RESOLUTION ACCEPTING RECOMMENDATION OF COUNTY ENGINEER AND FIXING DATE OF PUBLIC HEARING FOR THE VACATION OF THAT UNUSED PORTION OF 45TH STREET AND CAPEHART ROAD

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, 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, the powers of the County as a body are exercised by the County Board;

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

WHEREAS, this Board previously passed a resolution (2016-85) asking the County Engineer to study the vacation of County Road right-of-way located on 45th and Capehart Road and described more particularly below; and

WHEREAS, the County Engineer has prepared his recommendation concerning said vacation (see attached) and the matter is ready for public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that pursuant to Neb. Rev. Stat. § 39-1722, et seq., a public hearing will be held on the 10th day of May 2016 at 3:00 p.m. in the Board Room of the Sarpy County Courthouse, Papillion, Nebraska, to receive public comment regarding the vacation of land located within the zoning jurisdiction of the City of Papillion, Sarpy County, Nebraska:

That unused portion of 45th Street and Capehart Road, north of relocated Capehart Road, Section 5, T13N, R13E. (see attached map).

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 12th day of April, 2016.

ATTEST:

[Signatures]
Memorandum

To: Sarpy County Board of Commissioners

From: Dennis Wilson, Engineer, Sarpy County Public Works

Date: April 6, 2016

Re: Vacation of 45th & Capehart Road, north of relocated Capehart Road, Section 5, T13N, R13E. Resolution No. 2016-85

I recommend denial of the vacation of 45th and Capehart Road as proposed.

One adjoining land owner is still using 45th for access onto Capehart Road. Unless provisions are made for continued access, either directly or through the adjoining land, with an agreement from the adjoining land owner, we cannot recommend approval.

This area is located within the Extended Territorial Jurisdiction (ETJ) of the City of Bellevue.

Dennis Wilson, P.E., PhD
Sarpy County Engineer