

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

DIRECTING THE COUNTY ENGINEER)
TO CONDUCT A STUDY AND THE)
PLANNING DEPARTMENT TO WRITE A)
REPORT REGARDING VACATING PORTIONS) RESOLUTION NO. R-18-0072
OF A PUBLIC ROAD RIGHT-OF-WAY, MORE)
PARTICULARLY DESCRIBED IN EXHIBIT)
“A”, AND LOCATED IN LANCASTER)
COUNTY, NEBRASKA)

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska, (hereinafter referred to as the “County Board”) received a petition, see Exhibit “A” attached hereto and incorporated by this reference, that the public interest will be served by vacating the twenty five foot right-of-way adjacent to the east line of Lot 6 IT and the west line of Lots 7, 8, and 9, Block 3 of Gieren’s First Addition, Walton, Nebraska, more particularly described in Exhibit “A,” located in Lancaster County, Nebraska; and

WHEREAS, pursuant to Neb. Rev. Stat. §§ 39-1723 and 39-1722, within two weeks of the filing of a duly submitted petition with the Lancaster County Clerk, the Board shall by resolution direct the Lancaster County Engineer to study the use being made of such public road and to submit in writing to the County Board within thirty days a report upon the study made and her recommendation as to the vacation or abandonment thereof;

WHEREAS, pursuant to County Resolution No. 3049, the County Board shall also refer this matter to the Lincoln/Lancaster County Planning Department (“Planning”) to report in writing to the County Board within thirty days, unless a longer period is granted by the County Board, as to the character and degree of conformity or nonconformity of the proposed vacation to the Comprehensive Plan. Planning must also determine if the road to be vacated is within three miles of the City of Lincoln. If within three miles of the City of Lincoln, City Council approval

must also be obtained, and Planning will initiate this process. The City Clerk will forward such approval or disapproval to the County Clerk and the County Board;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the Lancaster County Engineer, or such person designated by the Engineer, shall conduct a study of the use being made of the above-described portion of county road, and to submit in writing to the County Board within thirty days, a report upon the study made and their recommendation as to the vacation thereof; and

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that Planning shall write a report as to the character and degree of conformity or nonconformity of the proposed vacation to the Comprehensive Plan, and to submit in writing to the County Board within thirty days, unless a longer period is granted by the County Board, a report and its recommendation as to the vacation thereof. Planning shall also determine if the road to be vacated is within three miles of the City of Lincoln. If within three miles, Planning will initiate this process to get the City Council's approval.

DATED this _____ day of _____, 2018.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this _____ day of
_____, 2018.

for PAT CONDON
County Attorney

RECEIVED

SEP 17 2018

LANCASTER COUNTY
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF
LANCASTER COUNTY, NEBRASKA

In the Matter of Policy for)
the Vacating of Public Roads)
Initiated by Private Parties)

Resolution No. 3049

WHEREAS, the County Board of Lancaster County, Nebraska wishes to establish a uniform policy for the vacating of public roads initiated by private parties; and

WHEREAS, a uniform policy has been agreed upon which is outlined in the documents attached hereto consisting of an instruction sheet for the vacation of public roads initiated by petition of private parties, a combination petition and quit claim deed and instruction sheet, and a form for signatures requesting vacation; and

WHEREAS, the County Board deems it in the public interest that a current version of the above-named documents should be on file at all times in the County Clerk's office available for public inspection;

NOW, THEREFORE, BE IT RESOLVED that the County Board of Lancaster County, Nebraska, adopt the guidelines and procedures set out in the attached documents as the process for vacating roads by initiation of private parties. That amendments to the attached documents may be made by motion and not resolution, provided, however, that an up-to-date version of said documents shall remain on file at the County Clerk's office and be available to the public for the public's information and inspection.

Dated this 17th day of February, 1976 in the County-City Building, Lincoln, Nebraska.

/s/Jan Gauger

/s/Robert E Colin, Sr.

