

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

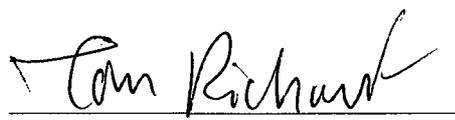
**RESOLUTION DIRECTING ENGINEER TO STUDY POSSIBLE**  
**VACATION OF 72<sup>nd</sup> STREET RIGHT OF WAY ADJACENT TO LOT 6, WEST**  
**CORNHUSKER PLAZA**

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, if such be in the public's best interest;

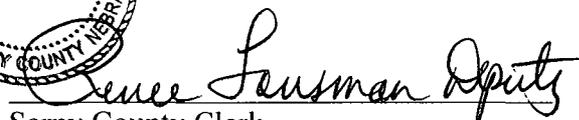
NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that pursuant to Neb. Rev. Stat. §39-1722, *et seq.* (Reissue 2008) the Sarpy County Engineer is hereby instructed to make a study of the use being made of the tract of land comprising the <sup>part of</sup> existing 72nd street right-of-way adjacent to Lot 6, West Cornhusker Plaza, within Sarpy County, NE.

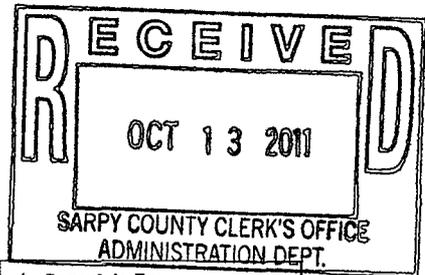
BE IT FURTHER RESOLVED THAT the Engineer is to provide a written report to this Board within thirty (30) days of the study with his recommendation as to the vacation or abandonment thereof, and a certification as to whether the above-described roadway is within the zoning jurisdiction of any city of the metropolitan, primary or first class city.

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 25th day of October, 2011.

  
 Sarpy County Board Chairman



  
 Sarpy County Clerk



- 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: First Street LLC, c/o Robert Roth

ADDRESS: 110 E. 7th Street

CITY: Papillion STATE: NE ZIP: 68046

PHONE (day): 402.331.8595 (evening): 402.670.3136

2. Reason for vacation / abandonment:

Excess street right-of-way

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

Part of existing 72nd street right-of-way. See attached legal description and exhibit.

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: First St LLC Robert L Roth



**SARPY COUNTY**

County Clerk's Office

**ROAD VACATION OR ABANDONMENT PETITION**

Legal description of property to be vacated:

Part of existing 72nd street right-of-way adjacent to Lot 6, West Cornhusker Plaza. See attached legal description and exhibit.

Reason for vacation / abandonment:

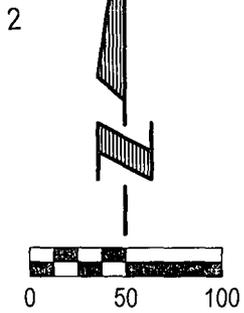
Excess street right-of-way.

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.

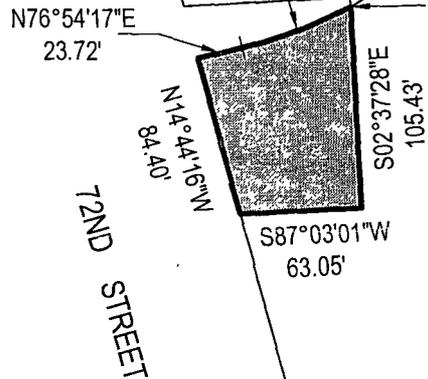
PRINTED Name of Elector	Signature	Address	Date
1. Lavern Horke	<i>Lavern Horke</i>	1607 Charleston	10-7-11
2. Steve Roth	<i>Steve Roth</i>	1202 Mackensay Dr	10-7-11
3. Larry Kinen	<i>Larry Kinen</i>	1117 Lafayette Dr.	10-8-11
4. EDWIN C. JACHIM	<i>Edwin C.achim</i>	666 Granada Road	10-9-11
5. William P. McKay	<i>William P. McKay</i>	1018 Hogan Dr.	10-8-11
6. GENIE A. STELTENBERG	<i>Genie A. Steltenberg</i>	14812 S. 96 <sup>th</sup>	10-11-11
7. Marcia h. Matthes	<i>Marcia h. Matthes</i>	10502 W. Lincoln Rd	10-11-11
8. DOROTHY A. BUFFINGTON	<i>Dorothy A. Buffington</i>	105 E. 4th.	10-11-11
9. William S. Bina	<i>William S. Bina</i>	809 Chisaton Ta	10/11/11
10. Dale E. Horton	<i>Dale E. Horton</i>	425 E 8th	10-11-11
11. JERIL MATTHES	<i>Jeril Matthes</i>	15012 So. 120th St	10-13-11

