

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 1, 2007 AGENDA**

Subject:	Type:	Submitted By:
EASEMENT RELEASE — LOT 1 & 4, SOUTHPORT WEST (N OF GILES RD, W OF WESTPORT PKWY)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A resolution has been prepared to approve the execution of a storm sewer easement release due to new easements being granted in a portion of the Southport West subdivision.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

The City has been working on getting new storm sewer easements from the Southport West Partners due to some utility conflicts and the need to change the location of the existing easements. The new easements have been executed by the owners and the city must now execute a termination and release of easement for the existing easement.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ADJUST THE LOCATION OF PART OF A STORM SEWER EASEMENT, LOT 1 AND LOT 4, SOUTHPORT WEST SUBDIVISION; AND TO AUTHORIZE THE MAYOR TO TAKE SUCH ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, Sanitary and Improvement District No. 253 and the City of La Vista, Sarpy County, Nebraska, ("City") were granted a Permanent Storm Sewer Easement per the plat of Southport West, a subdivision in Sarpy County, Nebraska, recorded as Instrument No. 2005-21955 (the "Plat") in the Sarpy County Register of Deeds office; and

WHEREAS, the City annexed the property located with Southport West, and is now the sole beneficiary of the dedicated storm sewer easement; and

WHEREAS, SPW Partners, LLC is the owner of Lot 1, Southport West, and Southport West Partners, LLC is the owner of Lot 4, Southport West, per special warranty deeds recorded as Instruments No. 2006-12539 and 2004-20235, respectively, in the Sarpy County Register of Deeds office ("Owner"); and

WHEREAS, the location of part of the original storm sewer easement across Lot 1 and Lot 4, Southport West, must be adjusted due to utility conflicts; and

WHEREAS, the City, SPW Partners, LLC and Southport West Partners, LLC desire to accomplish said adjustment by the termination and release of the original easement across Lot 1 and Lot 4, and concurrent grant of new easements by separate instruments.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the adjustment of part of the existing permanent storm sewer easement across Lot 1 and Lot 4, Southport West, pursuant to the Termination and Release of part of Existing permanent Storm Sewer Easement and the Permanent Storm Sewer Easements in form and content presented at this meeting and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Mayor and City Council hereby approve said Termination and Release of Part of Existing Permanent Storm Sewer Easement.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Termination and Release of Part of Existing Permanent Storm Sewer Easement, and to take such further actions as necessary or appropriate to carry out the resolutions approved herein.

PASSED AND APPROVED THIS 1st DAY OF MAY 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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TERMINATION AND RELEASE OF PART OF EXISTING PERMANENT STORM SEWER EASEMENT

This Termination and Release of Part of Existing Permanent Storm Sewer Easement is executed effective as of the _____ day of _____, 2007.

RECITALS:

1. Sanitary and Improvement District No. 253 and the City of La Vista, Sarpy County, Nebraska, ("City") were granted a Permanent Storm Sewer Easement per the plat of Southport West, a subdivision in Sarpy County, Nebraska, recorded as Instrument No. 2005-21955 (the "Plat") in the Sarpy County Register of Deeds office.

2. The City annexed the property located within Southport West, and is now the sole beneficiary of the dedicated storm sewer easement.

3. SPW Partners, LLC is the owner of Lot 1, Southport West, and Southport West Partners, LLC is the owner of Lot 4, Southport West, per special warranty deeds recorded as Instruments No. 2006-12539 and 2004-20235, respectively, in the Sarpy County Register of Deeds office ("Owner").

4. The location of part of the original storm sewer easement across Lot 1 and Lot 4, Southport West, must be adjusted due to utility conflicts; and the City, SPW Partners, LLC and Southport West Partners, LLC desire to accomplish said adjustment by the termination and release of the original easement across Lot 1 and Lot 4, and concurrent grant of new easements by separate instruments.

NOW, THEREFORE, the City and Owner, each on behalf of itself, its successors and assigns, hereby fully and irrevocably terminates and releases part of the existing Permanent Storm Sewer Easement granted to S.I.D. No. 253 and the City of La Vista dedicated on instrument No. 2005-21955, as described on Exhibit "A" attached hereto and incorporated herein by this reference, and as of the date first written above.

(Executed on following page)

SPW PARTNERS, LLC

Date 3-22-07

By: Dennis Koch
Its: Managing Member

SOUTHPORT WEST PARTNERS, LLC

Date 3-22-07

By: Dennis Koch
Its: Managing Member

CITY OF LA VISTA, NEBRASKA

Date _____

By: _____
Mayor

ATTEST:

City Clerk

STATE OF NEBRASKA)
COUNTY OF Douglas) SS

Before me, the undersigned, Notary Public in and for said County and State appeared Dennis Koch, Managing Member of SPW Partners, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the above instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of the limited liability company.

WITNESS my hand and Notarial Seal this 22 day of March, 2007.