BY THE BOARD OF COUNTY
COMMISSIONERS LANCASTER
COUNTY, NEBRASKA

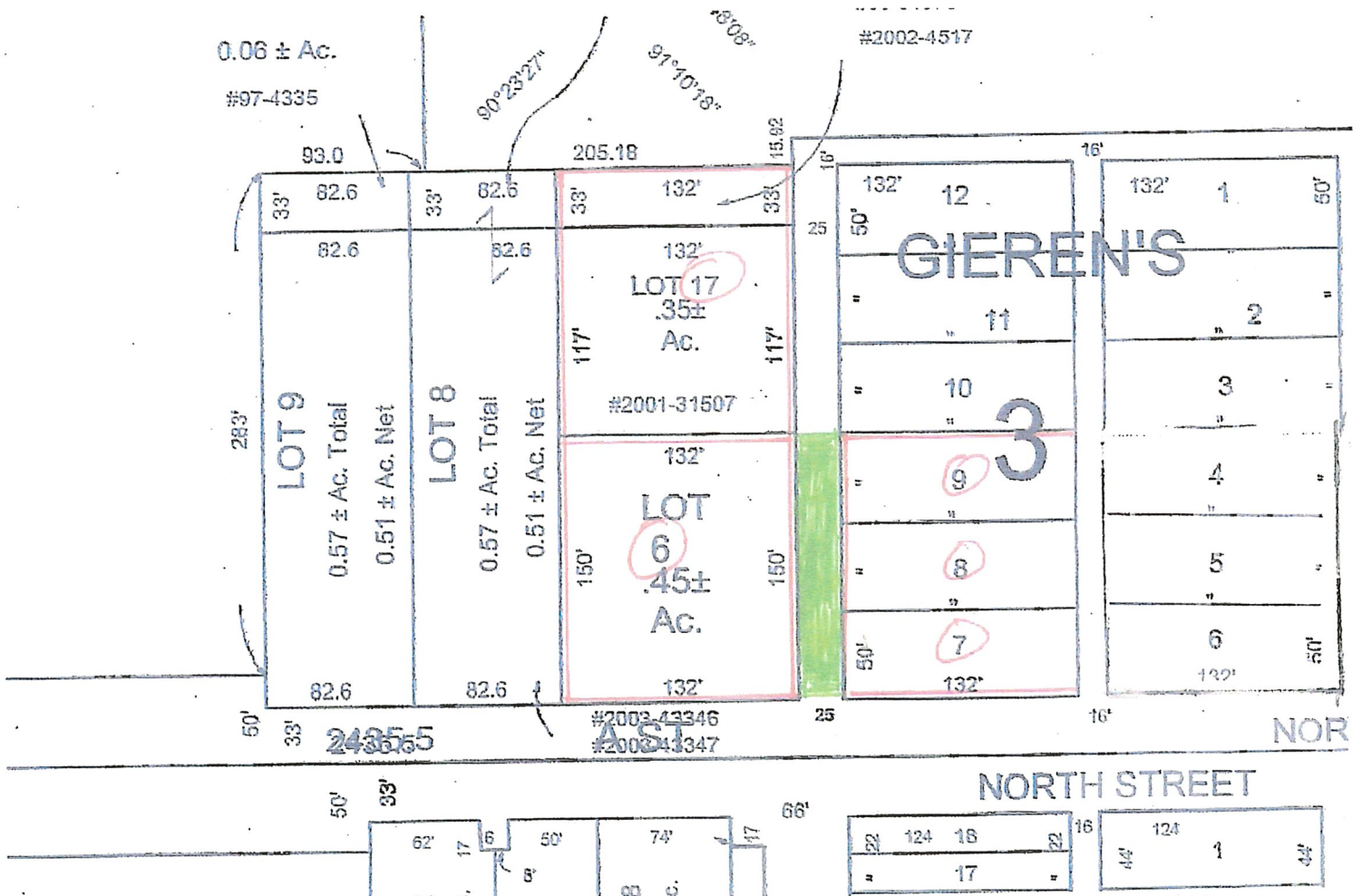
PETITION TO VACATE

RED - Lots 6, 7, 8, 9 & 17 - Owned by Grace Lutheran Church

GREEN - Parcel to be vacated, described as:

