

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION REGARDING COUNTY )  
MSCCELLANEOUS NO. 19003: TO VACATE )  
A PORTION OF THE PLAT OF MCCLELLAN )  
ESTATES ADDITION, GENERALLY ) RESOLUTION NO. R-19-0077  
LOCATED AT 4180 NORTH 148<sup>TH</sup> STREET, )  
LANCASTER COUNTY, NEBRASKA )

WHEREAS, pursuant to Neb. Rev. Stat. § 23-174.03(1), the County of Lancaster, Nebraska (“County”), has, among other powers, the power to regulate the subdivision of land, to prescribe standards for laying out subdivisions in harmony with the comprehensive plan, and to require the dedication of land for public purposes;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-174.03(4), any plat shall, after being filed with the register of deeds, be equivalent to a deed in fee simple absolute to the County, from the owner, of such portion of the land as is therein set apart for public use;

WHEREAS, pursuant to Section 3.19 of the Land Subdivision Resolution of the County of Lancaster, Nebraska, (“Subdivision Resolution”) the Lancaster County Board of County Commissioners (“County Board”), may vacate all or a portion of a subdivision or plat upon conditions that the County Board deems appropriate;

WHEREAS, Michael and Rhonda McClellan (“Applicants” and/or “Owners”) initiated MISC19003 requesting approval to vacate a portion of the plat of McClellan Estates Addition (“the Plat”) to allow them to relocate their driveway to their preferred location. The portion of the Plat to be vacated is located at 4180 N. 148<sup>th</sup> St, legally described as follows:

Lot 1 and Outlot A, McClellan Estates Addition, located in the NW ¼ of Section 10, Township 10 North, Range 8 East, of the 6<sup>th</sup> P.M., Lancaster County, Nebraska (“Lot 1 and Outlot A”), exclusive of the Right-of-Way,

more particularly described as and depicted in Exhibit “A”, which is attached hereto and incorporated by this reference;

WHEREAS, the Lincoln-Lancaster County Planning Department (“Planning Department”) recommended conditional approval of MISC19003, concluding the vacation is in conformance with the Comprehensive Development Plan and that the County should retain the County road right-of-way along Havelock Avenue that was originally dedicated in the Plat, legally described, and depicted by the highlighted portion, in Exhibit “B” to this Resolution, which is attached hereto and is hereby incorporated by this reference (hereinafter, “the Right-of-Way”);

WHEREAS, on October 16, 2019, the Lincoln-Lancaster County Planning Commission (“Planning Commission”), voted 7-0 to recommend conditional approval of MISC19003;

WHEREAS, on November 5, 2019, the County Board conducted a public hearing on MISC19003;

WHEREAS, all requirements of the Subdivision Resolution have been met;

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of County Commissioners as follows:

- A. That Lot 1 and Outlot A of the Plat, more particularly described in Exhibit “A”, exclusive of the Right-of-Way, are hereby vacated without qualification;  
and
- B. That the Right-of-Way in the Plat, legally described, and depicted by the highlighted portion, in Exhibit “B”, shall not be vacated;

AND BE IT FURTHER RESOLVED, by the Lancaster County Board of County Commissioners, that the Planning Department's Director shall record a certified copy of this Resolution with the County Register of Deeds to be indexed against all affected lots.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Deputy County Attorney

for PAT CONDON  
Lancaster County Attorney

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

# MCCLELLAN ESTATES

## ADDITION

### FINAL PLAT

**CORNER TIES - SECTION 10, T10N, R8E**

**NW CORNER** - FOUND L.C.S.M. 2" ALUMINUM CAP.

108.02' NW TO A 5/8" REBAR/  
99.97' NE TO A 1" IRON PIPE.  
99.95' SE TO A 1" IRON PIPE.

**N1/4 CORNER** - FOUND L.C.S.M. 2" ALUMINUM CAP.

32.87' NORTH TO A 3/4" IRON PIPE.  
46.36' NE TO A 3/4" IRON PIPE.  
46.00' SE TO A 3/4" IRON PIPE.

**W1/4 CORNER** - FOUND L.C.S.M. 2" ALUMINUM CAP.

80.14' NW TO A 5/8" REBAR.  
80.21' SE TO A 5/8" REBAR.  
41.28' SW TO A 5/8" REBAR.

