

ORDINANCE NO. _____

1 AN ORDINANCE authorizing the conveyance of Dairy Drive as vacated by Ordinance
2 No. 17864 to the County of Lancaster and Jerry Coniglio.

3 WHEREAS, Ordinance No. 17864, adopted by the City Council on June 18, 2001,
4 vacated Dairy Drive within the final plat of Leavitt’s Subdivision subject to title to said vacated
5 Dairy Drive remaining in the City of Lincoln; and

6 WHEREAS, the intent and purpose of Ordinance No. 17864 was to vacate Dairy Drive,
7 declare it surplus, and convey the same to the County and Jerry Coniglio; and

8 WHEREAS, the vacation and sale of public streets is governed by Chapter 14.20 of the
9 Lincoln Municipal Code. Section 14.20.020 provides in part that before passing an ordinance for
10 the vacation of any street, the City Council shall require a report from the executive branch of the
11 City as to the proper price to be paid by a purchaser for such street sought to be vacated; and

12 WHEREAS, pursuant to Section 14.20.020, Clint Thomas submitted a report in which he
13 estimated that the portion of vacated Dairy Drive to be sold to the County was worth \$13,150 and
14 the portion to be sold to Jerry Coniglio was worth \$4,420; and

15 WHEREAS, the County and Jerry Coniglio have requested that vacated Dairy Drive be
16 conveyed to them without payment of said amounts in consideration of the fact that Jerry
17 Coniglio voluntarily dedicated an additional 30 feet of right-of-way for Radcliff Street and that
18 Lancaster County paid for the construction of Radcliff Street at a cost of more that \$200,000 to
19 the County; and

20 WHEREAS, Article I, Section 2 of the City Charter authorizes the City to sell, convey, or
21 exchange surplus property valued in excess of \$10,000 in such a manner and upon such terms
22 and conditions as the City Council by ordinance deems to be in the best interest of the City.

1 NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lincoln,
2 Nebraska:

3 Section 1. That that portion of vacated Dairy Drive abutting Lots 5 and 6 of Leavitt's
4 Subdivision be conveyed to the County of Lancaster, and that that portion of vacated Dairy Drive
5 abutting Lot 7, Ryans Subdivision, be conveyed to Jerry Coniglio without additional
6 compensation in consideration of Jerry Coniglio's dedication of an additional 30 feet of right-of-
7 way for Radcliff Street and the County's construction and pavement of Radcliff Street at the
8 County's sole cost and expense.

9 Section 2. That this ordinance shall take effect and be in force from and after its
10 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ___ day of _____, 2001:

Mayor