



MISC 2009062057



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Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 6/15/2009 12:24:39.55

 2009062057

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Check Number

1st

ORDINANCE NO. 589

AN ORDINANCE VACATING A PORTION OF RIGHT-OF WAY OF 269TH STREET AND 269TH CIRCLE, A DEDICATED PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA, SITUATED AS FOLLOWS: A PORTION OF RUGGLES STREET AND 269TH CIRCLE, MALLARD LAKE, REPLAT 1, A SUBDIVISION IN THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA, AS FOLLOWS:

Section 1. A portion of 269th Street and 269th Circle, a dedicated public Right-of-Way within the City of Valley, Douglas County, Nebraska, more particularly described as follows:

A PORTION OF 269TH STREET AND 269TH CIRCLE, MALLARD LAKE, A SUBDIVISION IN THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 32, MALLARD LAKE REPLAT 1, A SUBDIVISION IN SAID DOUGLAS COUNTY; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 32 AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID 269TH STREET, S45°55'18"E, 50.46 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET; THENCE ALONG THE BOUNDARY OF SAID 269TH STREET AND 269TH CIRCLE THE FOLLOWING THREE (3) COURSES: 1), EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 56°37'59", 24.71 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 75.00 FEET; 2), SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 113°15'58", 148.26 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 25.00 FEET; 3), SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 56°37'59", 24.71 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY OF 269TH CIRCLE; THENCE ALONG THE NORTHWESTERLY PROLONGATION OF SAID RIGHT-OF-WAY LINE, N45°55'18"W, 167.03 FEET TO THE POINT OF BEGINNING.

Be and is wholly and entirely vacated; and such public grounds therein shall revert to the owners of the lot(s) or land(s) abutting the same in proportion to the respective ownership of such lot or land.

Section 2. Such vacation is expedient to and for the public's interest.

Section 3. This Ordinance shall take effect and be in force after its passage and approval, as provided by law.

Section 4. If any section, clause, provision, or part or portion of any section, clause, or provision of this Ordinance or the application thereof to any person or circumstance is held unconstitutional, such invalidity or unconstitutionality shall not affect the validity or application of any other section, clause, provision or part of any portion of this Ordinance.

Section 5. All Ordinances or parts thereof in conflict herewith are hereby repealed.

PASSED AND APPROVED this 9th day of June, 2009.

CITY OF VALLEY, DOUGLAS
COUNTY, NEBRASKA

BY 
Mary Caffey, Mayor

ATTEST:

