

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

DIRECTING THE COUNTY ENGINEER)	
TO CONDUCT A STUDY AND THE)	
PLANNING DEPARTMENT TO WRITE A)	
REPORT REGARDING VACATING PORTIONS)	RESOLUTION NO. <u>R-18-0068</u>
OF WEST MCKELVIE ROAD, MORE)	
PARTICULARLY DESCRIBED IN EXHIBIT)	
"A", AND LOCATED IN LANCASTER)	
COUNTY, NEBRASKA)	

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 portions of West McKelvie Road, more particularly described in Exhibit "A," located in Lancaster County, Nebraska; and

WHEREAS, pursuant to Neb. Rev. Stat. §§ 39-1723 and 39-1722, within two weeks of the filing of a duly submitted petition with the Lancaster County Clerk, the Board shall by resolution direct the Lancaster County Engineer to study the use being made of such public road and to submit in writing to the County Board within thirty days a report upon the study made and her recommendation as to the vacation or abandonment thereof;

WHEREAS, pursuant to County Resolution No. 3049, the County Board shall also refer this matter to the Lincoln/Lancaster County Planning Department ("Planning") to report in writing to the County Board 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. Planning must also determine if the road to be vacated is within three miles of the City of Lincoln. If within three miles of the City of Lincoln, City Council approval must also be obtained, and Planning will initiate this process. The City Clerk will forward such

approval or disapproval to the County Clerk and the County Board;

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 their recommendation as to the vacation thereof; and

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that Planning shall write a report as to the character and degree of conformity or nonconformity of the proposed vacation to the Comprehensive Plan, and to submit in writing to the County Board within thirty days, unless a longer period is granted by the County Board, a report and its recommendation as to the vacation thereof. Planning shall also determine if the road to be vacated is within three miles of the City of Lincoln. If within three miles, Planning will initiate this process to get the City Council's approval.

DATED this 25th day of September, 2018.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

Bill Avery

Deb Schorr

Todd Wilgus

Kenna Gauer

BRINKMAN ABSENT

APPROVED AS TO FORM
this 25th day of
September, 2018.

Pat Condon
for PAT CONDON
County Attorney

RECEIVED

SEP 18 2018

LANCASTER COUNTY
CLERK

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:

County Road number 1060 [west McKelvie Road] between east line of

East street and east line of S21, T11, R5, 6th Principal Meridian, Lot 79SE

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.

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:

S 21, T 11, R 5, 6th Principal Meridian,
Lot 65 SE

Dated this 5 day of September, 2018.

Randall L. Tonkinson

State of Nebraska)
Lancaster County)ss)

Before me, a notary public qualified for said county, personally came _____

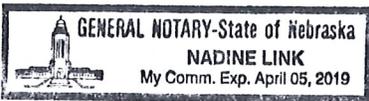
Randall L. Tonkinson

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 September 5, 2018.

Nadine Link, Notary Public

My commission expires: April 5, 2019



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:

528, T11, R5, 6th Principal Meridian,
Lots 20 & 21 NE

Dated this 5 day of September, 2018.

