

BOARD OF COUNTY COMMISSIONERS

Douglas County Nebraska

Resolved

WHEREAS, a petition has been received from an abutter asking the County to vacate a one-half acre parcel of public roadway known as Railroad Avenue in Elkhorn , located North of Blondo and East of 204th Street, as shown on Ext A , attached hereto, for which a public hearing was held on April 20, 2010, after notice and publication of same; and

WHEREAS, the abutter has agreed to dedicate a portion of its land for use as a public roadway in exchange for the vacation and abandonment of this parcel; and

WHEREAS, the County Engineer has no objection to the requested vacation and exchange.

NOW, THEREFORE, BE IT RESOLVED that the portion of Railroad Avenue in Elkhorn, consisting of .50 acre and shown on Ext A, attached hereto, is hereby vacated as a public roadway, and that the Chair of this Board is authorized and directed to sign a deed transferring title to said parcel to Edward Rose Development L.L.C. for consideration of one dollar, and that the County Engineer and County Attorney are directed to take appropriate and necessary action to implement this resolution.

Motion by Duda, second by Tusa to approve. I move the adoption of the resolution.

Adopted: April 27, 2010

Yeas: Boyle, Duda, Hutchings, Rodgers, Tusa, Borgeson

Nays: Kraft

(CERTIFIED COPY)

DOUGLAS COUNTY CLERK

Resolution No. 340
ADOPTED: April 27, 2010

BOARD OF COUNTY COMMISSIONERS

Douglas County Nebraska

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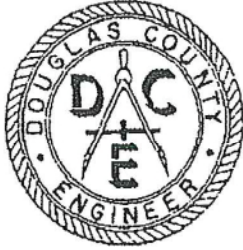
Nays: Kraft

(CERTIFIED COPY)



Thomas F. Cavanaugh
DOUGLAS COUNTY CLERK

Resolution No. 340
ADOPTED: April 27, 2010



**TOM DOYLE
DOUGLAS COUNTY ENGINEER**

15505 West Maple Road
Omaha, Nebraska 68116-5173
(402) 444-6372
Fax: (402) 444-6244
engineer@douglascounty-ne.gov

Douglas County Board of Commissioners

RE: VACATING A PORTION OF 203RD AVENUE (aka Railroad Avenue)

Commissioners:

The City of Omaha received a petition on August 8, 2008 to vacate a portion of Railroad Avenue, part of the Northwest Quarter of the Southwest Quarter of Section 7, Township 15 North, Range 11 East, Douglas County, Nebraska, which was dedicated as a public street through a Dedication Plat document recorded as Instrument Number 2005048243 on April 28, 2005.

On October 6, 2009 the City Council of Omaha, upon recommendations from the City Planning Department and City Planning Board, recommended the vacation of 203rd Avenue (aka Railroad Avenue) from Blondo Parkway to the southwest, conditioned that:

1. The dedication of the land adjacent to 204th Street be submitted
2. All easements will be reserved in the vacation ordinance

On January 12, 2010 a Plat and Dedication of 0.54 acres of land, located east of Highway 31 and south of Blondo Parkway was dedicated to the public by Edward Rose Development Company, L.L.C. for public use, said irregular tract of land for street purposed to be hereafter known as 203rd Terrace (See Attached).

The County Engineer has studied this request to vacate Railroad Avenue from Blondo Parkway to the southwest, pursuant to Exhibit "A", a copy of which is attached hereto and made a part hereto of by this reference, and has no objections.

We would also recommend the vacated land be transferred to the abutting property owner, Edward Rose Development Company, L.L.C. in exchange and equal value for the 0.54 acres dedicated for 203rd Terrace, and that all easements be retained.

We recommend a public hearing be held by the Douglas County Board of Commissioners to receive public comment.