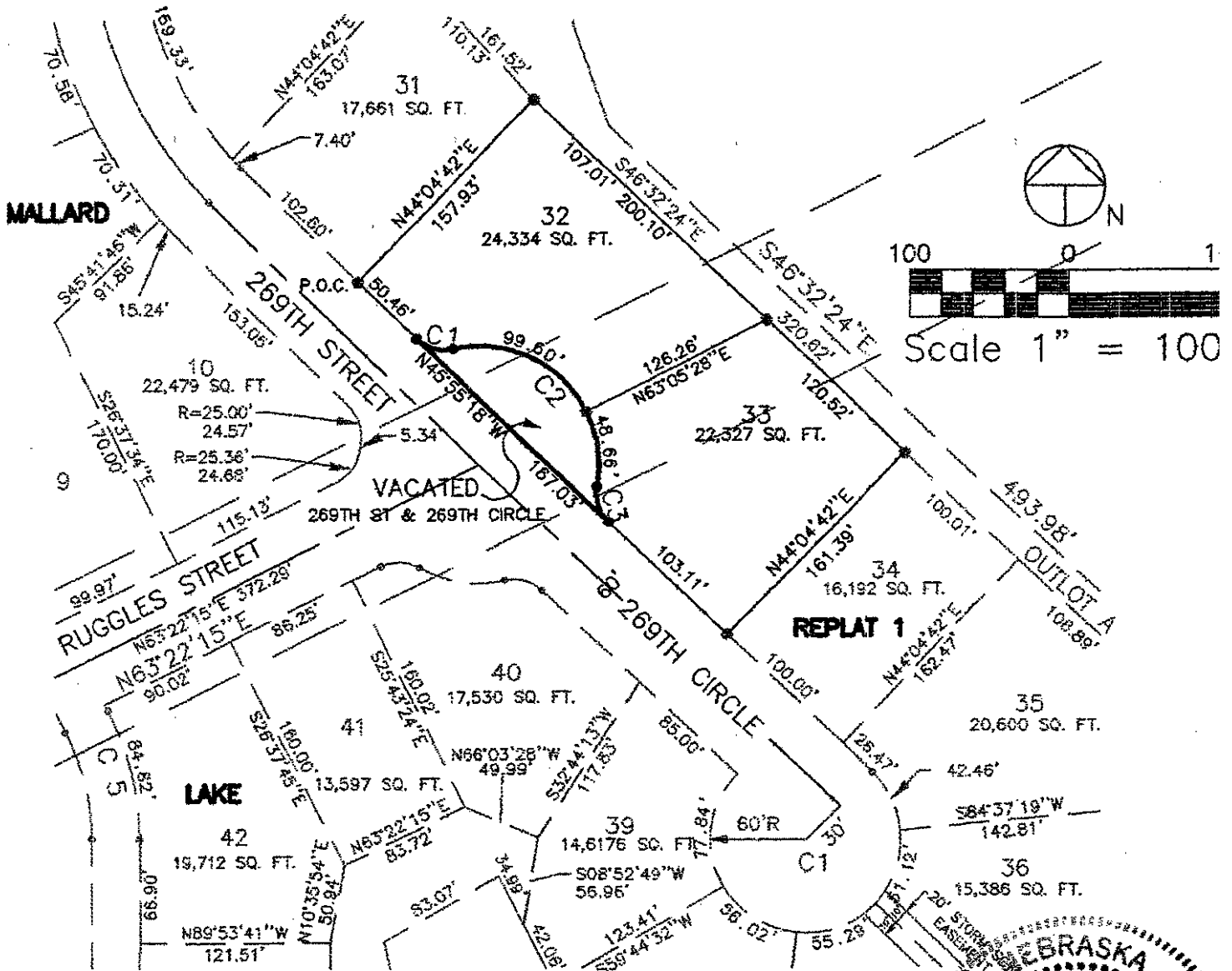

Joan Suhr, City Clerk

PETITION FOR VACATION

WE PETITION THE CITY OF VALLEY TO VACATE, TO THE ABUTTING OWNERS OF LOTS 32 AND 33, MALLARD LAKE REPLAT 1, THAT PORTION OF 269TH STREET AND 269TH CIRCLE, AS SHOWN ON THIS PLAT, RIGHT-OF-WAY IS NO LONGER NECESSARY TO ACCOMMODATE O.P.P.D HIGH OVERHEAD LINES.

NOTE: NO PUBLIC UTILITIES EXIST IN PROPOSED RIGHT-OF-WAY VACATION.

MALLARD LAKE



RIGHT-OF-WAY LINE CURVE TABLE

NUMBER	RADIUS	ARC	LC=	BEARING	DELTA=
C1	25.00	24.71	23.72	S74°14'18"E	56°37'59"
C2	75.00	148.26	125.27	N45°55'18"W	113°15'58"
C3	25.00	24.71	23.72	S17°36'19"E	56°37'59"

LAND SURVEYOR'S CERTIFICATE:

I hereby certify that this plat, map, survey or report was made by me or under my direct, personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