**CENTER SECTION** - FOUND 5/8" REBAR WITH CAP.

16.06' NNW TO A SPIKE IN THE EAST FACE OF CORNER POST.  
18.62' NNW TO A SPIKE IN THE TOP OF BRACE POST.  
16' NORTH TO FENCE WEST.  
2' WEST TO FENCE NORTH.

**N1/16NW1/4** - SET 5/8" REBAR WITH PLASTIC CAP.

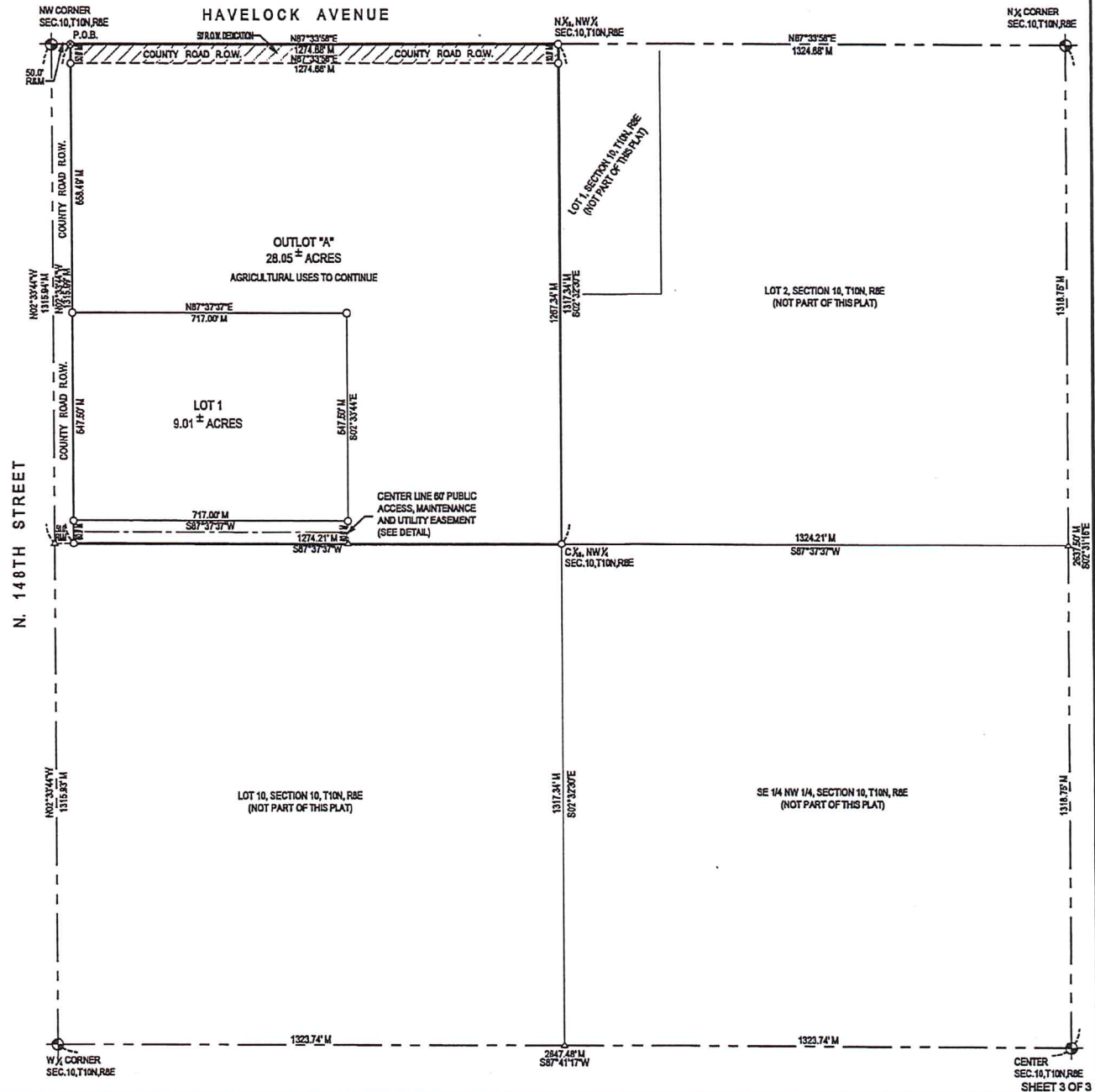
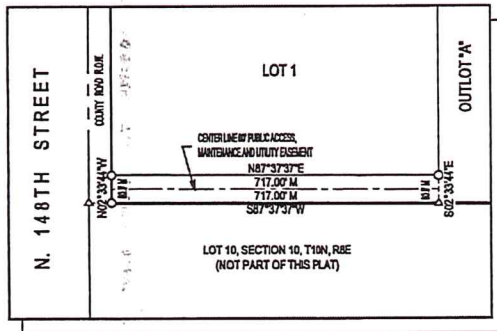
32.19' NE TO A NAIL IN DISK IN TOP OF WEST END C.M.P.  
52.27' SE TO A SPIKE IN THE WEST FACE OF 18" TREE.  
33.00' SOUTH TO A 5/8" REBAR WITH PLASTIC CAP.

