

**RECEIVED**

**NOV 19 2010**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

**LANCASTER COUNTY  
CLERK**

IN THE MATTER OF THE VACATION OF	)	
A PORTION OF WEST WAGGONER	)	
DRIVE AS PLATTED IN WAGGONER	)	
SUBDIVISION IN THE NORTHWEST	)	RESOLUTION NO. <u>R-10-0097</u>
QUARTER OF SECTION 27, TOWNSHIP 10	)	
NORTH, RANGE 5 EAST OF THE PRINCIPAL	)	
MERIDIAN, LANCASTER COUNTY,	)	
NEBRASKA.	)	

WHEREAS, pursuant to Neb. Rev. Stat. § 39-1722 (Reissue 2008), the Board of County Commissioners of Lancaster County, Nebraska (hereinafter referred to as the “County Board”), directed the Lancaster County Engineering Department to conduct a study and submit a report regarding the use being made of a portion of West Waggoner Drive as platted in Waggoner Subdivision in the Northwest Quarter of Section 27, Township 10 North, Range 5 East of the Principal Meridian, Lancaster County, Nebraska more particularly described as follows: That portion of West Waggoner Drive which abuts Lots 1, 2 and 3, Block 1, of said Waggoner Subdivision. The portion of West Waggoner Drive is shown in the diagram provided in Exhibit “A”, which is attached hereto and incorporated by this reference; and

WHEREAS, the County Board, by Resolution No. R-10-0077, directed the Lancaster County Engineering Department to conduct a study and submit a report regarding the use being made of said roads; and

WHEREAS, the County 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

WHEREAS, pursuant to Neb. Rev. Stat. § 39-1725 (Reissue 2008), the County Board

conducted a public hearing on November 16, 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 subject to the approval of a final plat removing the two easterly landlocked parcels prior to sale of the right-of-way.

DATED this 23 day of November, 2010.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

APPROVED AS TO FORM

this 23 day of  
Nov, 2010.

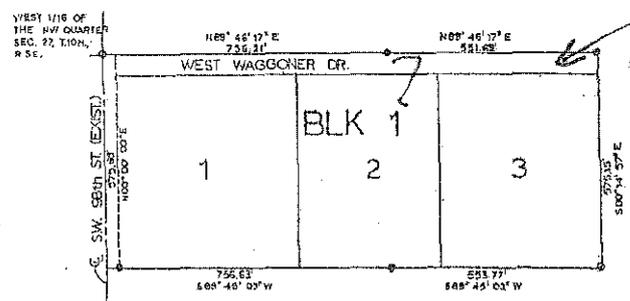
Bryan Behrens  
for GARY E. LACEY  
County Attorney

Deb Schorr  
Ray A. Hemenway Jr.  
Bryan Behrens  
Larry Hudkins  
Man Absent

Campbell \$22.00  
 REGISTER OF DEEDS  
 OCT - 7 P 33; INST NO 2002  
 LANCASTER COUNTY, NE 067917  
 #3754

SEARCHED  
 INDEXED  
 SERIALIZED  
 FILED

**WAGGONER  
 SUBDIVISION**



*Vacation Request*



**APPROVAL:**  
 THE FOREGOING PLAT WAS DENIED BY THE LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION ON THIS 24<sup>TH</sup> DAY OF OCT 1972.  
 ATTEST: *[Signature]*  
 CHAIRMAN

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED AND STAKED THE FOREGOING PLAT OF "WAGGONER SUBDIVISION" WITH IRON PIPE PLACED AT ALL LOT CORNERS AND OTHER POINTS MARKED THEREON. ALL DIMENSIONS ARE IN FEET AND DECIMALS OF A FOOT.  
 WAGGONER SUBDIVISION IS FURTHER DESCRIBED AS:  
 A SUBDIVISION OF LOTS 26, 27 AND 45 1/2 OF THE NW 1/4 SECTION 27, TOWNSHIP 18 NORTH, RANGE 8 EAST, OF THE 8TH RM., LANCASTER COUNTY, NEBRASKA.