"The 25 foot right of way adjacent to the east line of Lot 6 IT and the west line of Lots 7, 8 & 9, Block 3 of Gieren's First Addition, Walton, NE"

This 25 x 150 foot parcel is owned by Lancaster County.



INFORMATION SHEET

This information sheet should be completed by each primary petitioner. The attached "Petition to Vacate with Release and Waiver of Rights and Title and Quit Claim to County of Lancaster, Nebraska" should also be completed according to the instruction contained in the Instruction Sheet.

1. Petitioner's Name Grace Lutheran Church - Walton - Provancha ^{Lowell}
2. Petitioner's Address 11640 A Street Walton, Ne 68461
3. Petitioner's Telephone Number Church - (402) 489-8693 Contact (402) 580-0659*
4. Street/Alley/Public Way sought to be vacated The 25 foot right of way adjacent to the east line of Lot 6 IT and the west line of lots 7, 8 & 9 Block 3 of Gieren's First Addition, Walton, NE
5. Why are you seeking to have this street/alley/public way vacated?
To provide 15' side yard setback needed for handicap accessibility for church addition which is currently 11'
6. What use(s) do you propose to make of the public way if vacated?
The 4' will provide the 15' setback to satisfy code requirements.

I (WE) DO INTEND TO PURCHASE (describe area intended to be purchased)

25' x 150' right of way

OF THE VACATED PUBLIC WAY WHICH ABUTS THE PROPERTY OWNED BY ME (US) AS DESCRIBED IN THE PETITION TO VACATE PUBLIC ROAD.

YES NO

Prior to the public hearing the property will be appraised. The purchase price of the portion you intend to buy must be deposited with the County Clerk before receiving a deed to said property or the property will be sold to any other party willing to pay the purchase price. The vacation resolution will not become final until the full price of the entire public road proposed to be vacated has been paid.

BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN COMPLETED AND IS ATTACHED TO THE INFORMATION SHEET.

RECEIVED

SEP 27 2018

PETITION FOR VACATION OF PUBLIC ROAD

LANCASTER COUNTY CLERK

The undersigned registered voters of Lancaster County, Nebraska reside within ten (10) miles of a segment of public road right-of-way described as: The 25 foot right of way adjacent to the east line of Lot 6 IT and the west line of Lots 7, 8 & 9 Block 3 of Gieren's First Addition, Walton, NE

a map of which is attached hereto, hereby petition the County Board of Lancaster County to vacate said segment of public road for the reason that: To provide 15' side yard setback needed for handicap accessibility for church addition which is currently 11'

And further request that a time and date be set for a public hearing before the County Board on this matter.

NAME	ADDRESS
1. Lowell Provanca	4501 S. 80th St Lincoln, NE 68516
2. Ken Green K	5600 Pioneer Blvd apt 346 Sumner
3. Terlan Lamm	5210 Sherman, Lincoln NE
4. Richard Whittier	6301 Rainier Ct, Lincoln 68516
5. Raymond H. Stevens	490 202nd SE Eagle NE 68534
6. Kay Seibertson	3506 Fairview Pl. 68516
7. Sukhvir Wagram	9230 Marland St Lincoln NE 68505
8. A. Ahlgrim	315 Park Vista Lincoln NE 685510
9. Nancy Pate	12000 Holdrege Lincoln, NE 683
10. Deborah York	710 Wild Dr. Eagle NE 68547
11. Kathleen Provanca	4501 S. 80th St Lincoln 68516
12. Paul Hrabec	2518 So 33 Lincoln 68506
13. Paul S. S.	5620 Lowell Ave Lincoln 68606
14. Chris Roeder	1200 N. 179th Lincoln 68527
15. J.	344 Menrose Avenue Lincoln 68506

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And further request that a time and date be set for a public hearing before the County Board on this matter.