**C1/16NW1/4** - SET 5/8" REBAR WITH PLASTIC CAP.

46.91' SSE TO A SPIKE IN THE NORTH FACE OF FENCE POST.  
12.52' NE TO A NAIL IN DISK IN THE SOUTH FACE OF FENCE POST.  
12' EAST TO FENCE NORTH.



- Legend**
- ⊕ Corner Found
  - ⊙ Corner Found ( )
  - ⊙ Corner Not ( )
  - ⊙ Survey Marker
  - ⊙ Temporary Post
  - ⊙ Fenced Distance
  - M Measured Distance
  - W.C. Witness Corner
  - Fence



# MCCLELLAN ESTATES ADDITION

## FINAL PLAT

Tract # 2015012901 Mon Apr 06 11:05:56 CDT 2015  
 Filing Fee: \$20.00  
 Lancaster County, NE Assessor/Registrar of Deeds Office PLAT  
 Book 3  
 Page 3

MCE5 #5183

### FINAL PLAT DEDICATION

THE FOREGOING PLAT, KNOWN AS MCCLELLAN ESTATES ADDITION, AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED, THE SOLE OWNERS, AND THE EASEMENTS SHOWN THEREON ARE HEREBY GRANTED IN PERPETUITY TO LANCASTER COUNTY, WINDSTREAM NEBRASKA INC., TIME WARNER CABLE MIDWEST L.L.C., BLACK HILLS ENERGY, AND NORRIS PUBLIC POWER DISTRICT, THEIR SUCCESSORS AND ASSIGNS, TO ALLOW ENTRY FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, OPERATION AND MAINTENANCE OF WIRES, CABLES, CONDUITS, FIXTURES, POLES, TOWERS, PIPES, AND EQUIPMENT FOR THE DISTRIBUTION OF ELECTRICITY AND GAS; TELEPHONE AND CABLE TELEVISION; WASTEWATER COLLECTORS; STORM DRAINS; WATER MAINS AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING PLAT.

THE CONSTRUCTION OR LOCATION OF ANY BUILDING OR STRUCTURE, EXCLUDING FENCES, OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON SHALL BE PROHIBITED.

LANCASTER COUNTY, ITS SUCCESSORS AND ASSIGNS ARE HEREBY HELD HARMLESS FOR THE COST OF REPLACEMENT OR DAMAGE TO ANY IMPROVEMENT OR VEGETATION OVER, UPON, OR UNDER ANY EASEMENT SHOWN THEREON.

DIRECT VEHICULAR ACCESS TO NORTH 148<sup>TH</sup> STREET IS HEREBY RELINQUISHED EXCEPT AT THE 60 FOOT PUBLIC ACCESS EASEMENT AS SHOWN.

DIRECT VEHICULAR ACCESS TO HAVELOCK AVENUE IS HEREBY RELINQUISHED.

THE 60 FOOT PUBLIC ACCESS, MAINTENANCE AND UTILITY EASEMENT SHOWN THEREON SHALL BE USED FOR PUBLIC ACCESS AND THE PUBLIC IS HEREBY GRANTED THE RIGHT OF SUCH USE. OWNERS OF ALL LOTS AND OUTLOTS WITH ACCESS TO THIS EASEMENT ARE HEREBY GRANTED THE RIGHT TO MAINTAIN, REPAIR, OR REBUILD THE DRIVEWAY WITHIN THIS ACCESS EASEMENT AS NECESSARY.

THE 50.00 FOOT WIDE RIGHT-OF-WAY SHOWN ALONG HAVELOCK AVENUE IS HEREBY DEDICATED TO THE PUBLIC.

