

RECEIVED

JUL 27 2011

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 )  
HEARING REGARDING A REQUEST TO )  
VACATE LOT 2, LOCATED AT A POINT )  
IN THE SOUTHWEST QUARTER OF SECTION )  
4, TOWNSHIP 7 NORTH, RANGE 6 EAST OF )  
THE SIXTH PRINCIPAL MERIDIAN, )  
LANCASTER COUNTY, NEBRASKA )

RESOLUTION NO. R-11-0050

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 of Lot 2, Irregular Tract located at a point in the Southwest Quarter of Section 4, Township 7 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska; and

WHEREAS, the report from the Lancaster County Engineering Department 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 for the aforesaid described road is hereby set for the 30<sup>th</sup> day of August, 2011, at 9:30 a.m., or as soon thereafter as is practicable, in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, 555 South 10<sup>th</sup> Street, Lincoln, Lancaster County, Nebraska.

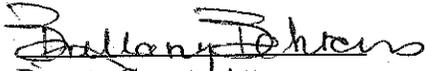
2) That the Lancaster County Clerk should be and hereby is directed to publish this

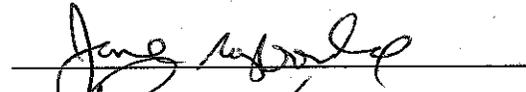
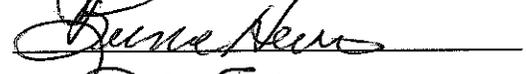
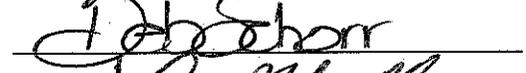
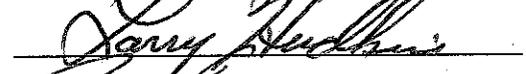
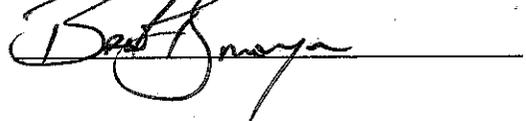
resolution once a week for three consecutive weeks in a legal newspaper of the County and is further directed where possible to send copies of this resolution, either by registered or certified mail, to the owners of the land abutting on or adjacent to the portion of the road to be vacated, by mailing 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 2nd day of August, 2011, at the City County Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

APPROVED AS TO FORM  
this 2nd day of  
August, 2011.

  
Deputy County Attorney  
for JOE KELLY  
Lancaster County Attorney

CB/GT/KPE  
LANCASTER

COUNTY

ENGINEERING

Don R. Thomas  
County Engineer

Kenneth D. Schroeder - Deputy  
County Surveyor

DEPARTMENT

DATE: July 19, 2011

TO: Lancaster County Board of Commissioners

FROM: Ken D. Schroeder  
County Surveyor



SUBJECT: RESOLUTION R-11-0045-STUDY TO VACATE LOT 2, IRREGULAR TRACT  
LOCATED IN THE SW¼ OF SECTION 4, T7N, R6E, OF THE 6<sup>TH</sup> P.M.,  
LANCASTER COUNTY, NEBRASKA

RECEIVED

JUL 20 2011

LANCASTER COUNTY  
BOARD

Pursuant to Resolution R-11-0045, this office has reviewed the request to vacate subject Lot and would offer the following comments:

- 1) Lot 2, of irregular tracts, is approximately 1.15 acres of land deeded to Lancaster County on July 5, 1881 recorded at the Register of Deeds' Office in Deed Book 9 on Page 578.
- 2) Lot 2, of irregular tracts, was acquired to allow a short segment of Petitioned County Road #592 to go around the northerly side of an ox-bow in Spring Branch Salt Creek instead of having two additional creek crossings.
- 3) The portion of County Road #592 which occupied Lot 2, irregular tracts, is believed to have been realigned and the road straightened to follow the section line sometime between the late 1930's to the mid 1940's.
- 4) We find that the portion of Lot 2, irregular tracts, lying north of the current northerly right-of-way line of West Panama Road is no longer graded or needed for road purposes and is currently used and maintained by the adjacent property owner.
- 5) It is unknown if there are any existing utility easements of use in this area therefore, if approved a blanket utility easement may need to be considered.
- 6) This office has no immediate plans, nor any long range plans that would include the need to retain the majority of this property.

