

2017-10005

05/05/2017 1:52:59 PM

Lloyd J. Dowding

REGISTER OF DEEDS

COUNTER D C.E. D
VERIFY D D.E. D
PROOF AB
FEES \$ 40.00
CHECK# _____
CHG COB CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____



**THIS PAGE ADDED
FOR RECORDING
INFORMATION.**

**DOCUMENT STARTS ON
NEXT PAGE.**

LLOYD J. DOWDING

SARPY COUNTY REGISTER OF DEEDS

Steven J. Stastny, Deputy

1210 GOLDEN GATE DRIVE, STE 1109

PAPILLION, NE 68046-2895

402-593-5773

RJR
City of Bellevue

210 W Mission Avenue
Bellevue, NE 68005

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 3878

AN ORDINANCE DECLARING THE NECESSITY, EXPEDIENCY AND PROPRIETY OF VACATING A PORTION OF 51ST STREET ABUTTING LOT 102, CEDAR GROVE AND OUTLOT A, CEDAR GROVE; A PORTION OF 53RD STREET ABUTTING PART OF LOT 133, CEDAR GROVE, PART OF LOT 121, CEDAR GROVE, AND ALL OF LOT 120, CEDAR GROVE; AND A PORTION OF BIRCHWOOD DRIVE ABUTTING THE SOUTH LINE OF LOTS 102 THROUGH 109, CEDAR GROVE, AND THE NORTH LINE OF LOTS 95, 110, 119, 120, AND 133, CEDAR GROVE, LOCATED IN PART OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF SECTION 7, T13N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, NOT HERETOFORE VACATED, REPEALING ALL ORDINANCES AND ALL PARTS OF ORDINANCES IN CONFLICT HERewith, AND DESIGNATING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bellevue, Nebraska, has determined that no damages will accrue to any citizen of the City of Bellevue, nor to any owners of property herein by reason of the proposed vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. It is hereby declared necessary, expedient and proper to vacate a portion of 51st Street abutting Lot 102, Cedar Grove and Outlot A, Cedar Grove; a portion of 53rd Street abutting Part of Lot 133, Cedar Grove, Part of Lot 121, Cedar Grove and all of Lot 120, Cedar Grove; and a portion of Birchwood Drive abutting the south line of Lots 102 through 109, Cedar Grove, and the north line of Lots 95, 110, 119, 120, and 133, Cedar Grove, located in the South ½ of the Southeast ¼ of Section 7, T13N, R13E, of the 6th P.M., Sarpy County, Nebraska, more particularly described in Exhibit "A-1", Exhibit "A-2" and Exhibit "A-3" and, be and hereby is, vacated; the vacating of the property herein described, and the reversion thereof, pursuant to applicable law, shall be subject to the conditions and limitation that there is reserved to the City of Bellevue the right to maintain, operate, repair and renew sewers now existing therein and in the future to construct, maintain, repair and renew additional or other sewers;

and also the right to authorize the public utilities and cable television systems to construct, maintain, repair or renew and operate now or hereafter installed water mains and gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines and other similar services and equipment and appurtenances above, on and below the surface of the ground for the purpose of serving the general public or abutting property;

and the right so reserved shall also include such lateral connection or branch lines as may be ordered, desired or permitted by the City or such other utility and to enter upon the premises to accomplish the above purposes at any and all times. All vegetation upon the premises, including but not limited to, trees, bushes and crops and all structures upon the premises, including, but not limited to, buildings, walls, fences, drives and walks, may be damaged or removed as necessary in the exercise of the rights herein reserved without compensation to any person.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall become effective after its passage, approval and publication according to law.

Section 4. The City retains the rights to all easements.


Passed and approved this 24th day of April, 2017.

APPROVED AS TO FORM:

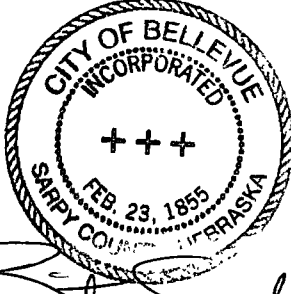
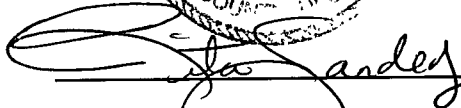


