

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 3, 2020 AGENDA

| Subject: | Type: | Submitted By: |
|---|---|---|
| DECLARATION OF SURPLUS PROPERTY — PART OF TAX LOT 12 14-14-12 AND PART OF OUTLOT A LA VISTA CITY CENTRE | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | CHRISTOPHER SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR |

SYNOPSIS

An ordinance has been prepared declaring a portion of Tax Lot 12 14-14-12 and a portion of Outlot A, La Vista City Centre as surplus property.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

An ordinance has been prepared declaring a portion of Tax Lot 12 14-14-12 and a portion of Outlot A, La Vista City Centre as surplus property described in the Ordinance and shown on Exhibit A.

ORDINANCE NO.

AN ORDINANCE MAKING FINDINGS AND DETERMINATIONS AND DECLARING A PORTION OF TAX LOT 12 14-14-12 AND A PORTION OF OUTLOT A, LA VISTA CITY CENTRE, AS SURPLUS PROPERTY; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AUTHORIZATION OF FURTHER ACTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AS FOLLOWS:

SECTION 1. Findings and Determinations. The Mayor and City Council hereby make and approve the following findings and determinations as necessary, proper, expedient, and in the best interests and general welfare of the City and its residents:

1. The City of La Vista ("City") owns the following property ("Property"):

"Parcel 1" (Portion of Tax Lot 12 14-14-12)

A PORTION OF TAX LOT 12 14-14-12, TO BE REPLATTED AS PART OF LOT 3, LA VISTA CITY CENTRE REPLAT FOUR, IN THE SOUTHWEST QUARTER AND NORTHWEST QUARTER, OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ON THE EAST LINE OF SAID LOT 3 FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) ON AN ASSUMED BEARING OF N02°37'08"E, 115.96 FEET; (2) N02°22'52"W, 11.16 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ON SAID NORTH LINE OF THE SOUTHWEST QUARTER, S87°27'44"W, 179.76 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE ON THE WEST LINE OF LOT 3 FOR THE FOLLOWING TWENTY-FOUR (24) DESCRIBED COURSES: (1) N32°51'32"W, 41.46 FEET; (2) N39°33'31"W, 21.75 FEET; (3) N63°16'46"W, 82.92 FEET; (4) N33°37'10"E, 69.90 FEET; (5) N56°22'50"W, 15.21 FEET; (6) N33°37'10"E, 24.00 FEET; (7) S56°22'50"E, 6.31; (8) N49°10'45"E, 51.76 FEET; (9) N56°32'55"E, 66.27 FEET; (10) N61°02'30"E, 12.09 FEET; (11) N68°31'09"E, 11.30 FEET; (12) N77°58'40"E, 43.66 FEET; (13) S87°06'38"E, 29.01 FEET; (14) S79°32'17"E, 11.88 FEET; (15) S71°56'29"E, 86.35 FEET; (16) N18°03'31"E, 1.69 FEET; (17) S71°56'29"E, 10.91 FEET TO A POINT OF CURVATURE; (18) ON A 20.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 36.85 FEET (LONG CHORD BEARS S19°09'41"E, 31.85 FEET); (19) S33°37'06"W, 41.61 FEET; (20) S18°13'25"W, 26.66 FEET; (21) S61°22'02"E, 50.32 FEET; (22) S31°23'44"E, 41.87 FEET; (23) S58°36'05"W, 108.01 FEET; (24) S02°22'52"E, 15.16 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 67,995.01 SQUARE FEET OR 1.561 ACRES, MORE OR LESS; and

"Parcel 2" (Portion of Outlot A, La Vista City Centre)

A PORTION OF OUTLOT A, LA VISTA CITY CENTRE, TO BE REPLATTED AS PART OF LOT 3, LA VISTA CITY CENTRE REPLAT FOUR, IN THE SOUTHWEST QUARTER AND NORTHWEST QUARTER, OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ON THE SOUTH LINE OF SAID LOT 3 ON AN ASSUMED BEARING OF S87°37'07"W, 35.08 FEET; THENCE N02°22'53"W, 56.05 FEET; THENCE S87°37'07"W, 80.00 FEET; THENCE S02°22'53"E, 56.05 FEET TO A POINT ON SAID SOUTH LINE OF LOT 3; THENCE ON SAID SOUTH LINE OF LOT 3 S87°37'07"W, 35.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ON THE WEST LINE OF SAID LOT 3 FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: (1)

