



2022-05652

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Deb Houghtaling

COUNTY CLERK/REGISTER OF DEEDS
Submitter: NE DEPT OF TRANSPORTATION

By: ah



RELI

RELINQUISHMENT INSTRUMENT
STATE HIGHWAY 85 SEGMENT
CITY OF LaVista

FOR FILING WITH THE COUNTY REGISTER OF DEEDS

According to the terms and conditions of a Relinquishment Agreement between the Parties, the Nebraska Department of Transportation (NDOT) has relinquished to the City of LaVista jurisdictional responsibility over the segment or segments of State Highway 85 (N-85) described below (hereinafter called the "Relinquished Segment" even though the relinquishment may include more than one relinquished segment). The State Highway Commission has recommended relinquishment of the Relinquished Segment and the Governor has consented to the Commission recommendation. This Instrument has been certified by NDOT for filing in the Office of the Register of Deeds, pursuant to Neb. Rev. Stat. §§ 39-1313 through 39-1314. By statute, no fee shall be charged for such filing.

The Relinquished Segment is displayed on Attachment A and described on Attachment B.

City has accepted jurisdictional responsibility over the Relinquished Segment and agreed that it has the obligation to construct, reconstruct, operate, repair, and maintain the Relinquished Segment as a part of its City Street system. The relinquishment does not include the transfer of any property rights to the real estate underlying the roadway. The state and federal functional classifications of the Relinquished Segment will be revised accordingly, and the Relinquished Segment will no longer be part of the State Highway System.

Please note that the Relinquishment Agreement includes provisions that expressly reserves and retains certain rights to State over the Relinquished Segment of N-85 and the N-85 right of way to protect the financial investment of the State and Federal governments in such segment, including:

- (a) The right to review any sale of and to receive the compensation for the sale or lease of any part of the highway property, including access control acquired for prior projects.

- (b) The right and obligation to review and approve any changes in outdoor advertising rights, in any area subject to control under Neb. Rev. Stat. § 39-201 et seq., and the Administrative Rules of the Nebraska Department of Transportation, Title 410, Chapter 3, Sign Permits.
- (c) The right and obligation to review and approve any width or location changes to driveways or other facilities used to control access along N-85.
- (d) The right to retake possession of N-85 if it is no longer used as a highway, street, or road.

The additional terms and conditions applicable to this relinquishment, if any, are as follows:

State has constructed project NH-85-2(1035), CN 22712, Giles Road —Harrison Street, in LaVista, a resurfacing of the asphalt on such Relinquished Segment.

The Agreement of the parties provides that after this one-mile segment of Highway 85 is relinquished, LaVista may make improvements to this segment to beautify the area as an entry point into the city. The improvements may include the following:

- (1) Replacement of the concrete box culvert located at approximately mile post 3.07 with a four-lane bridge that consists of arch-type artistic non-structured members over the roadway segment, with the arches lit with multicolored lights for nighttime effect.
- (2) Construction and operation of a trail with park benches along both sides of the roadway.
- (3) Planting and maintenance of vegetation, including trees, in the roadway median and along the trail and roadway segments.
- (4) Additional pedestrian road crossings may be constructed.
- (5) "Welcome to LaVista" signs will be constructed on the north and south ends of the relinquished segment, to be located on property acquired by LaVista from private, and where reasonable, public entities such as NDOT.

Dated this 15th day of February, 2022

STATE OF NEBRASKA
DEPARTMENT OF TRANSPORTATION

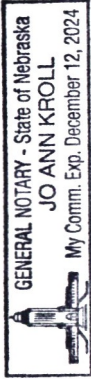


Director



STATE OF NEBRASKA)
) ss.
COUNTY OF Lancaster)

Subscribed and sworn to before me this 15th day of February, 2022.



