

RECEIVED

SEP 25 2014

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 PORTIONS OF SW 28<sup>TH</sup> STREET, )  
W. SIMON STREET AND W. FRYE STREET, )  
MORE PARTICULARLY DESCRIBED IN )  
EXHIBIT "A", AND LOCATED IN LANCASTER) )  
COUNTY, NEBRASKA )

RESOLUTION NO. \_\_\_\_\_

R - 14 - 0062 . .

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 portions of SW 28<sup>th</sup> Street, W. Simon Street and W. Frye Street, more particularly described in Exhibit "A," and located in Lancaster County, Nebraska; and

WHEREAS, the report from the Lancaster County Engineering Department is provided in Exhibit "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 14<sup>th</sup> day of October, 2014, at 10:30 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

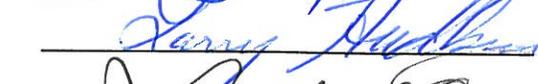
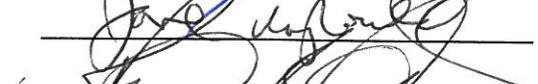
the above-referenced hearing date.

DATED this 30 day of September, 2014, at the City County Building, Lincoln,  
Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

APPROVED AS TO FORM  
this 30 day of  
September, 2014.

  
Deputy County Attorney  
for JOE KELLY  
Lancaster County Attorney


## Petition for Vacation of Public Road

The 40.00 foot wide platted Right-of-Way of S.W. 28th Street formerly known as 4th Street as originally platted in Werger's Addition to Martel Nebraska, from the South line of the 66.00 foot Right-of-Way line of W. Martel Road, formerly known as "A" Street as shown on Werger's Addition to Martel Nebraska, to the South line of the 60.00 foot Right-of-Way of W. Freye Street formerly known as "C" Street as originally shown on Werger's Addition to Martell Nebraska, all located in the NW 1/4 of Section 28, T8N, R6E P.M., Lancaster County, Nebraska.

The 53.00 foot wide platted Right-of-Way of W. Simon Street formerly known as "B" Street as originally platted on Werger's Addition to Martel Nebraska, from the East 40.00 foot Right-of-Way of S.W. 28th Street formerly known as 4th Street as originally platted in Werger's Addition to Martell Nebraska to the West line of the 16 foot wide alley Right-of-Way as originally platted in Werger's Addition to Martel Nebraska of Block 1 and 2, all located in the NW 1/4 of Section 28, T8N, R6E P.M., in Lancaster County, Nebraska.

The 60.00 wide platted W. Freye Street, formerly known as "C" Street as originally platted in Werger's Addition to Martel Nebraska from the East line of the Right-of-Way of 40.00 foot wide S.W. 28th Street formerly known as 4th Street as originally platted in Werger's Addition to Martel Nebraska from the West line of the 16.00 wide alley Right-of-Way of Block 2, Werger's Addition to Martel Nebraska, all located in the NW 1/4 of Section 28, T8N, R6E P.M., Lancaster County, Nebraska.

LANCASTER

Pamela L. Dingman, P.E.

COUNTY

County Engineer

ENGINEERING

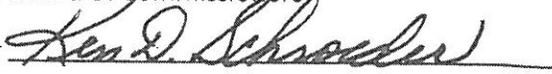
Kenneth D. Schroeder, R.L.S.  
Deputy County Surveyor

DEPARTMENT

**DATE:** August 27, 2014

**TO:** Lancaster County Board of Commissioners

**FROM:** Ken D. Schroeder  
County Surveyor



**SUBJECT:** RESOLUTION NO. R-14-0041  
PROPOSED VACATION OF PORTIONS OF SW 28<sup>TH</sup> STREET,  
WEST SIMON STREET AND WEST FREYE STREET  
IN UNINCORPORATED AREA OF MARTELL

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Pursuant to Resolution R-14-0041, this office has reviewed the request for vacating the following streets as platted in "Werger's Addition to Martel, Nebraska".

The 40 foot wide SW 28<sup>th</sup> Street, (formerly known as 4<sup>th</sup> Street), from the south line of the 66 foot right-of-way line of West Martell Road. (formerly know as "A" Street), to the south line of the 60 foot right-of-way of West Freye Street. (formerly known as "C" Street).

The 53 foot wide West Simon Street. (formerly known as "B" Street), from the east right-of-way line of SW 28<sup>th</sup> Street, (formerly known as 4<sup>th</sup> Street), to the west line of the 16 foot wide alley platted in Blocks 1 and 2 of "Werger's Addition to Martel, Nebraska."

