

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

**RESOLUTION FIXING DATE OF PUBLIC HEARING FOR THE POSSIBLE VACATION OF
LATHROP AVENUE SOUTH OF CHANDLER ROAD**

WHEREAS, this Board has previously passed a resolution asking the County Engineer to study the vacation of that portion of Lathrop Avenue, lying south of Chandler Road, as now established as described below; and,

WHEREAS, the County Engineer has prepared his recommendation concerning said vacation; and,

WHEREAS, pursuant to Neb. Rev. Stat. §39-1722, *et seq.*, (Reissue 2008), the County Board of Commissioners is authorized to vacate or abandon certain roadways or parts thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that pursuant to Neb. Rev. Stat. §39-1722, *et seq.*, (Reissue 2008) a public hearing will be held on the 27th day of September 2011 at 3:00 p.m. in the Board Room of the Sarpy County Courthouse, Papillion, Nebraska, to receive public comment regarding the vacation of the following:

A portion of Lathrop Avenue lying Southerly of the 33.00 foot ROW of Chandler Road, as now established and the Northerly ROW of North Railway Street, as platted in the Original Town of Chalco as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows:

Beginning at the intersection of the South ROW line of Chandler Road and the East ROW line of Lathrop Avenue; thence South (an assumed bearing) along East ROW for 78.6 feet ± to the Northerly ROW line of North Railway Street; thence Northwesterly along said Northerly ROW line for 71.5 feet ± to the West ROW line of said Lathrop Avenue; thence North along said ROW line for 63.6 feet ± to the South ROW line of said Chandler Road; thence Easterly along the extension of said South ROW line for 70.0 feet ± to the point of beginning and containing 4,977 sq ft ± or 0.11 acres ±.

BE IT FURTHER RESOLVED that the Clerk is directed to publish notice of said public hearing as required by law.

The above and foregoing Resolution was duly approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on this 30th day of August, 2011.

Tom Richard
Sarpy County Board Chairman



[Signature]
Sarpy County Clerk

Nebraska

Chapter 39. Highways and Bridges

Article 17. County Roads. Land Acquisition, Establishment, Alteration, Survey, Relocation, Vacation, and Abandonment

(c). Vacation and Abandonment

Current through the 2011 legislative session

§ 39-1722. Road vacation or abandonment; resolution of county board directing study; report to board; permanent record

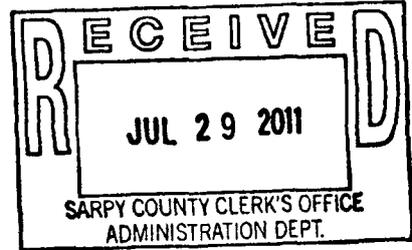
The county board of any county may by resolution, when it deems the public interest may require vacation or abandonment of a public road of the county, direct the county highway superintendent or in counties having no highway superintendent then such person as the board may direct to study the use being made of such public road and to submit in writing to the county board within thirty days, a report upon the study made and his or her recommendation as to the vacation or abandonment thereof. Said resolution and report shall be retained in the office of the county clerk as a part of the permanent public records of the county board; *Provided*, that the county board shall not require vacation or abandonment of any public road or any part thereof which is within the area of the zoning jurisdiction of a city of the metropolitan, primary, or first class without the prior approval of the governing body of such city.

Source:

Laws 1957, c. 155, art. IV, § 22, p. 547; Laws 1971, LB 192, § 2; Laws 1980, LB 607, § 1.

Note:

Statute providing for limited access to interstate highway was not limited or controlled by general road laws. Fougeron v. County of Seward, 174 Neb. 753, 119 N.W.2d 298 (1963).



- 1. Complete Form
- 2. Return to Sarpy Co. Clerk
- 3. Fees due upon completion

SARPY COUNTY

County Clerk's Office

APPLICATION FOR ROAD VACATION OR ABANDONMENT

*Please type or print

*Return to the Sarpy County Clerk's office, 1210 Golden Gate Drive, Papillion NE 68046.

Any person desiring the vacation or abandonment of any public road of the county shall file in the office of the Sarpy County Clerk, a petition (page 2) signed by ten (10) or more ELECTORS residing within ten (10) miles of the road or property proposed to be vacated or abandoned. Petition signatures will be verified by the Election Commissioner to determine signers are registered voters. The publication fees (vary upon size and content), along with the \$50 application fee will be collected upon completion. All fees payable to the Sarpy County Clerk.