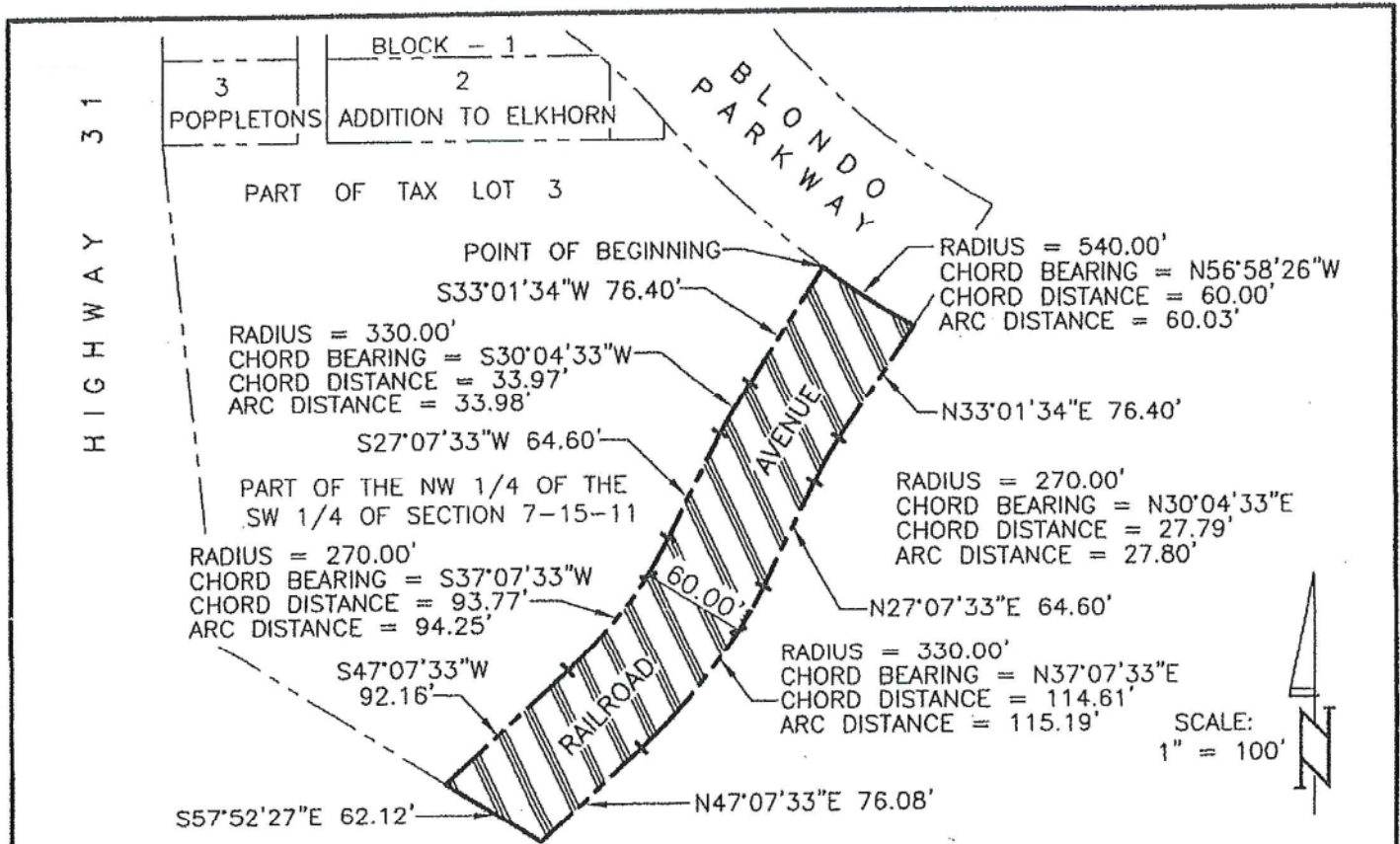
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Doyle", is written over a horizontal line.