N07°22'52"W, 123.61 FEET; (2) S87°37'08"W, 6.25 FEET; (3) N32°51'32"W, 3.53 FEET; THENCE N87°27'28"E, 179.76 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE ON SAID EAST LINE OF LOT 3 FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) S02°22'52"E, 11.17 FEET; (2)

S02°37'08"W, 115.96 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 16,003.10 SQUARE FEET OR 0.367 ACRES, MORE OR LESS.

La Vista City Centre Replat Four is attached as Exhibit A and incorporated herein by this reference, which Exhibit generally depicts the part of Lot 3, La Vista City Centre Replat Four constituting Parcel 1, and generally depicts the part of Lot 3, La Vista City Centre Replat Four constituting Parcel 2.

2. The Property has ceased being used and no longer is not needed for recreational, park, or any other municipal purpose or use of the City.
3. The City desires to declare and designate the Property as surplus property to be held, transferred, and/or conveyed in whole or in part in such manner, on such terms, and for such purposes, uses, and consideration as the Mayor and City Council determine necessary or appropriate.

SECTION 2. Declaration Surplus Property. The Property is hereby declared and designated surplus property and shall be held, transferred, and/or conveyed in whole or in part in such manner, on such terms, and for such purposes, uses, and consideration as the Mayor and City Council determine necessary or appropriate in their sole discretion.

SECTION 2. Repeal of Conflicting Ordinances. Any ordinances or parts of ordinances as previously enacted that are in conflict with this Ordinance or parts of this Ordinance are hereby repealed to the extent necessary to eliminate such conflict.

SECTION 4. Authorization of Further Actions. The Mayor, City Administrator, City Engineer, City Clerk, and any designee of any of the foregoing, each shall be authorized to take such further actions, including without limitation preparing, executing, and filing such documents and instruments, as he or she determines necessary or appropriate to carry out the actions approved in this Ordinance.

SECTION 5. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 6. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in accordance with applicable law.

PASSED AND APPROVED THIS 3RD DAY OF MARCH, 2020.

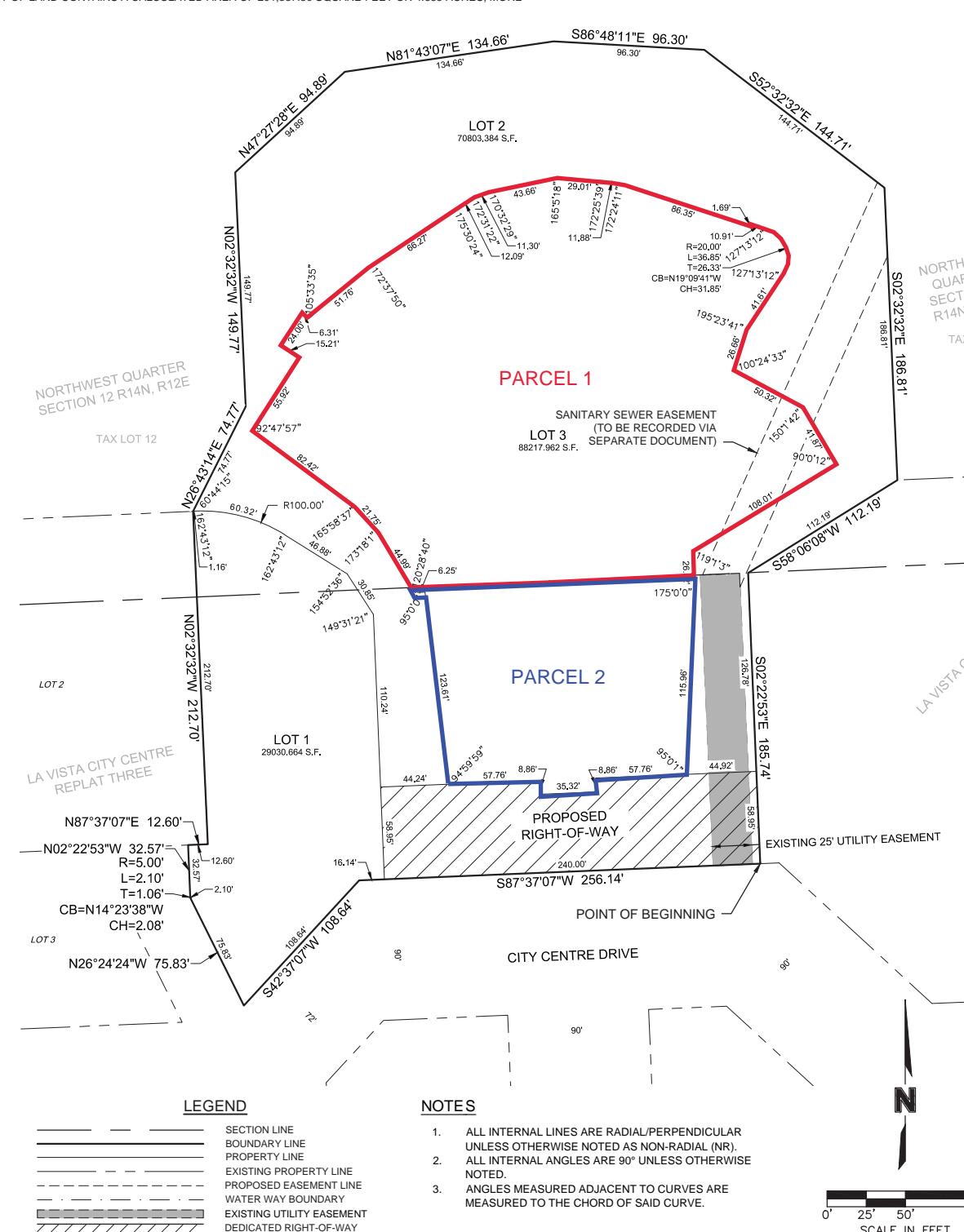
CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

