

RECEIVED

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

MAR 01 2012

LANCASTER COUNTY
CLERK

DIRECTING THE COUNTY ENGINEER)
TO CONDUCT A STUDY REGARDING)
VACATING THE SOUTH 5 FEET OF)
PORTSCHE LANE, LYING DIRECTLY)
NORTH OF LOT 16 AND ADJACENT TO)
LOT 2, PORTSCHE HEIGHTS 4TH ADDITION,)
AND LOT 5, BLOCK 1 PORTSCHE HEIGHTS)
3RD ADDITION, ALL LOCATED IN THE)
NORTHEAST QUARTER OF SECTION 22,)
TOWNSHIP 9 NORTH, RANGE 7 EAST,)
LANCASTER COUNTY, NEBRASKA)

RESOLUTION NO. R-12-0019

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska (hereinafter referred to as the "County Board") received a petition, see Exhibit "A" attached hereto and incorporated by this reference, that the public interest will be served by vacating the south 5 feet of Portsche Lane, lying directly north of Lot 16 Irregular Tract and adjacent to Lot 2, Portsche Heights 4th Addition and Lot 5, Block 1 Portsche Heights 3rd Addition, all located in the Northeast Quarter of Section 22, Township 9 North, Range 7 East, of the 6th Principal Meridian, Lancaster County, Nebraska; and

WHEREAS, the Lancaster County Engineer is the person responsible for the maintenance of county roads in Lancaster County, Nebraska; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the Lancaster County Engineer, or such person designated by the Engineer, shall conduct a study of the use being made of the above-described portion of county road, and to submit in writing to the County Board within thirty days, a report upon the study made and his recommendation as to the vacation thereof; and

BE IT FURTHER RESOLVED, that in accordance with the provisions of Resolution No.

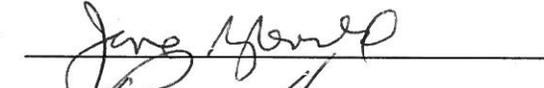
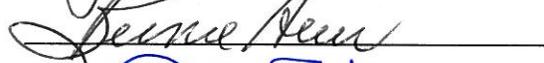
3049, a copy of this Resolution shall be served upon the Lincoln/Lancaster County Planning Department, which shall report in writing within thirty days, unless a longer period is granted by the County Board, as to the character and degree of conformity or nonconformity of the proposed vacation to the Comprehensive Plan.

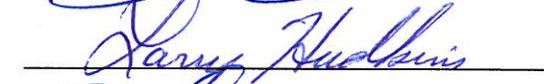
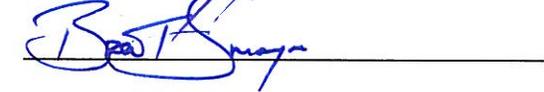
DATED this 10 day of March, 2012.

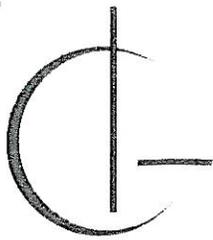
BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 10 day of
March, 2012.


for JOE KELLY
County Attorney



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

www.civildg.com

February 22, 2012

Mr. Dan Nolte
Lancaster County Clerk
555 South 10th Street, Room 108
Lincoln, NE 68508

RECEIVED

FEB 22 2012

LANCASTER COUNTY
CLERK

**Re: Petition to Vacate Right-of-Way - Portsche Lane
CDG Project No. 2011-0056**

Dear Mr. Krout:

On behalf of Steve & Carolyn Nickel, we submit the enclosed application of Petition for Vacation of Public Road. We request to vacate the north 5 feet of Portsche Lane, north of Lot 16 Irregular Tract and adjacent to Lot 2, Portsche Heights 4th Addition and Lot 5, Block 1 Portsche Heights 3rd Addition all located in the NE 1/4 of Section 22, Township 9 North, Range 7 East, Lancaster County, Nebraska.

The vacation of the 5 feet of Portsche Heights is necessary so that Portsche Lane can be terminated so it does not abut the Grand Terrace subdivision. A new road connection will be installed at a later date which will be created through Lot 2, Portsche Heights 4th Addition, west of the existing house. This is shown on our amended Grand Terrace Community Unit Plan. We have met with the neighbors of Portsche Lane and they do not want the connection of Portsche Lane but would prefer the connection through the Nickel property.

In conjunction with this submittal we submit the following information:
Completed Petition to Vacate Public Way Form

I hope that this letter and forms provide you with enough information to review this petition to vacate Right-of-Way. In an effort to facilitate the review process, please call me at (402) 434-8494 if you have questions.