cc: Thomas D. Doyle, P.E.
Douglas County Engineer

TDD:JDK:me
Attachments: Exhibit A

cc: Bernie Monbouquette
Douglas County Attorney's Office



LEGAL DESCRIPTION

THAT PART OF RAILROAD AVENUE LOCATED IN THE NW1/4 OF THE SW1/4 OF SECTION 7, T15N, R11E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF BLONDO PARKWAY AND WEST LINE OF RAILROAD AVENUE; THENCE S33°01'34"W (ASSUMED BEARING) 76.40 FEET ON THE WEST LINE OF RAILROAD AVENUE; THENCE SOUTHWESTERLY ON THE WEST LINE OF RAILROAD AVENUE ON A 330.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S30°04'33"W, CHORD DISTANCE 33.97 FEET, AN ARC DISTANCE OF 33.98 FEET; THENCE S27°07'33"W 64.60 FEET ON THE WEST LINE OF RAILROAD AVENUE; THENCE SOUTHWESTERLY ON THE WEST LINE OF RAILROAD AVENUE ON A 270.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S37°07'33"W, CHORD DISTANCE 93.77 FEET, AN ARC DISTANCE OF 94.25 FEET; THENCE S47°07'33"W 92.16 FEET ON THE WEST LINE OF RAILROAD AVENUE TO THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 2236 AT PAGE 632 OF THE DOUGLAS COUNTY RECORDS AND HEREIN AFTER CALLED TRACT "A"; THENCE S57°52'27"E 62.12 FEET ON THE SOUTH LINE OF SAID TRACT "A" TO THE EAST LINE OF RAILROAD AVENUE; THENCE N47°07'33"E 76.08 FEET ON THE EAST LINE OF RAILROAD AVENUE; THENCE NORTHEASTERLY ON THE EAST LINE OF RAILROAD AVENUE ON A 330.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N37°07'33"E, CHORD DISTANCE 114.61 FEET, AN ARC DISTANCE OF 115.19 FEET; THENCE N27°07'33"E 64.60 FEET ON THE EAST LINE OF RAILROAD AVENUE; THENCE NORTHEASTERLY ON THE EAST LINE OF RAILROAD AVENUE ON A 270.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N30°04'33"E, CHORD DISTANCE 27.79 FEET, AN ARC DISTANCE OF 27.80 FEET; THENCE N33°01'34"E 76.40 FEET ON THE EAST LINE OF RAILROAD AVENUE TO THE SOUTH LINE OF BLONDO PARKWAY; THENCE NORTHWESTERLY ON THE SOUTH LINE OF BLONDO PARKWAY ON A 540.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N56°58'26"W, CHORD DISTANCE 60.00 FEET, AN ARC DISTANCE OF 60.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.50 ACRES

1245113EX5.dwg

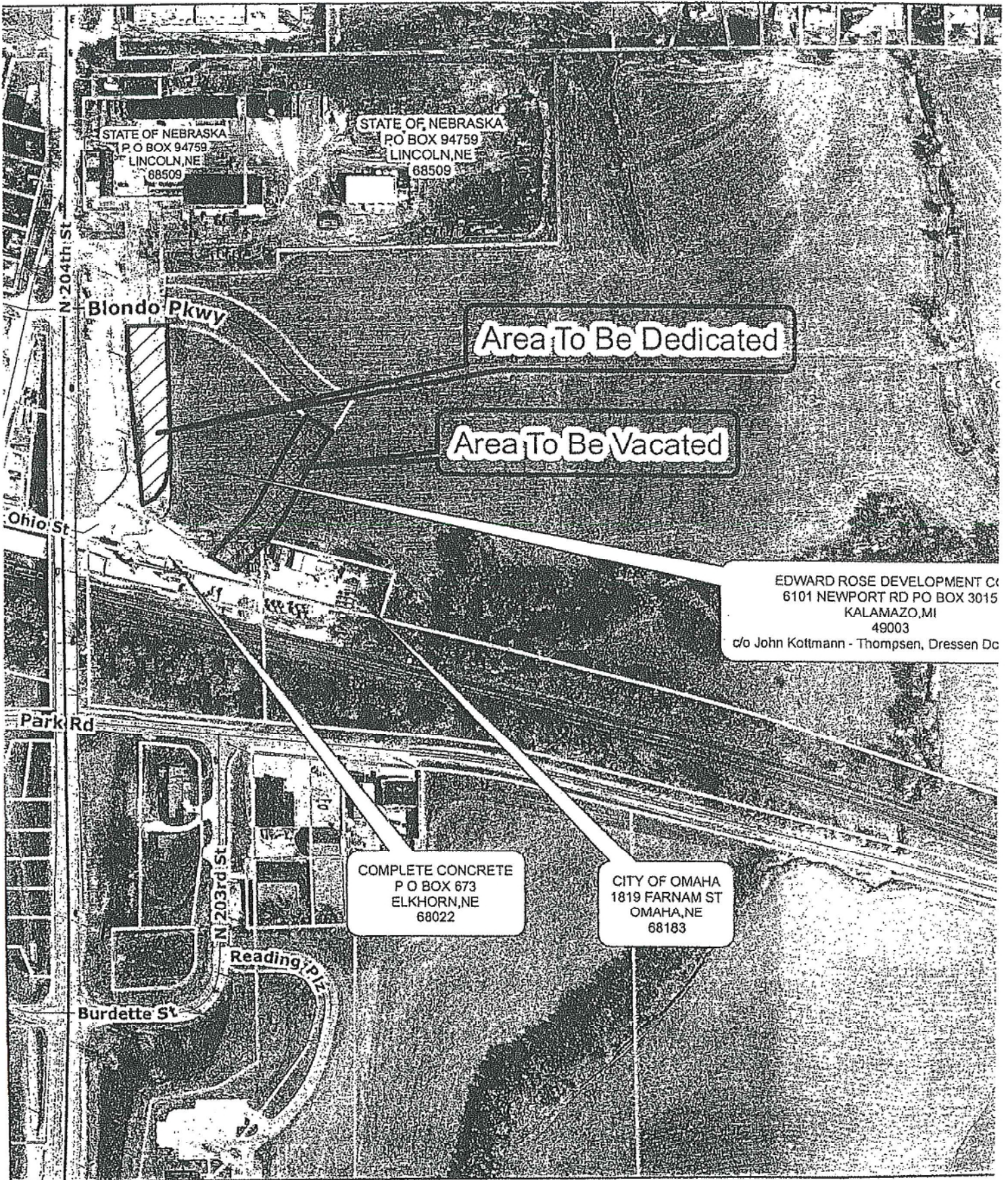
TD² THOMPSON, DRESSEN & DORNER, INC.
 Consulting Engineers & Land Surveyors
 10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
 P: 402.330.8860 F: 402.330.5866 WWW.TD2CO.COM

