

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF FIXING THE DATE, )  
TIME AND PLACE FOR A PUBLIC )  
HEARING REGARDING A REQUEST TO )  
VACATE PORTIONS OF WEST MCKELVIE ) RESOLUTION NO. R-18-0077  
ROAD, MORE PARTICULARLY DESCRIBED )  
IN ATTACHMENT "A", AND LOCATED IN )  
LANCASTER COUNTY, NEBRASKA )

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska, ("the Board"), pursuant to Neb. Rev. Stat. §§ 39-1722, received a report from the Lancaster County Engineer and the Lincoln-Lancaster County Planning Department regarding the vacation of portions of West McKelvie Road, more particularly described in Attachment "A," located in Lancaster County, Nebraska; and

WHEREAS, the report from the Lancaster County Engineering Department is provided in Attachment "A," which is attached hereto and incorporated by this reference; and

WHEREAS, the report from the Lincoln-Lancaster County Planning Department is provided in Attachment "B," which is attached hereto and incorporated by this reference.

NOW, THEREFORE, BE IT RESOLVED, by the Board as follows:

1) That a public hearing on the vacation for the aforesaid described road is hereby set for the 20th day of November, 2018, at 9:00 a.m., or as soon thereafter as is practicable, in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, 555 South 10<sup>th</sup> Street, Lincoln, Lancaster County, Nebraska.

2) That the Lancaster County Clerk should be and hereby is directed to publish this resolution once a week for three consecutive weeks in a legal newspaper of the County and is

further directed where possible to send copies of this resolution, either by registered or certified mail, to the owners of the land abutting on or adjacent to the portion of the road to be vacated, by mailing the same to the last known address of such owner not less than two weeks in advance of the above-referenced hearing date.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2018, at the City County Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

APPROVED AS TO FORM  
this \_\_\_\_ day of  
\_\_\_\_\_, 2018.

\_\_\_\_\_  
Deputy County Attorney  
for PAT CONDON  
Lancaster County Attorney

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LANCASTER  
COUNTY

Pamela L. Dingman, P.E.  
County Engineer


ENGINEERING

DEPARTMENT

Kenneth D. Schroeder, R.L.S.  
Deputy County Surveyor

Date: October 24, 2018

To: Lancaster County Board of Commissioners

From: Ken Schroeder  
County Surveyor 

Subject: Resolution R-18-0068  
Study to vacate a portion County Road #1060 (West McKelvie Road)

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Pursuant to County Resolution R-18-0068, this office has reviewed the request for vacating a portion of County Road #1060 (aka, West McKelvie Road) located in the SE¼ of Section 21 and in the NE¼ of Section 28, Township 11 North, Range 5 East, of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska, located east from the easterly right-of-way line of NW 105<sup>th</sup> Street (aka, East Street) running east along the section line to the east line of Lot 79, irregular tracts, in said SE¼ of Section 21.

This office would offer the following comments regarding proposed road vacation:

1. County Road #1060 (aka West McKelvie Road) at this location, is a section line petitioned road with 66 feet of statutory road right-of-way easement approved by the Lancaster Board of County Commissioners for location and declared opened as a public highway by final action on October 7, 1884.
2. Upon review of aerial photos dating back to 1949, the only portion of County Road #1060 that was constructed in the area, of this proposed vacation appears to have only been located, in the west 100' thereof, when the roadway was built with 90 degree turns prior to the gradual curves that exist today which changed possibly sometime between 1949 and 1965. (based on aerial photos)
3. We find that this area of proposed road vacation has not been graded or developed as a roadway for public use and have found no record of any structure ever being constructed to allow passage over Elk Creek located at the easterly end of proposed vacation.
4. The area of proposed road vacation is currently in the ownership of and is being used and maintained by the adjacent landowner which is of the same ownership on either side of requested vacation. (reference, Exhibit 'A')

5. It is unknown if there is existing utility use in this portion of statutory road right-of-way easement, therefore, if approved, retaining a blanket utility easement is recommended.
6. This office has no immediate plans, nor any, long range plans that would include the need to utilize this road right-of-way easement. Therefore, this office would recommend approval of the requested vacation.