Kathy Scudder

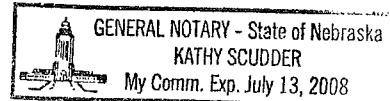
Notary Public

STATE OF NEBRASKA)
COUNTY OF Douglas) SS

Dennis Grotz, Managing Member of Southport West Partners, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the above instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of the limited liability company.

WITNESS my hand and Notarial Seal this 22 day of March, 2007.

Kathy Scudder
Notary Public



STATE OF NEBRASKA)
COUNTY OF SARPY) SS

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Douglas Kindig, the Mayor of the City of La Vista and the identical person whose name is affixed to the foregoing and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary act and deed of said City.

Notary Public

WHEN RECORDED RETURN TO:

EXHIBIT "A"

LEGAL DESCRIPTION

EXISTING PERMANENT STORM SEWER EASEMENT TO BE VACATED

LOTS 1 AND 4, SOUTHPORT WEST

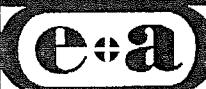
**GRANTED TO S.I.D. NO. 253 AND THE CITY OF LA VISTA PER
PLAT OF SOUTHPORT WEST INSTRUMENT NO. 2005-21955**

Part of an existing Permanent Storm Sewer Easement to be vacated located in Lots 1 and 4, Southport West, a subdivision located in the SW1/4 of Section 18; and also the SE1/4 of said Section 18; all located in Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Lot 4, Southport West, said point also being the Southwest corner of Lot 15, said Southport West, said point also being on the Southeasterly right-of-way line of Interstate Highway No. 80; thence N86°54'41"E (assumed bearing) along the Northerly line of said Lot 4, Southport West, said line also being the Southerly line of said Lot 15, Southport West, a distance of 29.24 feet to the point of beginning; thence continuing N86°54'41"E along said Northerly line of Lot 4, Southport West, said line also being said Southerly line of Lot 15, Southport West, a distance of 22.60 feet; thence S45°19'13"W, a distance of 98.80 feet; thence S02°38'47"E, a distance of 46.18 feet; thence S42°11'47"W, a distance of 159.24 feet; thence S02°38'47"E, a distance of 1018.28 feet to a point on the Southerly line of said Lot 1, Southport West, said line also being the Northerly right-of-way line of West Giles Road (formerly known as Giles Road); thence S86°56'35"W along said Southerly line of Lot 1, Southport West, said line also being said Northerly right-of-way line of West Giles Road (formerly known as Giles Road), a distance of 7.50 feet to the point of intersection of said Northerly right-of-way line of West Giles Road (formerly known as Giles Road), and the Northeasterly right-of-way line of the Chicago, Burlington and Quincy Railroad; thence N72°28'35"W along said Southerly line of Lot 1, Southport West, said line also being said Northeasterly right-of-way line of the Chicago, Burlington and Quincy Railroad, a distance of 7.99 feet; thence N02°38'47"W, a distance of 1021.77 feet; thence N42°11'47"E, a distance of 159.24 feet; thence N02°38'47"W, a distance of 46.67 feet; thence N45°19'13"E, a distance of 88.57 feet to the point of beginning.

Said part of an existing Permanent Storm Sewer Easement to be vacated contains an area of 19,801 square feet or 0.455 acres, more or less.

SEE Sheet No. 1 of 2 FOR BOUNDARY DRAWING



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700

Drawn by: JAF

Chkd by: _____

Chkd by: _____

Job No.: P2000.030.011 Date: 01/11/2007

Sheet No.: 2 of 2

**PERMANENT STORM SEWER
EASEMENT TO BE VACATED**
LOTS 1 AND 4, SOUTHPORT WEST
SARPY COUNTY, NEBRASKA

-----[Space above this line for recording data.]-----

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NOW, THEREFORE, the City and Owner, each on behalf of itself, its successors and assigns, hereby fully and irrevocably terminates and releases part of the existing Permanent Storm Sewer Easement granted to S.I.D. No. 253 and the City of La Vista dedicated on instrument No. 2005-21955, as described on Exhibit "A" attached hereto and incorporated herein by this reference, and as of the date first written above.

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Date 3-22-07

By: Dennis Koch

Its: Managing Member

SOUTHPORT WEST PARTNERS, LLC

Date 3-22-07

By: Dennis Koch

Its: Managing Member

CITY OF LA VISTA, NEBRASKA

Date _____

By: _____
Mayor

ATTEST:

City Clerk

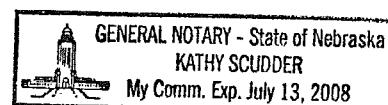
STATE OF NEBRASKA)
COUNTY OF Douglas) SS

Before me, the undersigned, Notary Public in and for said County and State appeared Dennis Koch Managing Member of SPW Partners, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the above instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of the limited liability company.

WITNESS my hand and Notarial Seal this 22 day of March, 2007.

