

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

Subject:	Type:	Submitted By:
Approve the conveyance of title for Rose Street right-of-way to be vacated by Ordinance #1944 from the City of Papillion to VKB, Properties, LLC.	Ordinance #1944 (3rd Reading)	Mark Stursma, AICP Planning Director

SYNOPSIS

This is a request to convey a vacated portion of Rose Street right-of-way to VKB Properties, LLC. Such vacated area is currently unimproved. Pursuant to § 166-15 of the Papillion Municipal Code, the City Council may convey title to VKB Properties, LLC.

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 the third reading of this ordinance 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 #1944 is being presented in conjunction with Ordinance #1943 to vacate the right-of-way that is proposed to be conveyed to VKB Properties, LLC.

ATTACHMENTS:

Ordinance #1944

ORDINANCE NO. 1944

AN ORDINANCE TO CONVEY VACATED PORTION OF ROSE STREET RIGHT-OF-WAY AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the City of Papillion approved Ordinance No. 1943 to vacate 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, as depicted in Exhibit "A", and to retain title of such property to the City of Papillion; and

WHEREAS, the City of Papillion deems it to be in the best interests of the City to convey to VKB Properties, LLC the unimproved Rose Street right-of-way, which was vacated pursuant to Ordinance No. 1943 pursuant to the terms and conditions of the Real Estate Exchange Agreement approved by Resolution No. R21-0160; and

WHEREAS, Neb. Rev. Stat. § 16-611 grants to the City of Papillion upon vacation of a street the power to sell, convey, or exchange such property if the title is retained in such property; and

WHEREAS, Neb. Rev. Stat. § 16-202 grants to the City of Papillion the power to sell and convey any real estate owned by the City by ordinance directing the sale or conveyance of such real estate and the manner and terms thereof;

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

Section 1: That the real estate legally described as:

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. (Exhibit "A")

which is more legally described by metes and bounds and depicted in Exhibit "A" shall be conveyed by appropriate deed of conveyance to VKB Properties, LLC in a form substantially similar to Exhibit "B", attached hereto, subject to the reservations stated herein.

Section 2: The consideration received by the City for this conveyance shall be as enumerated in the Real Estate Exchange Agreement approved by Resolution No. R21-0160.

Section 3: That the Mayor is hereby authorized to execute on behalf of the City of Papillion all necessary deeds of conveyance and written conveyance and

exchange documents to carry into full force and effect the terms and intent of this ordinance.

Section 4: That the City Clerk is directed to effectuate the publishing of notice of this conveyance and the terms thereof for three consecutive weeks in a legal newspaper published in or of general circulation within the City of Papillion immediately after the passage and publication of this ordinance. If within thirty days after the passage and publication of this ordinance a valid remonstrance petition against such sale is signed by registered voters of the city equal in number to thirty percent of the registered voters of the city voting at the last regular municipal election held therein and is filed with the City Council of the City of Papillion, the property shall not then, nor within one year thereafter, be sold pursuant to Neb. Rev. Stat. § 16-202.

Section 5: Effective Date. 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 (15) days of the passage of the ordinance by the City Council.

PASSED AND APPROVED this _____ day of _____, 2021.

CITY OF PAPIILLION,

DAVID P. BLACK, Mayor

Attest:

