

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-18-0081
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 west 10 feet adjacent to Lot 6 IT, 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

NOV 07 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

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 Evangelical Lutheran Church
- 2. Petitioner's Address 11640 A Street Walton Ne. 68461
- 3. Petitioner's Telephone Number 402 489 8693
- 4. Street/Alley/Public Way sought to be vacated unnamed street adjacent to Lot 6 IT

5. Why are you seeking to have this street/alley/public way vacated?
To provide 25' set back on east side of church which is considered front area for proposed church addition

6. What use(s) do you propose to make of the public way if vacated?
Handicap addition for church

I (WE) DO INTEND TO PURCHASE (describe area intended to be purchased)
We would propose to trade 10' of Grace Lutheran's vacated parking area for 10' of vacated 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.

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:

We propose to trade 10' of Grace Lutheran's vacated parking area for 10' of vacated right of way

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

Dated this 7 day of November, 2018.

State of Nebr.)
Lancaster County)^{ss} Lowell C Provanche

Before me, a notary public qualified for said county, personally came Lowell C Provanche

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 November 7th, 2018.

Christina Rhodes, Notary Public

My commission expires: 6-23-2019

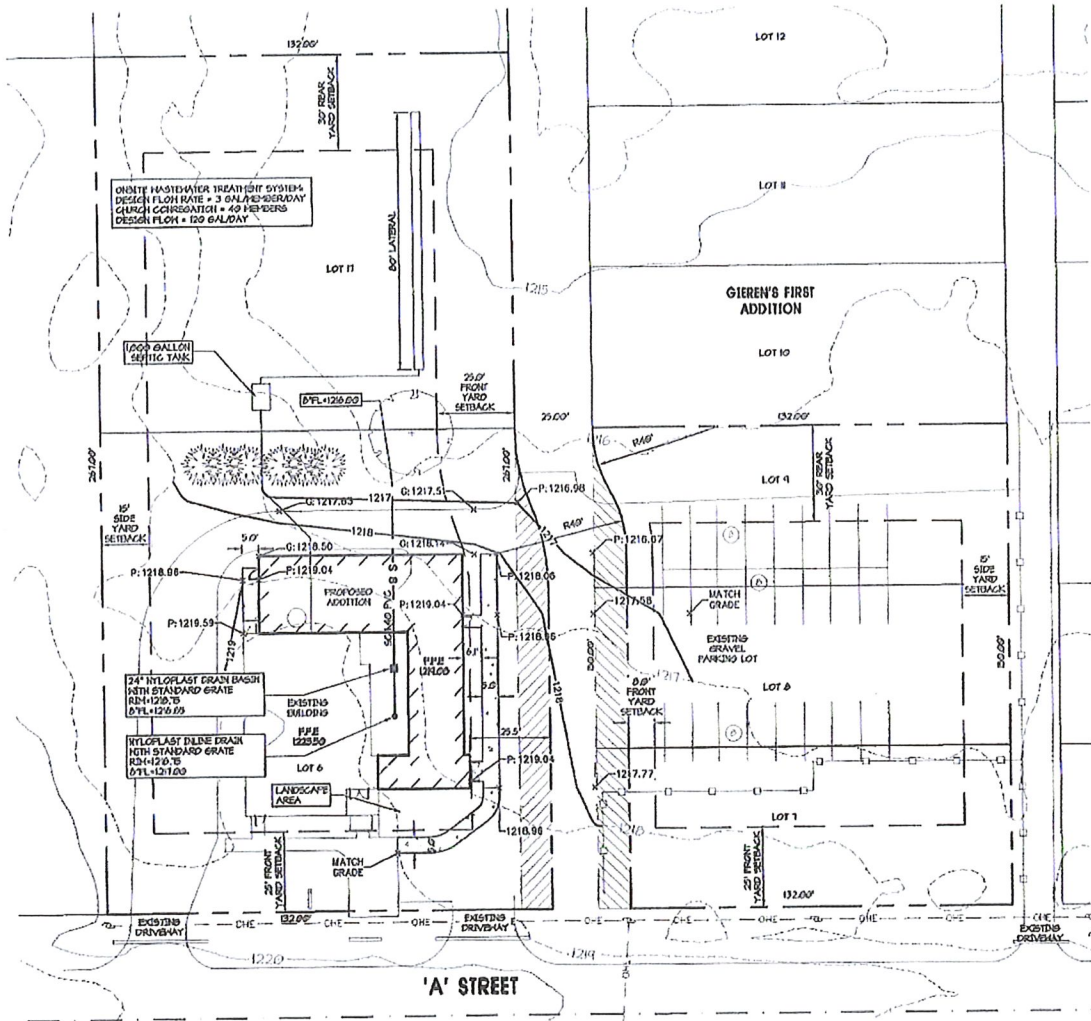
PETITION FOR VACATION OF PUBLIC ROAD

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' right of way adjacent to the east line of Lot 6 IT

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 25' front yard set back needed for handicap accessibility church addition

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

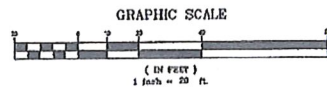
NAME	ADDRESS
1. <u>Josette Provancho</u>	<u>4501 So. 80th St Lincoln, NE 68516</u>
2. <u>Ken Green B</u>	<u>5600 Pioneer Blvd Apt 346 Omaha</u>
3. <u>Debra Vanman</u>	<u>5210 Sherman, Lincoln 70</u>