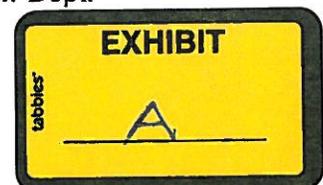
Sincerely,

Mike Eckert, AICP

Encl

cc: Steve & Carolyn Nickel, Joedy & Laura Thelen, Lewis Strarostka, LLC
Brian Will of Planning Department and Rick Peo of City of Lincoln Law Dept.

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PETITION FOR VACATION OF PUBLIC ROAD

The undersigned registered voters of Lancaster County, Nebraska reside within ten (10) miles of a segment of public road right-of-way described as:

a map of which is attached hereto, hereby petition the County Board of Lancaster County to vacate said segment of public road for the reason that:

And further request that a time and date be set for a public hearing before the County Board on this matter.

NAME	ADDRESS
1. <u>[Signature]</u>	<u>3316 Willow Wood Cir, Lincoln, NE 68521</u>
2. <u>Jim D. Schuerma</u>	<u>1331 Thunderbird Blvd, Lincoln, NE 68512</u>
3. <u>[Signature]</u>	<u>6515 S. 32nd Lincoln, NE 68516</u>
4. <u>[Signature]</u>	<u>3316 WILLOW WOOD CIR, LINCOLN NE 68521</u>
5. <u>[Signature]</u>	<u>8340 Hollynne Lane #46, Lincoln, NE 68512</u>
6. <u>[Signature]</u>	<u>7941 PORTSCHE LANE</u>
7. <u>Carolyn B. Nickel</u>	<u>7941 Portsche Lane</u>
8. <u>[Signature]</u>	<u>1331 Thunderbird</u>
9. <u>[Signature]</u>	<u>7900 Portscho Lane, 68516</u>
10. <u>[Signature]</u>	<u>6515 S. 32nd St. Lincoln, NE</u>
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

68521

INFORMATION SHEET

This information sheet should be completed by each primary petitioner. The attached "Petition to Vacate with Release and Waiver of Rights and Title and Quit Claim to County of Lancaster, Nebraska" should also be completed according to the instruction contained in the Instruction Sheet.

- 1. Petitioner's Name Joedy G. & Laura J. Thelen
- 2. Petitioner's Address 7900 Portsche Lane, Lincoln, NE 68516
- 3. Petitioner's Telephone Number 402-499-1722
- 4. Street/Alley/Public Way sought to be vacated South 5 feet of Portsche Lane

5. Why are you seeking to have this street/alley/public way vacated?

Required as part of Grand Terrace Community Unit Plan

6. What use(s) do you propose to make of the public way if vacated?

Open Space / add to existing lot

I (WE) DO INTEND TO PURCHASE (describe area intended to be purchased)
East half of the South 5' feet of Portsche Lane

north of Lot 16 I.T. in the NE 1/4 of Sec 22, T9N, R7E

OF THE VACATED PUBLIC WAY WHICH ABUTS THE PROPERTY OWNED BY ME (US) AS DESCRIBED IN THE PETITION TO VACATE PUBLIC ROAD.

YES NO

Prior to the public hearing the property will be appraised. The purchase price of the portion you intend to buy must be deposited with the County Clerk before receiving a deed to said property or the property will be sold to any other party willing to pay the purchase price. The vacation resolution will not become final until the full price of the entire public road proposed to be vacated has been paid.

BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN COMPLETED AND IS ATTACHED TO THE INFORMATION SHEET.

INFORMATION SHEET

This information sheet should be completed by each primary petitioner. The attached "Petition to Vacate with Release and Waiver of Rights and Title and Quit Claim to County of Lancaster, Nebraska" should also be completed according to the instruction contained in the Instruction Sheet.

- 1. Petitioner's Name Stephen H. & Carolyn B. Nickel
- 2. Petitioner's Address 7941 Portsche Lane, Lincoln, NE 68516
- 3. Petitioner's Telephone Number 402-423-0559
- 4. Street/Alley/Public Way sought to be vacated South 5 feet of Portsche Lane

5. Why are you seeking to have this street/alley/public way vacated?

Required as part of Grand Terrace Community Unit Plan

6. What use(s) do you propose to make of the public way if vacated?

Open Space / add to existing lot

I (WE) DO INTEND TO PURCHASE (describe area intended to be purchased)
 West half of the south 5' feet of Portsche Lane north of Lot 16 I.T. in the NE 1/4 of Sec. 22, T9N, R7E
OF THE VACATED PUBLIC WAY WHICH ABUTS THE PROPERTY OWNED BY ME (US) AS DESCRIBED IN THE PETITION TO VACATE PUBLIC ROAD.