1. Individual initiating the request:

NAME: Anson Nowka REPRESENTATIVE FOR OWNER ANDREW NOWKA

ADDRESS: 15010 Chandler Road

CITY: Omaha STATE: NE ZIP: 68138

PHONE (day): 402-215-1077 (evening): 402-215-1077

2. Reason for vacation / abandonment:

Lathrop Ave has never been developed South of Chandler Road and the County has no plans to improve this Right of Way. The vacation is being requested to eliminate the corner lot setback requirement for lots 5A & 6A, which are lots to the East of the Lathrop Avenue ROW.

3. Legal description of property for proposed vacation / abandonment:

Located at South edge of NW1/4 of Sect 14, Twn 14N, Rng 11E of the 6th P.M., Sarpy County, know as Chalco. (150th & Chandler Road) Lathrop Avenue ROW is a 70' wide right of way located South of Chandler Road and West of Lots 5A & 6A of Block 14.

4. Attach copy of the vacation / abandonment petition as required.

Petition shall contain:

- 1) the names and addresses of electors
- 2) a clear and unambiguous description of the road proposed to be vacated or abandoned
- 3) the reason (s) why the road should be vacated or abandoned
- 4) a request that a time and date be set for a public hearing before the county board.

SIGNATURE OF APPLICANT: Anson Nowka



SARPY COUNTY

County Clerk's Office

ROAD VACATION OR ABANDONMENT PETITION

Legal description of property to be vacated:

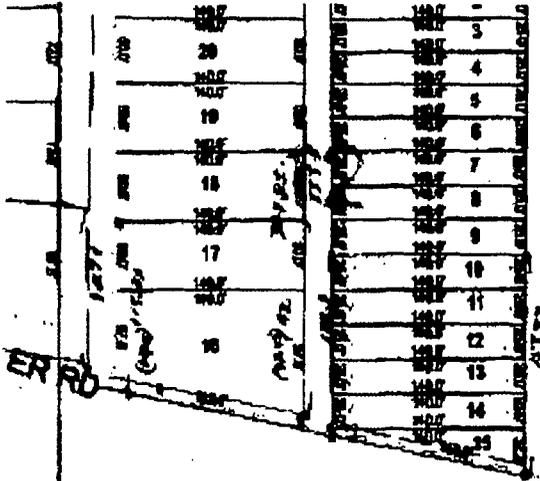
LATHROP AVENUE R.O.W. SOUTH OF CHANDLER ROAD.
WEST OF LOTS 5A AND 6A BLOCK 14 AT THE SOUTH
EDGE OF NW 1/4 OF SECT 14, TWN 14N, RNG 11E OF THE 6TH P.M.
IN SARPY COUNTY

Reason for vacation / abandonment:

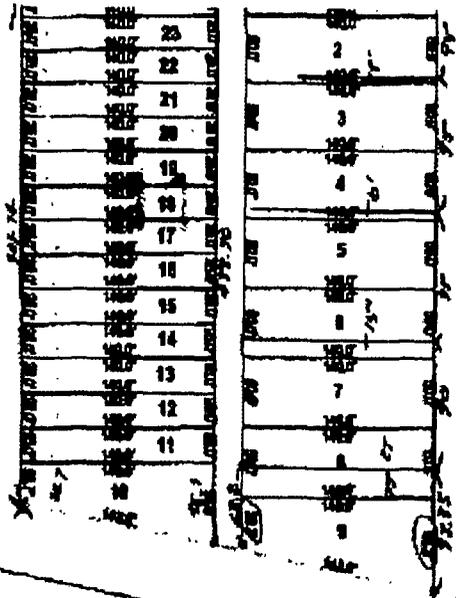
STREET HAS NEVER BEEN DEVELOPED OR USED AND WOULD
TERMINATE AT CREEK ADJACENT ANYWAYS EXISTING
R.O.W. REQUIRES "CORNER" SETBACK TO BE MET WHICH
REDUCES USEABLE AREA AVAILABLE FOR STRUCTURE.