EXHIBIT A
LA VISTA CITY CENTRE REPLAT FOUR



LEGAL DESCRIPTION
A TRACT OF LAND CONTAINING ALL OF LOT 13 AND OUTLOT A, LA VISTA CITY CENTRE, AND ALL OF LOT 1, LA VISTA CITY CENTRE REPLAT THREE, SUBDIVISIONS, SURVEYED, PLATTED AND RECORDED IN THE SOUTHWEST AND NORTHWEST QUARTERS AND PART OF TAX LOT 12 IN THE NORTHWEST QUARTER, ALL IN SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID OUTLOT A, LA VISTA CITY CENTRE; SAID CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF CITY CENTRE DRIVE; THENCE ON SAID NORTH RIGHT-OF-WAY LINE OF CITY CENTRE DRIVE FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) S87°37'07"E, 256.14 FEET; (2) S42°37'07"W, 108.64 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, LA VISTA CITY CENTRE REPLAT THREE; THENCE ON THE WEST LINE OF SAID LOT 1, LA VISTA CITY CENTRE REPLAT THREE FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES: (1) N26°22'53"W, 75.83 FEET TO A POINT OF CURVATURE; (2) ON A 5.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 2.10 FEET (LONG CHORD BEARS N14°23'38"W, 2.08 FEET); (3) N02°22'53"W, 32.57 FEET TO A POINT ON THE SOUTH LINE OF LOT 2, LA VISTA CITY CENTRE REPLAT THREE; (4) N87°37'07"E, 12.60 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, LA VISTA CITY CENTRE REPLAT THREE; (5) N02°22'53"W, 212.70 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, LA VISTA CITY CENTRE REPLAT THREE, SAID CORNER ALSO BEING ON THE SOUTH LINE OF SAID TAX LOT 12; THENCE N26°43'14"E, 74.77 FEET; THENCE N02°32'32"W, 149.77 FEET; THENCE N47°27'28"E, 94.89 FEET; THENCE N81°43'07"E, 134.66 FEET; THENCE S86°48'11"E, 96.30 FEET; THENCE S52°32'32"E, 144.71 FEET; THENCE S02°32'32"E, 186.81 FEET TO A CORNER OF LOT 14, SAID LA VISTA CITY CENTRE, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID TAX LOT 12; THENCE ON SAID SOUTH LINE OF TAX LOT 12, S58°06'08"W, 112.19 FEET TO THE NORTHWEST CORNER OF SAID LOT 14, LA VISTA CITY CENTRE, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF SAID OUTLOT A, LA VISTA CITY CENTRE; THENCE ON THE EAST LINE OF SAID OUTLOT A, LA VISTA CITY CENTRE, S02°22'53"E, 185.74 FEET, TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 201,887.80 SQUARE FEET OR 4.635 ACRES, MORE OR LESS.