City Attorney

ATTEST

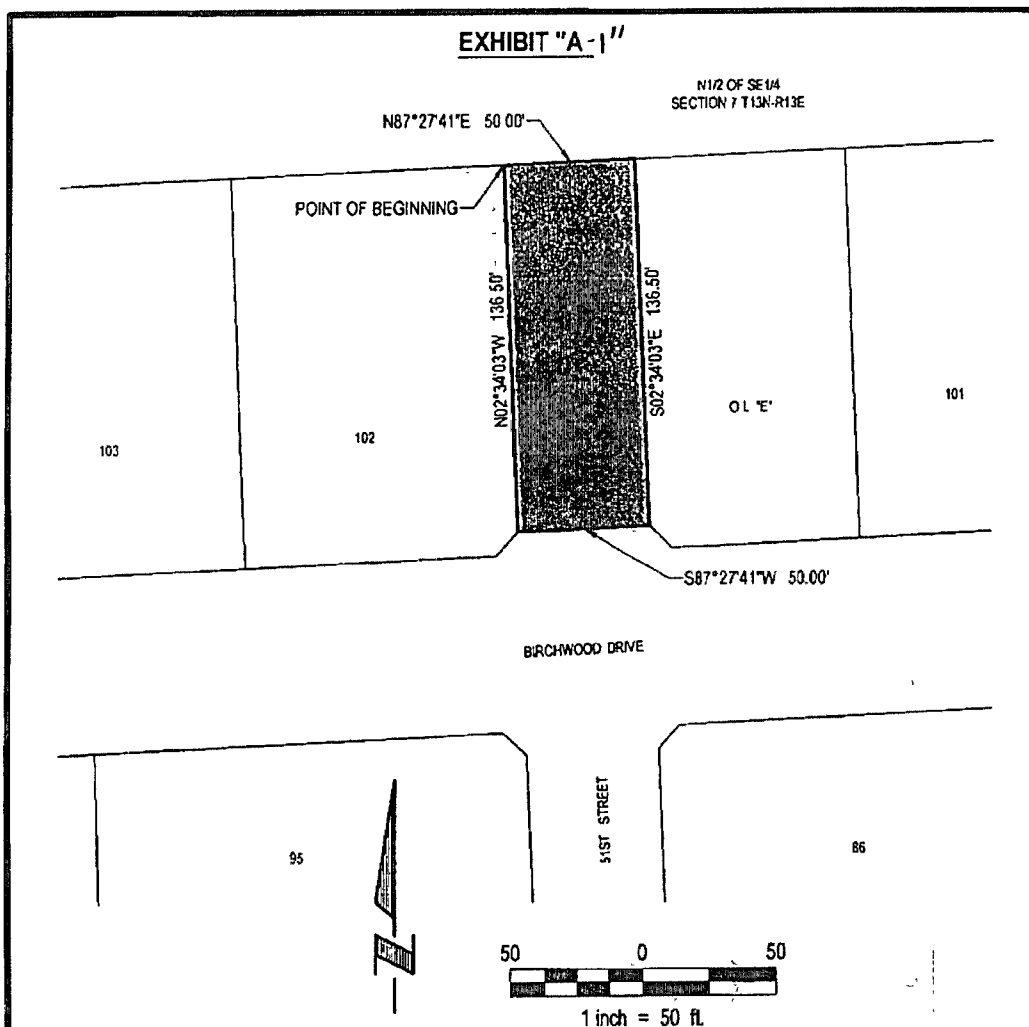


City Clerk

Mayor

First Reading: 4-24-17
Second Reading: _____
Third Reading: _____



LEGAL DESCRIPTION

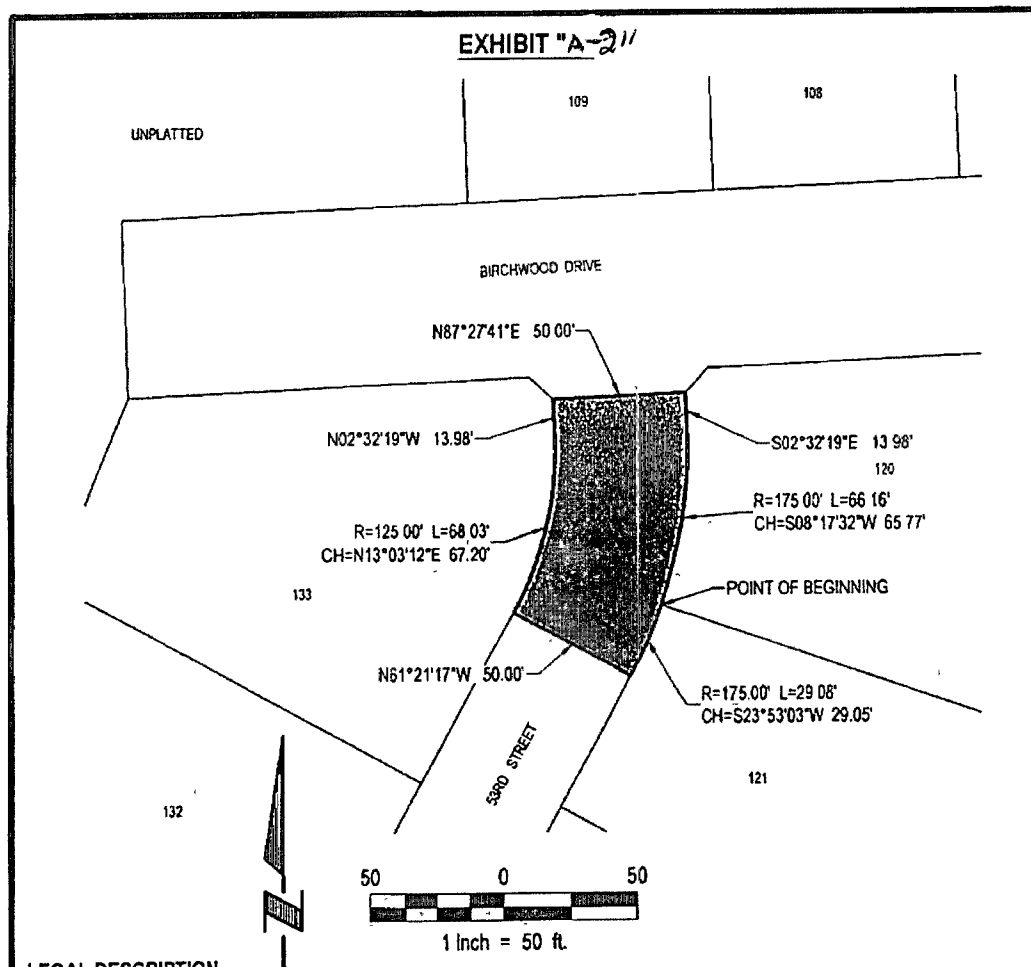
A RIGHT-OF-WAY VACATION OF PART OF 51ST STREET LOCATED IN CEDAR GROVE, A SUBDIVISION LOCATED IN PART OF THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 07, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 102, SAID CEDAR GROVE, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SAID 51ST STREET, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID SOUTH 1/2 OF SECTION 7; THENCE N87°27'41"E (ASSUMED BEARING) ALONG SAID NORTH LINE OF THE SOUTH 1/2 OF SECTION 7, A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF OUTLOT "E", SAID CEDAR GROVE, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SAID 51ST STREET; THENCE S02°34'03"E ALONG SAID EAST RIGHT-OF-WAY LINE OF 51ST STREET, SAID LINE ALSO BEING THE WEST LINE OF SAID OUTLOT "E", CEDAR GROVE, A DISTANCE OF 136.50 FEET TO THE SOUTHWESTERLY CORNER OF SAID OUTLOT "E", CEDAR GROVE, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE OF SAID 51ST STREET AND THE NORTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE; THENCE S87°27'41"W, ALONG SAID NORTH LINE OF BIRCHWOOD DRIVE, A DISTANCE OF 50.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 102, CEDAR GROVE, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE OF SAID 51ST STREET AND SAID NORTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE, THENCE N02°34'03"W, A DISTANCE OF 136.50 FEET TO THE POINT OF BEGINNING

SAID RIGHT-OF-WAY VACATION CONTAINS 6825 SQUARE FEET OR 0.157 ACRES, MORE OR LESS

 <small>E & A CONSULTING GROUP, INC. Engineering Surveyors</small>	E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services <small>19209 148 Valley Road, Suite 100 • Omaha, NE 68154 Phone 402.895.4700 • Fax 402.895.3599</small>		RIGHT-OF-WAY VACATION 51ST STREET CEDAR GROVE <small>SARPY COUNTY, NEBRASKA</small>
	Drawn by: RLS Chkd by: _____ Date: 02-16-2017		
	Job No.: P2013.038.001		

EXHIBIT "A-211"