We, the undersigned electors residing within ten (10) miles of the proposed vacated property, hereby ask and petition that the necessary action be taken to vacate property described above. We hereby request that a time and date for a public hearing be set before the Sarpy County Board of Commissioners.

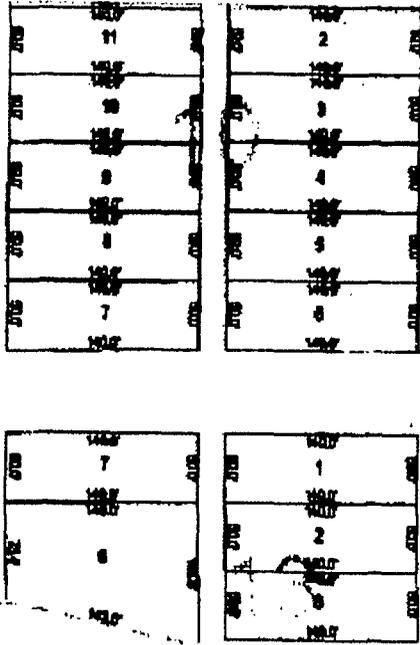
PRINTED Name of Elector	Signature	Address	Date
1. David Fixemer	<i>David Fixemer</i>	7614 S. 150 th St. Omaha NE 68138	7-27-11
2. Wade A. Greening	<i>Wade A. Greening</i>	7604 S. 150 th St, Omaha, NE 68138	7-27-11
3. Ron Brummer	<i>Ron Brummer</i>	7500 S 150 th St Omaha NE 68138	7-27-11
4. Steve Halstead	<i>Steve Halstead</i>	7420 S. 150 th St Omaha NE 68138	7-27-11
5. DAVID JAFFEY	<i>David Jaffey</i>	7416 S. 150 th St, Omaha NE 68138	7-27-11
6. Patrick Donnell	<i>Patrick Donnell</i>	16648 Olive St. Omaha NE 68138	7-28-11
7. George Erdmans	<i>George Erdmans</i>	15056 OLIVE ST Omaha NE 68138	7-28-11
8. Todd A Nowka	<i>Todd A Nowka</i>	7506 Trumble Ave Omaha NE 68138	7-28-11
9. James Bell	<i>James Bell</i>	7514 Trumble Ave Omaha NE 68138	7/28
10. Rick A Hendricks	<i>Rick A Hendricks</i>	7615 S 150 ST Omaha NE 68138	7/28
11. Mary J. Hendricks	<i>Mary J Hendricks</i>	7615 S 150 ST Omaha NE 68138	7/28
12. ANSON NOWKA	<i>Anson Nowka</i>	15010 CHANDLER ROAD Omaha NE 68138	7/28/11



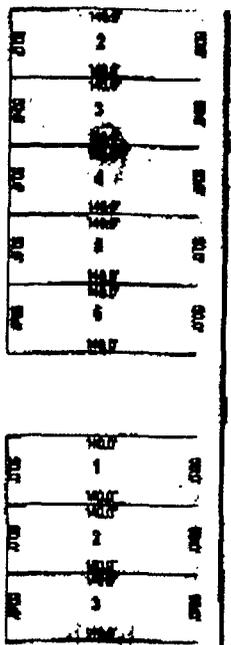
TRUMBLE AVE



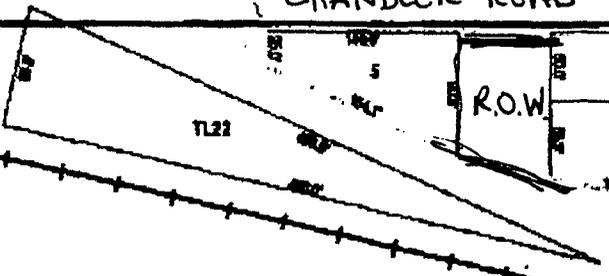
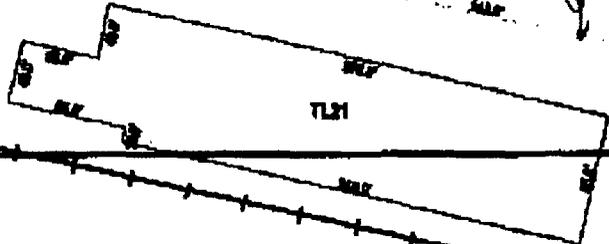
KEARNEY AVE