NAME	ADDRESS
1. <u>Lowell Provanha</u>	<u>4501 So 80th St Lincoln, Ne 68516</u>
2. <u>Ken Zrenk</u>	<u>5600 Pioneer Blvd apt 340</u>
3. <u>Tyler Tamari</u>	<u>5210 Sherman, Lincoln Ne</u>
4. <u>Richard Whittier</u>	<u>6301 Rainier Ct, Lincoln 68510</u>
5. <u>Ryszard Hetous</u>	<u>1120 202nd St Eagle NE 68347</u>
6. <u>Key Selbexton</u>	<u>3500 Faceknee Cr. 68516</u>
7. <u>Suzette Wagaman</u>	<u>9230 Garland St Lincoln NE 68505</u>
8. <u>A. Abey</u>	<u>315 Park Vista Lincoln NE 68510</u>
9. <u>Mary Kay</u>	<u>12000 Holdrege Lincoln, NE 68527</u>
10. <u>Charles York</u>	<u>710 Wulf Dr. Eagle, NE 68347</u>
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

PETITION TO VACATE PUBLIC ROAD
WITH RELEASE AND WAIVER OF RIGHTS
AND TITLE AND QUIT CLAIM TO COUNTY
OF LANCASTER, NEBRASKA

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(For Register of Deeds Use Only)

TO THE COUNTY BOARD OF THE COUNTY OF LANCASTER, NEBRASKA

The undersigned property owner(s) hereby ask and petition you to vacate the following described street/alley/public road, to-wit:

The 25 foot right of way adjacent to the east line of Lot 6 IT and the westline of lots 7, 8, & 9 Block 3 of Gieren's First Addition, Walton, NE

in the County of Lancaster, Nebraska, to reserve and retain in said street, alley, or other public way such title, rights, easements and privileges as it may deem necessary. In consideration of the vacation of the above described street, alley or other public road, we, and each of us, for ourselves, our heirs, administrators, successors, and assigns, hereby waive and release any and all claims, causes of action, title, rights and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of or resulting from such vacation of said street, alley, or other public way; and hereby remise and forever quit claim unto the County of Lancaster, Nebraska and to its successors and assigns forever, all right, title, interest, estate, claim and demand, both at law and in equity, of, in and to all of said street, alley or other public way, together with all and singular there hereditaments thereunto belonging.

TO HAVE AND TO HOLD the above described street, alley or other public way unto the County Lancaster, Nebraska and to its successors and assigns, so that none of the undersigned, nor any person in his, her, their or its name(s) or behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

The undersigned hereby represent(s) that he, she, they or it is (are) the owner(s) of the following described property in Lancaster County, Nebraska, abutting on said street, alley or other public way, to-wit:

Lot 6 IT and Lots 7, 8 & 9 Block 3 of Gieren's
First Addition, Walton, NE

Dated this 17 day of September, 2018.

Lowell C Provancha
[Signature]

State of Nebraska)
)ss
Lancaster County)

Before me, a notary public qualified for said county, personally came _____

Lowell C Provancha

known to be the identical person(s) who signed the foregoing instrument, and acknowledged the execution thereof to be his, her or their voluntary act and deed for the purposes therein set forth, and acknowledged that he, she or they signed the foregoing instrument with the view of having said County of Lancaster vacate said street, alley or other public road and the County of Lancaster reserving and retaining in said street, alley or other public road such title, rights and privileges as it may deem necessary, together with a waiver and release of any and all claims, causes of action, title, rights, demands and quitclaim.

WITNESS my hand and notarial seal on 9-17, 2018.