4. <u>Richard Whittier</u>	<u>6301 Rainier Ct, Lincoln 68516</u>
5. <u>Kenneth H. Peters</u>	<u>1120 202nd St Eagle NE 68321</u>
6. <u>Key Seibertson</u>	<u>3506 Farrell Knox Pl. 68516</u>
7. <u>Shirley Wagman</u>	<u>9230 Harland St Lincoln NE 68555</u>
8. <u>Pat Ahlgrim</u>	<u>315 Park Vista Lincoln NE 68551</u>
9. <u>Wayne Pate</u>	<u>12000 Holdrege Lincoln, NE 688</u>
10. <u>Charles York</u>	<u>710 Wolf Dr. Eagle NE 68347</u>
11. <u>Kathleen Provancho</u>	<u>4501 S. 80th St Lincoln 68516</u>
12. <u>Paul Hrusky</u>	<u>2518 So 33 Lincoln 68506</u>
13. <u>Paul Saff</u>	<u>3620 Lowell Ave Lincoln 68606</u>
14. <u>Chris Roeder</u>	<u>1200 N. 17th Lincoln 68527</u>
15. <u>[Signature]</u>	<u>344 Melrose Avenue Lincoln 68506</u>



GENERAL NOTES

- CONTRACTOR TO PRESERVE ALL SURVEY CONTROL.
- DATUM IS HVD 88. PROPOSED SPOT ELEVATIONS ARE TOP OF SLAB UNLESS NOTED OTHERWISE.
- THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITY LINES AND STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS AND TO THE BEST OF OUR KNOWLEDGE CONSTITUTE ALL KNOWN FACILITIES. HOWEVER, THE CONTRACTOR IS REQUIRED TO TAKE THE PRECAUTIONARY MEASURES TO PROTECT ANY EXISTING UTILITIES OR STRUCTURES LOCATED AT THE WORK SITE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT "ONE CALL" AT 1-800-331-5666 IN ADVANCE OF ANY EXCAVATION FOR THE MARK-OUT OF THE LOCATION OF UTILITIES AND NOTIFICATION OF CONSTRUCTION OF WORK.
- LOCATION AND ELEVATIONS OF IMPROVEMENTS TO BE MET (OR AVOIDED) BY WORK TO BE DONE SHALL BE CONFIRMED BY CONTRACTOR THROUGH FIELD EXPLORATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL REPORT TO THE ENGINEER ANY DISCREPANCIES BETWEEN THEIR MEASUREMENTS AND THESE PLANS.
- THE CONTRACTOR SHALL COORDINATE WITH APPROPRIATE UTILITY COMPANIES FOR GAS SERVICE, ELECTRICAL SERVICE, PHONE SERVICE, AND CABLE TV SERVICE. ALL CONCRETE, CONCRETE PADS, AND PEDESTAL LOCATIONS, ETC. SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY PRIOR TO UTILITY CONSTRUCTION AND UPON COMPLETION OF SITE GRADING.
- PRIOR TO MOVING OFF THE JOB, CONTRACTOR SHALL NOTIFY THE ARCHITECT AND THE ENGINEER TO DO A FINAL WALK THROUGH OF THE CONSTRUCTION SITE.