# EXHIBIT "A"

R=223.00' L=60.67'  
LC=N76°54'17"E, 60.48'



Scale: 1" = 100'



POINT OF BEGINNING

71ST STREET

OUTLOT "A" PLAZA  
71ST OL "A" BEAUFORT TERRACE

WEST CORNHUSKER PLAZA

## LEGAL DESCRIPTION

PART OF 72ND STREET RIGHT-OF-WAY LOCATED IN THE NW1/4 OF SECTION 25, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 6, WEST CORNHUSKER PLAZA, A SUBDIVISION LOCATED IN SAID NW1/4 OF SECTION 25, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID 72ND STREET AND THE SOUTHERLY LINE OF OUTLOT "A", SAID WEST CORNHUSKER PLAZA (ALSO KNOWN AS 71ST PLAZA); THENCE S02°37'28"E (ASSUMED BEARING) ALONG THE WESTERLY LINE OF SAID LOT 6, WEST CORNHUSKER PLAZA, SAID LINE ALSO BEING SAID EASTERLY RIGHT-OF-WAY LINE OF 72ND STREET, A DISTANCE OF 105.43 FEET; THENCE S87°03'01"W ALONG SAID WESTERLY LINE OF LOT 6, WEST CORNHUSKER PLAZA, SAID LINE ALSO BEING SAID EASTERLY RIGHT-OF-WAY LINE OF 72ND STREET, A DISTANCE OF 63.05 FEET; THENCE N14°44'16"W, A DISTANCE OF 84.40 FEET; THENCE N76°54'15"E, A DISTANCE OF 23.72 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 223.00 FEET, A DISTANCE OF 60.67 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N69°06'39"E, A DISTANCE OF 60.48 FEET TO THE POINT OF BEGINNING.

SAID PART OF 72ND STREET RIGHT-OF-WAY CONTAINS AN AREA OF 6,681 SQUARE FEET OR 0.153 ACRES, MORE OR LESS.

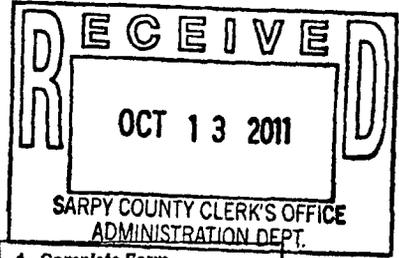


**E&A CONSULTING GROUP, INC.**  
ENGINEERING • PLANNING • FIELD SERVICES  
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700

**72ND STREET RIGHT-OF-WAY**  
**SECTION 25 - T14N - R12E**  
**OF THE 6TH P.M.,**  
**SARPY COUNTY, NEBRASKA**

Drawn by: WAC Chkd by: EAS 9/28/11 Chkd by: \_\_\_\_\_  
Job No.: P2006.431.008 Date: 9/28/2011 Sheet No. 1 of 1





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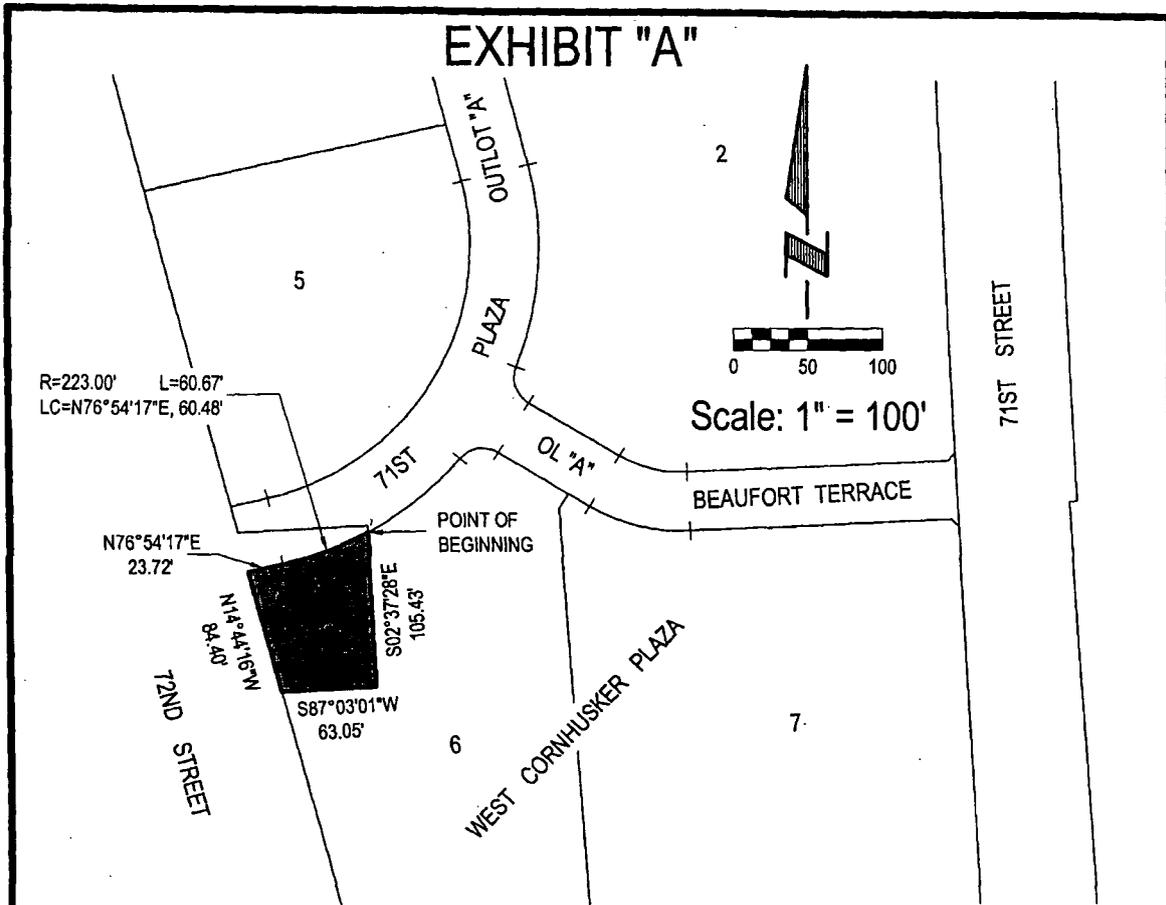
We, the undersigned electors residing within ten (10) miles of the proposed vacated property, hereby ask and petition that the necessary action be taken to vacate property described above. We hereby request that a time and date for a public hearing be set before the Sarpy County Board of Commissioners.

Not Registered  
Registered  
OK  
OK  
OK  
OK  
OK  
OK  
OK  
OK  
OK

PRINTED Name of Elector	Signature	Address	Date
1. Lavern Hunka	Lavern Hunka	1607 Charleston	10-7-11
2. Steve Roth	Steve Roth	1202 Mackensy Dr	10-7-11
3. Larry Kiner	Larry Kiner	1117 Lafayette Dr.	10-8-11
4. EDWIN C. JOCHIM	Edwin C. Jochim	606 Geneva Rd	10-9-11
5. William P. McKay	William P. McKay	1018 Hogan Dr.	10-8-11
6. GENE A. STOLTZBERG	Gene A. Stoltzberg	14812 5th St	10-11-11
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9. William S. Bina	William S. Bina	809 CHESTNUT	10/11/11
10. Dale E. Horton	DALE E HORTON	425 E 5TH	10-11-11
11. JEREL MATTHES	Jerel Matthes	15012 So. 120th St	10-13-11

\* Not at the address shown.

# EXHIBIT "A"



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Drawn by: WAC Chkd by: *EAS* Chkd by: \_\_\_\_\_

Job No.: P2006.431.008 Date: 9/28/2011 Sheet No. 1 of 1

## Chris Vance

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**From:** Sarah Black  
**Sent:** Tuesday, October 18, 2011 11:55 AM  
**To:** Chris Vance  
**Cc:** Dan Pittman; Jackie Morehead; John W. Reisz; Debra J. Houghtaling; Renee Lansman; Kendra Koehler; Denny Wilson  
**Subject:** RE: 2011 First Street LLC Roth Vacation of Right of Way 72nd Street Adjacent to Lot 6 West Cornhusker Plaza

Mrs. Vance,

As per your request, I have verified that all of the addresses listed on the petition are within a 10 mile radius of the proposed vacated right-of-way. I will have a list of land owners to you by November 1<sup>st</sup>.

*Sarah Black  
Real Estate Mapping Specialist  
Sarpy County Assessor's Office  
(402) 593-2124*

**From:** Chris Vance  
**Sent:** Thursday, October 13, 2011 2:14 PM  
**To:** Sarah Black  
**Cc:** Dan Pittman; Jackie Morehead; John W. Reisz; Debra J. Houghtaling; Renee Lansman; Kendra Koehler; Denny Wilson  
**Subject:** 2011 First Street LLC Roth Vacation of Right of Way 72nd Street Adjacent to Lot 6 West Cornhusker Plaza

Ms. Black,

Attached is a petition filed with the County Clerk's office on October 13, 2011 for a Road Right-of-Way Vacation. The description of the property to be vacated is as indicated on the petition.

I am required by statutory deadlines to place this item before the Sarpy County Board at the October 25, 2011 meeting. If possible, I would like to have this verification by October 19, 2011. If there are any questions or if providing this information is a problem, please let me know.

Also, please provide the Clerk's office a list of land owners names and addresses that have land abutting on or adjacent to the property to be vacated. This information is needed by November 1, 2011. Please let me know if you have any questions.

Thank you,  
*Christine Vance*  
402-593-4155

Sr. Administrator /Records Supervisor  
Sarpy County Clerk's Office