Christina Rhodes, Notary Public

My commission expires: June 23 2019





Evangelical Lutheran Church in America
God's work. Our hands.

Evangelical Lutheran Church in America
Group Exemption Number: 9386

**CERTIFICATION OF FEDERAL INCOME TAX EXEMPTION
UNDER SECTION 501(c)(3)**
for

Grace Evangelical Lutheran Church
11640 A Street
Walton, NE 68461
EIN: 47-6027166

Grace Evangelical Lutheran Church is listed on the official roster of congregations affiliated with the Evangelical Lutheran Church in America (ELCA) and is recognized by the ELCA as being included under our Group Exemption Ruling. This inclusion establishes that this entity is exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code and is not a private foundation as defined in Code Section 509(a). The four-digit Group Exemption Number 9386 is the same for the ELCA, its synods, its congregations, and its related entities. The nine-digit Employer Identification Number (EIN) is different for each synod, for each congregation, and for other employing entities. The nine-digit number is used, for example, when federal withholding and Social Security contributions are filed by the employer.

The IRS issued the attached Group Exemption Letters dated April 5, 1988 and July 13, 1988, to the ELCA. In accordance with the terms of the April 5, 1988, letter, entities affiliated with the ELCA, who have provided the ELCA with their federal employer ID number, are exempt from Federal Income Tax under ELCA's Group Exemption Ruling.

December 28, 2011

Very truly yours,

Phillip H. Harris
General Counsel

Attachments

April 5, 1988, ELCA Group Ruling Recognition
July 13, 1988, ELCA GEN Assigned



Election Commissioner
601 North 46th Street
Lincoln, Nebraska 68503-3720

David J. Shively
Commissioner
Maura Kelly
Chief Deputy

Telephone: (402) 441-7311
FAX: (402) 441-6379

September 18, 2018

Mr. Dan Nolte
Lancaster County Clerk
Attention: Monet McCullen
575 South 10th Street
Lincoln, NE 68508

Dear Dan:

This letter is to inform you that I have reviewed petition for vacation of a public road in the unincorporated area in Walton.

All but two of the ten who signed the petition are registered voters in Lancaster County. Mr. Raymond Althouse who signed on line 5 and Mr. Arnold Yurk who signed on line 10 are currently registered to vote in Cass County.

If I can be of further assistance to you on this matter please let me know.

