

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

**RESOLUTION DIRECTING ENGINEER TO STUDY POSSIBLE VACATION OF STREETS IN THE  
NW ¼ of SECTION 22, T14N, R13E of the 6<sup>th</sup> P.M.**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2012), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2012), the powers of the County as a body are exercised by the County Board;

WHEREAS, pursuant to Neb. Rev. Stat. § 39-1722, *et seq.* (Reissue 2008), the County Board is authorized to vacate or abandon certain roadways or parts thereof, if it is in the public's best interests; and

WHEREAS, an Application for Road Vacation or Abandonment (see attachment "A") has been made for streets that lie within the NW ¼ of Section 22, T14N, R13E of the 6<sup>th</sup> P.M., specifically:

CARY STREET FROM THE WEST LINE OF 21<sup>ST</sup> STREET TO THE EAST LINE OF 25<sup>TH</sup> STREET  
THE EASTERLY 82.82 FEET OF CARY STREET ADJOINING THE WEST LINE OF KENNEDY FREEWAY  
23<sup>RD</sup> STREET FROM THE SOUTH LINE OF LOT 93B TO THE NORTH LINE OF LOT 96, CHILDS ESTATES ACRES  
THE 15 FOOT WIDE DRAINAGE ALLEY ADJACENT TO THE WEST LINE OF LOT 110, CHILDS ESTATES ACRES  
CONCORD STREET FROM THE WEST LINE OF 21<sup>ST</sup> STREET TO THE EAST LINE OF 25<sup>TH</sup> STREET

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 described above, in the proposed Spring Creek Subdivision, within the zoning jurisdiction of the City of Bellevue, Sarpy County, Nebraska.

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

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

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 7<sup>th</sup> day of October, 2014.

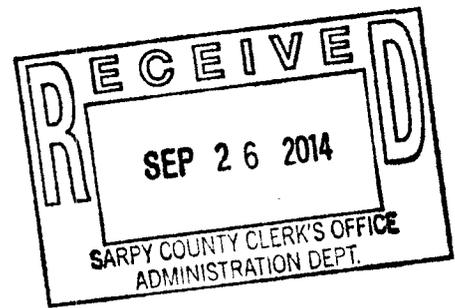
Attest

SEAL



County Clerk

  
Sarpy County Board Chairman



**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: Melvin Sudbeck JWARNER@TD2CO.COM

ADDRESS: 16255 Woodland Drive

CITY: Omaha STATE: NE ZIP: 68136

PHONE (day): 402-895-3288 (evening): \_\_\_\_\_

2. Reason for vacation / abandonment:

Proposed Spring Ridge subdivision will have right-of-way dedicated to replace existing right-of-way.

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

See attached

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:



**SARPY COUNTY**  
County Clerk's Office

**ROAD VACATION OR ABANDONMENT PETITION**

Legal description of property to be vacated:

See attached

Reason for vacation / abandonment:

Proposed Spring Ridge subdivision will have right-of-way dedicated to replace existing right-of-way.