LA VISTA CITY CENTRE REPLAT FOUR

LOTS 1 THRU 3

Exhibit "A"

A REPLAT OF LOTS 13 AND OUTLOT A, LA VISTA CITY CENTRE, AND LOT 1, LA VISTA CITY CENTRE REPLAT THREE, SUBDIVISIONS, AS SURVEYED, PLATTED AND RECORDED IN THE SOUTHWEST QUARTER AND NORTHWEST QUARTER, TOGETHER WITH A PART OF TAX LOT 12 IN THE NORTHWEST QUARTER, ALL IN SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., CITY OF LA VISTA, SARPY COUNTY, NEBRASKA.

OWNER'S CERTIFICATION

I, THE UNDERSIGNED LA VISTA CITY CENTRE, LLC OWNER OF THE REAL ESTATE SHOWN AND CHRISTOPHER L. ERICKSON DESCRIBED HEREIN, DO HEREBY CERTIFY THAT I, HAVE LAID OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDED, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS LA VISTA CITY CENTRE REPLAT THREE, AN ADDITION TO THE CITY OF LA VISTA, NEBRASKA. ALL STREETS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC UNLESS SPECIFICALLY NOTED HEREIN. OTHER PUBLIC LANDS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY RESERVED FOR PUBLIC USE.

CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED. ANY ENCUMBRANCES OR SPECIAL ASSESSMENTS ARE EXPLAINED AS FOLLOWS:

THERE ARE STRIPS OF GROUND SHOWN OR DESCRIBED ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF UTILITY OR CITY TO INSTALL, REPAIR, REPLACE AND MAINTAIN ITS INSTALLATIONS.

LA VISTA CITY CENTRE, LLC
CHRISTOPHER L. ERICKSON
MANAGING MEMBER

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF) SS

ON THE _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED CHRISTOPHER L. ERICKSON, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS/HER VOLUNTARY ACT AND DEED AS SAID LA VISTA CITY CENTRE, LLC.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE MENTIONED.

NOTARY PUBLIC

OWNER'S CERTIFICATION

I, THE UNDERSIGNED CITY OF LA VISTA, A MUNICIPAL CORPORATION OWNER OF THE REAL ESTATE SHOWN AND CHRISTOPHER L. ERICKSON DESCRIBED HEREIN, DO HEREBY CERTIFY THAT I, HAVE LAID OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDED, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS LA VISTA CITY CENTRE REPLAT THREE, AN ADDITION TO THE CITY OF LA VISTA, NEBRASKA. ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC UNLESS SPECIFICALLY NOTED HEREIN. OTHER PUBLIC LANDS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY RESERVED FOR PUBLIC USE.

CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED. ANY ENCUMBRANCES OR SPECIAL ASSESSMENTS ARE EXPLAINED AS FOLLOWS:

THERE ARE STRIPS OF GROUND SHOWN OR DESCRIBED ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF UTILITY OR CITY TO INSTALL, REPAIR, REPLACE AND MAINTAIN ITS INSTALLATIONS.

DOUGLAS KINDIG, MAYOR

ATTEST: PAM BUETHE, CITY CLERK

SARPY COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE AS APPEARS ON THIS PLAT.

ON THIS _____ DAY OF _____, 2019.

