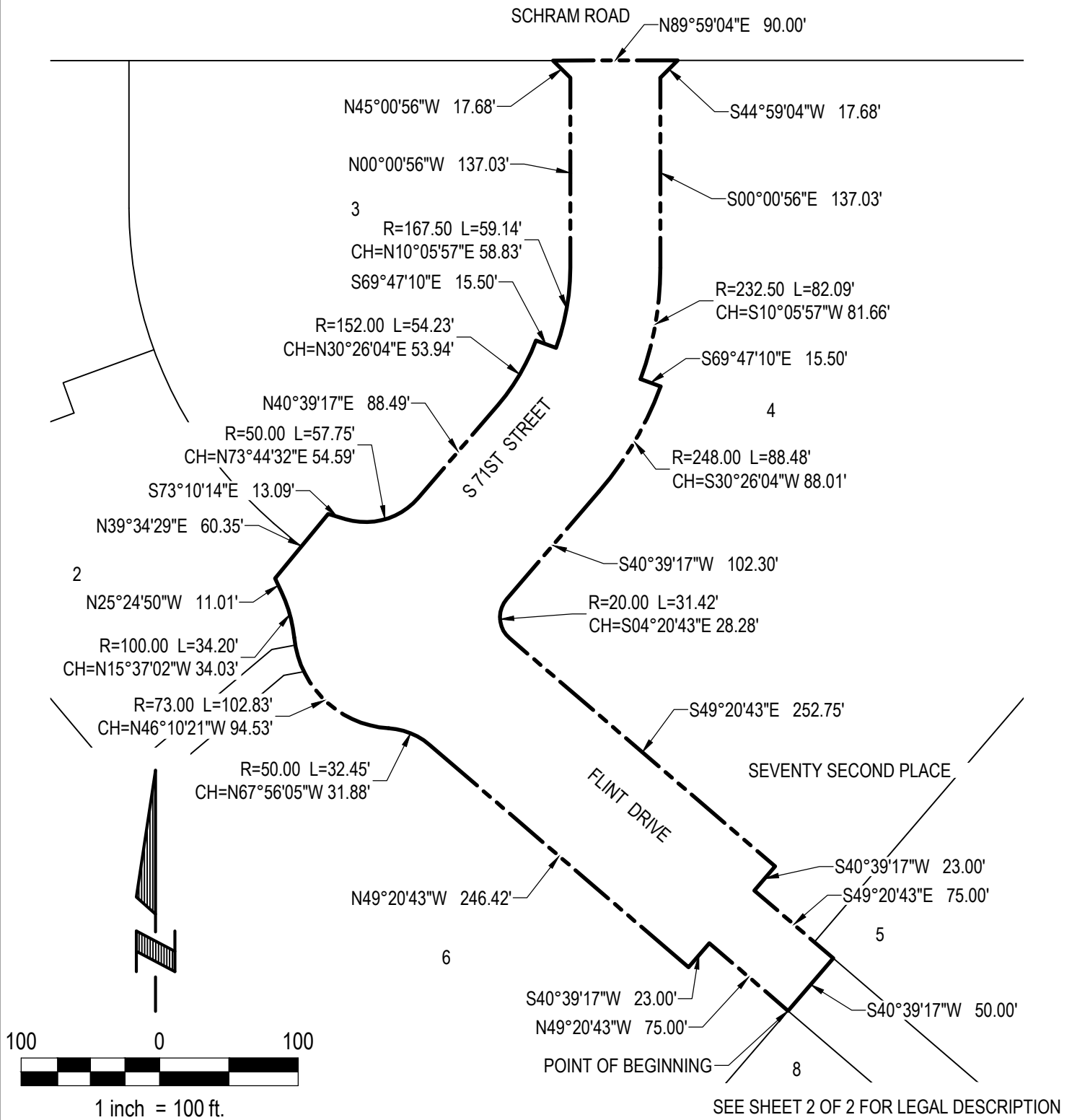
1<sup>st</sup> Reading: 09/21/2021

2<sup>nd</sup> Reading: 10/05/2021

3<sup>rd</sup> Reading:

# EXHIBIT "A"

LOT 2, SAC FEDERAL CREDIT UNION ADDITION



 <b>E &amp; A CONSULTING GROUP, INC.</b> <i>Engineering Answers</i>	<b>E &amp; A CONSULTING GROUP, INC.</b> Engineering • Planning • Environmental & Field Services 10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599		<b>RIGHT-OF-WAY VACATION</b> <b>S 71ST STREET AND FLINT DRIVE</b> <b>SEVENTY TWO PLACE</b> SARPY COUNTY, NEBRASKA
	Job No.: P2018.228.003	Date: 05/14/2021	
Drawn by: RLS	Scale: 1"=100'	SHEET: 1 of 2	