YES NO

Prior to the public hearing the property will be appraised. The purchase price of the portion you intend to buy must be deposited with the County Clerk before receiving a deed to said property or the property will be sold to any other party willing to pay the purchase price. The vacation resolution will not become final until the full price of the entire public road proposed to be vacated has been paid.

BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN COMPLETED AND IS ATTACHED TO THE INFORMATION SHEET.

PETITION TO VACATE PUBLIC ROAD
WITH RELEASE AND WAIVER OF RIGHTS
AND TITLE AND QUIT CLAIM TO COUNTY
OF LANCASTER, NEBRASKA

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(For Register of Deeds Use Only)

TO THE COUNTY BOARD OF THE COUNTY OF LANCASTER, NEBRASKA

The undersigned property owner(s) hereby ask and petition you to vacate the following described street/alley/public road, to-wit:

The south 5 feet of Portsche Lane, North of Lot 16 I.T.
and adjacent to Lot 2, Portsche Heights 4th Add and Lot 5, Block 1

in the County of Lancaster, Nebraska, to reserve and retain in said street, alley, or other public way such title, rights, easements and privileges as it may deem necessary. In consideration of the vacation of the above described street, alley or other public road, we, and each of us, for ourselves, our heirs, administrators, successors, and assigns, hereby waive and release any and all claims, causes of action, title, rights and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of or resulting from such vacation of said street, alley, or other public way; and hereby remise and forever quit claim unto the County of Lancaster, Nebraska and to its successors and assigns forever, all right, title, interest, estate, claim and demand, both at law and in equity, of, in and to all of said street, alley or other public way, together with all and singular there hereditaments thereunto belonging.

TO HAVE AND TO HOLD the above described street, alley or other public way unto the County Lancaster, Nebraska and to its successors and assigns, so that none of the undersigned, nor any person in his, her, their or its name(s) or behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

Portsche Heights 3rd Addition all
located in the NE 1/4 of Section 22
T9N, R7E.

The undersigned hereby represent(s) that he, she, they or it is (are) the owner(s) of the following described property in Lancaster County, Nebraska, abutting on said street, alley or other public way, to-wit:

Stephen H. & Carolyn B. Nickel - Lot 2 Portschke Height 4th Add.
Joedy G. & Laura J. Thelen - Lot 5, Block 1, Portschke Heights 3rd Add.

Dated this 22ND day of FEBRUARY, 2012.

State of Nebraska)
Lancaster County)_{SS}

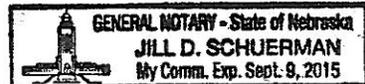
Stephen H. Nickel
Carolyn B. Nickel
Joedy G. Thelen
Laura J. Thelen

Before me, a notary public qualified for said county, personally came Stephen H. & Carolyn B. Nickel known to be the identical person(s) who signed the foregoing instrument, and acknowledged the execution thereof to be his, her or their voluntary act and deed for the purposes therein set forth, and acknowledged that he, she or they signed the foregoing instrument with the view of having said County of Lancaster vacate said street, alley or other public road and the County of Lancaster reserving and retaining in said street, alley or other public road such title, rights and privileges as it may deem necessary, together with a waiver and release of any and all claims, causes of action, title, rights, demands and quitclaim.

WITNESS my hand and notarial seal on 22nd, 2012.

Jill D. Schuerman, Notary Public

My commission expires: Sept 9, 2015



The undersigned hereby represent(s) that he, she, they or it is (are) the owner(s) of the following described property in Lancaster County, Nebraska, abutting on said street, alley or other public way, to-wit:

Dated this _____ day of _____, 20____.

State of Nebraska)
)ss
Lancaster County)

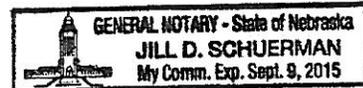
Before me, a notary public qualified for said county, personally came Joedy G. & Laura J. Thelen