**DEDICATION:**  
 THE FOREGOING PLAT, KNOWN AS WAGGONER SUBDIVISION, LOCATED IN A PART OF THE SOUTH HALF OF THE NW QUARTER OF SECTION 27, T18N, R8E, OF THE 8TH RM., LANCASTER COUNTY, NEBRASKA AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE TO THIS PLAT, IS MADE WITH THE FREE CONSENT AND ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED, SOLE OWNERS AND PROPRIETORS, AND THE EASEMENTS SHOWN THEREON ARE HEREBY GRANTED IN PERPETUITY AND THE CITY OF LINCOLN, THE LINCOLN TELEPHONE AND TELEGRAPH COMPANY, AND OTHER PUBLIC UTILITIES, THEIR SUCCESSORS AND ASSIGNS TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND REPLACE CONCRETE-BURIED CABLES, WIRES, POLES, COMMERCIAL TELEVISION ANTENNA FACILITIES, AND ALL APPURTENANCES THERETO, OVER, UPON, OR UNDER THE EASEMENTS AS SHOWN ON THE FOREGOING PLAT. ALL STREETS AS SHOWN THEREON ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC.

**ACCEPTANCE**  
 THE FOREGOING PLAT AND DEDICATION APPROVED AND ACCEPTED BY THE LANCASTER COUNTY BOARD OF COMMISSIONERS BY RESOLUTION NO. 3424 PASSED THE 29<sup>TH</sup> DAY OF February 1980  
 ATTEST: *[Signature]*  
 COUNTY CLERK

WITNESS THIS 30 DAY OF August, 1979

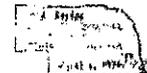
SIGNED THIS 16<sup>TH</sup> DAY OF May 1978  
 LS 343  
*[Signature]*  
 DENNIS D. SIMONDS



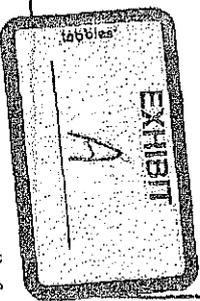
*[Signature]*  
 W.L. WAGGONER, AND DARLENE WAGGONER, HUSBAND AND WIFE

**ACKNOWLEDGEMENT OF NOTARY:**  
 STATE OF NEBRASKA  
 LANCASTER COUNTY

ON THIS 16<sup>TH</sup> DAY OF November 1978 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED, QUALIFIED FOR AND RESIDING IN SAID COUNTY, PERSONALLY CAME WILLIAM W. WAGGONER, AND DARLENE WAGGONER, HUSBAND AND WIFE, OWNERS, TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS WHOSE NAMES ARE AFFIXED TO THE FOREGOING INSTRUMENT, AND THEY ACKNOWLEDGED THE SAME TO BE THEIR VOLUNTARY ACT AND DEED.



MY COMMISSION EXPIRES YRS 8 DAY OF March 1980



**Street & Alley Vacation #10014**  
**SW 98th & W O St.**  
**W Waggoner Dr.**

Legal Description

VACATION OF WEST WAGGONER DRIVE

West Waggoner Drive as platted in Waggoner Subdivision in the NW ¼ of Section 27,  
Township 10 North, Range 5 East of the Principle Meridian, Lancaster County,  
Nebraska, more particularly described as follows:

That portion of West Waggoner Drive which abuts Lots 1, 2 and 3, Block 1, of said  
Waggoner Subdivision.

**Street & Alley Vacation #10014**  
**SW 98th & W O St.**  
**W Waggoner Dr.**

LANCASTER  
COUNTY  
ENGINEERING

Don R. Thomas  
County Engineer

Kenneth D. Schroeder - Deputy  
County Surveyor

DEPARTMENT

**DATE:** September 10, 2010  
**TO:** Mike DeKalb  
Planning Department  
**FROM:** Ken D. Schroeder  
County Surveyor  
**SUBJECT:** WEST WAGGONER DRIVE (VACATION) SAV10014  
WAGGONER SUBDIVISION - NW¼ SECTION 27 (10-5)

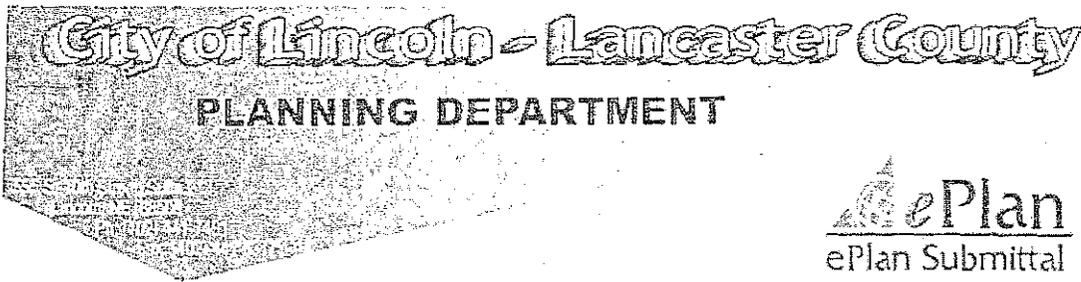
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Upon review, this office would recommend the following conditions be met before West Waggoner Drive go through the vacation process.