EXHIBIT "A"

EDWARD ROSE & SONS

TD2 NO. 1245-113

DATE	08/10/09
DRAWN BY	RJR
CHECKED BY	JDW
REVISION	



Railroad Ave Vacation / Dedication

2010 APR 26 A 10:41

VII
B-1

**AGENDA ITEM
REQUEST/JUSTIFICATION FORM**
(To be completed by requesting Department)

*Forward all requests to Sharon Bourke, LC2 Civic Center
DEADLINE SUBMITTAL IS 3:00 P.M. WEDNESDAY
BEFORE THE TUESDAY MEETING*

Agenda Item: Administrative Services Committee
(i.e. Consent/Recognition-Proclamation/Presentation/Public Hearing/Committee, etc.)
Date to be on agenda: April 27, 2010

Exact wording to be used for the agenda: Vote to vacate portion of public roadway: Railroad Avenue, Elkhorn

Action requested: To vote to vacate a portion of public roadway as shown on Attached plan, and to transfer title to same to abutter in exchange for land dedicated for another roadway

Amount requested: \$0 Object Code: 0

Is item in current year's budget? Yes No

Does this item commit funds in future years? Yes No

If yes, Explain:

If an agreement or contract, has the County Attorney reviewed and approved? Yes No

If no, explain:

Previous Action taken on this item, if any: Public hearing on April 20, 2010

Recommendations and rationale or actions: Part of redevelopment plan. Developer is asking that the road be moved. County Engineer has no objection to request.

Will anyone speak on behalf of this item, if so who? Tom Doyle, County Engineer/ Dan Kutilek

If this is a rush agenda item, please explain why:

Submitted by (Name & Dept.): Bernard Monbouquette, Deputy County Attorney Ext. 6462

Date submitted: April 21, 2010

List Attachments: Ext A- Plan, Resolution
(Attach resolution and all pertinent documentation i.e. contract, agreement, memorandums, etc.)

Certified resolutions can be obtained at the County Clerks website:
<http://www.douglascountyclerk.org/county-board-records/search-for-resolutions>

Completed by receiving office

Received in Administrative Office: Date 4/21/10 Time