Michael J. McClellan  
 MICHAEL J. MCCLELLAN (HUSBAND)

Rhonda L. McClellan  
 RHONDA L. MCCLELLAN (WIFE)

### ACKNOWLEDGEMENT OF NOTARY

STATE OF Nebraska )  
 COUNTY OF Lancaster ) ss.

ON THIS 26 DAY OF March, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME MICHAEL J. MCCLELLAN (HUSBAND), PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION OF THE FOREGOING PLAT AND HE ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

[Signature]  
 NOTARY PUBLIC



MY COMMISSION EXPIRES THE 8 DAY OF October, 2018

### ACKNOWLEDGEMENT OF NOTARY

STATE OF Nebraska )  
 COUNTY OF Lancaster ) ss.

ON THIS 2<sup>nd</sup> DAY OF March, 2015, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME RHONDA L. MCCLELLAN (WIFE), PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION OF THE FOREGOING PLAT AND HE ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

[Signature]  
 NOTARY PUBLIC



MY COMMISSION EXPIRES THE 8 DAY OF October, 2018

### PLANNING DIRECTOR'S APPROVAL

THE PLANNING DIRECTOR, PURSUANT TO SECTION 3.16 OF THE LANCASTER COUNTY LAND SUBDIVISION REGULATIONS HEREBY APPROVES THIS FINAL PLAT.

[Signature] APRIL 3, 2015  
 PLANNING DIRECTOR DATE

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE SUBDIVISION TO BE KNOWN AS "MCCLELLAN ESTATES ADDITION", A SUBDIVISION OF LOT 12 OF IRREGULAR TRACTS, LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 10, T10N, R8E OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID LOT 12, SAID POINT BEING ON THE EASTERLY R.O.W. LINE OF N. 148<sup>TH</sup> STREET; THENCE N87°33'58"E (ASSUMED BEARING) ON THE NORTH LINE OF SAID LOT 12, 1274.68 FEET TO THE NE CORNER OF SAID LOT 12; THENCE S02°32'30"E ON THE EAST LINE OF SAID LOT 12, 1317.34 FEET TO THE SE CORNER OF SAID LOT 12; THENCE S87°37'37"W ON THE SOUTH LINE OF SAID LOT 12, 1274.21 FEET TO THE SW CORNER OF SAID LOT 12, SAID POINT BEING ON THE EASTERLY R.O.W. LINE OF N. 148<sup>TH</sup> STREET; THENCE N02°33'44"W ON THE WEST LINE OF SAID LOT 12, 1315.99 FEET TO THE POINT OF BEGINNING, CONTAINING 38.52 ACRES MORE OR LESS.

