RESOLUTION DIRECTING ENGINEER TO STUDY POSSIBLE VACATION OF THAT UNUSED PORTION OF 45TH STREET AND CAPEHART ROAD RIGHT OF WAY TO THE NORTHWEST OF THE CURRENT 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; and

WHEREAS, pursuant to Neb. Rev. Stat. § 39-1722, et seq., the County Board is authorized to vacate or abandon certain roadways or parts thereof, if it is in the public’s best interests.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT pursuant to Neb. Rev. Stat. § 39-1722, et seq., the Sarpy County Engineer is hereby instructed to make a study of the use being made of the tract of land described below, said land being located within the zoning jurisdiction of Sarpy County, Nebraska:

That unused portion of 45th Street and Capehart Road Right of Way to the Northwest of the current Capehart Road. (see attached map).

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.

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 15th day of March, 2016.

Sarpy County Board Chairman

[Signature]

Attest: [Signature]

County Clerk
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: Denny Van Moorleighem
   ADDRESS: 7002 S 131st Avenue
   CITY: Omaha STATE: NE ZIP: 68138
   PHONE (day): 402-895-9200 (evening):

2. Reason for vacation / abandonment:

   ROW is no longer necessary following the reconstruction of Capehart Road along a new route

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

   See attached document.

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: 

1
SARPY COUNTY
County Clerk's Office

ROAD VACATION OR ABANDONMENT PETITION

Legal description of property to be vacated:

See attached document.

Reason for vacation / abandonment:

ROW is no longer necessary following the reconstruction of Capehart Road along a new route

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.

<table>
<thead>
<tr>
<th>PRINTED Name of Elector</th>
<th>Signature</th>
<th>Address</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Mary S. Gleason</td>
<td>Mary S. Gleason</td>
<td>13646 Elm Dr, La Vista, NE 68028</td>
<td>2-29-14</td>
</tr>
<tr>
<td>2. Larry L. Gleason</td>
<td>Larry L. Gleason</td>
<td>7364 Elm Dr, Omaha, NE 68114</td>
<td>3-1-16</td>
</tr>
<tr>
<td>3. Candia Dumes</td>
<td>Candia Dumes</td>
<td>7502 S 41st St, Bellevue, NE 68123</td>
<td>3-1-16</td>
</tr>
<tr>
<td>4. Patrick Mitchell</td>
<td>Patrick Mitchell</td>
<td>2804 Clay St, Bellevue, NE 68123</td>
<td>3-1-16</td>
</tr>
<tr>
<td>5. Emily Mitchell</td>
<td>Emily Mitchell</td>
<td>12908 S 36 Ave, Bellevue, NE 68123</td>
<td>3-2-16</td>
</tr>
<tr>
<td>6. Thomas Mitchell</td>
<td>Thomas Mitchell</td>
<td>515 S 43rd St, Bellevue, NE 68123</td>
<td>3-2-16</td>
</tr>
<tr>
<td>7. Lyle J. Gastad</td>
<td>Lyle J. Gastad</td>
<td>3434 College Ave, Bellevue, NE 68123</td>
<td>3-2-16</td>
</tr>
<tr>
<td>8. Tracy Mitchell</td>
<td>Tracy Mitchell</td>
<td>2804 Clay St, Bellevue, NE 68123</td>
<td>3-2-16</td>
</tr>
<tr>
<td>9. Diane Wiltam</td>
<td>Diane Wiltam</td>
<td>3366 Harvard Dr, Bellevue, NE 68123</td>
<td>3-2-16</td>
</tr>
<tr>
<td>10. Dana M. Keranski</td>
<td>Dana M. Keranski</td>
<td>11712 S 35 Ave, Bellevue, NE 68123</td>
<td>3-2-16</td>
</tr>
<tr>
<td>11. Perry R. Lee</td>
<td>Perry R. Lee</td>
<td>2392 S 40th St, Bellevue, NE 68123</td>
<td>3-2-16</td>
</tr>
</tbody>
</table>
LEGAL DESCRIPTION


THENCE N87°15′34″E 543.84 FEET ON A LINE 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NE ¼ AND ON THE NORTH LINE CAPEHART ROAD;

THENCE SOUTHWESTERLY ON A 1278.90 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S68°45′52″W, CHORD DISTANCE 208.04 FEET, AN ARC DISTANCE OF 208.27 FEET TO THE SOUTH LINE OF CAPEHART ROAD;

THENCE S87°15′34″W 314.07 FEET ON A LINE 33.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SE ¼ OF THE SW ¼ OF SAID SECTION 5 AND ON THE SOUTH LINE OF CAPEHART ROAD TO A POINT 33.00 FEET EAST OF THE WEST LINE OF SAID SE ¼, SAID POINT BEING ON THE EAST LINE OF 45TH STREET;

THENCE S02°29′46″E 245.48 FEET ON A LINE 33.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SE ¼ AND ON THE EAST LINE OF 45TH STREET TO THE NORTHWESTERLY LINE OF RELOCATED CAPEHART ROAD AS DESCRIBED IN A "RIGHT-OF-WAY ACQUISITION" RECORDED AS INSTRUMENT NO. 2005-45061 OF THE SARPY COUNTY RECORDS;

THENCE SOUTHWESTERLY ON THE WESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID RELOCATED CAPEHART ROAD ON A 1238.90 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S43°49′16″W, CHORD DISTANCE 91.26 FEET TO THE WEST LINE OF 45TH STREET;

THENCE N02°29′46″W 341.23 FEET ON THE WEST LINE OF 45TH STREET AND ON A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SW ¼ OF THE SW ¼ OF SAID SECTION 5 TO THE NW CORNER THEREOF;

THENCE N02°03′48″W 33.00 FEET ON THE WEST LINE OF 45TH STREET AND ON A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NW ¼ OF THE SW ¼ OF SAID SECTION 5 TO THE NORTH LINE OF CAPEHART ROAD;

THENCE N87°15′34″E 33.00 FEET ON THE NORTH LINE OF CAPEHART ROAD TO THE POINT OF BEGINNING.

TD2 PROJECT NO. 245-181

REVISED FEBRUARY 26, 2016