Page Two

RESOLUTION R-11-0045-STUDY TO VACATE LOT 2, IRREGULAR TRACT  
LOCATED IN THE SW¼ OF SECTION 4, T7N, R6E, OF THE 6<sup>TH</sup> P.M.,  
LANCASTER COUNTY, NEBRASKA

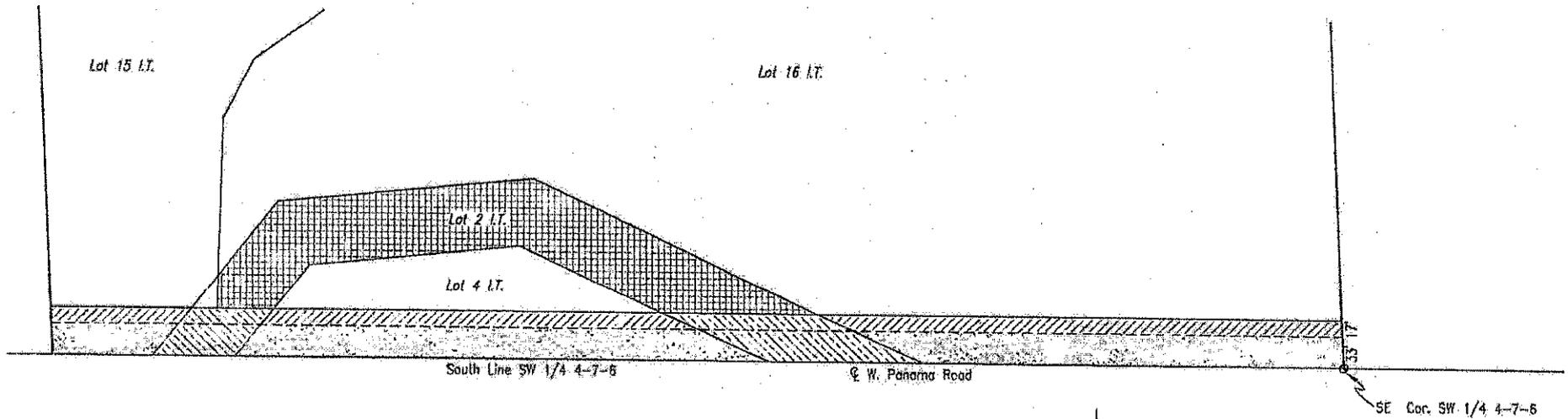
Therefore, this office would recommend approval of the requested vacation and ownership transferred to the adjacent owners with the following conditions:

- a) That portion of Lot 2 lying south of a line 50 feet north of the south line of the SW¼ of Section 4 be retained by Lancaster County.
- b) Ownership of the south 50 feet of Lot 15 be deeded to Lancaster County.
- c) Ownership of the south 50 feet of Lot 16 be deeded to Lancaster County.
- d) Ownership of the south 17 feet of Lot 4 be deeded to Lancaster County.

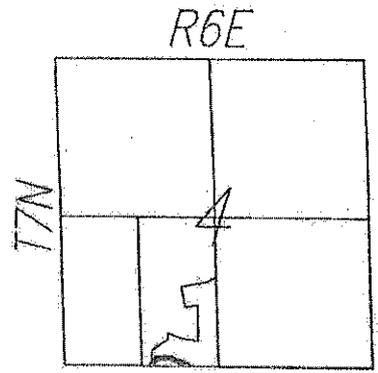
Enclosures

cc: Mike DeKalb, Planning Department  
Jim Shotkoski, Right-of-Way Manager





SITUATION SKETCH



Vacated Area to Lot 15	
Vacated Area to Lot 16	
New ROW	
Statutory Eas. ROW	
County Owned ROW	

LOT 15  
Gana Farms, L.L.C.

Section 4, T7N-R6E

LOT 16  
Craig A. and Lori A. Gana

LOT 2

LOT 4  
Craig A. and Lori A. Gana

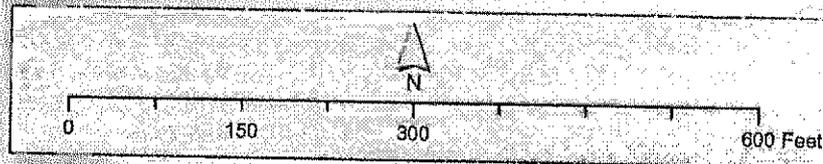
W-PANAMA RD.

County Road #592

NW1/4

Wiedman, Lynn E Trustee  
Attn. United Farm and Ranch Mgmt.  
P.O. Box 85506  
Lincoln, NE 68501-3009

Section 9, T7N-R6E



**MEMORANDUM**

**DATE:** July 25, 2011

**TO:** Lancaster County Board

**FROM:** Mike DeKalb, Planning 

**RE:** Request for Vacation of a portion of W. Panama Road, a.k.a. Lot 2, east of SW 29<sup>th</sup> street.

**CC:** Marvin Krout  
Steve Henrichsen  
Sara Hartzell  
Ken Schroeder  
Terry Kathe  
DaNay Kalkowski

In accordance with County Resolution #3049, the Planning Department has reviewed the request for the vacation of a portion of W. Panama Road (a.k.a. Lot 2), in the SW Quarter of Section 4, Township 7 North, Range 6 East of the Sixth Principle Meridian, 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 Agriculture.

