

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

| Subject: | Type: | Submitted By: |
|---|---|---|
| Approve the vacation of the unimproved part of Rose Street right-of-way in part of the NW 1/4 of the SE 1/4 of Section 34, T14N, R12E of the 6 th P.M., Sarpy County, Nebraska with title thereto retained by the City of Papillion. | Ordinance #1943 (3 rd Reading) | Mark Stursma, AICP Planning Director |

SYNOPSIS

This is a request to vacate an unimproved part of Rose Street right-of-way in Gold Coast Heights. 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 VKB Properties, LLC via a separate ordinance.

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 the development of Gold Coast Heights Replat 2 should such Final Plat and Special Use Permit be approved by City Council. It is in the best interest of the City to vacate the right-of-way and convey it to VKB Properties, LLC as enumerated in the Real Estate Exchange Agreement approved by Resolution No. R21-0160.

It should be noted that consideration of Ordinance No. 1943 was continued from the September 21, 2021, City Council Meeting.

FISCAL IMPACT

Not applicable.

RECOMMENDATION

Approval.

BACKGROUND

When Gold Coast Heights Replat 2 was being reviewed, staff identified the need for an easement for an existing water main within Lots 5 and 6, Gold Coast Heights. Developer is willing to dedicate the necessary easement in exchange for the Rose Street right-of-way.

Ordinance #1943 is being presented in conjunction with Ordinance #1944 to convey the vacated right-of-way to VKB Properties, LLC.

ATTACHMENTS:

Ordinance #1943

ORDINANCE NO. 1943

AN ORDINANCE TO VACATE THAT UNIMPROVED ROSE STREET RIGHT-OF-WAY IN PART OF THE NW 1/4 OF THE SE 1/4 OF SECTION 34, 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.

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 following described unimproved portion of Rose 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.

ROSE STREET RIGHT-OF-WAY LOCATED IN PART OF THE NE1/4 OF THE SE1/4 OF SECTION 34, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 9, GOLD COAST HEIGHTS, A SUBDIVISION LOCATED IN PART OF SAID SE1/4 OF SECTION 34, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ROSE STREET AND THE WESTERLY RIGHT-OF-WAY LINE OF BRISTOL STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF ROSE STREET, SAID LINE ALSO BEING THE NORTHERLY LINE OF LOTS 7 THRU 9, SAID GOLD COAST HEIGHTS, SAID LINE ALSO BEING THE EASTERLY LINE OF LOT 6, SAID GOLD COAST HEIGHTS ON THE FOLLOWING FIVE (5) DESCRIBED COURSES: (1) THENCE N42°09'17"W (ASSUMED BEARING), A DISTANCE OF 92.91 FEET; (2) THENCE NORTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 343.65 FEET, A DISTANCE OF 287.03 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N66°04'57"W, A DISTANCE OF 278.76 FEET; (3) THENCE S89°59'23"W, A DISTANCE OF 159.84 FEET; (4) THENCE SOUTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 43.36 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S69°17'00"W, A DISTANCE OF 42.42 FEET; (5) THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 137.61 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N65°42'53"W, A DISTANCE OF 109.37 FEET TO THE NORTHEASTERLY CORNER OF

SAID LOT 6, GOLD COAST HEIGHTS, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 5, SAID GOLD COAST HEIGHTS; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ROSE STREET, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 5, GOLD COAST HEIGHTS, SAID LINE ALSO BEING THE SOUTHERLY LINE OF LOTS 3 AND 4, SAID GOLD COAST HEIGHTS, SAID LINE ALSO BEING THE SOUTHERLY LINE OF LOT 2, GOLD COAST HEIGHTS REPLAT 1, A SUBDIVISION LOCATED IN PART OF SAID SE1/4 OF SECTION 34 ON THE FOLLOWING FIVE DESCRIBED COURSES: (1) THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 137.61 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N65°41'39"E, A DISTANCE OF 109.37 FEET; (2) THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 43.36 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S69°18'14"E, A DISTANCE OF 42.42 FEET; (3) THENCE N89°59'23"E, A DISTANCE OF 159.84 FEET; (4) THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 403.65 FEET, A DISTANCE OF 337.14 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S66°04'57"E, A DISTANCE OF 327.43 FEET; THENCE S42°09'17"E, A DISTANCE OF 93.03 FEET TO THE POINT OF INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE OF ROSE STREET AND THE WESTERLY RIGHT-OF-WAY LINE OF BRISTOL STREET; THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF BRISTOL STREET ON A CURVE TO THE LEFT WITH A RADIUS OF 350.00 FEET, A DISTANCE OF 60.07 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S47°57'30"W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING. (Exhibit "A")

Section 2: That attached hereto and incorporated herein is Exhibit "A" that depicts that part of unimproved Rose Street right-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 30 days after the effective date of this ordinance.

