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DEC 08 2011

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA LANCASTER COUNTY CLERK

IN THE MATTER OF CLOSING A PORTION)
OF N.W. 12TH STREET BETWEEN WEST)
BRANCHED OAK ROAD AND WEST)
RAYMOND ROAD, AUTHORIZING)
INSTALLATION OF A FENCE, GATES)
AND BARRIERS ON SAID PORTION OF)
N.W. 12TH STREET BETWEEN WEST)
BRANCHED OAK ROAD AND WEST)
RAYMOND ROAD, AND CLOSING THE)
BRIDGE ON THE PORTION OF N.W. 12TH)
STREET BETWEEN WEST BRANCHED)
OAK ROAD AND WEST RAYMOND ROAD)
IN LANCASTER COUNTY, NEBRASKA)

RESOLUTION NO. R-11-0095

NKA pt 130 NW 1/4 34-12-4
NKA pt 19 NE 1/4 33-12-6

WHEREAS, Neb. Rev. Stat. §39-1402, provides that the general supervision and control of the public roads of each county is vested in the county board, and the board shall have the power and authority of establishment, improvement, maintenance and abandonment of public roads of the county and of enforcement of the laws in relation thereto; and

WHEREAS, Neb. Rev. Stat. §39-1814, provides that the County may permit adjacent landowners of a roadway to erect a fence along such road and that the County may install and maintain auto gates through such fences; and

WHEREAS, it is apparent to the Lancaster County Board that the portion of N.W. 12th Street between West Branched Oak Road and West Raymond Road, in Lancaster County, Nebraska, and the bridge on such portion of N.W. 12th Street, causes unnecessary burdens on the County due to environmental concerns and endangered species habitat located adjacent to said portion of N.W. 12th Street; and

WHEREAS, the U.S. Fish and Wildlife Service has requested that a portion of N.W. 12th

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RESOLUTION NO. R-11-0095

WHEREAS, Neb. Rev. Stat. §39-1402, provides that the general supervision and control of the public roads of each county is vested in the county board, and the board shall have the power and authority of establishment, improvement, maintenance and abandonment of public roads of the county and of enforcement of the laws in relation thereto; and

WHEREAS, Neb. Rev. Stat. §39-1814, provides that the County may permit adjacent landowners of a roadway to erect a fence along such road and that the County may install and maintain auto gates through such fences; and

WHEREAS, it is apparent to the Lancaster County Board that the portion of N.W. 12th Street between West Branched Oak Road and West Raymond Road, in Lancaster County, Nebraska, and the bridge on such portion of N.W. 12th Street, causes unnecessary burdens on the County due to environmental concerns and endangered species habitat located adjacent to said portion of N.W. 12th Street; and

WHEREAS, the U.S. Fish and Wildlife Service has requested that a portion of N.W. 12th

Street between West Branched Oak Road and West Raymond Road be closed off to protect the endangered species and endangered species habitat located adjacent to portions of N.W. 12th Street, between West Branched Oak Road and West Raymond Road; and

WHEREAS, it is apparent to the Lancaster County Board that the best manner to alleviate the burden to the County and protect the endangered species habitat is to vacate a portion of N.W. 12th Street between West Raymond Road and West Branched Oak Road, containing the bridge, such portion beginning at a point 575 feet north of the Southwest corner of the NW1/4, Section 34, Township 12 North, Range 6 East, thence north ending at a point 775 feet north of said Southwest corner of said NW1/4, Lancaster County, Nebraska; and to close a portion of N.W. 12th Street between West Raymond Road and West Branched Oak Road, such portion beginning at a point 200 feet north of Southwest corner of Section 34, Township 12 North, Range 6 East, thence north ending at a point 200 feet south of the Northwest corner of said Section 34, excepting the portion to be vacated; and

WHEREAS, the Lower Platte South Natural Resources District and Nebraska Game and Park are adjacent landowners to a portion of N.W. 12th Street between West Branched Oak Road and West Raymond Road, in Lancaster County, Nebraska, and are in favor of having said portion of N.W. 12th Street closed off; and

WHEREAS, the safety and welfare of the traveling public are not substantially affected by the fencing or gating of N.W. 12th Street, between West Branched Oak Road and West Raymond Road, and vacating the portion of N.W. 12th Street containing the bridge.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that a portion of N.W. 12th Street between West Raymond Road and

West Branched Oak Road be closed, such portion beginning at a point 200 feet north of Southwest corner of Section 34, Township 12 North, Range 6 East, thence north ending at a point 200 feet south of the Northwest corner of said Section 34, excepting the portion to be vacated.

BE IT FURTHER RESOLVED, that the County will install and maintain two gates, 14 feet in width, at the intersection of N.W. 12th Street and West Branched Oak Road, at a point 200 feet south of the Northwest corner of Section 34, Township 12 North, Range 6 East. The County will pay the costs of installation and maintenance of the gates. Nebraska Game and Parks will pay for the costs of the gates. The gates may be used to access Northwest 12th Street.

BE IT FURTHER RESOLVED, that the closure of Northwest 12th Street near the intersection of Northwest 12th Street and West Raymond Road, at a point 200 feet north of the Southwest Corner of Section 34, Township 12 North, Range 6 East, will be accomplished by placement of a permanent Type III barrier just north of the private landowner driveway closest to West Raymond Road. The County will pay the cost of the barriers and the installation and maintenance of such barrier.

BE IT FURTHER RESOLVED, that the bridge on the portion of N.W. 12th Street between West Branched Oak Road, and West Raymond Road will be vacated, such portion beginning at a point 575 feet north of the Southwest corner of the NW1/4, Section 34, Township 12 North, Range 6 East, thence north ending at a point 775 feet north of said Southwest corner of said NW1/4, Lancaster County, Nebraska, and the County shall install permanent Type III barriers on either side of such vacated portion of Northwest 12th Street. The County will pay the costs of the barriers and the installation and maintenance of the barriers.

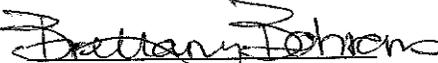
BE IT FURTHER RESOLVED, that authorization is hereby given to adjacent landowners to erect a fence on N.W. 12th Street up to the County installed gates at the intersection of N.W. 12th Street and West Branched Oak Road, and up to the barricade at the intersection of N.W. 12th Street and West Raymond Road.

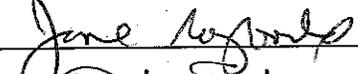
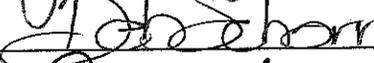
BE IT FURTHER RESOLVED, that Lancaster County retains all present title to and rights in the right-of-way and easements constituting the closed portion of N.W. 12th Street, between West Branched Oak Road and West Raymond Road, such portion beginning at a point 200 feet north of Southwest corner of Section 34, Township 12 North, Range 6 East, thence north ending at a point 200 feet south of the Northwest corner of said Section 34, excepting the vacated portion that contains the bridge.

DATED this 13th day of December, 2011.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 13 day of
December, 2011.


Deputy County Attorney
for JOE KELLY
Lancaster County Attorney


Hudkins Absent