Lot 2 appears to be a remnant portion of what was W. Panama Rd., created by deed in 1881. The road has since been straightened to follow the section line and there is no current road existent on Lot 2.

The abutting property is zoned AG Agriculture. The existing Gana trucking operating at this site is a pre-existing "grandfathered" use.

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

The vacation does not appear to cause or create any issues or problems and would not be considered in conflict with the Plan.

If sold, Lots 2 and 4 should be joined with Lot 1 and an exchange be conditioned with the sale to retain an additional 17 feet of right-of-way on W. Panama Rd. to match that abutting to the west, along all of the repackaged and renumbered Lot 1.

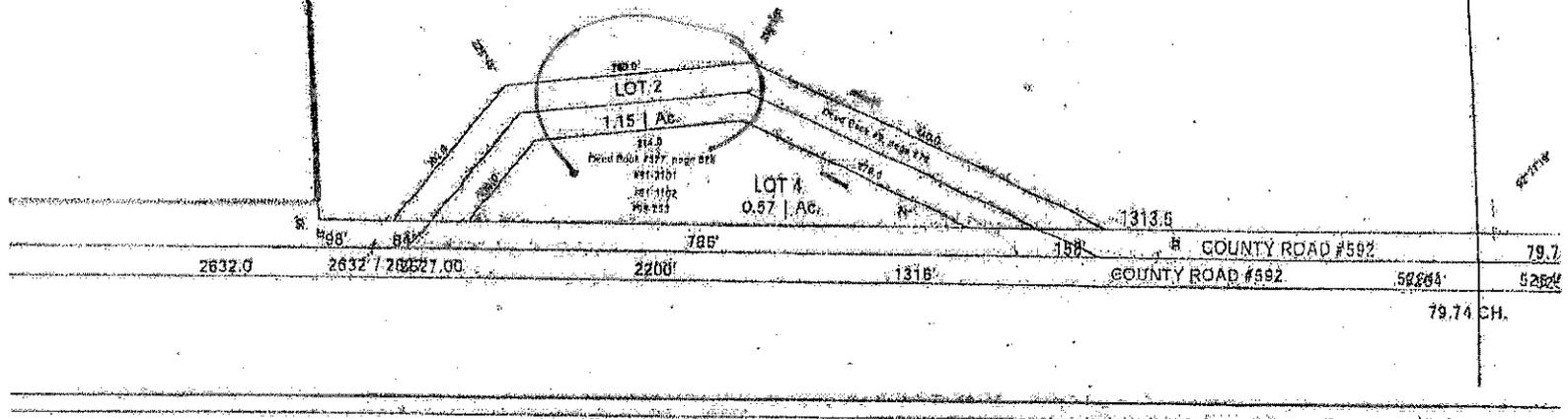
LOT 1  
37.92 | Ac. Total  
37.48 | Ac. Net

