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NOV 18 2009

LANCASTER COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF FIXING THE DATE,)
 TIME AND PLACE FOR A PUBLIC) RESOLUTION NO. R-09-0095
 HEARING REGARDING A REQUEST)
 TO VACATE A PORTION OF NORTH 98TH)
 STREET FROM ASHLAND ROAD TO A)
 POINT APPROXIMATELY 1,600 FEET)
 SOUTH OF ASHLAND ROAD LYING IN)
 THE NORTHEAST QUARTER OF)
 SECTION 2, TOWNSHIP 12 NORTH,)
 RANGE 7 EAST OF THE 6TH PRINCIPAL)
 MERIDIAN, LANCASTER COUNTY,)
 NEBRASKA)

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska, (“the Board”), pursuant to Neb. Rev. Stat. §39-1722 (Reissue 2008), received a report from the Lancaster County Engineer and the Lincoln-Lancaster County Planning Department regarding the vacation or abandonment of a portion of North 98th Street from Ashland Road to a point approximately 1,600 feet south of Ashland Road lying in the Northeast Quarter of Section 2, Township 12 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska more particularly described as follows: A strip of land 66.0 feet wide, the center line of which is described as follows: Beginning at a point on the east line of the said Northeast Quarter, said point of beginning located 33.0 feet southerly from the northeast corner of the said Northeast Quarter; thence southerly with the east line of the said Northeast Quarter to the southeast corner of Government Lot 1 in said Northeast Quarter, and the point of termination; and

WHEREAS, the report from the Lancaster County Engineer 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 of the aforesaid described road is hereby set for the ¹⁹th day of January, 2010, at 9:30 a.m., or as soon thereafter as is practicable, in the City-Council Chambers in the City-County Building, 555 South 10th Street, Lincoln, Lancaster County, Nebraska.

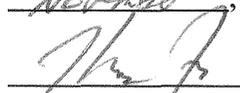
2) That the Lancaster County Clerk should be and hereby is directed to publish this resolution once a week for three consecutive weeks in a legal newspaper of the County and is further directed where possible to send copies of this resolution, either by registered or certified mail, to the owners of 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.

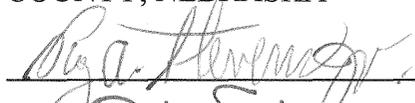
DATED this 24th day of November, 2009, at the City County Building, Lincoln, Lancaster County, Nebraska.

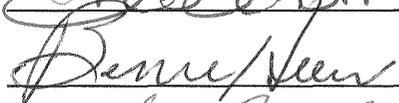
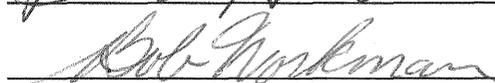
BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 24 day of

November, 2009.


for GARY E. LACEY
County Attorney





Huckins Absent

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Attachment "A"

NOV 05 2009

LANCASTER

COUNTY

LANCASTER COUNTY
BOARD OF COUNTY
ENGINEERING

Don R. Thomas
County Engineer

Kenneth D. Schroeder - Deputy
County Surveyor

DEPARTMENT

DATE: November 4, 2009

TO: Lancaster County
Board of Commissioners

FROM: Ken D. Schroeder *Ken D. Schroeder*
County Surveyor

SUBJECT: RESOLUTION NO. R-09-0082
STUDY TO VACATE A PORTION OF NORTH 98TH STREET
FROM ASHLAND ROAD TO A POINT APPROXIMATELY
1600 FEET SOUTH OF ASHLAND ROAD.

As per Resolution R-09-0082, this office has reviewed the request for vacating a portion of North 98th Street from Ashland Road to a point approximately 1600 feet south of Ashland Road and would offer the following comments

- 1) North 98th Street at this location, also known as County Road No. 1227, is a petitioned road with 66 feet of statutory road right-of-way easement and was ordered open and located by final action on April 13, 1895.
- 2) Subject road in the area of proposed vacation is currently a dirt road without a bridge over Rock Creek inhibiting the ability for through traffic.
- 3) Bridge No. B-229 over Rock Creek, a 70'X16' steel Pony Truss Bridge was determined unsafe and was barricaded and closed in 1977 and in 1979 the structure was completely removed.
- 4) The abutting owner, on both sides is the Nebraska Game and Parks Commission. This area is flood plain and wetlands. The Nebraska Game and Parks Commission has enhanced the existing wetlands up to the existing right-of-way line. Road improvements would be prohibitive due to current environmental laws and flood plain issues.