The 60 foot wide West Freye Street, (formerly known as "C" Street), from the east right-of-way line of SW 28<sup>th</sup> Street, (formerly known as 4<sup>th</sup> Street), to the west line of the 16 foot wide alley platted in Block 2, "Werger's Addition to Martel, Nebraska", all located in the NW $\frac{1}{4}$  of Section 28, T8N, R6E of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

This office would offer the following comments regarding proposed vacation:

- 1) SW 28<sup>th</sup> Street, West Simon Street and West Freye Street as described above were dedicated as public streets in the platting of "Werger's Addition to Martel, Nebraska" on June 19, 1922 and recorded in Plat Book 5 on Page 63.
- 2) The street names as originally platted in Unincorporated Martell were changed to the current naming by Resolution R-07-0055 dated July 17, 2007.
- 3) We find this area of proposed street vacation to not be graded or developed as a roadway for public use and is currently cultivated and being used for agricultural purposes.

Page Two

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- 4) It is unknown if there are existing utility easements or use in the area of proposed street vacation therefore, if approved, retaining a blanket utility easement would be recommended.
- 5) The Village of Sprague should have an opportunity to review vacation request since the Unincorporated Village of Martell falls within their 1-mile jurisdiction.
- 6) The area adjacent to the proposed street vacation is currently in review for development into 5, 3 plus acre lots.
- 7) This office has no immediate plans, nor any long range plans that would include the need to utilize the dedicated right-of-way of SW 28<sup>th</sup> Street, or the portions of West Simon Street and West Freye Street as shown to be vacated on enclosed map and would therefore have no opposition to this vacation request.
- 8) Disposition of the land would be as directed by the Lancaster County Board of Commissioners. Value, if any, is unknown at this time with a follow-up letter forthcoming pertaining to any value.

Enclosures

cc: Sara Hartell, Planning Department  
James Shotkoski, Right-of-Way Manager  
Brittany Behrens, Deputy County Attorney  
Angela Zocholl, County Clerk's Office  
Lauren Dyer, Sprague Village Clerk

KDS/bml

Barbi/Vacation/Proposed Vacation - Portions of SW 28<sup>th</sup>, W Simon, W. Freye Street.Mem

SITE  
LLOYD W & MILDRED R REVOCABLE TRUST  
2820 W MARTELL RD  
MARTELL, NE 68404  
TO DEW LLC  
19751 SW 58 ST  
HALLAM, NE 68368