Signature: *[Handwritten Signature]*

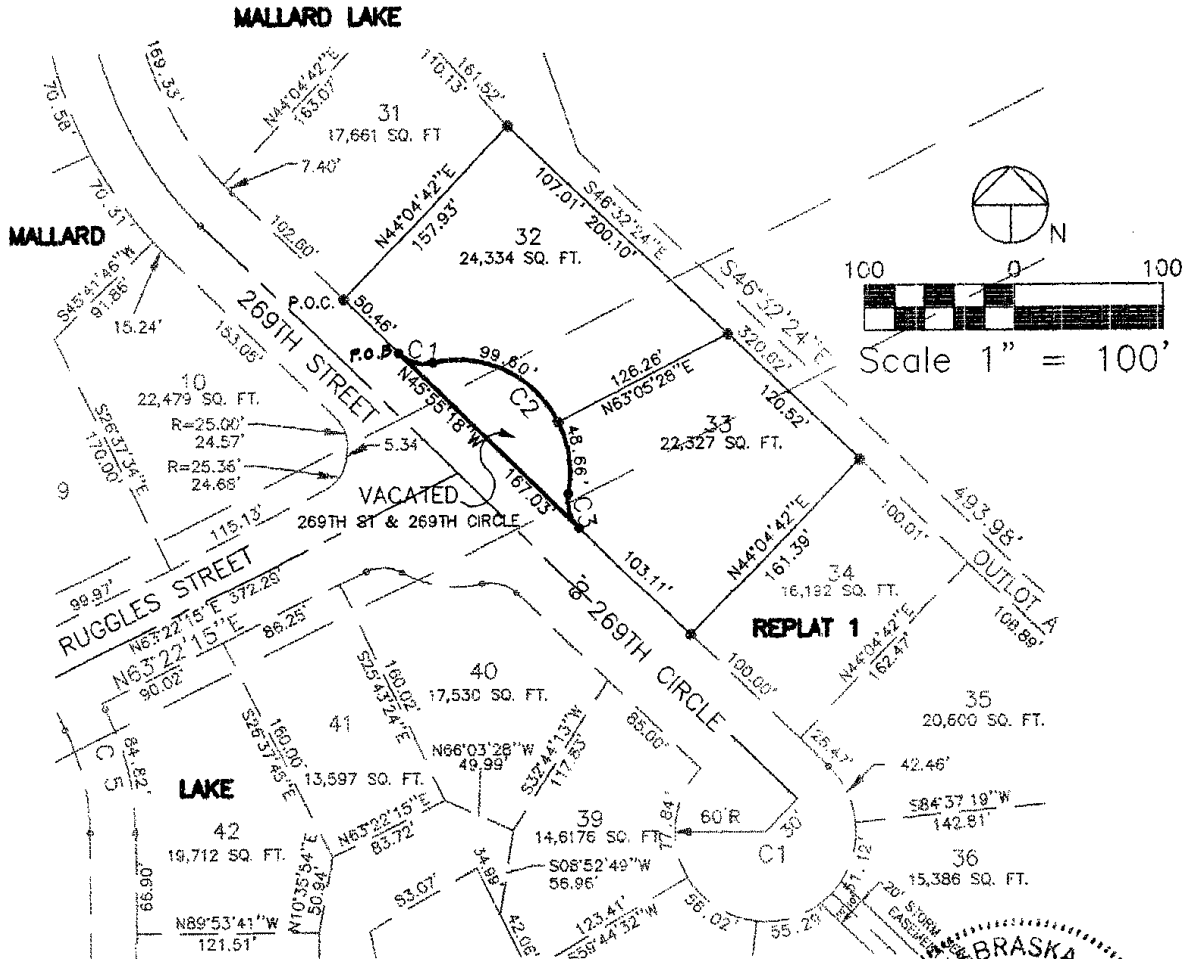
Date: *June 8, 2009* Reg. No. 421



PETITION FOR VACATION

WE PETITION THE CITY OF VALLEY TO VACATE, TO THE ABUTTING OWNERS OF LOTS 32 AND 33, MALLARD LAKE REPLAT 1, THAT PORTION OF 269TH STREET AND 269TH CIRCLE, AS SHOWN ON THIS PLAT, RIGHT-OF-WAY IS NO LONGER NECESSARY TO ACCOMMODATE O.P.D. HIGH OVERHEAD LINES.

NOTE: NO PUBLIC UTILITIES EXIST IN PROPOSED RIGHT-OF-WAY VACATION.