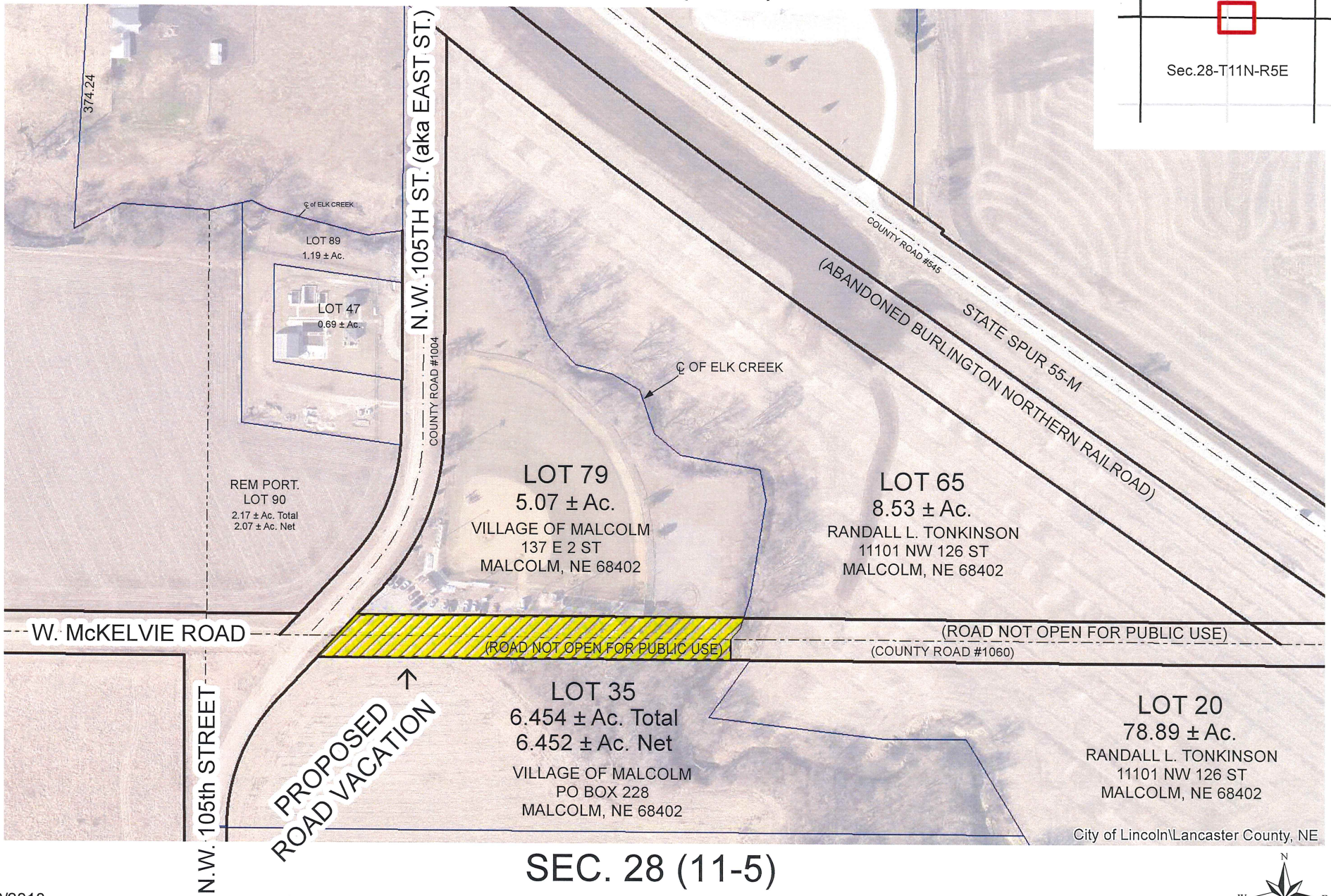
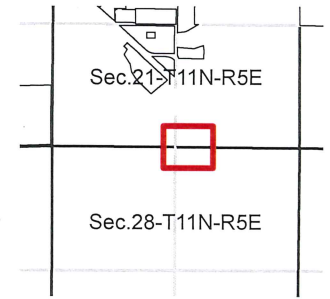
Enclosures

Cc: Jenifer Holloway, Deputy County Attorney  
Pam Dingman, County Engineer  
Ron Bohaty, Road Maintenance Division Head  
James Shotkoski, Right-of-way Manager  
Monet McCullen, County Clerk's Office  
Tom Cajka, Planning Department



# EXHIBIT "A"


## SEC. 21 (11-5)



## SEC. 28 (11-5)





NORTH 




NW 105<sup>TH</sup> ST.

W. McKelvie Rd.

10/11/2018



NORTH 



10/11/2018



NORTH  
↑

W. McKelvie Rd.

NW 105<sup>th</sup> St  
McKelvie

NW 105<sup>th</sup> St.

10/11/2018





EAST ST.

W MCKELVIE RD

NW 105TH ST





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## MEMORANDUM

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**TO:** County Board of Commissioners

**FROM:** Tom Cajka, Planning

**SUBJECT:** Request for vacation of W. McKelvie Road adjacent Lot 79 in Section 21-11-5.

**DATE:** October 22, 2018

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In accordance with County Resolution #R3049 the Planning Department has reviewed the request for the vacation of a portion of W. McKelvie Road in the SE Quarter of Section 21, Township 11 North, Range 5 East, Lancaster County, NE.

This street is in the one mile planning and zoning jurisdiction of Malcolm and is not shown in the Lincoln Lancaster County Comprehensive Plan.