UNITED METHODIST CH  
2700 W MARTELL RD  
MARTELL, NE 68404

W MARTELL RD

LOT 78

PESTER PROPERTIES LLC  
2825 PORTER RIDGE RD  
LINCOLN, NE 68516

MCCAIN, BARBARA A  
17505 SW 27 ST  
MARTELL, NE 68404

CRABTREE, RICHARD R  
17545 SW 27 ST  
MARTELL, NE 68504

MAYS, CAROLYN D  
17645 SW 27 ST  
MARTELL, NE 68404

COPE, ROBERT A & TAMARA  
17707 SW 27 ST  
MARTELL, NE 68404

FETTE, DAN  
MARTELL, NE 68404

FOXHOVEN, DONALD D & ROSE G  
15700 SW 29 ST  
MARTELL, NE 68404

STRUFING, BERNADEAN R  
REVOCABLE TRUST  
MARTELL, NE 68404

KYHN, GORDON RAY & NANCY ANN  
2735 W LUTHER ST  
MARTELL, NE 68404

WITTSTUCK, BRADLEY L & CATHERINE S  
MARTELL, NE 68404

E 1/2, NE 1/4

BOHMONT, GRACIE M REVOCABLE TRUST  
15150 SW 42 ST  
MARTELL, NE 68404

SW 29TH ST

S.W. 28TH STREET

W SIMON ST

SW 27TH ST

W SIMON ST

W.FREYE ST

Proposed Street Vacation

LOT 120

FS 4782 MS  
SW 28th St

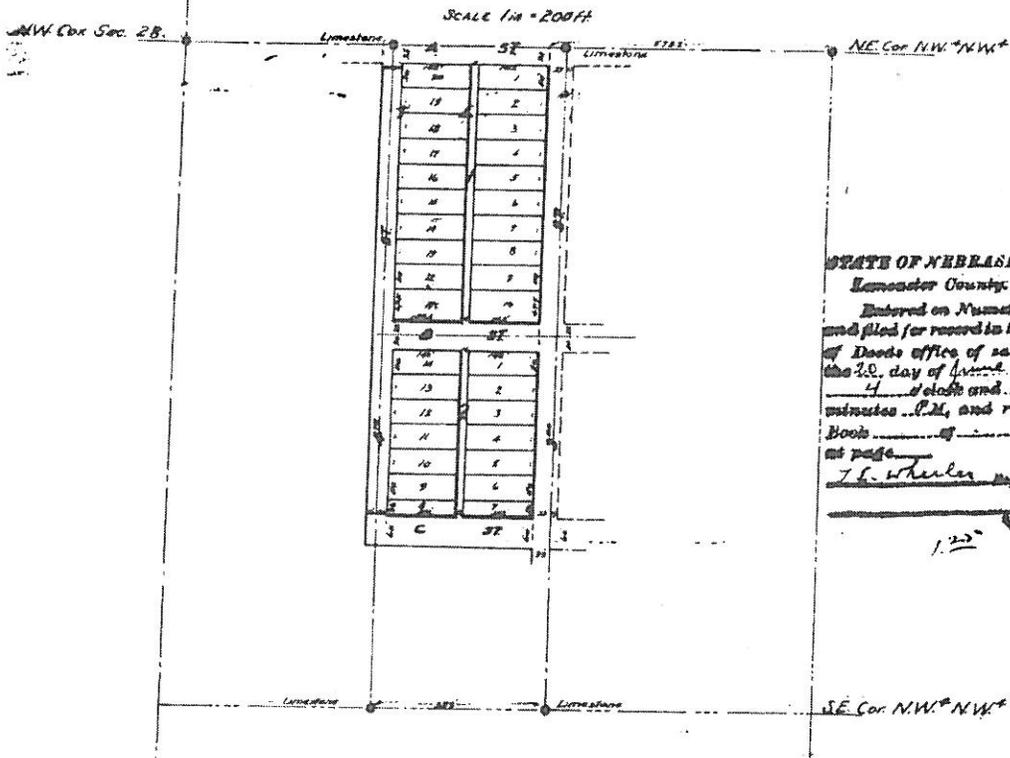
North

07/31/2014

← W. Martell Road →

63- 112- 412 63

WERGER'S ADDITION  
TO  
MARTEL, NEBRASKA



STATE OF NEBRASKA }  
Lancaster County } ss  
Entered on Numerical Index  
and filed for record in the Register  
of Deeds office of said County,  
this 22 day of June 1922 at  
4 o'clock and ... P.M.  
minutes P.M. and recorded in  
Book ...  
at page ...  
J. L. Wheeler Register of Deeds

DEDICATION

The foregoing Subdivision of that part of the NW 1/4 NW 1/4 of Section 28, T.8.N.-R.6.E. of the 62nd P.M. described as follows: Beginning at a point on the north line of the said NW 1/4 NW 1/4 573.2 feet west of the N.E. corner thereof; thence South parallel with the east line of said NW 1/4 NW 1/4 999.5 feet; thence west parallel with the North line of the said NW 1/4 NW 1/4 340 feet; thence north parallel with the east line of the said NW 1/4 NW 1/4 999.5 feet to the North line of said NW 1/4 NW 1/4; thence east 340 feet to the point of beginning. Also described as all of irregular tract number 41 and the East 340 feet of the North 999.5 of irregular tract number 42 and the platting of the same, as the same appears on the foregoing plat, as WERGER'S ADDITION to MARTEL, NEBRASKA, is with the free consent and in accordance with the desire of the undersigned owners and proprietors, and the streets and alleys shown thereon are hereby dedicated to the public.

Witness our hands this 22<sup>nd</sup> day of June 1922.  
 \_\_\_\_\_  
 Witness  
 William Werger  
 Katie Werger

ACKNOWLEDGEMENT

State of Nebraska } ss.  
Lancaster County } On this 22<sup>nd</sup> day of June 1922, before me the undersigned a Notary Public, duly commissioned, qualified for and residing in said County, personally came William Werger and Katie Werger, husband and wife, to me personally known to be the identical persons whose names are affixed to the foregoing instrument and acknowledge said instrument to be their voluntary act and deed.

Witness my hand and Notarial Seal the day, month and year last above written.  
 My commission expires Nov. 21 1923  
 \_\_\_\_\_  
 Notary Public.

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and staked out WERGER'S ADDITION to MARTEL NEBRASKA as the same appears on the foregoing plat. The dimensions of all lots and the widths of all streets and alleys are shown in feet and decimals on the plat. Oak stakes are set at all lot corners in the east half of blocks 1 and 2.  
 Stones were found at points indicated thus  
 Stones set at points indicated thus

\_\_\_\_\_