PASSED AND APPROVED this _____ day of _____, 2021.

CITY OF PAPIILLION

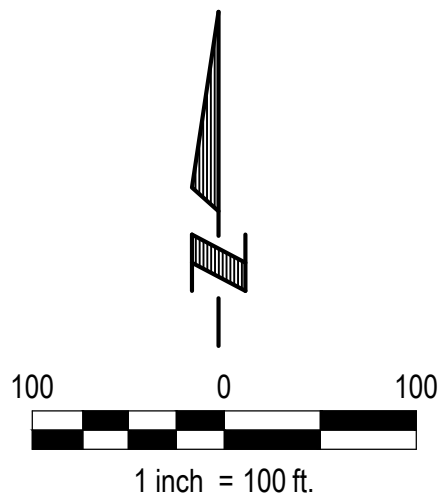
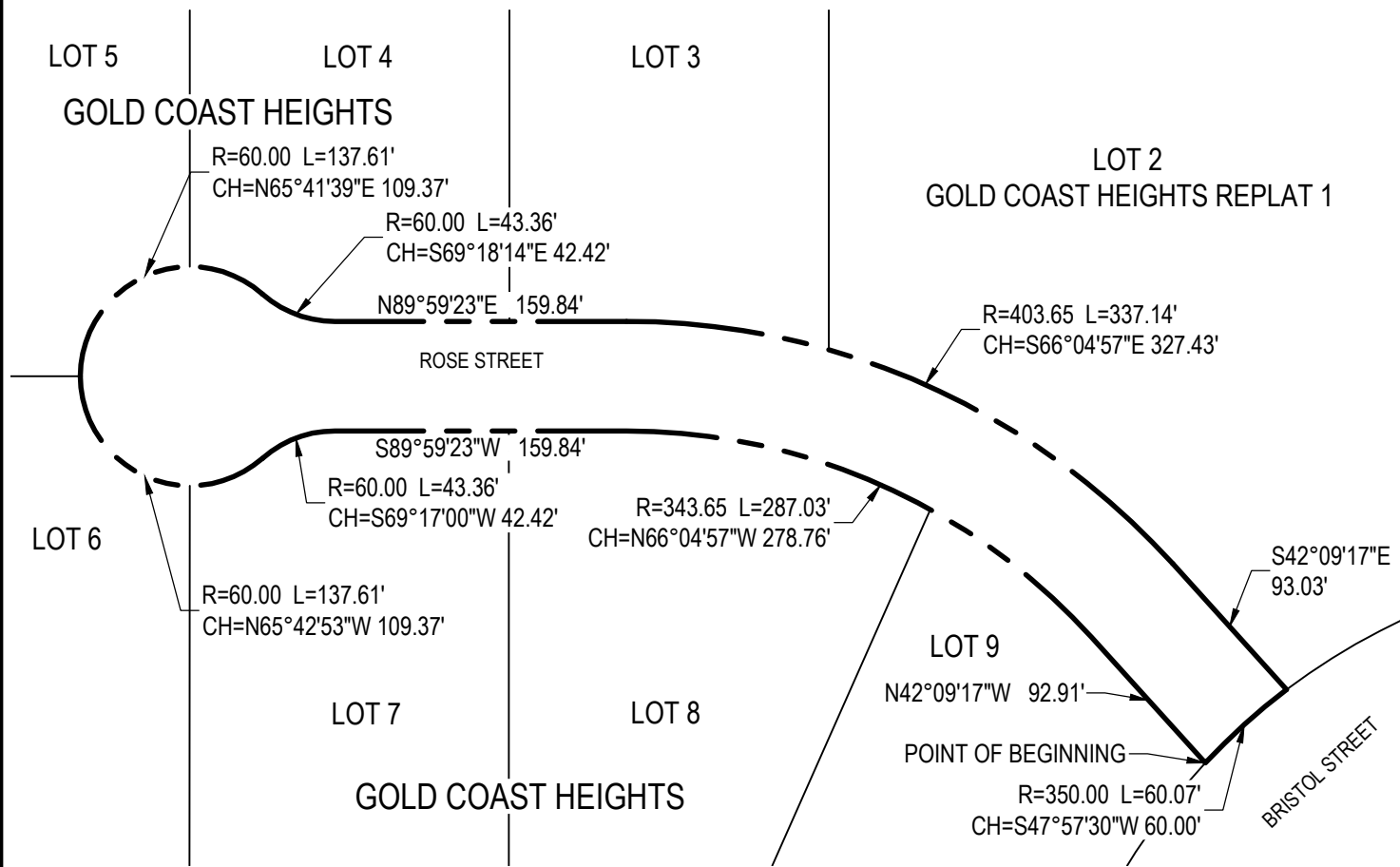
DAVID BLACK, Mayor