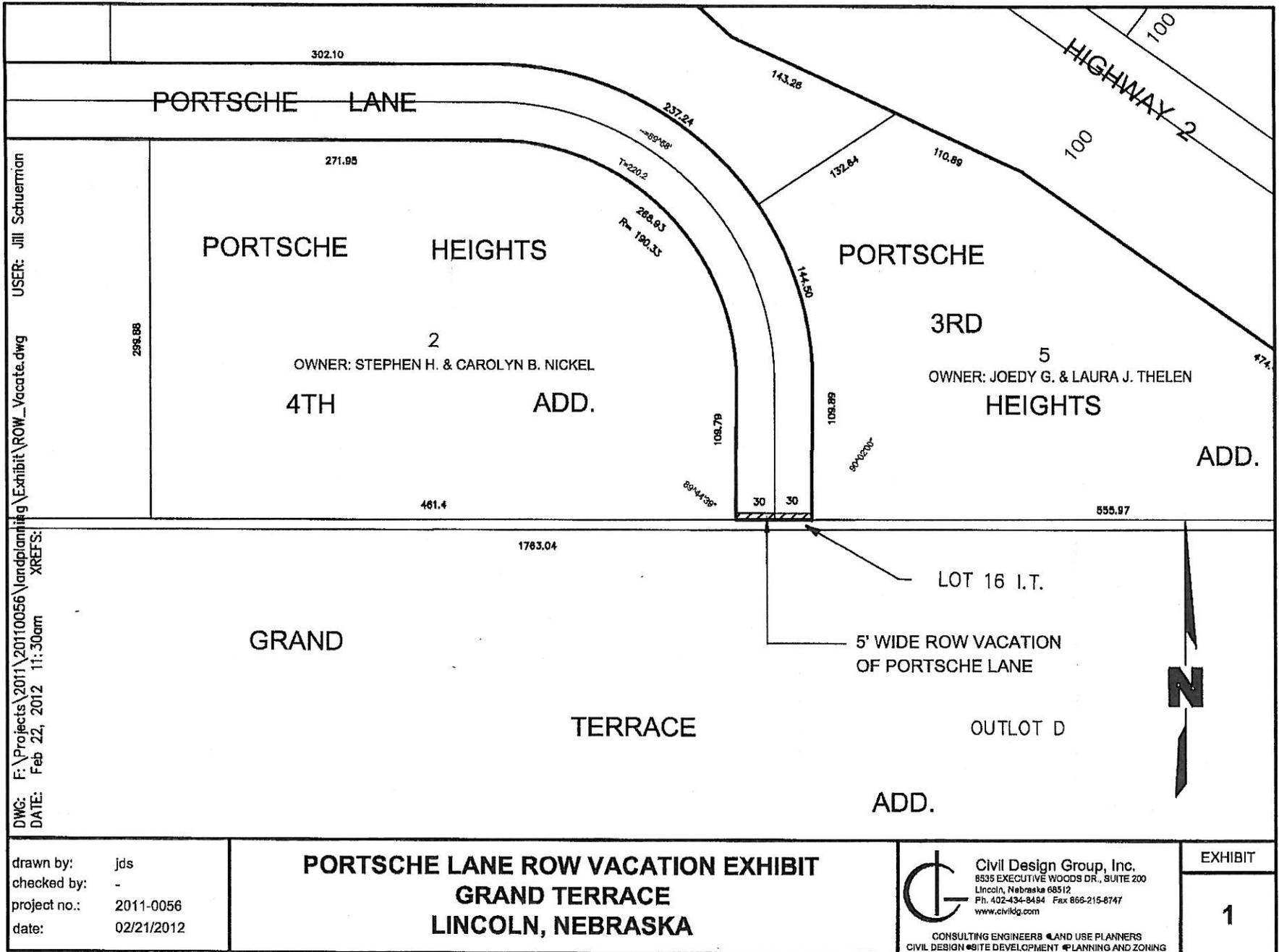
known to be the identical person(s) who signed the foregoing instrument, and acknowledged the execution thereof to be his, her or their voluntary act and deed for the purposes therein set forth, and acknowledged that he, she or they signed the foregoing instrument with the view of having said County of Lancaster vacate said street, alley or other public road and the County of Lancaster reserving and retaining in said street, alley or other public road such title, rights and privileges as it may deem necessary, together with a waiver and release of any and all claims, causes of action, title, rights, demands and quitclaim.

WITNESS my hand and notarial seal on 22nd February, 2012.

Jill D. Schuerman, Notary Public

My commission expires: Sept 9, 2015





USER: Jill Schuerman
 DWG: F:\Projects\2011\20110056\landplanning\Exhibit\ROW_Vacate.dwg
 DATE: Feb 22, 2012 11:30am
 XREFS:

drawn by: jds
 checked by: -
 project no.: 2011-0056
 date: 02/21/2012

PORTSCHE LANE ROW VACATION EXHIBIT
GRAND TERRACE
LINCOLN, NEBRASKA


Civil Design Group, Inc.
 8535 EXECUTIVE WOODS DR., SUITE 200
 Lincoln, Nebraska 68512
 Ph. 402-434-8484 Fax 866-215-8747
 www.civildg.com
 CONSULTING ENGINEERS • LAND USE PLANNERS
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
1