RIGHT-OF-WAY LINE CURVE TABLE

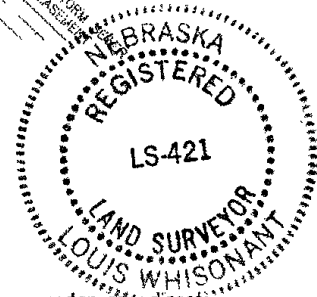
NUMBER	RADIUS '	ARC '	LC='	BEARING	DELTA=
C1	25.00	24.71	23.72	S74°14'18"E	56°37'59"
C2	75.00	148.26	125.27	N45°55'18"W	113°16'58"
C3	25.00	24.71	23.72	S17°36'19"E	56°37'59"

LAND SURVEYOR'S CERTIFICATE:

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

Signature: *Louis Whisonant*

Date: JUNE 8 2009 Reg. No. 421



LEGAL DESCRIPTION:

A PORTION OF 269TH STREET AND 269TH CIRCLE, MALLARD LAKE, A SUBDIVISION IN THE CITY OF VALLEY, DOUGLAS COUNTY, NEBRASKA DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 32, MALLARD LAKE REPLAT 1, A SUBDIVISION IN SAID DOUGLAS COUNTY; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 32 AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID 269TH STREET, S45°55'18"E, 50.46 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET; THENCE ALONG THE BOUNDARY OF SAID 269TH STREET AND 269TH CIRCLE THE FOLLOWING THREE (3) COURSES: 1), EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 56°37'59", 24.71 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 75.00 FEET; 2), SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 113°15'58", 148.26 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 25.00 FEET; 3), SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 56°37'59", 24.71 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY OF 269TH CIRCLE; THENCE ALONG THE NORTHWESTERLY PROLONGATION OF SAID RIGHT-OF-WAY LINE, N45°55'18"W, 167.03 FEET TO THE POINT OF BEGINNING.

APPROVAL OF THE CITY OF VALLEY

THIS PETITION TO VACATE A PORTION OF 269TH STREET AND 269TH CIRCLE WAS APPROVED AND ACCEPTED BY THE CITY OF VALLEY ON THIS 10th DAY OF June, 2009.

[Signature]
CITY CLERK
[Signature]
CHIEF BUILDING OFFICIAL

[Signature]
MAYOR



ACCEPTANCE BY THE CITY OF VALLEY ENGINEER:

THIS PETITION TO VACATE A PORTION OF 269TH STREET AND 269TH CIRCLE WAS APPROVED AND ACCEPTED BY THE CITY OF VALLEY ENGINEER ON THIS 12 DAY OF June, 2009.

[Signature]
CITY OF VALLEY ENGINEER

RATIFICATION:

KNOW ALL MEN BY THESE PRESENT: THAT DONALD F. DAY, PRESIDENT DIAL-MALLARD LAKE, INC. AND CONRAD & BONNIE MUILENBURG, BEING THE OWNERS OF THE LAND ABUTTING THE PROPOSED VACATION OF A PORTION OF 269TH STREET AND 269TH CIRCLE PETITION THE CITY OF VALLEY TO VACATE SAID PORTION AND SAID PORTION TO BE COMBINED INTO ABUTTING LOTS.

[Signature]
DONALD F. DAY, PRESIDENT
DIAL-MALLARD LAKE, INC.

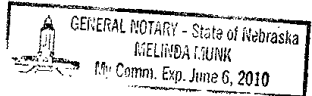
[Signature]
CONRAD MUILENBURG

[Signature]
BONNIE MUILENBURG

ACKNOWLEDGEMENT:

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)
ON THIS 11 DAY OF June, 2009, BEFORE ME A NOTARY PUBLIC, PERSONALLY APPEARED DONALD F. DAY, PRESIDENT THE ABOVE OWNER, KNOWN TO ME AND EXECUTED THE ABOVE RATIFICATION AS HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC [Signature]
MY COMMISSION EXPIRES 6-6-10



STATE OF NEBRASKA)
COUNTY OF DOUGLAS)
ON THIS 11 DAY OF June, 2009, BEFORE ME A NOTARY PUBLIC, PERSONALLY APPEARED CONRAD & BONNIE MUILENBURG, THE ABOVE OWNERS, KNOWN TO ME AND EXECUTED THE ABOVE RATIFICATION AS THEIR VOLUNTARY ACT AND DEED.

NOTARY PUBLIC [Signature]
MY COMMISSION EXPIRES 6-6-10



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