Deed Book #327, page 62B

#81-3101

#81-3102

#99-255



(1322.6)  
1322.42

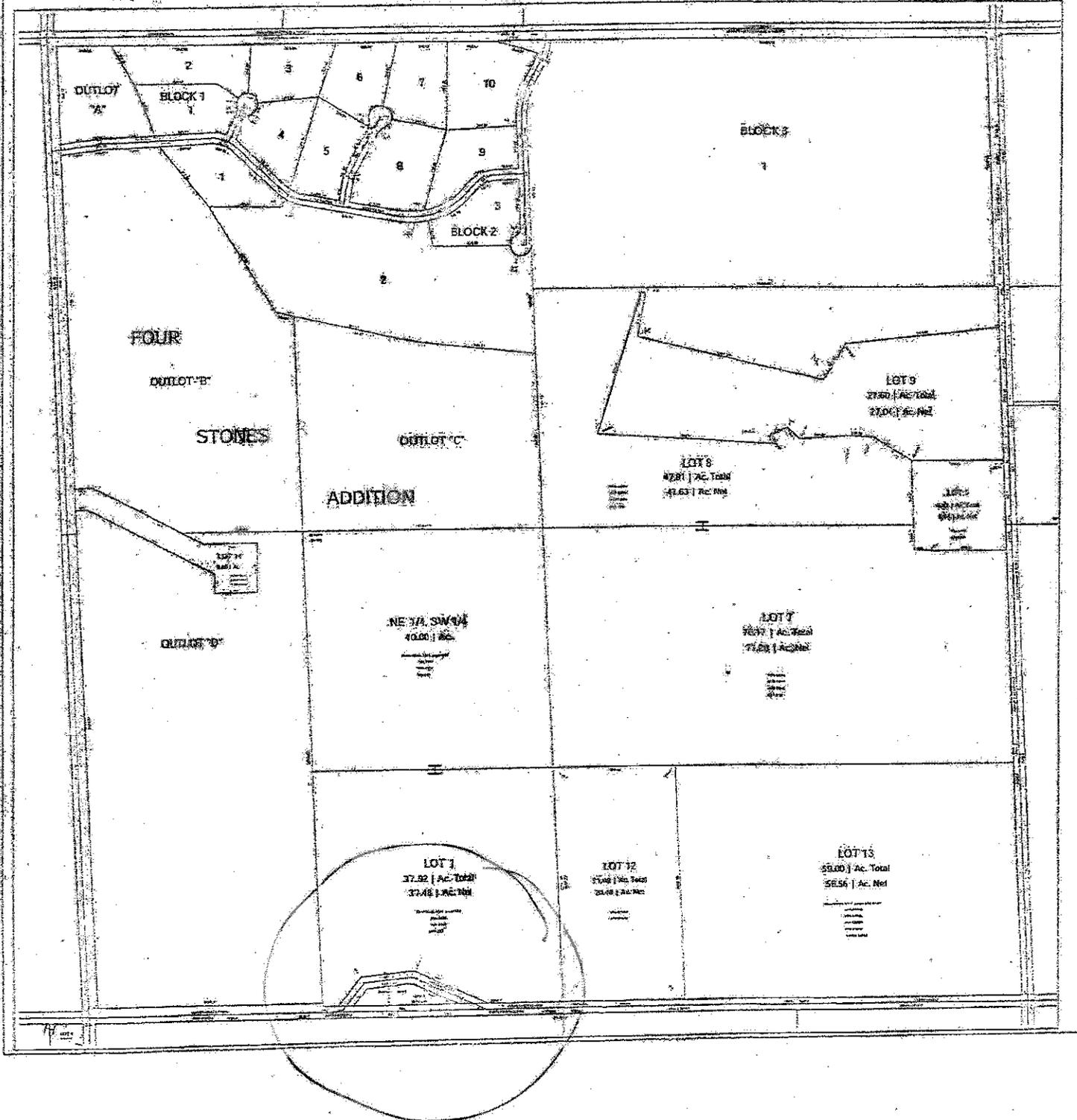
92.774

79.74 CH.

04-07-06  
Jul 03, 2006

Lancaster County Engineering Department  
Don R. Thomas - County Engineer Larry V. Weirall - County Surveyor

This map is intended to show an advisory as to the  
relationships of tracts of land, but it is not intended to be  
construed as survey data in any project.



# City of Lincoln/Lancaster County GIS Map



ARD  
Printed on Wed Jun 22 2011 11:03:43 AM.

WARRANTY DEED RECORD.

Henry Coffey & wife

Received for Record the

July

A.D. 1881

L. C. Coffey for Clerk

Lincoln County

Warranty Deed

Shaw and 1/2 1/2

Know all Men by these Presents:

that Henry Coffey & wife

of the County of Lincoln and State of Nebraska

consideration of the sum of

in hand paid, do hereby sell, bargain, sell, convey and confirm unto

W. C. Coffey County Nebraska

the following described land

situated in Lincoln County, and State of Nebraska... Section 27... 1/4 of the South West corner of said section... 1/4 of the South West corner of said section... 1/4 of the South West corner of said section...

And We

do hereby covenant with the said Lincoln County

and the heirs and assigns that we, our heirs and assigns

premise, that they are free from incumbrance, that we, our heirs and assigns

do hereby covenant to warrant and defend the title to said premises against the lawful claims of all persons whomsoever.

And the said

Henry Coffey

hereby relinquishes all rights of dower

Signed this 5th

day of July

A.D. 1881

IN PRESENCE OF

A. D. Coffey

Henry Coffey

Henry Coffey

The State of Nebraska,

Lincoln County

on this 5th

day of July

A.D. 1881

before me,

A. D. Coffey

Notary Public

duly commissioned and qualified for and residing in said County, personally saw

Henry Coffey & wife

to me known to be the identical person or persons described in and who executed the foregoing instrument as presented and acknowledged the said instrument to be their voluntary act and deed.

I then my hand and Notarial seal

the day and year last above written

A. D. Coffey

Notary Public

# City of Lincoln/Lancaster County GIS Map

## W. Panama Rd vacation



Printed on Tue Jul 19 2011 01:55:40 PM.