[Signature]  
 LESLIE J. SIEBACHLAG, NEBRASKA L.S. NO. 409

03/11/2015  
 DATE

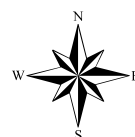
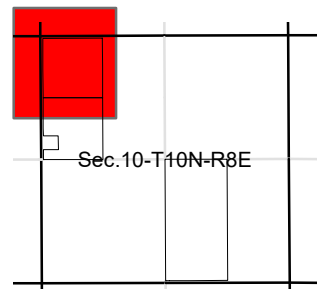
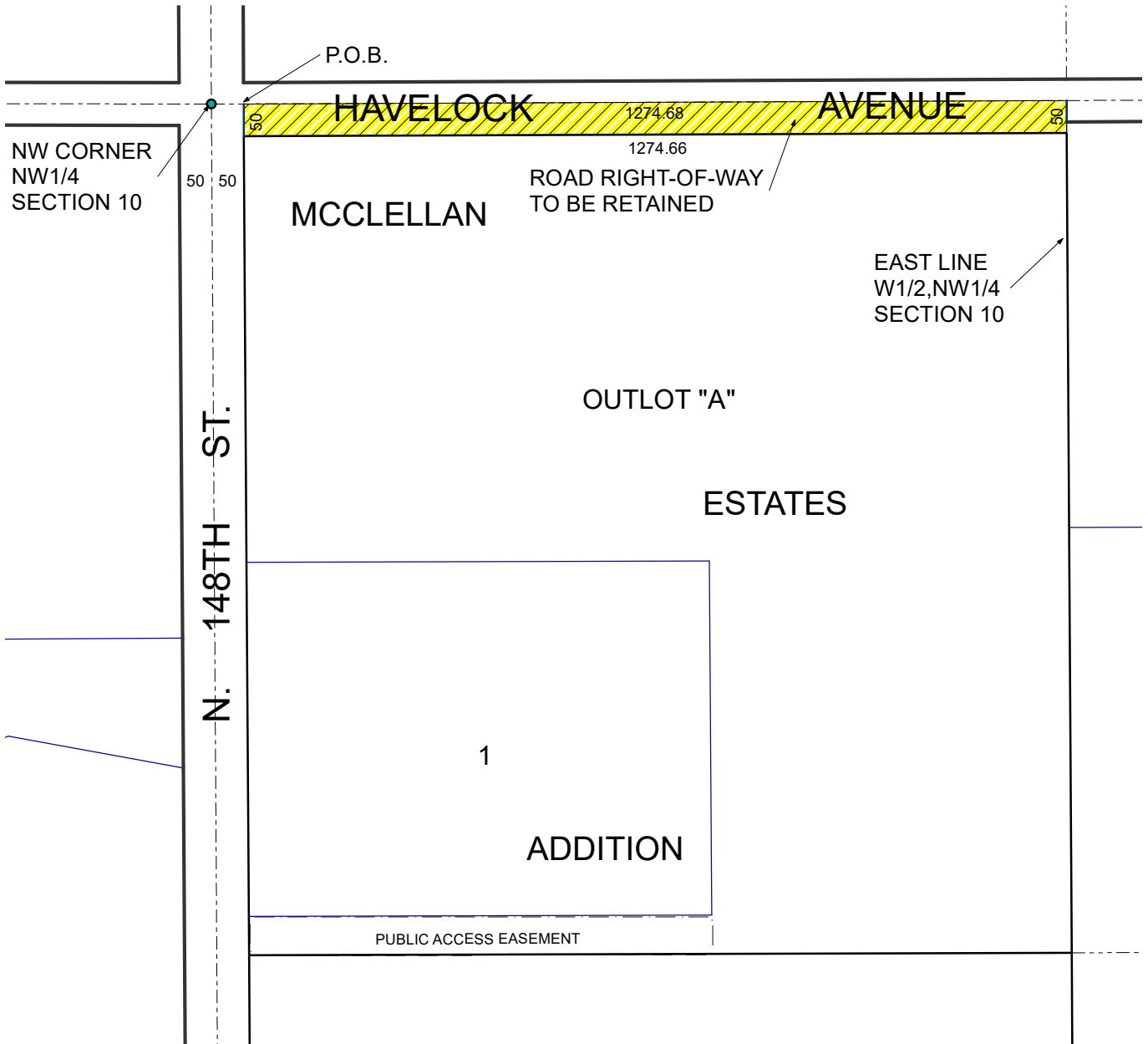


L & S SURVEYING  
 P.O. BOX 354, CRETE, NE 68333

9  
 Bureau of Public Utilities, Planning and Construction, 1000 S. 10th Street, Lincoln, NE 68502-1000

# EXHIBIT "B"

SEC. 10, T.10N., R.8E.



Right-of-Way Description for Part of Havelock Ave. located in the NW1/4 of Sec. 10, T10N, R8E

A tract of land, being the southerly 50-foot right-of-way of Havelock Ave. previously dedicated to Lancaster County, as shown on the plat of McClellan Estates, as located in the NW1/4 of Section 10, Township 10 North, Range 8 East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Referring to the Northwest corner of the NW1/4 of said Section 10; thence easterly on north line of the NW1/4 of said Section 10, to a point being 50.00 feet easterly of, as measured perpendicular to, the west line of the NW1/4 of said Section 10, said point being the POINT OF BEGINNING; thence continuing easterly on the north line of the NW1/4 of said Section 10, a distance of 1274.68 feet to the northeast corner of the W1/2 of the NW1/4 of said Section 10, said point also being the northwest corner of Lot 1 Irregular Tracts; thence southerly, on the east line of the W1/2 of the NW1/4 of said Section 10, said line also being the west line of said Lot 1 Irregular Tracts, to a point being 50.00 feet southerly of, as measured perpendicular to, the north line of the NW1/4 of said Section 10; thence westerly, on a line parallel to, and 50.00 southerly of, the north line of the NW1/4 of said Section 10, a distance of 1274.66 feet to a point 50.00 feet easterly of, as measured perpendicular to, the west line of the NW1/4 of said Section 10; thence northerly 50.00 feet to the point of beginning, adjacent Outlot A McClellan Estates.

Containing an area of 1.46 acres, more or less.