LEGAL DESCRIPTION

A RIGHT-OF-WAY VACATION OF PART OF 53RD STREET LOCATED IN CEDAR GROVE, A SUBDIVISION LOCATED IN PART OF THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 07, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 120, SAID CEDAR GROVE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 121, SAID CEDAR GROVE, AND ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID 53RD STREET, THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID LOT 121, CEDAR GROVE, SAID LINE ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF 53RD STREET ON A CURVE TO THE RIGHT WITH A RADIUS OF 175.00 FEET, A DISTANCE OF 29.08 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S23°53'03"W (ASSUMED BEARING), A DISTANCE OF 29.05 FEET; THENCE N61°21'17"W, A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID 53RD STREET, SAID LINE ALSO BEING THE EAST LINE OF LOT 133, SAID CEDAR GROVE; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE OF 53RD STREET, SAID LINE ALSO BEING SAID EAST LINE OF LOT 133, CEDAR GROVE ON THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 125.00 FEET, A DISTANCE OF 68.03 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N13°03'12"E, A DISTANCE OF 67.20 FEET; (2) THENCE N02°32'19"W, A DISTANCE OF 13.98 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 133, CEDAR GROVE, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE AND SAID EAST RIGHT-OF-WAY LINE OF 53RD STREET; THENCE N87°27'41"E ALONG SAID SOUTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE, A DISTANCE OF 50.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 120, CEDAR GROVE, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE AND SAID EAST RIGHT-OF-WAY LINE OF 53RD STREET; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF 53RD STREET, SAID LINE ALSO BEING THE WEST LINE OF SAID LOT 120, CEDAR GROVE ON THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) THENCE S02°32'19"E, A DISTANCE OF 13.98 FEET; (2) THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 175.00 FEET, A DISTANCE OF 66.16 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S08°17'32"W, A DISTANCE OF 65.77 FEET TO THE POINT OF BEGINNING.

SAID RIGHT-OF-WAY VACATION CONTAINS 4,781 SQUARE FEET OR 0.110 ACRES, MORE OR LESS



E & A CONSULTING GROUP, INC.

Engineering • Planning • Environmental & Field Services

12801 NW Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.003.4700 • Fax: 402.003.3900

Drawn by: CJV Chkd by:

Date: 02-17-2017

Job No.: P2013 038 001

RIGHT-OF-WAY VACATION

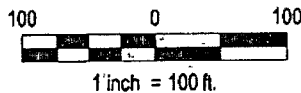
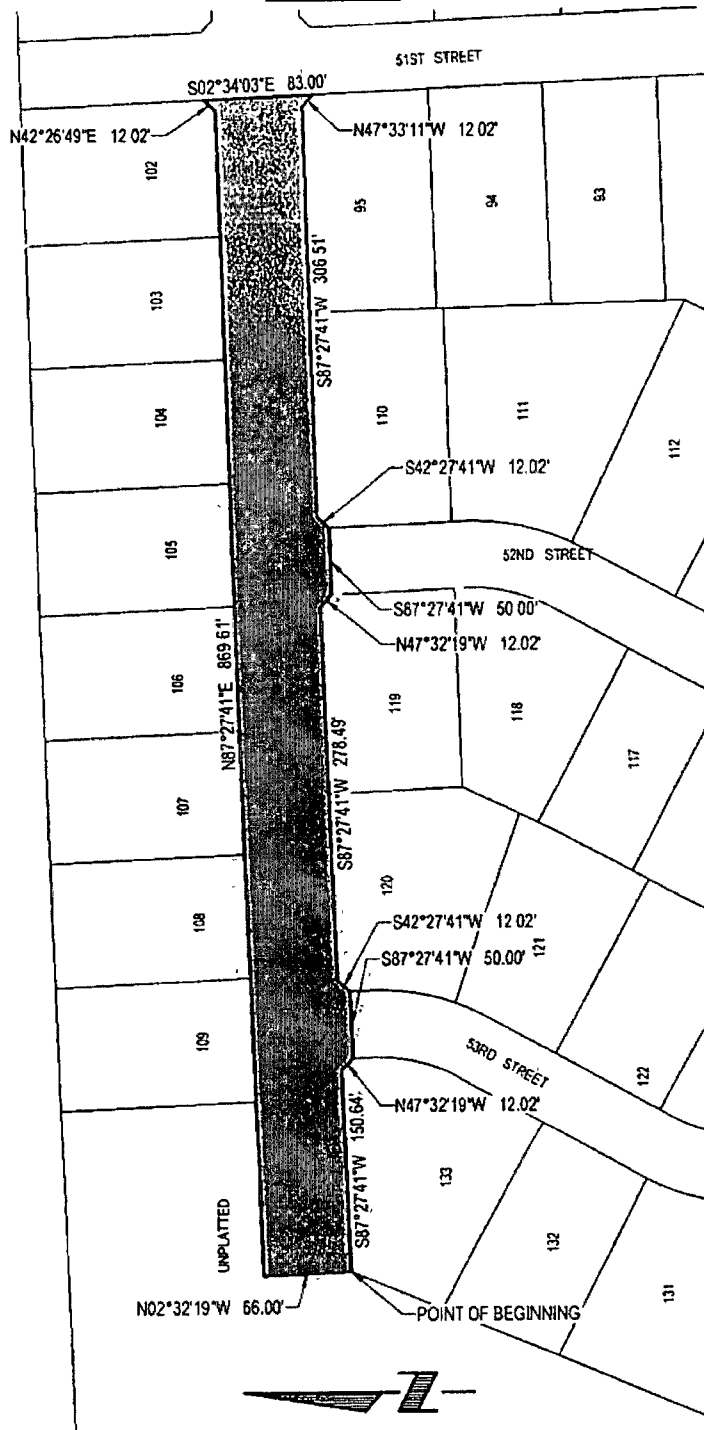
53RD STREET