# EXHIBIT "A"

## LEGAL DESCRIPTION

A RIGHT-OF-WAY VACATION BEING PART S 71ST STREET AND FLINT DRIVE RIGHT-OF-WAY, LOCATED IN SEVENTY TWO PLACE, A SUBDIVISION LOCATED IN PART OF THE NW1/4 OF SECTION 01, TOWNSHIP 13 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 6, SAID SEVENTY TWO PLACE, SAID LINE ALSO BEING THE NORTHWEST CORNER OF LOT 8, SAID SEVENTY TWO PLACE, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID FLINT DRIVE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF FLINT DRIVE, SAID LINE ALSO BEING THE NORTHERLY LINE OF SAID LOT 6, SEVENTY TWO PLACE, SAID LINE ALSO BEING THE EASTERLY LINE OF LOT 2, SAID SEVENTY TWO PLACE ON THE FOLLOWING SEVEN (7) DESCRIBED COURSES: (1) THENCE N49°20'43"W (ASSUMED BEARING), A DISTANCE OF 75.00 FEET; (2) THENCE S40°39'17"W, A DISTANCE OF 23.00 FEET; (3) THENCE N49°20'43"W, A DISTANCE OF 246.42 FEET; (4) THENCE NORTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, A DISTANCE OF 32.45 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N67°56'05"W, A DISTANCE OF 31.88 FEET; (5) THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 73.00 FEET, A DISTANCE OF 102.83 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N46°10'21"W, A DISTANCE OF 94.53 FEET; (6) THENCE NORTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 100.00 FEET, A DISTANCE OF 34.20 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N15°37'02"W, A DISTANCE OF 34.03 FEET; (7) THENCE N25°24'50"W, A DISTANCE OF 11.01 FEET TO THE POINT OF INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF FLINT DRIVE AND THE WESTERLY RIGHT-OF-WAY LINE OF SAID S 71ST STREET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF S 71ST STREET, SAID LINE ALSO BEING THE EASTERLY LINE OF LOTS 2 AND 3, SAID SEVENTY TWO PLACE ON THE FOLLOWING NINE (9) DESCRIBED COURSES: (1) THENCE N39°34'29"E, A DISTANCE OF 60.35 FEET; (2) THENCE S73°10'14"E, A DISTANCE OF 13.09 FEET; (3) THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, A DISTANCE OF 57.75 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N73°44'32"E, A DISTANCE OF 54.59 FEET; (4) THENCE N40°39'17"E, A DISTANCE OF 88.49 FEET; (5) THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 152.00 FEET, A DISTANCE OF 54.23 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N30°26'04"E, A DISTANCE OF 53.94 FEET; (6) THENCE S69°47'10"E, A DISTANCE OF 15.50 FEET; (7) THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 167.50 FEET, A DISTANCE OF 59.14 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N10°05'57"E, A DISTANCE OF 58.83 FEET; (8) THENCE N00°00'56"W, A DISTANCE OF 137.03 FEET; (9) THENCE N45°00'56"W, A DISTANCE OF 17.68 FEET TO THE POINT OF INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE OF S 71ST STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SCHRAM ROAD, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF SAID LOT 3, SEVENTY TWO PLACE; THENCE N89°59'04"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF SCHRAM ROAD, A DISTANCE OF 90.00 FEET TO THE POINT OF INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF SCHRAM ROAD AND THE EASTERLY RIGHT-OF-WAY LINE OF SAID S 71ST STREET, SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF LOT 4, SAID SEVENTY TWO PLACE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF S 71ST STREET, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 4, SEVENTY TWO PLACE ON THE FOLLOWING SEVEN (7) DESCRIBED COURSES: (1) THENCE S44°59'04"W, A DISTANCE OF 17.68 FEET; (2) THENCE S00°00'56"E, A DISTANCE OF 137.03 FEET; (3) THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 232.50 FEET, A DISTANCE OF 82.09 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S10°05'57"W, A DISTANCE OF 81.66 FEET; (4) THENCE S69°47'10"E, A DISTANCE OF 15.50 FEET; (5) THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 248.00 FEET, A DISTANCE OF 88.48 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S30°26'04"W, A DISTANCE OF 88.01 FEET; (6) THENCE S40°39'17"W, A DISTANCE OF 102.30 FEET; (7) THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET, A DISTANCE OF 31.42 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S04°20'43"E, A DISTANCE OF 28.28 FEET TO THE POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF S 71ST STREET AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID FLINT DRIVE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF FLINT DRIVE, SAID LINE ALSO BEING THE SOUTHERLY LINE OF LOTS 4 AND 5, SAID SEVENTY TWO PLACE ON THE FOLLOWING THREE (3) DESCRIBED COURSES: (1) THENCE S49°20'43"E, A DISTANCE OF 252.75 FEET; (2) THENCE S40°39'17"W, A DISTANCE OF 23.00 FEET; (3) THENCE S49°20'43"E, A DISTANCE OF 75.00 FEET; THENCE S40°39'17"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID RIGHT-OF-WAY VACATION CONTAINS 77,707 SQUARE FEET OR 1.784 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR DRAWING

 E & A CONSULTING GROUP, INC. Engineering Answers	<b>E &amp; A CONSULTING GROUP, INC.</b> Engineering • Planning • Environmental & Field Services 10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599		<b>RIGHT-OF-WAY VACATION</b> <b>S 71ST STREET AND FLINT DRIVE</b> <b>SEVENTY TWO PLACE</b> SARPY COUNTY, NEBRASKA	
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