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10/004799

**BOARD OF COUNTY COMMISSIONERS  
SARPY COUNTY, NEBRASKA**

**RESOLUTION RESCINDING RESOLUTION 2009-385 AND AUTHORIZING  
VACATION OF 42<sup>nd</sup> STREET IN THE AREA OF RAYNOR PARKWAY, SARPY  
COUNTY, NEBRASKA.**

WHEREAS, pursuant to Neb. Rev. Stat. §39-1722 (Reissue 2004) this County Board of Commissioners has deemed that the public interest requires vacation of a portion of 42<sup>nd</sup> Street, North of Hwy 370 in the area of Raynor Parkway, part of a dedicated county road right-of-way located in the NE1/4 of Section 32, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, as further described on Exhibit A.

WHEREAS, pursuant to that same statute, the County Surveyor has been directed to study the use being made of said road and report said study to this Board; and,

WHEREAS, pursuant to Neb. Rev. Stat. §39-1724 (Reissue 2004), this Board has received said report from the Sarpy County Surveyor within thirty (30) days of the directive, and said report contains the study made and the County Surveyor's recommendation as to the vacation thereof as required by Neb. Rev. Stat. §39-1722 (Reissue 2004), and recommends said vacation; and,

WHEREAS, on the 24<sup>th</sup> day of November, 2009, a Public Hearing on the vacation was held as required by Neb. Rev. Stat. §39-1724 (Reissue 2004), after the publication and the service of notice on adjacent landowners, all as required by Neb. Rev. Stat. §39-1724 (Reissue 2004).

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that, pursuant to Neb. Rev. Stat. §39-1722, *et seq.* (Reissue 2004), a portion of 42<sup>nd</sup> Street, North of Hwy 370 in the area of Raynor Parkway, part of a dedicated county road right-of-way located in the NE1/4 of Section 32, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, as further described on Exhibit A, is hereby vacated.

B

BE IT FURTHER RESOLVED that said vacation is subject to any existing easements and utility improvements public or private, recorded or not.

BE IT FURTHER RESOLVED that, pursuant to Neb. Rev. Stat. 39-1725 (Reissue 2004), the title to this vacated right of way shall revert to the Bellevue Soccer Club.

BE IT FURTHER RESOLVED that the Chairman of this Board, together with the County Clerk, is hereby authorized to sign on behalf of this Board any related documents, the same being approved by the Board.

BE IT FURTHER RESOLVED that Resolution 2009-385 is hereby rescinded.

DATED this 23<sup>rd</sup> day of February, 2010.

Moved by Rusty Hike, seconded by Rich Jensen, that the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Rusty Hike

none

none

Rich Jensen

\_\_\_\_\_

\_\_\_\_\_

Tom Jones

\_\_\_\_\_

ABSTAIN:

Tom Kichan

\_\_\_\_\_

none

Patrick Thomas

\_\_\_\_\_

Debra J. ...  
COUNTY CLERK  
SEAL  
SARPI COUNTY NEBRASKA

Approved as to form:

[Signature]  
Deputy County Attorney

2010-05435 C

LEGAL DESCRIPTION  
COUNTY ROAD RIGHT-OF-WAY TO BE VACATED

PART OF A DEDICATED COUNTY ROAD RIGHT-OF-WAY LOCATED IN THE NE1/4 OF SECTION 32, TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 32; THENCE N00°13'11"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID NE1/4 OF SECTION 32, A DISTANCE OF 1491.66 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 42<sup>ND</sup> STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING N00°13'11"W ALONG SAID WEST LINE OF THE NE1/4 OF SECTION 32, SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF SAID DEDICATED COUNTY ROAD, A DISTANCE OF 28.33 FEET TO A POINT ON THE WESTERLY LINE OF TAX LOT 25B1, A TAX LOT LOCATED IN SAID NE1/4 OF SECTION 32, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID DEDICATED COUNTY ROAD; THENCE EASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF SAID DEDICATED COUNTY ROAD, SAID LINE ALSO BEING THE WESTERLY LINE OF TAX LOT 25B1 ON THE FOLLOWING DESCRIBED COURSES; THENCE SOUTHERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 70.00 FEET, A DISTANCE OF 306.08 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S54°57'42"E, A DISTANCE OF 114.31 FEET; THENCE SOUTHERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 35.00 FEET, A DISTANCE OF 43.08 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S35°02'31"W, A DISTANCE OF 40.41 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID DEDICATED COUNTY ROAD; THENCE S00°13'11"E ALONG SAID EASTERLY RIGHT-OF-WAY OF A DEDICATED COUNTY ROAD, SAID LINE ALSO BEING SAID WESTERLY LINE OF TAX LOT 25B1, A DISTANCE OF 128.55 FEET TO THE POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF SAID DEDICATED COUNTY ROAD, AND THE SOUTHERLY EXTENSION OF THE EASTERLY RIGHT-OF-WAY LINE OF 42<sup>ND</sup> STREET; THENCE NORTHWESTERLY ALONG SAID SOUTHERLY EXTENTION OF THE EASTERLY RIGHT-OF-WAY LINE OF 42<sup>ND</sup> STREET ON A CURVE TO THE LEFT WITH A RADIUS OF 754.86 FEET, A DISTANCE OF 211.84 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N19°35'02"W, A DISTANCE OF 211.15 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 19,602 SQUARE FEET OR 0.45 ACRES, MORE OR LESS

2010-05435

03/04/2010 10:17:34 AM

*Lloyd J. Dowding*

REGISTER OF DEEDS

COUNTER ah C.E. ah  
 VERIFY ah D.E. ah  
 PROOF LM  
 FEES \$ NIC  
 CHECK# \_\_\_\_\_  
 CHG \_\_\_\_\_ CASH \_\_\_\_\_  
 REFUND \_\_\_\_\_ CREDIT \_\_\_\_\_  
 SHORT \_\_\_\_\_ NCR \_\_\_\_\_



**THIS PAGE ADDED  
FOR RECORDING  
INFORMATION.**

**DOCUMENT STARTS ON  
NEXT PAGE.**

**LLOYD J. DOWDING**

SARPY COUNTY REGISTER OF DEEDS

Steven J. Stastny, Deputy

1210 GOLDEN GATE DRIVE, STE 1109

PAPILLION, NE 68046-2895

402-593-5773

*REC  
County Clerk's  
Kendra*