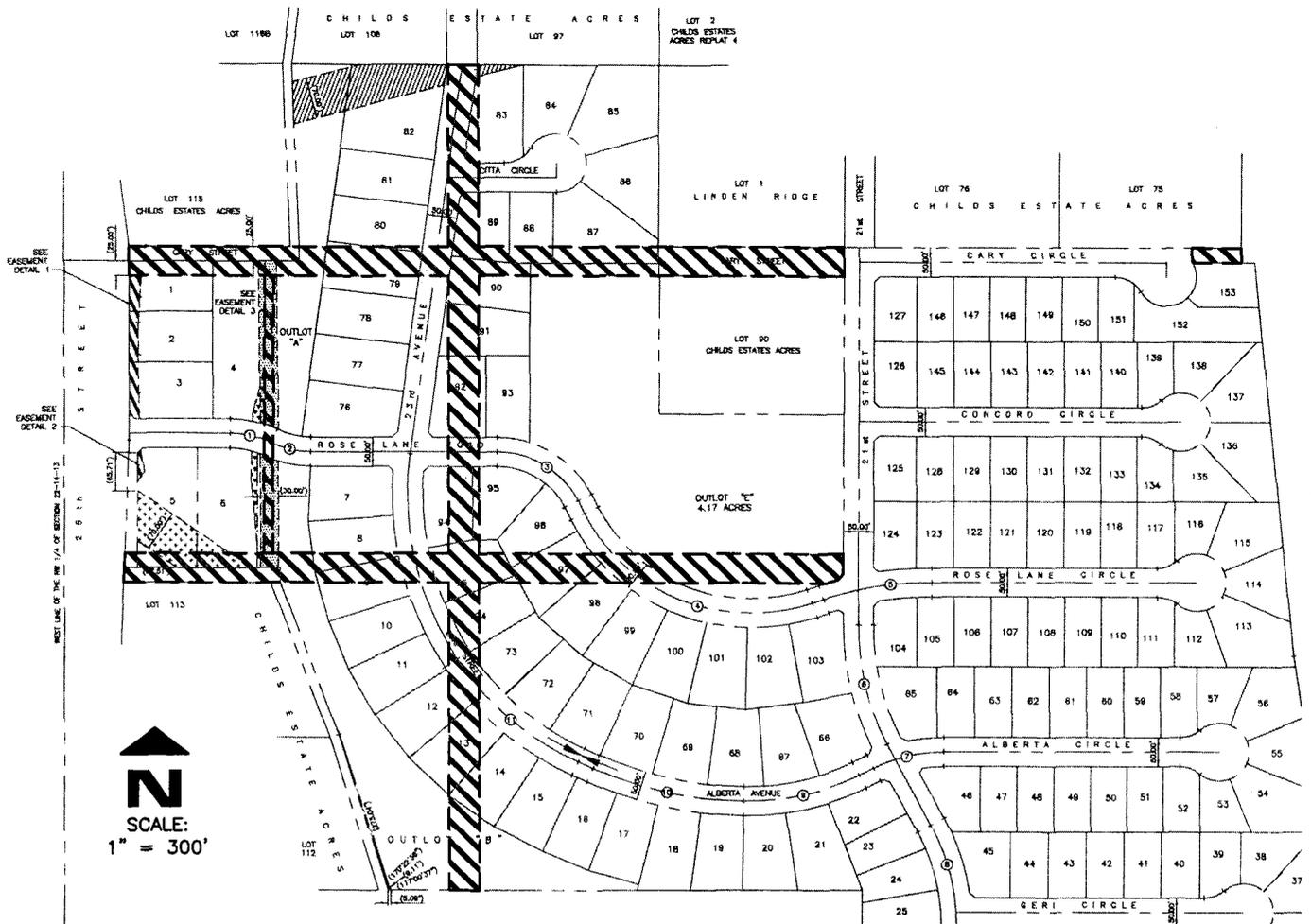
*We, the undersigned electors residing within ten (10) miles of the proposed vacated property, hereby ask and petition that the necessary action be taken to vacate property described above. We hereby request that a time and date for a public hearing be set before the Sarpy County Board of Commissioners.*

| PRINTED Name of Elector   | Signature                     | Address                      | Date    |
|---------------------------|-------------------------------|------------------------------|---------|
| 1. DAVID GRAY             | <i>David Gray</i>             | 4909 GILLES RD               | 9-19-14 |
| 2. CINDY ROBARGE          | <i>Cindy Robarge</i>          | 1009 Crest Rd                | 9-19-14 |
| 3. BILL MUSSON            | <i>Bill Musson</i>            | 14108 S 35 <sup>TH</sup> ST. | 9-19-14 |
| 4. JAMES C. MACARTIS, JR. | <i>James C. Macartis, Jr.</i> | 3406 COMSTOCK AVE            | 9-19-14 |
| 5. JO GROSKI              | <i>Jo Groski</i>              | 8210 S. 38 Avenue            | 9-19-14 |
| 6. TRACE CUNNINGHAM       | <i>Trace Cunningham</i>       | 2917 HALIFAX DR              | 9-19-14 |
| 7. JERRY MIKULECKY        | <i>Jerry Mikulecky</i>        | 4914 COPPER HILL DR          | 9-19-14 |
| 8. MARY P. MOORE          | <i>Mary P. Moore</i>          | 4201 CAPEHART RD.            | 9-19-14 |
| 9. MATT MACARTIS          | <i>Matt Macartis</i>          | 6522 S. 51 AVE LB            | 9-20-14 |
| 10. THERESA FISICARO      | <i>Theresa Fisicaro</i>       | 2138 Ashwood Ave             | 9-20-14 |
| 11. MICHAEL F. FISICARO   | <i>Michael Fisicaro</i>       | 2138 Ashwood Ave             | 9-20-14 |