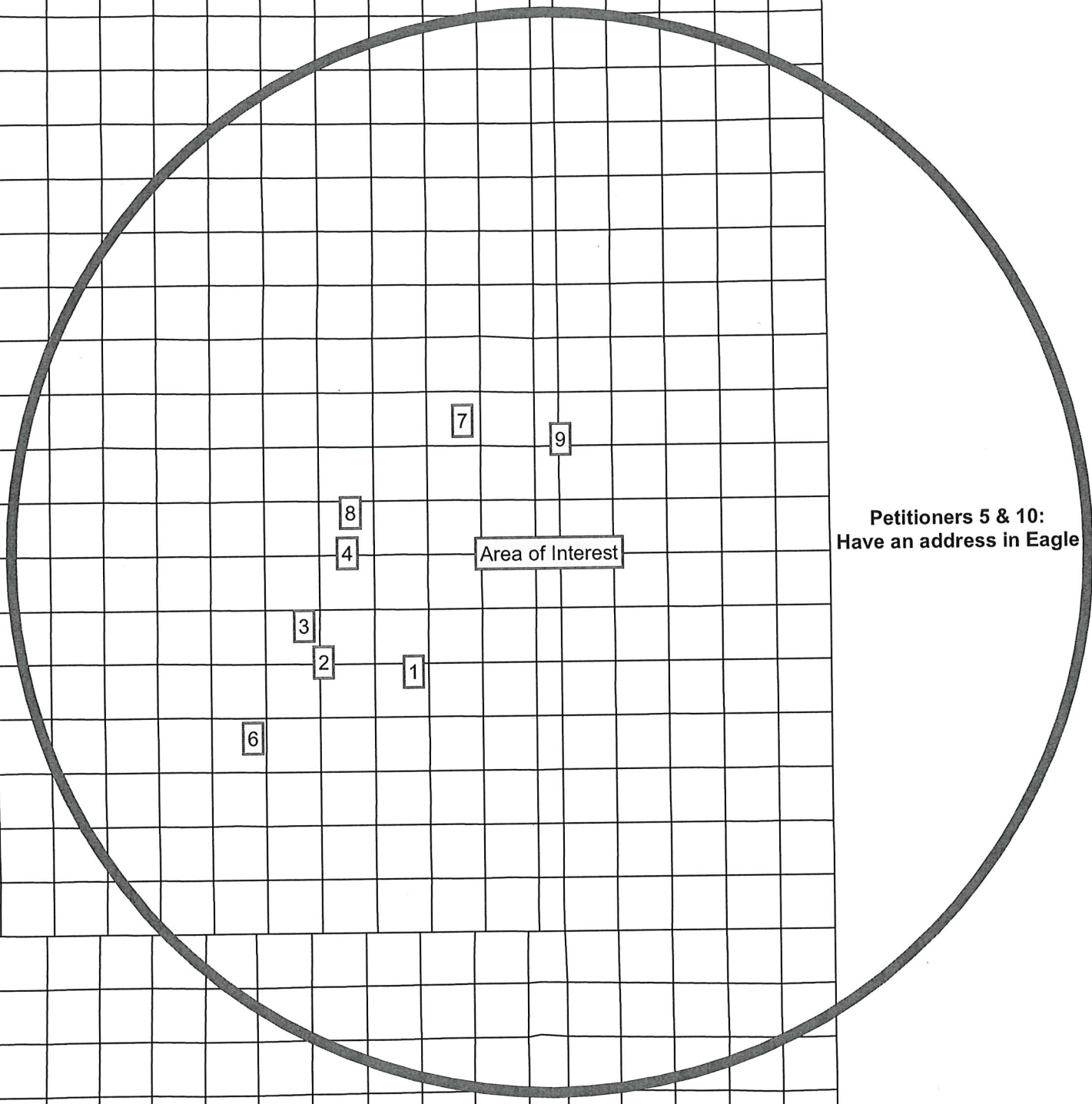
Sincerely,

A handwritten signature in blue ink that reads "David J. Shively". The signature is fluid and cursive, with a large loop at the end.

David J. Shively
Election Commissioner

DS/s

10 mile radius from Area of Interest-Walton (Petitioners)



Petitioners 5 & 10:
Have an address in Eagle

LANCASTER COUNTY CLERK

County-City Building | 555 South 10th Street | Lincoln, NE 68508-2803

402-441-7484 | Fax 402-441-8728

DAN NOLTE
Clerk

September 20, 2018

Grace Lutheran Church – Walton – Lowell Provancha
11640 A Street
Walton, NE 68461

Re: Vacation of the 25 foot right-of-way adjacent to the east line of Lot 6IT and the west line of lots 7,8&9 Block 3 of Gieren's First Addition, Walton, NE

Dear Grace Lutheran Church:

After further review of your application it has been brought to our attention that two of the petitioners are not registered voters in Lancaster County.

Mr. Raymond Althouse who signed on line 5 and Mr. Arnold Yurk who signed on line 10 are currently registered to vote in Cass County. Per Neb. Rev. Stat. § 39-1723 and page four of the application, all petitioners must be electors of Lancaster County and reside within 10 miles of the vacation location.

Once you have received 10 petitioners who are registered voters in Lancaster County and are within 10 miles of the location please feel free to resubmit your request to vacate.

Feel free to contact me at 402-441-7484 if you have any questions regarding this letter.

Sincerely,



Monét McCullen
Lancaster County Clerk's Office

Enclosure