Jo Ann Kroll
Notary Public

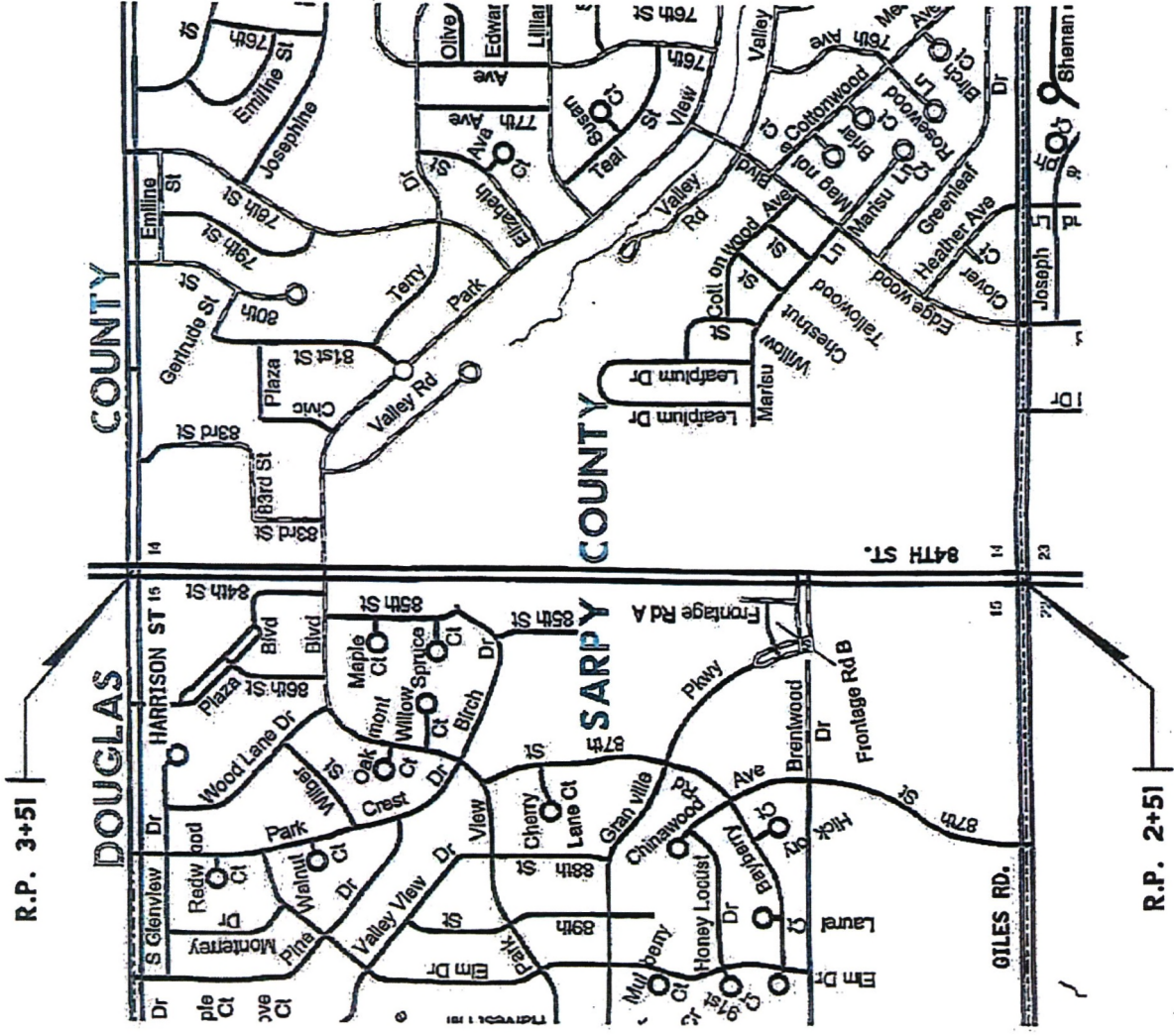
(Notary Seal)

I hereby certify that the above is a true and correct copy of the Nebraska Department of Transportation Relinquishment Instrument arising out of a Relinquishment Agreement between NDOT and City for the segment of State Highway identified herein.

STATE OF NEBRASKA
DEPARTMENT OF TRANSPORTATION
[Signature]
NDOT Right of Way Manager

Please note that according to Neb. Rev. Stat. § 39-1314, no fee is to be charged for the recording of this document.

LA VISTA
SARPY COUNTY
NEBRASKA



ATTACHMENT "A"

N-85 Relinquishment, LaVista

MISC-85-2(1036)

Control Number 22826

Sarpy County, Nebraska

The area for which jurisdictional responsibility is relinquished is that part of the existing State Highway 85, also known as 84th Street, from the approximate center of Giles Road which is approximately centered on the south lines of Sections 14 and 15, both in Township 14 North, Range 12 East, of the 6th P.M., Sarpy County, Nebraska, and thence running north for approximately 1 mile to the north lines of said sections 14 and 15, which are located approximately in the center of Harrison Street.

More specifically, the part of Highway 85 being relinquished begins at the south lines of Sections 14 and 15, both in Township 14 North, Range 12 East, of the 6th P.M., Sarpy County, Nebraska., which are in the approximate center of the east-west Giles Road, thence proceeds north for approximately 1.0 miles along said existing Highway 85, which is centered approximately on the section line between said sections 14 and 15, and ending at the north lines of said Sections 14 and 15, which is in the approximate center of the east-west Harrison Street.

ATTACHMENT "B", SUMMARY LEGAL DESCRIPTION (Revised)