Randall L. Tonkinson

State of Nebraska)
Lancaster County) ss

Before me, a notary public qualified for said county, personally came _____

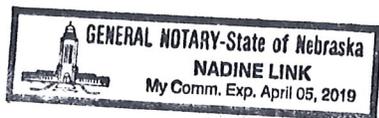
Randall L. Tonkinson

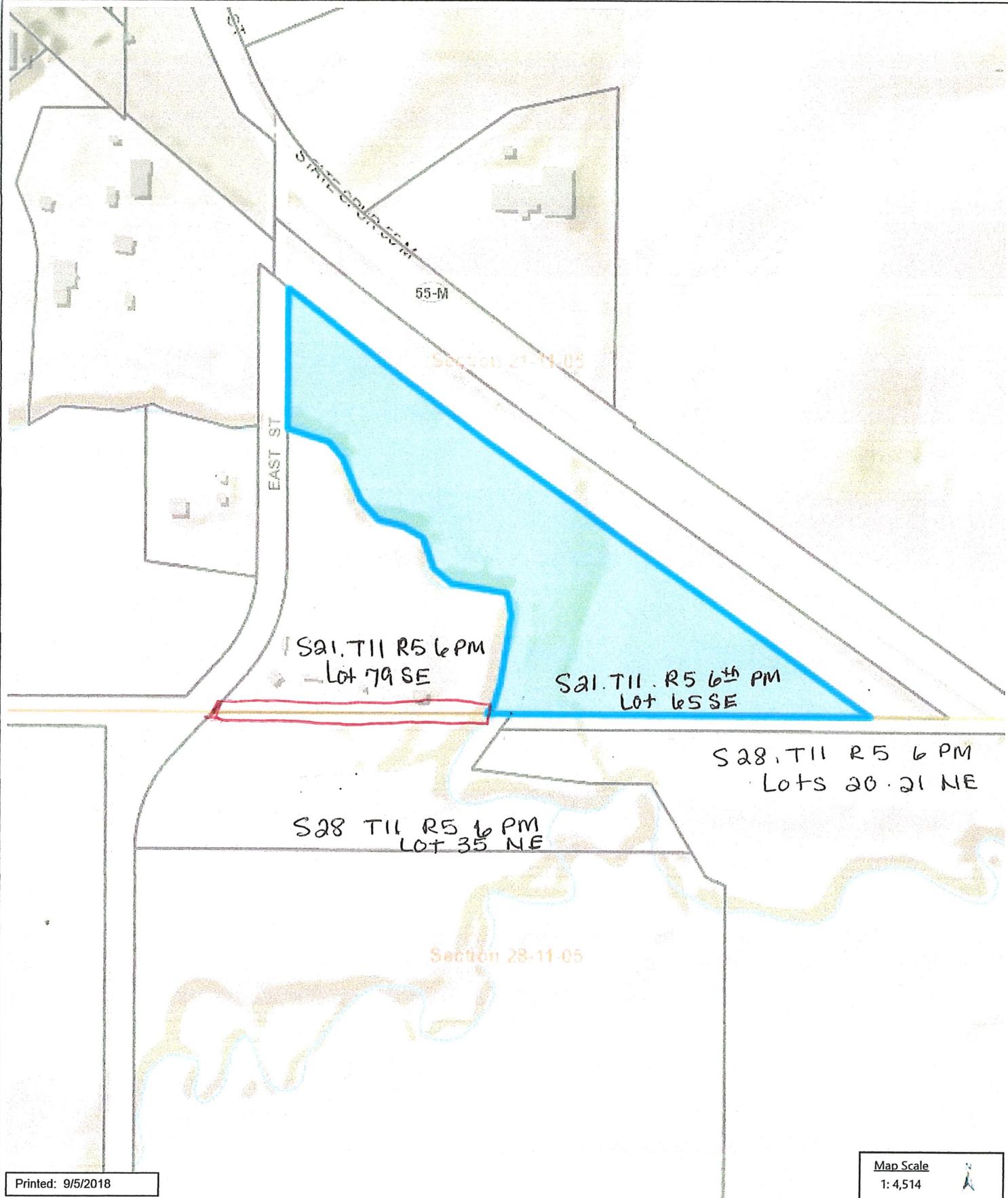
known to be the identical person(s) who signed the foregoing instrument, and acknowledged the execution thereof to be his, her or their voluntary act and deed for the purposes therein set forth, and acknowledged that he, she or they signed the foregoing instrument with the view of having said County 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 September 5, 2018.

Nadine Link, Notary Public

My commission expires: April 5, 2019





Printed: 9/5/2018

Map Scale
1:4,514



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 Village of Malcolm
- 2. Petitioner's Address 137 E 2nd, P.O. Box 228 Malcolm, Ne 68402
- 3. Petitioner's Telephone Number 402 796-2250 -Nadine
- 4. Street/Alley/Public Way sought to be vacated County Road 1060
[west McKelvie Road] between east line of East street and east
line of S21, T11, R5, 6th Principal Meridian, Lot 795E
- 5. Why are you seeking to have this street/alley/public way vacated?
Develop land

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

I (WE) DO INTEND TO PURCHASE (describe area intended to be purchased)

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

 YES X 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 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>Matthew Thieman</u>	<u>531 Education Dr, Malcolm</u>
2. <u>Jill Holliday</u>	<u>3011 NW 128th, Lincoln NE 68527</u>
3. <u>Ken May (Ken Minzel)</u>	<u>12401 West Wendy Lane Lincoln 68528</u>
4. <u>Randy Brown</u>	<u>8401 NW 112th Malcolm 68402</u>
5. <u>Cory Herdtbrink</u>	<u>6655 NW 126 Malcolm 68402</u>
6. <u>James Wauson</u>	<u>6600 West Waverly Rd. Raymond, 68228</u>
7. <u>Brian Paulsen</u>	<u>12200 W Hwy 34 Malcolm, NE 68402</u>
8. <u>Martin Stolley</u>	<u>9800 West O Street Lincoln Ne 68528</u>
9. <u>Michael Hatfield jr.</u>	<u>11680 Trails End Lincoln Ne 68524</u>
10. <u>Dustin Green</u>	<u>9 Beckman Cir. Malcolm, NE 68402</u>
11. <u>Vivian C Bittinger</u>	<u>13240 W Bluff Rd Malcolm, NE 68402</u>
12. <u>Jared Pitze</u>	<u>2 Marver Circle, Malcolm, ne. 68402</u>
13. <u>Adam Benischek</u>	<u>495 S. Lincoln st Malcolm NE, 68402</u>
14. <u>Adam Crist</u>	<u>12210 W. FLETCHER AVE LINCOLN 68524</u>
15. <u>Jack Tarr</u>	<u>1216 S Exeter St. Malcolm NE 68402</u>



Election Commissioner
601 North 46th Street
Lincoln, Nebraska 68503-3720

David J. Shively
Commissioner
Maura Kelly
Chief Deputy

Telephone: (402) 441-7311
FAX: (402) 441-6379

September 18, 2018

Mr. Dan Nolte
Lancaster County Clerk
Attention: Monet McCullen
575 South 10th Street
Lincoln, NE 68508

Dear Dan:

This letter is to inform you that I have reviewed the petition for vacation of a public road in the Village of Malcolm.

All but one of the fifteen who signed the petition are registered voters in Lancaster County. Mr. Adam Crist who signed on line 14 is not currently registered to vote in Lancaster County.

If I can be of further assistance to you on this matter please let me know.

Sincerely,

A handwritten signature in blue ink that reads "David J. Shively". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David J. Shively
Election Commissioner

DS/s

10 mile radius from Area of Interest-Malcolm (Petitioners)

