

RECEIVED

JAN 20 2010

LANCASTER COUNTY  
CLERK



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

*TH*

IN THE MATTER OF THE VACATION OF )  
A PORTION OF NORTH 98<sup>TH</sup> ) RESOLUTION NO. R-10-0006  
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 6<sup>TH</sup> PRINCIPAL )  
MERIDIAN, LANCASTER COUNTY, )  
NEBRASKA )

WHEREAS, pursuant to Neb. Rev. Stat. §§39-1722 (Reissue 2008), the Board of County Commissioners of Lancaster County, Nebraska (“the Board”), directed the Lancaster County Engineering Department to conduct a study and submit a report regarding the use being made of a portion of North 98<sup>th</sup> 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 6<sup>th</sup> 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. The portion of 98<sup>th</sup> Street is shown in the diagram provided in Exhibit “A”, which is attached hereto and incorporated by this reference; and

WHEREAS, the Board has now received said report from the Engineering Department as well as a report from the Lincoln/Lancaster County Planning Department relative to the vacation of said road, both of which are attached hereto and incorporated by this reference; and

*Angela - Co. Clerk*

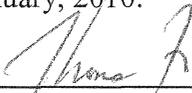
WHEREAS, pursuant to Neb. Rev. Stat. §39-1725 (Reissue 2008), the County Board conducted a public hearing on January 19, 2010.

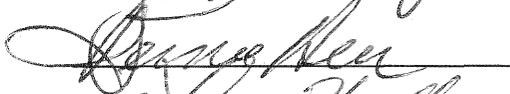
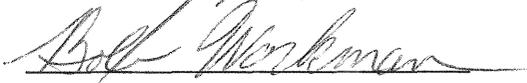
NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the vacation of the above-described road is hereby approved and the land is to revert to the adjacent property owners subject to any restrictions and easements, including utility easements.

DATED this 20<sup>th</sup> day of January, 2010.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

APPROVED AS TO FORM  
this 26 day of  
January, 2010.

  
\_\_\_\_\_  
Deputy County Attorney  
for GARY E. LACEY  
Lancaster County Attorney

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



I, Angela Zocholl, on this date, 1/28/10,  
as an employee of the Lancaster County Clerk's  
office in Lincoln, Nebraska do hereby certify  
that this is a true and accurate copy of an  
original record on file in this office.

Record # R-10-0006  
By Angela Zocholl

LANCASTER  
COUNTY  
ENGINEERING

ENTERED

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

RECEIVED

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 98<sup>th</sup> Street from Ashland Road to a point approximately 1,600 feet south of Ashland Road. This portion of North 98<sup>th</sup> 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 98<sup>th</sup> Street.Mem

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 6<sup>th</sup> 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.

2656.01  
2656.5

ASHLAND RD

135.15

329.7  
320.86

# LOT 5

54.00 | Ac. Total

51.70 | Ac. Net

#92-20451  
#92-29356

1608.96  
(1607.07)

1464.79

1314.18  
1314.27



624.61

# LOT 2

23.19 | Ac. Total

21.52 | Ac. Net

#86-11002

1614.05

2480.61  
1613.410071456.1819.3

11.981186.11

356.8

LANCASTER

COUNTY

LANCASTER COUNTY  
BOARD OF COUNTY  
ENGINEERING

NOV 05 2009

Attachment "A"

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   
County Surveyor

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

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

- 1) North 98<sup>th</sup> 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  
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DRT/DP/bml

Vacation\North 98<sup>th</sup> Street.Mem

8

Exhibit "A"