CEDAR GROVE

SARPY COUNTY, NEBRASKA

EXHIBIT "A-3"

N1/2 OF SE1/4
SECTION 7-T13N-R13E



SEE SHEET 2 OF 2 FOR THE LEGAL DESCRIPTION

 E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services 10700 Mid Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.2509	RIGHT-OF-WAY VACATION BIRCHWOOD DRIVE CEDAR GROVE SARPY COUNTY, NEBRASKA	
	Drawn by: CJV Job No.: P2013.008.001	Chkd by: Date: 02-09-2017 SHEET: 1 OF 2

EXHIBIT "A"**LEGAL DESCRIPTION**

A RIGHT-OF-WAY VACATION OF PART OF BIRCHWOOD DRIVE LOCATED IN CEDAR GROVE, A SUBDIVISION LOCATED IN PART OF THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 07, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 133, SAID CEDAR GROVE, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF SAID BIRCHWOOD DRIVE; THENCE N02°32'19"W (ASSUMED BEARING), A DISTANCE OF 66.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID BIRCHWOOD DRIVE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE; SAID LINE ALSO BEING THE SOUTH LINE OF LOTS 102 THROUGH 109, SAID CEDAR GROVE ON THE FOLLOWING TWO (2) DESCRIBED COURSES. (1) THENCE N87°27'41"E, A DISTANCE OF 859.61 FEET, (2) THENCE N42°26'49"E, A DISTANCE OF 12.02 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 102, CEDAR GROVE, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE AND THE WEST RIGHT-OF-WAY LINE OF 51ST STREET; THENCE S02°34'03"E ALONG SAID WEST LINE OF 51ST STREET, A DISTANCE OF 83.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 95, SAID CEDAR GROVE, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE OF 51ST STREET AND SAID SOUTH RIGHT-OF-WAY LINE OF SAID BIRCHWOOD DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF BIRCHWOOD DRIVE, SAID LINE ALSO BEING THE NORTH LINE OF LOTS 95, 110, 119, 120 AND 133, SAID CEDAR GROVE ON THE FOLLOWING TEN (10) DESCRIBED COURSES: (1) THENCE N47°33'11"W, A DISTANCE OF 12.02 FEET; (2) THENCE S87°27'41"W, A DISTANCE OF 306.51 FEET, (3) THENCE S42°27'41"W, A DISTANCE OF 12.02 FEET, (4) THENCE S87°27'41"W, A DISTANCE OF 50.00 FEET, (5) THENCE N47°32'19"W, A DISTANCE OF 12.02 FEET, (6) THENCE S87°27'41"W, A DISTANCE OF 278.49 FEET; (7) THENCE S42°27'41"W, A DISTANCE OF 12.02 FEET; (8) THENCE S87°27'41"W, A DISTANCE OF 50.00 FEET; (9) THENCE N47°32'19"W, A DISTANCE OF 12.02 FEET; (10) THENCE S87°27'41"W, A DISTANCE OF 150.64 FEET TO THE POINT OF BEGINNING.

SAID RIGHT-OF-WAY VACATION CONTAINS 59,023 SQUARE FEET OR 1.355 ACRES, MORE OR LESS.

SEE SHEET 2 OF 2 FOR THE DRAWING


E & A CONSULTING GROUP, INC.

Engineering • Planning • Environmental & Field Services

10905 16th Valley Road Suite 100 • Omaha, NE 68134 Phone 402 895 4700 • Fax 402 895 3599

Drawn by: CJV	Chkd by:	Date: 02-16-2017
Job No.: P2013.038 001		SHEET: 2 OF 2

RIGHT-OF-WAY VACATION

BIRCHWOOD DRIVE

CEDAR GROVE

SARPY COUNTY, NEBRASKA