

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 19, 2016 AGENDA**

Subject:	Type:	Submitted By:
PROPERTY CONVEYANCE — PARTS OF SOUTHWESTERN SLOPE OF GOLF COURSE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIR.

SYNOPSIS

An ordinance has been prepared directing the sale and conveyance of parts of the southwestern slope of the golf course and manner and terms thereof.

FISCAL IMPACT

Consideration is anticipated to be receipt by the City of equivalent real property in exchange for public uses to the south.

RECOMMENDATION

Approval.

BACKGROUND

An ordinance has been prepared directing the conveyance of parts of the southwestern slope of the golf course as shown on Exhibit A. Consideration is anticipated to be receipt by the City of equivalent real property in exchange for public uses to the south. The conveyance is subject to amending the 84th Street Redevelopment Plan and Comprehensive Plan for anticipated redevelopment projects including areas of the golf course and Brentwood Crossing, definitive documents, and satisfying any other applicable requirements of the Community Development Law or other applicable laws. Notice of the sale and terms will be published.

ORDINANCE NO. ____

AN ORDINANCE DIRECTING CONVEYANCE OF REAL ESTATE IN THE VICINITY OF SOUTHWESTERN AREAS OF LA VISTA FALLS GOLF COURSE, BEING A PART OF TAX LOT 12 LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, AND THE MANNER AND TERMS THEREOF; AND TO PROVIDE FOR AN EFFECTIVE DATE HEREOF.

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

Section 1. It is hereby declared necessary, expedient, proper and for the public good for the City, upon payment or provision of applicable consideration, to sell and convey the property described in Exhibit A ("Property") according to the manner and terms of conveyance set forth in Exhibit B ("Manner and Terms of Conveyance"), which sale, conveyance and Manner and Terms of Conveyance are hereby found and deemed to be in the best interests of the City. Exhibits A and B are incorporated into this Ordinance by reference.

Section 2. It is hereby directed that the Property be sold and conveyed according to the Manner and Terms of Conveyance. Such sale and conveyance shall be carried out by the Mayor, City Administrator, City Clerk or such other persons as the City Administrator determines, and each of them shall have full power and authority to take all actions as necessary or appropriate to carry out the sale and conveyance, including without limitation executing and delivering all deeds or other instruments or documents on behalf of the City. Provided, however, notwithstanding anything in this Ordinance to the contrary, direction of the sale and conveyance of the Property pursuant to this Ordinance shall be subject to any required movement, or consent of the owner, of any public utilities using the Property, adoption of amendments to the La Vista Redevelopment Plan for the 84th Street Redevelopment Area and Comprehensive Development Plan for anticipated redevelopment projects including areas of the La Vista Falls golf course and Brentwood Crossing, definitive documents, agreements, and instruments in form and content satisfactory to the City Administrator, and satisfaction of any other applicable requirements of the Community Development Law or other applicable laws.

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

PASSED AND APPROVED THIS 19TH DAY OF JULY, 2016.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY TO BE CONVEYED

A TRACT OF LAND BEING A PART OF TAX LOT 12 LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1:

BEGINNING AT THE SOUTHWEST CORNER OF SAID TAX LOT 12, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF 84TH STREET; THENCE ON AN ASSUMED BEARING OF N02°22'12"E ON THE EAST RIGHT-OF-WAY LINE OF 84TH STREET, 55.20 FEET; THENCE N87°27'28"E, 217.26 FEET; THENCE S57°58'55"E, 96.96 FEET TO A POINT ON THE SOUTH LINE OF SAID TAX LOT 12; THENCE S87°27'28"W ON SAID SOUTH LINE, 301.84 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 14,275.29 SQ. FT. OR 0.328 ACRES MORE OR LESS.