SARPY COUNTY TREASURER

PRINTED NAME

LIEN HOLDER CONSENT

THE UNDERSIGNED HOLDER OF THAT CERTAIN LIEN AGAINST THE REAL PROPERTY DESCRIBED IN THE PLAT KNOWN AS LA VISTA CITY CENTRE REPLAT THREE (HEREINAFTER "PLAT"), SAID LIEN BEING RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF SARPY COUNTY, NEBRASKA AS INSTRUMENT NO. 2016-31248 (HEREINAFTER "LIEN"), DOES HEREBY CONSENT TO THE DEDICATION OF AND SUBORDINATE THE LIEN TO ANY UTILITY (SEWER, WATER, ELECTRIC, CABLE TV, TELEPHONE, NATURAL GAS) EASEMENTS, OR STREETS OR ROADS, PEDESTRIAN WAY EASEMENTS, AND ACCESS EASEMENTS AND RELINQUISHEMENTS OF ACCESS, DEDICATED TO THE PUBLIC, ALL AS SHOWN ON THE PLAT, BUT NOT OTHERWISE. THE UNDERSIGNED CONFIRMS THAT IT IS THE HOLDER OF THE LIEN AND HAS NOT ASSIGNED THE LIEN TO ANY OTHER PERSON.

DUNDEE BANK, A BRANCH OF SECURITY STATE BANK

BY: ADRIAN HERNANDEZ

TITLE: SENIOR VICE PRESIDENT

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF) SS

ON THE _____ DAY OF _____, 2019, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED ADRIAN HERNANDEZ, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS/HER VOLUNTARY ACT AND DEED AS SAID LA VISTA CITY CENTRE, LLC.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE MENTIONED.

NOTARY PUBLIC

APPROVAL BY LA VISTA CITY PLANNING COMMISSION

THE PLAT OF LA VISTA CITY CENTRE REPLAT FOUR, LOTS 1 THRU 3 WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION.

ON THIS _____ DAY OF _____, 2019.

CHAIRPERSON, LA VISTA PLANNING COMMISSION

ACCEPTANCE BY LA VISTA CITY COUNCIL

THE PLAT OF LA VISTA CITY CENTRE REPLAT FOUR, LOTS 1 THRU 3 WAS APPROVED AND ACCEPTED BY THE LA VISTA CITY COUNCIL.

ON THIS _____ DAY OF _____, 2019.

PAM BUETHE, CITY CLERK DOUGLAS KINDIG, MAYOR

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF LA VISTA CITY CENTRE REPLAT FOUR, LOTS 1 THRU 3 WAS REVIEWED BY THE SARPY COUNTY SURVEYOR'S OFFICE THIS _____ DAY OF _____, 2019.

COUNTY SURVEYOR/ENGINEER

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, AND THAT THIS PLAT MEETS OR EXCEEDS THE "MINIMUM STANDARDS FOR SURVEYS" ADOPTED BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. I, TERRY L. ROTHANZL, DO HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN AND THAT PERMANENT MONUMENTS AS NOTED HEREON WILL BE PLACED ON THE BOUNDARY OF THE PLAT AND AT ALL CORNERS, ANGLE POINTS, AND ENDS OF ALL CURVES ON THE BOUNDARY AND ON THE LOTS IN THE SUBDIVISION TO BE KNOWN AS LA VISTA CITY CENTRE REPLAT FOUR, LOTS 1 THRU 3 BEING A REPLAT OF LOTS 13 AND OUTLOT A, LA VISTA CITY CENTRE, AND LOT 1, LA VISTA CITY CENTRE REPLAT THREE, SUBDIVISIONS, SURVEYED, PLATTED AND RECORDED IN THE SOUTHWEST QUARTER AND NORTHWEST QUARTER, TOGETHER WITH A PART OF TAX LOT 12 IN THE NORTHWEST QUARTER, ALL IN SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., CITY OF LA VISTA, SARPY COUNTY, NEBRASKA. SAID FINAL PLAT CONTAINS A CALCULATED AREA OF 201,887.80 SQUARE FEET OR 4.635 ACRES.

TERRY L. ROTHANZL
NEBRASKA L.S. 607

DATE

drawn by: DSH
checked by: EW
approved by: TLR
QA/QC by: EWT/RL
project no.: 016-0546
drawing no.: 09.17.19
date: 09.17.19

SHEET
1 of 1

FINAL PLAT
LA VISTA CITY CENTRE REPLAT FOUR
LOTS 1 THRU 3
LA VISTA, NEBRASKA

olsson
2111 South 67th Street Suite 200
Omaha, NE 68106
TEL: 402-341-1116
FAX: 402-341-5895
www.olsson.com