9/30/2014 - the following legal description provided by TD2 and Public Works and further approved by the County Attorney's office as a replacement for the full legal description (that contained a clerical error listing Lot 10 instead of Lot 110):

CARY STREET FROM THE WEST LINE OF 21<sup>ST</sup> STREET TO THE EAST LINE OF 25<sup>TH</sup> STREET  
THE EASTERLY 82.82 FEET OF CARY STREET ADJOINING THE WEST LINE OF KENNEDY FREEWAY  
23<sup>RD</sup> STREET FROM THE SOUTH LINE OF LOT 93B TO THE NORTH LINE OF LOT 96, CHILDS ESTATES ACRES  
THE 15 FOOT WIDE DRAINAGE ALLEY ADJACENT TO THE WEST LINE OF LOT 110, CHILDS ESTATES ACRES  
CONCORD STREET FROM THE WEST LINE OF 21<sup>ST</sup> STREET TO THE EAST LINE OF 25<sup>TH</sup> STREET

ALL OF THE ABOVE DESCRIBED STREETS LIE WITHIN THE NW1/4 OF SECTION 22, T14N, R13E OF THE 6<sup>TH</sup>  
P.M., SARPY COUNTY, NEBRASKA.



**LEGAL DESCRIPTION**

CARY STREET FROM THE WEST LINE OF 21ST STREET TO THE EAST LINE OF 25TH STREET.

TOGETHER WITH

THAT PART OF CARY STREET DESCRIBED AS FOLLOWS, BEGINNING AT THE SE CORNER OF THE LOT 75, CHILDS ESTATE ACRES, A SUBDIVISION IN SARPY COUNTY, NEBRASKA; THENCE N89°52'35"W (ASSUMED BEARING) 82.28 FEET ON THE SOUTH LINE OF SAID LOT 75; THENCE S00°07'25"W 25.00 FEET TO THE SOUTH LINE OF CARY STREET; THENCE S89°52'35"E 82.28 FEET ON THE SOUTH LINE OF CARY STREET TO THE WEST LINE OF KENNEDY FREEWAY; THENCE N00°07'25"E 25.00 FEET ON THE WEST LINE OF KENNEDY FREEWAY TO THE POINT OF BEGINNING.

TOGETHER WITH

23RD STREET FROM SOUTH LINE OF LOT 93B TO THE NORTH LINE OF LOT 96, SAID CHILDS ESTATE ACRES.

TOGETHER WITH

THE 15 FOOT WIDE DRAINAGE ALLEY ADJACENT TO THE WEST LINE OF LOT 10, SAID CHILDS ESTATE ACRES.

TOGETHER WITH

CONCORD STREET FROM THE WEST LINE OF 21ST STREET TO THE EAST LINE OF 25TH STREET.

ALL OF THE ABOVE DESCRIBED STREETS LIE WITHIN THE NW ¼ OF SECTION 22, T14N, R13E OF THE 6TH P.M., SAID SARPY COUNTY.

**TD2**  
engineering & surveying

Job Number: 1056-170 (EX)  
thompson, dreessen & dorner, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p.402.330.8860 f.402.330.5866  
td2co.com

Date: SEPT. 25, 2014  
Drawn By: RJR  
Reviewed By: JDW  
Revision Date:

EXHIBIT "A"  
SUDBECK HOMES

Book:  
Pages: