

BOARD OF COUNTY COMMISSIONERS  
SARPY COUNTY, NEBRASKA

**RESOLUTION AUTHORIZING VACATION OF LATHROP AVENUE  
SOUTH OF CHANDLER ROAD AND AUTHORIZING COUNTY ENGINEER TO  
NEGOTIATE PURCHASE AGREEMENT.**

WHEREAS, pursuant to Neb. Rev. Stat. §39-1722 (Reissue 2008) this County Board of Commissioners has deemed that the public interest requires vacation of all of Lathrop Avenue, lying south of Chandler Road, as now established, west of the southerly 23.3 feet of Lot 5A and the remainder of Lot 6, Block 14, and north of the northerly right-of-way line of N. Railway Street, Original Town of Chalco, Sarpy County, Nebraska; and,

WHEREAS, pursuant to that same statute, the County Engineer 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 2008), this Board has received said report from the Sarpy County Engineer within thirty (30) days of the directive, and said report contains the study made and the County Engineer's recommendation as to the vacation thereof as required by Neb. Rev. Stat. §39-1722 (Reissue 2008), and recommends said vacation; and,

WHEREAS, on the 27<sup>th</sup> day of September, 2011, a Public Hearing on the vacation was held as required by Neb. Rev. Stat. §39-1724 (Reissue 2008), after the publication and the service of notice on adjacent landowners, all as required by Neb. Rev. Stat. §39-1724 (Reissue 2008); and,

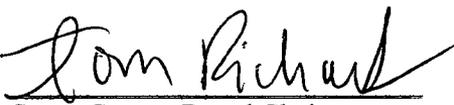
NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that, pursuant to Neb. Rev. Stat. §39-1722, *et seq.* (Reissue 2008), a portion of Lathrop Avenue lying Southerly of the 33.00 foot ROW of Chandler Road, as now established and the Northerly ROW of North Railway Street, as platted in the Original Town of Chalco as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows:

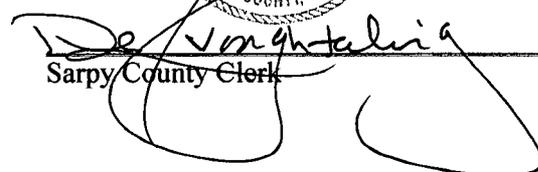
Beginning at the intersection of the South ROW line of Chandler Road and the East ROW line of Lathrop Avenue; thence South (an assumed bearing) along East ROW for 78.6 feet ± to the Northerly ROW line of North Railway Street; thence Northwesterly along said Northerly ROW line for 71.5 feet ± to the West 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 ± is hereby vacated.

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 2008), the title to this vacated right of way shall be sold, and the County Engineer is hereby authorized to negotiate a purchase agreement for said property and present the same to this Board for approval.

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 4th day of October, 2011.

  
Sarpy County Board Chairman

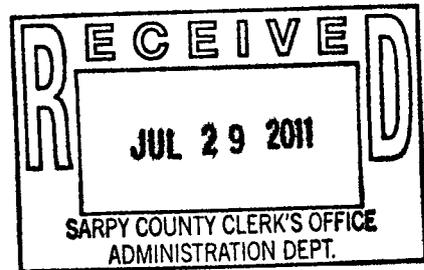
ATTEST:   
  
Sarpy County Clerk

## VACATE RIGHT-OF-WAY

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 ±.





# SARPY COUNTY

County Clerk's Office

## APPLICATION FOR ROAD VACATION OR ABANDONMENT

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

\*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:

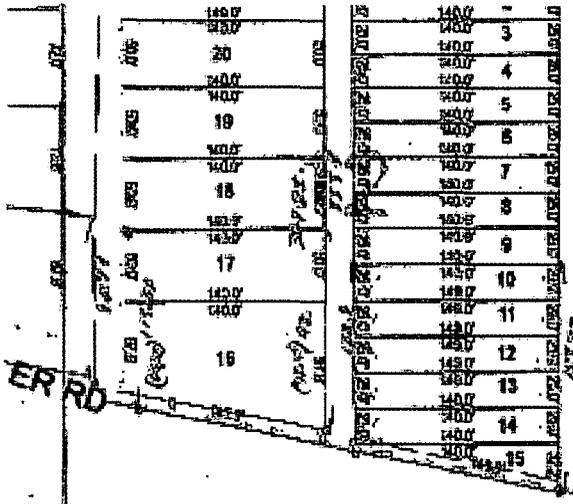
LATHROP AVENUE R.O.W. SOUTH OF CHANDLER ROAD.  
WEST OF LOTS 5A AND 6A BLOCK 14 AT THE SOUTH  
EDGE OF NW 1/4 OF SECT 14, TWN 14N, RNG 11E OF THE 6<sup>TH</sup> P.M.  
IN SARPY COUNTY

Reason for vacation / abandonment:

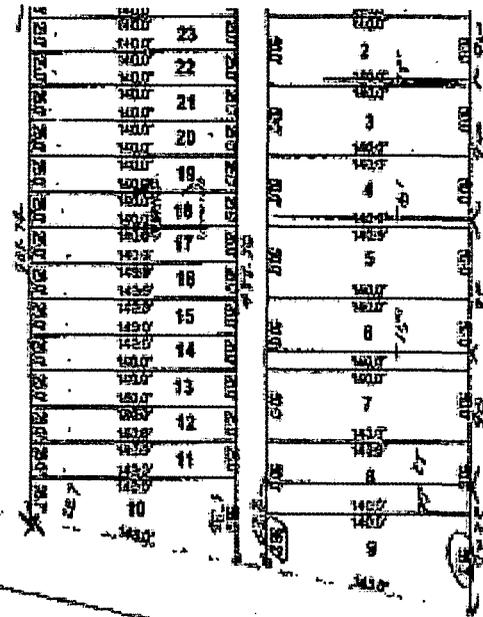
STREET HAS NEVER BEEN DEVELOPED OR USED AND WOULD  
TERMINATE AT CREEK ADJACENT ANYWAYS EXISTING  
R.O.W. REQUIRES "CORNER" SETBACK TO BE MET WHICH  
REDUCES USEABLE AREA AVAILABLE FOR STRUCTURE.

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.

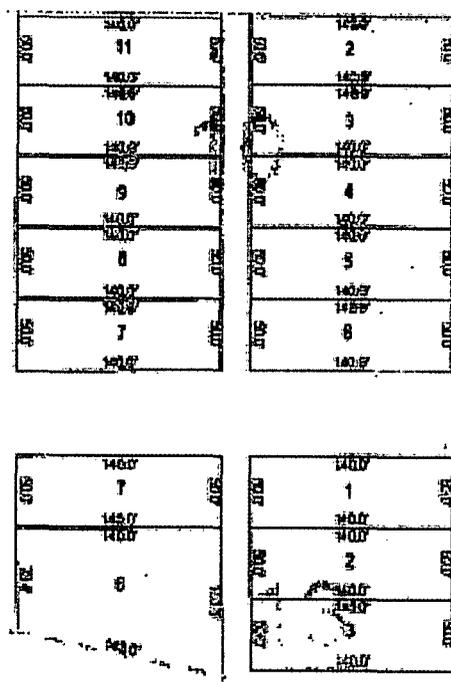
PRINTED Name of Elector	Signature	Address	Date
1. David Fixemer	<i>David Fixemer</i>	7614 S. 150 <sup>th</sup> St. Omaha NE 68138	7-27-11
2. Wade A. Greening	<i>Wade A. Greening</i>	7604 S. 150 <sup>th</sup> St, Omaha, NE 68135	7-27-11
3. Ron Brummer	<i>Ron Brummer</i>	7508 S 150th St Omaha NE 68135	7-27-11
4. Steve Halstead	<i>Steve Halstead</i>	7420 S. 150 <sup>th</sup> St Omaha NE	7-27-11
5. DAVID JAFFEY	<i>David Jaffey</i>	7416 S. 150 <sup>th</sup> St, Omaha NE	7-27-11
6. Patrick Conell	<i>Patrick Conell</i>	16698 Olive St. Omaha NE	7-28-11
7. George Erdmans	<i>George Erdmans</i>	15052 CUNEF ST Omaha	7-28-11
8. Todd A Nowka	<i>Todd A Nowka</i>	7506 Trumble Ave	7-28-11
9. James Rull	<i>James Rull</i>	7514 Trumble Ave	7/28
10. Rick A Hendricks	<i>Rick A Hendricks</i>	7615 S 150 ST	7/28
11. Mary J. Hendricks	<i>Mary J Hendricks</i>	7615 S 150 ST	7/28
12. ANSON NOWKA	<i>Anson Nowka</i>	15010 CHANDLER ROAD	7/28/11



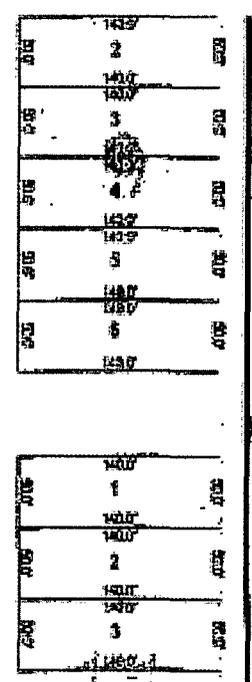
TRUMBLE AVE



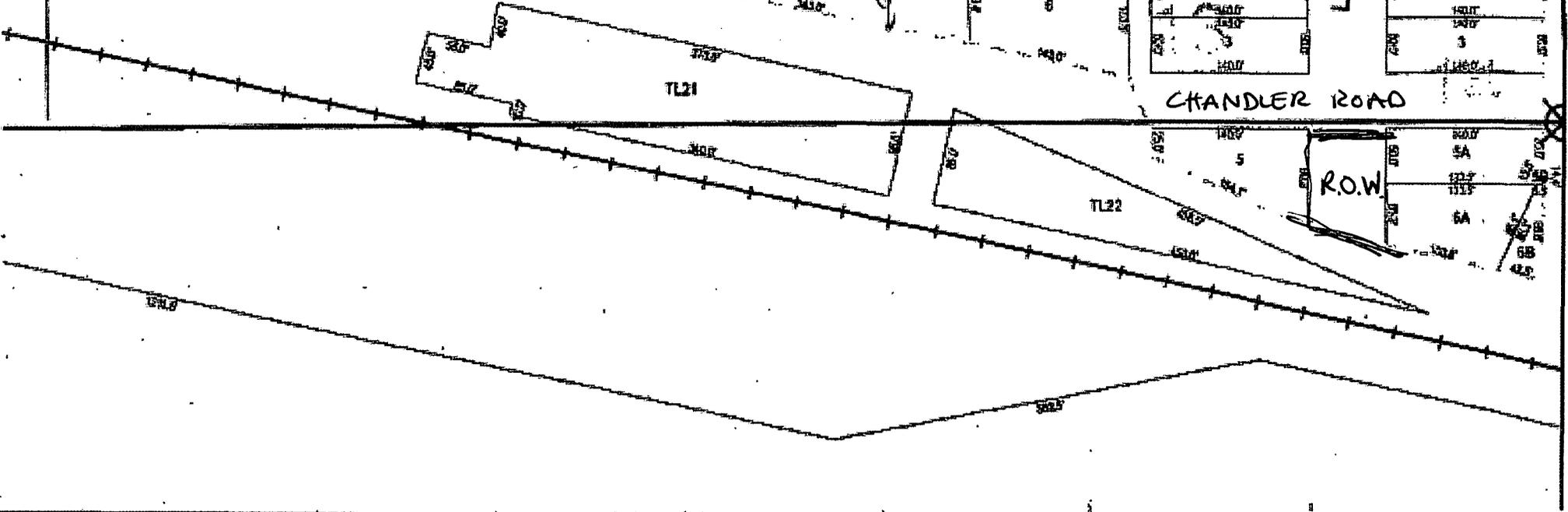
KEARNEY AVE



LATHROP AVE



CHANDLER ROAD



# SIMS 2.0 - Sarpy Internet Map Service

**Search/Select** | **Map Contents**

Parcel Search

Property Address:

Legal Description:

Parcel ID Number:

Selectable Layer:

Select Mode:

**Selection Results**

- Parcels
- 1** NOWKA, ANDREW J  
CHANDLER RD

Parcel ID Number	010332561
Show	<a href="#">Valuation Information</a>
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



FILED SARPY COUNTY NEBRASKA  
INSTRUMENT NUMBER

2011-27381

11/02/2011 2:03:41 PM

*Lloyd J. Dowding*

REGISTER OF DEEDS



*Stamped Copy*

COUNTER	<u>LM</u>	C.F.	<u>LM</u>
VERIFY	<u>LM</u>	D.	<u>LM</u>
PROOF			
FEE \$	<u>NC</u>		
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

*CA  
John Reisz*

BOARD OF COUNTY COMMISSIONERS  
SARPY COUNTY, NEBRASKA

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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 4th day of October, 2011.

Tom Richard  
Sarpy County Board Chairman

ATTEST:



Debra J. Houghtaling  
Sarpy County Clerk

I, Deb Houghtaling, Clerk of Sarpy County, Nebraska, hereby certify that this is a true and exact reproduction of this document filed at the Sarpy County Clerk's Office in Papillion, NE. Certified & sealed on November 2, 2011.

Debra J. Houghtaling