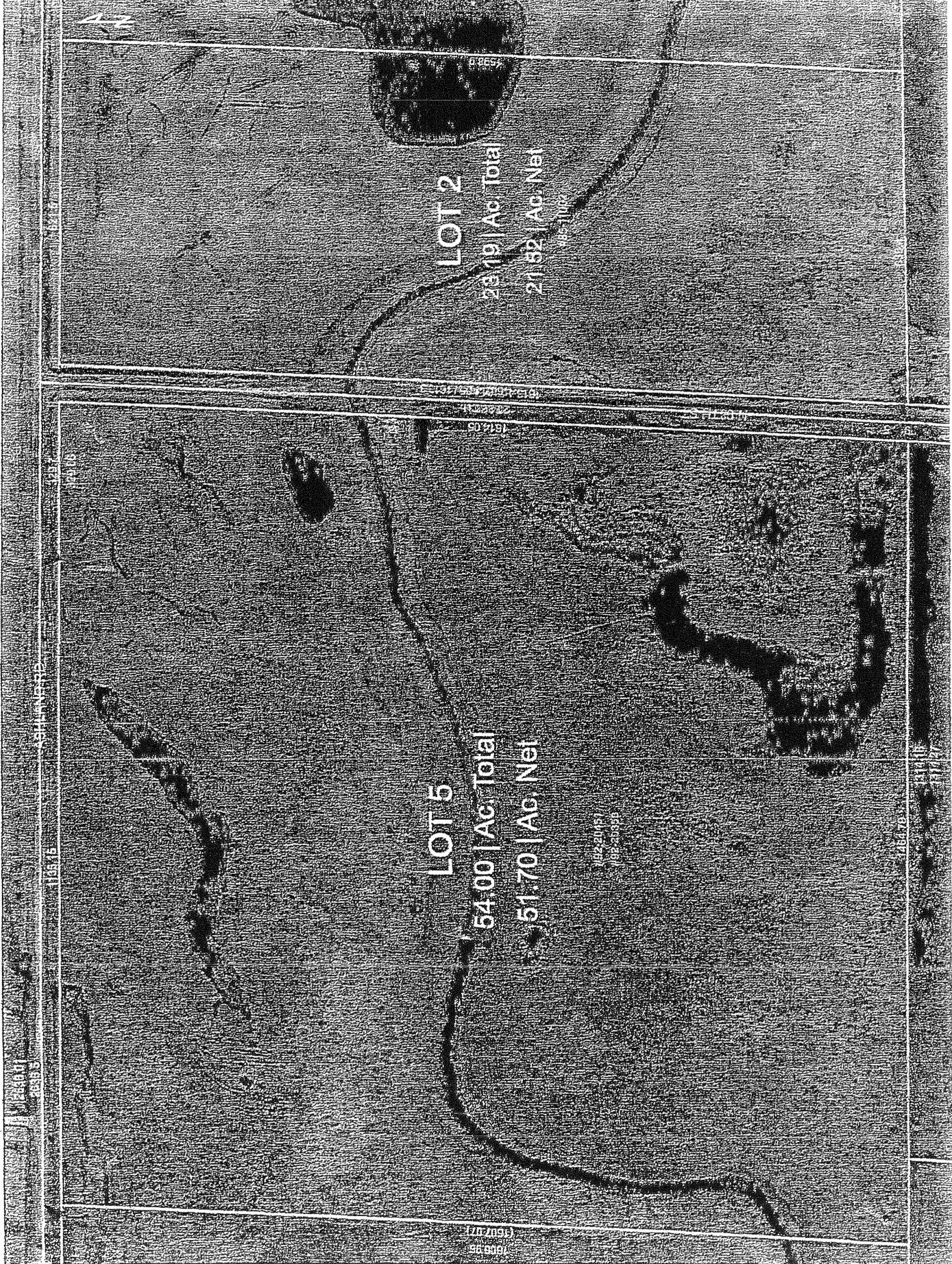
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LOT 5

54.00 | Ac. Total

51.70 | Ac. Net

1822045 / 1822056

LOT 2

23.19 | Ac. Total

21.52 | Ac. Net

1822042



1822041 / 1822042

135.76

135.76

135.76

135.76

135.76

1822043 / 1822044

1822043 / 1822044

1822043 / 1822044

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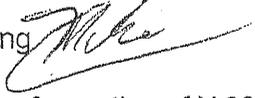
## MEMORANDUM

RECEIVED

DATE: November 9, 2009

NOV 10 2009

TO: County Board

LANCASTER COUNTY  
BOARDFROM: Mike DeKalb, Planning RE: Request for Vacation of a portion of N 98<sup>th</sup> 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. 98<sup>th</sup> 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.