

ORDINANCE NO. 4830

An ordinance to vacate part of the plat of Cottage Grove Addition to the City of Grand Island, Nebraska, as surveyed, platted and recorded, and located in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska, without retention of streets or alleys, but reserving unto the City a permanent and perpetual easement for sanitary sewer purposes, and to provide the effective date hereof.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Emil Lucht and Dora Lucht, being the owners of that part of Cottage Grove Addition to the City of Grand Island, Nebraska, as surveyed, platted, and recorded, lying southerly of the southeasterly boundary line of Fourth Street as now located, in the City of Grand Island, Nebraska, having petitioned the City Council for the vacation of that part of such plat of Cottage Grove Addition, in the City of Grand Island, Nebraska, lying southerly of the southeasterly boundary line of said Fourth Street, including the streets and alleys therein as surveyed, platted, and recorded, all being located in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Ten (10), be, and the same is, hereby vacated as authorized by Section 16-113, R.R.S. 1943, subject to the reservation of an easement described in Section 3 of this ordinance.

SECTION 2. No street or alley within that part of Cottage Grove Addition vacated by this ordinance shall be, or is, retained by the City of Grand Island, but that all such streets and alleys so vacated shall revert to the owners of the lots and land abutting such streets and alleys, as provided by law.

SECTION 3. The City of Grand Island hereby reserves for the public a perpetual easement in that part of Cottage Grove Addition vacated by this ordinance, described as follows:

A perpetual right-of-way and easement to construct, operate, maintain, extend, repair, replace and remove sanitary sewer mains, manholes, surface markers, and other appurtenances upon, over, in and through a tract of land in the City of Grand Island, Nebraska, lying in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Ten (10), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska, more particularly described as follows:

APPROVED AS TO FORM
[Signature]
MAY 1 1970
LEGAL DEPARTMENT

ORDINANCE NO. 4830 (Cont'd)

A tract of land forty-three (43) feet in width lying ten (10) feet east and thirty-three (33) feet west of the south prolongation of the center line of Hagge Street in Cottage Grove Addition, said line being parallel to and three hundred forty-three and sixty-two hundredths (343.62) feet west of the east line of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), from the south line of Baker Avenue in said Cottage Grove Addition to the southeasterly right-of-way line of the Fourth Street as now located in Cottage Grove Addition, said easement containing 0.24 acres, more or less,

together with the following rights, namely: Unrestricted ingress and egress under and across such lands for the purpose of exercising the rights herein granted: To clear and keep clear of trees, roots, brush, and other obstructions from the surface of such tract, provided, any such sewer mains and appurtenances placed upon, over and under such tract of land shall remain the property of the City of Grand Island and may be removed or replaced at any time.

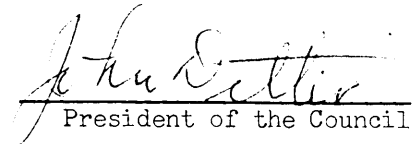
The Petitioners, for themselves, their heirs, devisees, executors, administrators, grantees, and assigns, hereby covenant that no structure shall be erected or permitted on said tract and that the easement herein retained or run with the title to such tract of land and be binding upon the petitioners, their heirs, devisees, executors, administrators, grantees, and assigns.

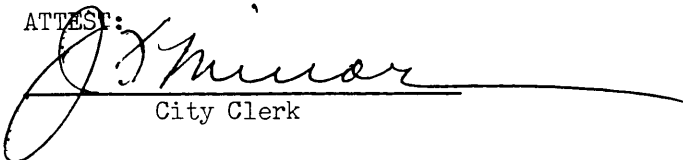
It is agreed between the parties that the petitioners shall be permitted to make connections to the sanitary sewer mains constructed in the permanent easement herein granted after obtaining the necessary plumbing permits and upon the payment to the City of Grand Island of \$3.50 per front foot of petitioners' property abutting said mains, such footage to be calculated on the basis of width of tracts of land developed at the time they are developed for residential purposes. Said amount represents one-half of the front foot cost of an eight-inch sanitary sewer main. If connections are made for development on both sides of the sanitary sewer main, the cost shall be \$7.00 per front foot of property developed. If such tracts of land are developed for business or industry and larger sanitary sewer mains are necessary, the above mentioned front foot cost for sewer shall be revised upward to reflect the increased size of sewer services required for such uses. Petitioners agree to pay such amount without interest at the time of connection, and, in addition thereto, petitioners agree to pay thereafter the applicable sewer use fee in accordance with the ordinances of the City of Grand Island.

SECTION 4. A certified copy of this ordinance shall be, at the cost of the petitioners, certified by the City Clerk and recorded in the office of the Register of Deeds, Hall County, Nebraska.

SECTION 5. This ordinance shall be in force and take effect from and after its passage, approval, and publication within thirty days in one issue of the Grand Island Daily Independent as by law provided.

Enacted MAR 9 1970.


President of the Council

ATTEST:

City Clerk