A TRACT OF LAND BEING A PART OF TAX LOT 12 LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 2:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TAX LOT 12, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF 84TH STREET; THENCE ON AN ASSUMED BEARING OF N87°27'28"E ON SAID SOUTH LINE OF TAX LOT 12, 541.84 FEET TO THE POINT OF BEGINNING; THENCE N58°06'08"E, 112.19 FEET; THENCE N87°27'28"E, 191.50 FEET; THENCE S02°33'02"E, 55.00 FEET TO A POINT ON SAID SOUTH LINE OF TAX LOT 12; THENCE S87°27'28"W ON SAID SOUTH LINE, 289.29 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 13,221.81 SQ. FT. OR 0.304 ACRES MORE OR LESS.

SAID TRACTS 1 AND 2 CONTAIN A TOTAL CALCULATED AREA OF 27,497.10 SQ. FT. OR 0.631 ACRES MORE OR LESS.

PROJECT NO:	016-0546	TAX LOT 12 TRACT 1 & 2 METES AND BOUNDS	 2111 South 67th Street, Suite 200 Omaha, NE 68105 TEL: 402.341.1885	EXHIBIT
DRAWN BY:	PAN			1
DATE:	6/14/2016			

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PART OF TAX LOT 12 LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SAPPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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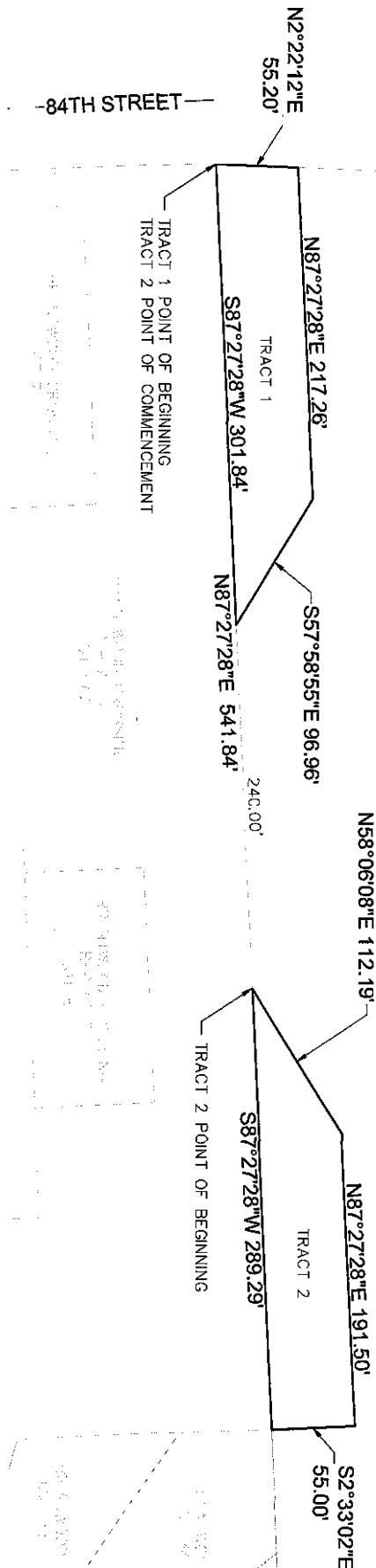
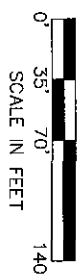
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**EXHIBIT B
MANNER AND TERMS OF CONVEYANCE**

Manner of Sale: Deed or other appropriate instrument of conveyance from City.

Terms of Sale:

1) Legal Description:

A TRACT OF LAND BEING A PART OF TAX LOT 12 LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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("Property")

2) Consideration to be paid or provided to City: Consideration is anticipated to be receipt by the City of equivalent real property in exchange for public uses to the south, the location and boundaries of which to be determined by survey and subject to approval of the City Administrator; or such other appropriate equivalent consideration as approved by the City Administrator.

3) Method of Payment: Delivery and exchange of deeds or other appropriate instruments of conveyance or equivalent consideration at closing.

4) Closing Date: As parties may agree.

5) Purchaser: _____ or its assignee.