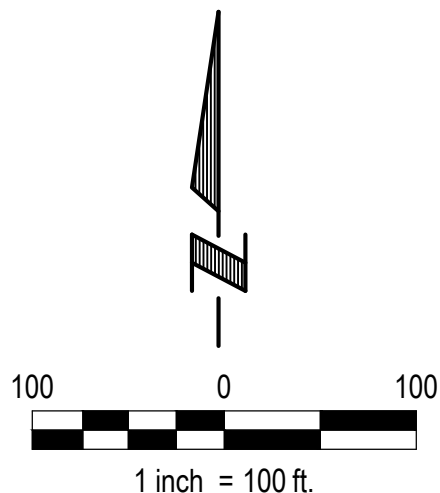
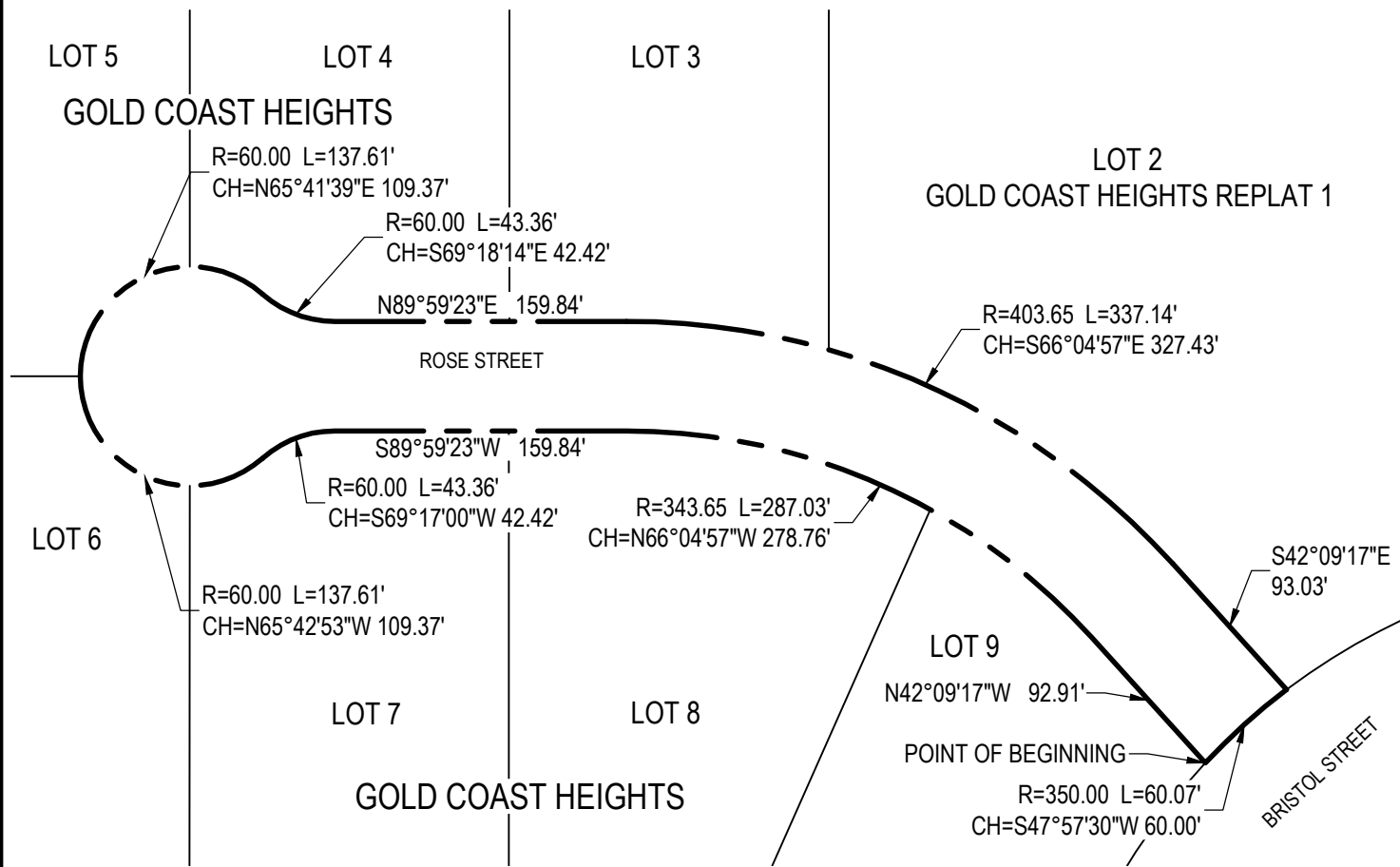
NICOLE BROWN, City Clerk

First Reading: 08/17/2021

Second Reading: 09/07/2021

Third Reading: 10/05/2021

EXHIBIT "A"



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

 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'		SHEET: 1 of 2

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

 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
	Job No.: 2020.043.001	Date: 04/01/2021	
Drawn by: RLS	Scale: 1"=100'	SHEET: 2 of 2	

Exhibit B

CITY OF PAPIILLION, NEBRASKA QUITCLAIM DEED

CITY OF PAPIILLION, a corporation organized and existing under the laws of the State of Nebraska, ("GRANTOR"), in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration received from **VKB Properties, LLC**, a Nebraska limited liability company ("GRANTEE"), does quitclaim, grant, bargain, sell, convey, and confirm unto GRANTEE the following described real estate (as defined in Neb. Rev. Stat. §76-201):

VACATED 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. (as depicted and described on the attached Exhibit "A")

Executed this _____ day of _____, 2021.

CITY OF PAPIILLION, A MUNICIPAL CORPORATION,

BY: _____
David P. Black, Mayor

STATE OF NEBRASKA)
)ss.
COUNTY OF SARPY)

The foregoing instrument was acknowledged before me on this _____ day of _____, 2021, by David P. Black, Mayor for the City of Papillion, a Municipal Corporation.

Notary Public