This office has no immediate plans, nor any long range plans that would include the need to retain the existing right-of-way.

Therefore, this office would recommend approval of the vacation request subject to any rights of easements implied or otherwise recorded, such as the existing overhead power lines along the east side of subject road. Since this area was a petitioned road I would recommend, by action of your resolution of approval, the area revert to the existing title owners.

CC: Mike DeKalb-Planning Department

KDS/pb
Barbi/Vacation N.98th -Ashland Road to 1600' south Ashland Rd.wpd

LANCASTER
COUNTY
ENGINEERING

Don R. Thomas
County Engineer

CB
KE

Kenneth D. Schroeder - Deputy
County Surveyor

DEPARTMENT

DATE: September 22, 2009
TO: Lancaster County Board of Commissioners
Bernie Heier, Chairperson
FROM: Don R. Thomas Don Thomas
County Engineer
SUBJECT: VACATION OF COUNTY ROADS

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SEP 23 2009

LANCASTER COUNTY
BOARD

This office would request the County Board to initiate a resolution of vacation at its own direction. The area of request is for North 98th Street from Ashland Road to a point approximately 1,600 feet south of Ashland Road. This portion of North 98th Street is a dirt road, has an abandoned bridge, and has extreme environmental issues adjacent to the road.

Enclosed is a copy of the legal description and, a plat of the area with an aerial photo background.

Enclosures

DRT/DP/bml

Vacation\North 98th Street.Mem

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Exhibit "A"

Legal Description

VACATION OF A PORTION OF ROAD NO. 1227

That part of Road 1227 lying in the NE1/4 of Section 2, Township 12 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska more particularly described as follows:

A strip of land 66.0 feet wide, the center line of which is described as follows:

Beginning at a point on the east line of the said NE1/4, said point of beginning located 33.0 feet southerly from the northeast corner of the said NE1/4; thence southerly with the east line of the said NE1/4 to the southeast corner of Government Lot 1 in said NE1/4, and the point of termination.

42

LOT 2

29.19 | Ac. Total

21.52 | Ac. Net

1992-2005
1993-2009

1914.00
1914.00
1914.00

LOT 5

54.00 | Ac. Total

51.70 | Ac. Net

1992-2005
1993-2009

1914.00
1914.00
1914.00

1914.00
1914.00

1914.00

1914.00
1914.00

MEMORANDUM

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DATE: November 9, 2009

NOV 10 2009

TO: County Board

LANCASTER COUNTY
BOARD

FROM: Mike DeKalb, Planning 

RE: Request for Vacation of a portion of N 98th Street, from Ashland Road 1,600 feet to the south.

CC: Marvin Krout
Steve Henrichsen
Ken Schroeder
Dale Stertz

In accordance with County Resolution #3049, the Planning Department has reviewed the County Engineers request for the vacation of a portion of N. 98th Street, from Ashland Road (Lancaster/Saunders County Line), 1,600 feet south, in Lancaster County, NE.

This County Road is not shown in the Lincoln-Lancaster County Comprehensive Plan for future paving or as anything other than a local county road. The land adjacent to this road is shown as either Agricultural Stream Corridor or Environmental Resources. No substantial increase in traffic due to land use change is anticipated. All of this land is in the ownership of the Nebraska Game and Parks Commission. This road is crossing Rock Creek, an area of potential habitat for the Salt Creek Tiger Beetle, an endangered species. It is anticipated that this area will continue to be preserved as native habitat by purchase or easements.

The Saunders County Comprehensive Plan shows the land to the north as Agriculture and the Saunders County road to the north (rd # 15) is not open.

This is a dirt county road and the bridge is currently out.

The abutting property is zoned AG Agriculture.

This vacation would not appear to create any lots or parcels without frontage or access to a county road.

This may or could be used for Norris Public Power lines.

The vacation does not appear to cause or create any issues or problems and would not be considered in conflict with the Plan. If the vacated road were to be used as or in support of the natural resources, it could be found to be generally in support of the 2030 Comprehensive Plan.