- 1) Lots 2 and 3, Block 1, Waggoner subdivision be combined with adjacent land by subdivision to create a buildable lot with road frontage not dependent upon subject road to be vacated for access to a public roadway.
- 2) Submit a plan for above mentioned subdivision for review and approval.

KDS/bmi  
Barb/Vacation/West Waggoner Drive - SAV10014.Mem

007



Application Information			
Application #	SAV19614	Title	W. WAGGONER DR
Associated Requests			

Planning Department Use Only			
Submission Date	9/1/2010	Review Due	9/11/2010
Project Planner	Mike Dekalb		

Review Comments	
Planning	<input checked="" type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1: note, must be tied to removing the two lots that would become landlocked.
Building & Safety (Terry Kathe)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input checked="" type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input checked="" type="radio"/> Recommend Approval <input checked="" type="radio"/> No Review Required Review 1:
County Engineer (Ken Schroeder)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input checked="" type="radio"/> Recommend Denial <input checked="" type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1: see miscellaneous documents for comment memo dated 9/10/2010.
Development Review Manager (Steve Henrichsen)	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input checked="" type="radio"/> Recommend Denial <input type="radio"/> Recommend Approval with Conditions <input type="radio"/> Recommend Approval <input type="radio"/> No Review Required Review 1: Approval if first lots 2 and 3 are combined into an adjacent lot with frontage. Need the final plat to be completed and delivered to the Planning Department prior to the street vacation. Once Planning has the completed final plat, the street could be vacated, then once the vacation is effective, Planning would sign and file the final plat.
	<input type="radio"/> Corrections Needed for Review <input type="radio"/> Insufficient Information for Review <input type="radio"/> Recommend

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<p>Law Department (Rick Peo)</p>	<p>Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p> <p>Review 1: The City Council will need to pass a resolution consenting to the vacation before the County Board may vacate.</p>
<p>Law Department (Tim Sieh)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend Approval <input checked="" type="checkbox"/> No Review Required</p> <p>Review 1:</p>
<p>Public Works (Barnie Blum)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend Approval <input checked="" type="checkbox"/> No Review Required</p> <p>Review 1: Outside City limits</p>
<p>Public Works (Bruce Briney)</p>	<p><input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend Approval <input checked="" type="checkbox"/> No Review Required</p> <p>Review 1:</p>
<p>Public Works (Buff Baker)</p>	<p><input checked="" type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input checked="" type="checkbox"/> Recommend Denial <input checked="" type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p> <p>Review 1: See Dennis' comments.</p>
<p>Public Works (Dennis Bartels)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input checked="" type="checkbox"/> Recommend Denial <input checked="" type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p> <p>Review 1: This location for a future potential arterial along a mile road at at a quarter mile point is where a local street intersection is supposed to be located per design standards. Vacating it and allowing construction allowed by zoning over it may make it difficult o replat in the future. vacation will also eliminate the possibility of eliminating driveways to SW98th in the future when that becomes desireable. If it is vacated, a replatting of the two eastern lots along with adjacent property that has street frontage should be required as a condition of vacation. The replat may require dedication of arterial width ROW along SW 98th.</p>
<p>Norris PPD (Rick Volmer)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p> <p>Review 1: 9-7-10. No objections from Norris. Rick</p>
<p>County Attorney (Tom Fox)</p>	<p><input type="checkbox"/> Corrections Needed for Review <input type="checkbox"/> Insufficient Information for Review <input type="checkbox"/> Recommend Denial <input type="checkbox"/> Recommend Approval with Conditions <input checked="" type="checkbox"/> Recommend Approval <input type="checkbox"/> No Review Required</p> <p>Review 1:</p>

019

Waggoner



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MERIDIAN, LANCASTER COUNTY, )  
NEBRASKA. )

RESOLUTION NO. R-10-0097

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Angela Co. Clerk