Kathy Scudder

Notary Public



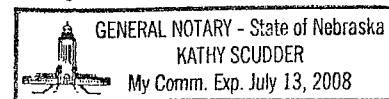
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COUNTY OF Douglas) SS

Dennis Roth, Managing Member Before me, the undersigned, Notary Public in and for said County and State appeared Southport West Partners, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the above instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of the limited liability company.

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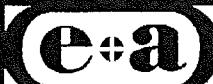
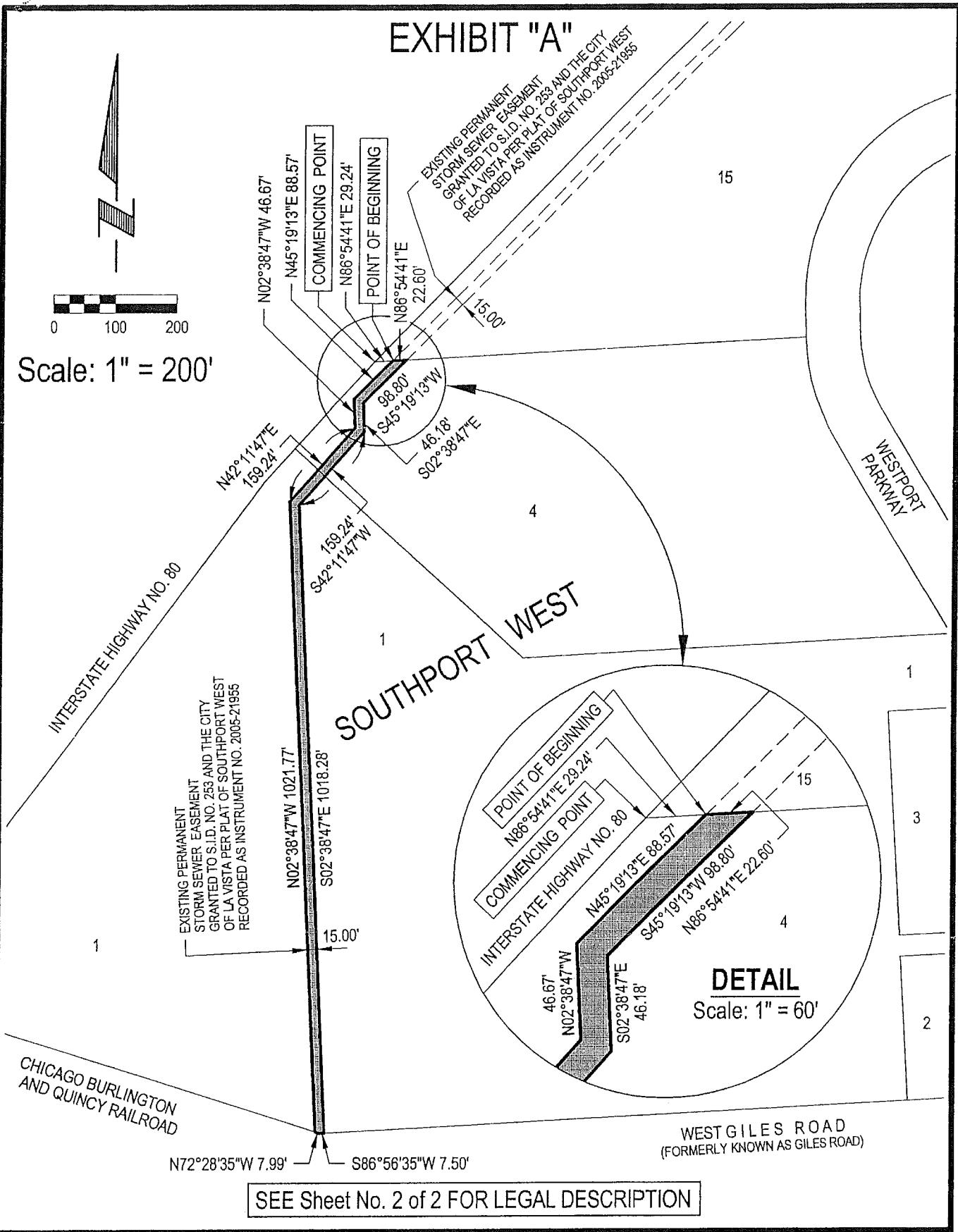
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COUNTY OF SARPY) SS

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Notary Public

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E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
350 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 655-4700

Drawn by: JAF Chkd by: Chkd by:

Job No : P2000 030 011 Date: 01/11/2007

Sheet No : 1 of 2

PERMANENT STORM SEWER
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LOTS 1 AND 4, SOUTHPORT WEST
SARPY COUNTY, NEBRASKA

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Drawn by: JAF Chkd by: _____ Chkd by: _____

Job No.: P2000.030.011 Date: 01/11/2007 Sheet No.: 2 of 2

**PERMANENT STORM SEWER
EASEMENT TO BE VACATED**
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