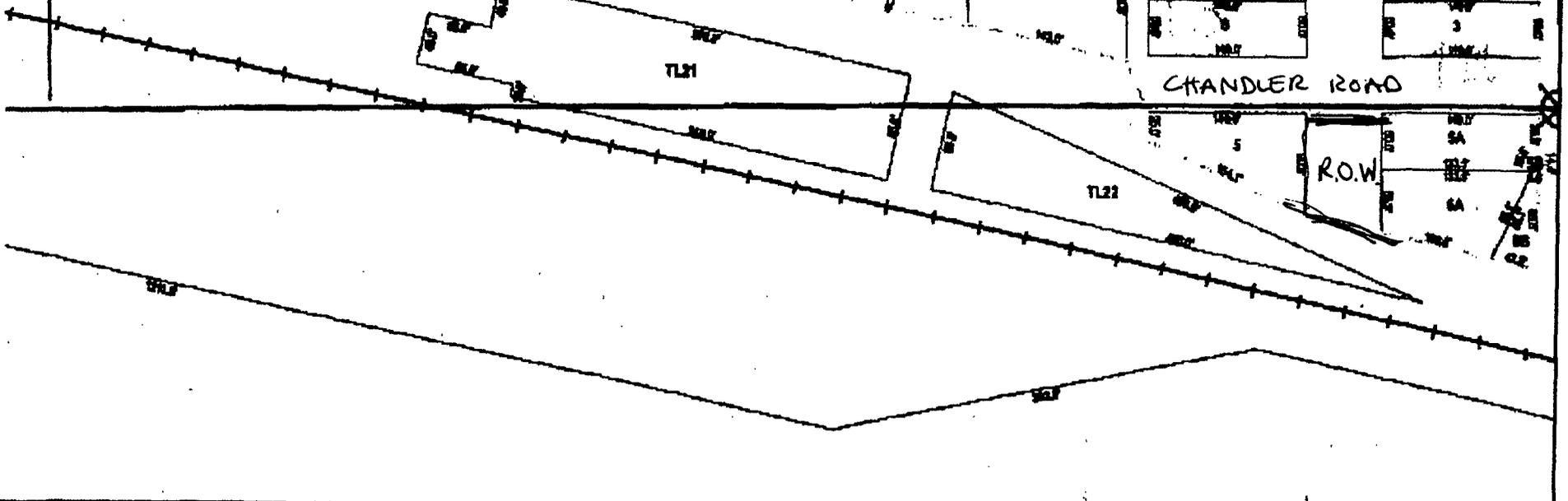
LATHROP AVE



CHANDLER ROAD



ROW





SARPY COUNTY

Dennis L. Wilson P.E.
Sarpy County Engineer

PUBLIC WORKS DEPARTMENT
15100 South 84th Street • Papillion, Ne 68046-2895
Phone (402) 537-6900 • FAX (402) 537-6955 • www.sarpy.com

Memo

To: Sarpy County Board of Commissioners

From: Dennis Wilson, Sarpy County Engineer

Date: 08/25/2011

Re: Recommendation concerning possible vacation of Lathrop Avenue South of Chandler Road.

I have reviewed the proposed said vacation of Lathrop Avenue south of Chandler Road, and would recommend it be vacated. This is not within City jurisdiction and is subject to any other easements and/or improvements, recorded or not.

If you have any questions, please feel free to contact me.

SIMS 2.0 - Sarpy Internet Map Service

Search/Select **Map Contents**

Parcel Search

Property address:

Legal description:

Parcel ID number:

Selectable Layer:

Select Mode:

Result Actions

Selection Results

Parcels

1 NOWKA, ANDREW J
CHANDLER RD

Parcel ID Number	010332561
Show	Valuation Information
Owner Name	NOWKA, ANDREW J
Mailing Address	3370 BROWER AVE
City State	MOUNTAIN VIEW CA
Zip Code	94040-
Property Address	CHANDLER RD
Legal Description	LOTS 5A & 6A BLOCK
Neighborhood Code	MCO
Property Type	RES
Improvements Value	\$0
Land Value	\$14,151
Total Value	\$14,151
Estimated Acres	0.24591572