Attest:

NICOLE BROWN, City Clerk

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|--------------------------|------------|
| 1 st Reading: | 08/17/2021 |
| 2 nd Reading: | 09/07/2021 |
| 3 rd Reading: | 10/05/2021 |

EXHIBIT "A"



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

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|  E & A CONSULTING GROUP, INC. <i>Engineering Answers</i> | E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services 10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599 | | RIGHT-OF-WAY VACATION ROSE STREET SARPY COUNTY, NEBRASKA |
| | Job No.: 2020.043.001 | Date: 04/01/2021 | |
| | Drawn by: RLS | Scale: 1"=100' | |

EXHIBIT "A"

LEGAL DESCRIPTION

A RIGHT-OF-WAY VACATION OF ROSE STREET LOCATED IN PART OF THE NE1/4 OF THE SE1/4 OF SECTION 34, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 9, GOLD COAST HEIGHTS, A SUBDIVISION LOCATED IN PART OF SAID SE1/4 OF SECTION 34, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ROSE STREET AND THE WESTERLY RIGHT-OF-WAY LINE OF BRISTOL STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF ROSE STREET, SAID LINE ALSO BEING THE NORTHERLY LINE OF LOTS 7 THRU 9, SAID GOLD COAST HEIGHTS, SAID LINE ALSO BEING THE EASTERLY LINE OF LOT 6, SAID GOLD COAST HEIGHTS ON THE FOLLOWING FIVE (5) DESCRIBED COURSES: (1) THENCE N42°09'17"W (ASSUMED BEARING), A DISTANCE OF 92.91 FEET; (2) THENCE NORTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 343.65 FEET, A DISTANCE OF 287.03 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N66°04'57"W, A DISTANCE OF 278.76 FEET; (3) THENCE S89°59'23"W, A DISTANCE OF 159.84 FEET; (4) THENCE SOUTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 43.36 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S69°17'00"W, A DISTANCE OF 42.42 FEET; (5) THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 137.61 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N65°42'53"W, A DISTANCE OF 109.37 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 6, GOLD COAST HEIGHTS, SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 5, SAID GOLD COAST HEIGHTS; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ROSE STREET, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 5, GOLD COAST HEIGHTS, SAID LINE ALSO BEING THE SOUTHERLY LINE OF LOTS 3 AND 4, SAID GOLD COAST HEIGHTS, SAID LINE ALSO BEING THE SOUTHERLY LINE OF LOT 2, GOLD COAST HEIGHTS REPLAT 1, A SUBDIVISION LOCATED IN PART OF SAID SE1/4 OF SECTION 34 ON THE FOLLOWING FIVE DESCRIBED COURSES: (1) THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 137.61 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N65°41'39"E, A DISTANCE OF 109.37 FEET; (2) THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 43.36 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S69°18'14"E, A DISTANCE OF 42.42 FEET; (3) THENCE N89°59'23"E, A DISTANCE OF 159.84 FEET; (4) THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 403.65 FEET, A DISTANCE OF 337.14 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S66°04'57"E, A DISTANCE OF 327.43 FEET; THENCE S42°09'17"E, A DISTANCE OF 93.03 FEET TO THE POINT OF INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE OF ROSE STREET AND THE WESTERLY RIGHT-OF-WAY LINE OF BRISTOL STREET; THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF BRISTOL STREET ON A CURVE TO THE LEFT WITH A RADIUS OF 350.00 FEET, A DISTANCE OF 60.07 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S47°57'30"W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

SAID RIGHT-OF-WAY VACATION CONTAINS 46,640 SQUARE FEET OR 1.071 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR DRAWING

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|  E & A CONSULTING GROUP, INC. Engineering Answers | E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services 10909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599 | | RIGHT-OF-WAY VACATION ROSE STREET SARPY COUNTY, NEBRASKA |
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