PROPOSED SITE AND GRADING PLAN



LEGEND

- 4" CONCRETE SIDEWALK
- RIGHT-OF-WAY TO BE VACATED
- RIGHT-OF-WAY TO BE DEDICATED

LEGAL DESCRIPTION:

GIEREN'S 1ST ADDITION TO WALTON, BLOCK 3, LOT 4, 4 LOTS 6 4 II 5 1 PRAC SEC. 30-15-8

OWNER:

GRACE EVANGELICAL LUTHERAN CHURCH

ADDRESS:

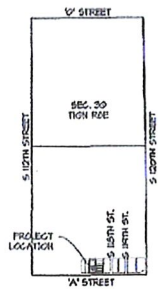
8043 A STREET

ZONING:

R-3 - RESIDENTIAL DISTRICT
25' FRONT YARD SETBACK
5' SIDE YARD SETBACK
30' REAR YARD SETBACK

DATUM:

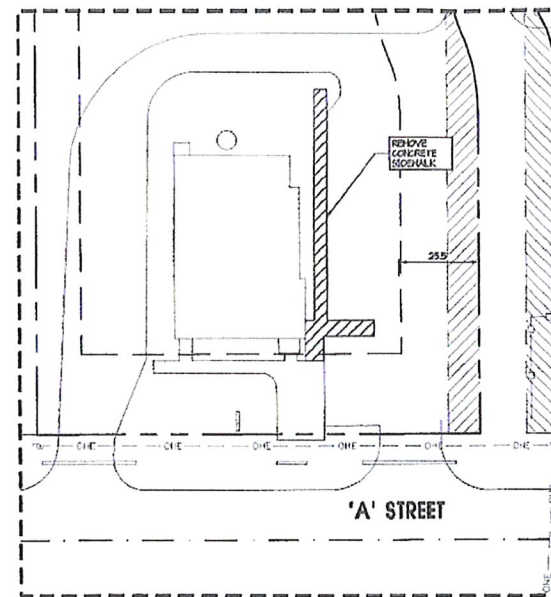
ALL PLAN CONTOURS AND ELEVATIONS ARE TO HVD 88 UNLESS OTHERWISE NOTED



VICINITY MAP
NOT TO SCALE

DIAL BEFORE YOU DIG

DIAL BEFORE YOU DIG. CALL 1-800-331-5666 FOR LOCATION OF UNDERGROUND TELEPHONE, ELECTRIC, GAS MAINS, CABLE TELEVISION, AND CITY UTILITIES.



DEMOLITION AREA

- 20 JUN 2010
- 24 AUG 10
- 10 SEP 10
- 15 OCT 10



GRACE LUTHERAN CHURCH
ADDITION
WALTON, NEBRASKA

PROPOSED SITE AND GRADING PLAN

Design Associates
of Omaha, Inc.
ARCHITECTS & PLANNERS
16000 S. 124th St., Suite 100, Lincoln, Nebraska 68504
402-491-7100
info@designassociates.com

