

RECEIVED

JUL 23 2014

LANCASTER COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

DIRECTING THE COUNTY ENGINEER)
TO CONDUCT A STUDY REGARDING)
VACATING PORTIONS OF SW 28TH STREET,)
W. SIMON STREET AND W. FRYE STREET,)
MORE PARTICULARLY DESCRIBED IN)
EXHIBIT "A", AND LOCATED IN LANCASTER)
COUNTY, NEBRASKA)

RESOLUTION NO. R-14-0041

WHEREAS, the Board of County Commissioners of Lancaster County, Nebraska (hereinafter referred to as the "County Board") received a petition, see Exhibit "A" attached hereto and incorporated by this reference, that the public interest will be served by vacating portions of SW 28th Street, W. Simon Street and W. Frye Street, more particularly described in Exhibit "A," all located in Lancaster County, Nebraska; and

WHEREAS, the Lancaster County Engineer is the person responsible for the maintenance of county roads in Lancaster County, Nebraska; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the Lancaster County Engineer, or such person designated by the Engineer, shall conduct a study of the use being made of the above-described portion of county road, and to submit in writing to the County Board within thirty days, a report upon the study made and his recommendation as to the vacation thereof; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be served upon appropriate representatives for the unincorporated city of Martell, Nebraska, for their review and recommendation which shall be reported to the County Board in writing within thirty days, unless a longer period is granted by the County Board.

DATED this 21 day of July, 2014.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 27 day of
July, 2014.


for JOE KELLY
County Attorney







PETITION TO VACATE PUBLIC ROAD
WITH RELEASE AND WAIVER OF RIGHTS
AND TITLE AND QUIT CLAIM TO COUNTY
OF LANCASTER, NEBRASKA

*
*
*
*
*
*
*
*
*

RECEIVED

JUL 16 2014

LANCASTER COUNTY
CLERK

(For Register of Deeds Use Only)

TO THE COUNTY BOARD OF THE COUNTY OF LANCASTER, NEBRASKA

The undersigned property owner(s) hereby ask and petition you to vacate the following described street/alley/public road, to-wit:

Pester Properties, LLC

in the County of Lancaster, Nebraska, to reserve and retain in said street, alley, or other public way such title, rights, easements and privileges as it may deem necessary. In consideration of the vacation of the above described street, alley or other public road, we, and each of us, for ourselves, our heirs, administrators, successors, and assigns, hereby waive and release any and all claims, causes of action, title, rights and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of or resulting from such vacation of said street, alley, or other public way; and hereby remise and forever quit claim unto the County of Lancaster, Nebraska and to its successors and assigns forever, all right, title, interest, estate, claim and demand, both at law and in equity, of, in and to all of said street, alley or other public way, together with all and singular there hereditaments thereunto belonging.

TO HAVE AND TO HOLD the above described street, alley or other public way unto the County Lancaster, Nebraska and to its successors and assigns, so that none of the undersigned, nor any person in his, her, their or its name(s) or behalf, shall or will hereafter claim or demand any right or title to the said premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

INFORMATION SHEET

This information sheet should be completed by each primary petitioner. The attached "Petition to Vacate with Release and Waiver of Rights and Title and Quit Claim to County of Lancaster, Nebraska" should also be completed according to the instruction contained in the Instruction Sheet.

1. Petitioner's Name Pester Properties, LLC
2. Petitioner's Address 2825 Porter Ridge Road
3. Petitioner's Telephone Number 402-314-7682
4. Street/Alley/Public Way sought to be vacated See attached.

5. Why are you seeking to have this street/alley/public way vacated?

To develop into 5 acreage lots.

6. What use(s) do you propose to make of the public way if vacated?

To develop into acreage lots.

I (WE) DO INTEND TO PURCHASE (describe area intended to be purchased)

Vacated S.W. 28th Street, W. Simon Street and

W. Freye St. more particularly described in attachment.

OF THE VACATED PUBLIC WAY WHICH ABUTS THE PROPERTY OWNED BY ME (US) AS DESCRIBED IN THE PETITION TO VACATE PUBLIC ROAD.

YES NO

Prior to the public hearing the property will be appraised. The purchase price of the portion you intend to buy must be deposited with the County Clerk before receiving a deed to said property or the property will be sold to any other party willing to pay the purchase price. The vacation resolution will not become final until the full price of the entire public road proposed to be vacated has been paid.

BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN COMPLETED AND IS ATTACHED TO THE INFORMATION SHEET.

PETITION FOR VACATION OF PUBLIC ROAD

The undersigned registered voters of Lancaster County, Nebraska reside within ten (10) miles of a segment of public road right-of-way described as:

See attached legal description.

a map of which is attached hereto, hereby petition the County Board of Lancaster County to vacate said segment of public road for the reason that:

To be replatted into acreage lots. See attached exhibit.

And further request that a time and date be set for a public hearing before the County Board on this matter.

NAME	ADDRESS
1. <u>MICHAEL COOK</u>	<u>2650 VI CHARWELL RD</u>
2. <u>Michael J. Coz</u>	<u>3111 W Covered Bridge Rd.</u>
3. <u>Bobbi Renac</u>	<u>3111 W. Covered Bridge Dr.</u>
4. <u>Ron Hansemer</u>	<u>10260 SW 27th</u>
5. <u>Rosemary Hansemer</u>	<u>10260 SW 27 Lincoln</u>
6. <u>MARK OSBORN</u>	<u>10600 SW 27. Lincoln</u>
7. <u>Delia K. Osborn</u>	<u>10600 SW 27th Str Lincoln</u>
8. <u>Gene J. Osborn</u>	<u>10520 SW 27th Lincoln</u>
9. <u>Mary L Osborn</u>	<u>10520 SW 27th Lincoln</u>
10. <u>Daniel M Brauer</u>	<u>2601 W Denton Rd. Lincoln</u>
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

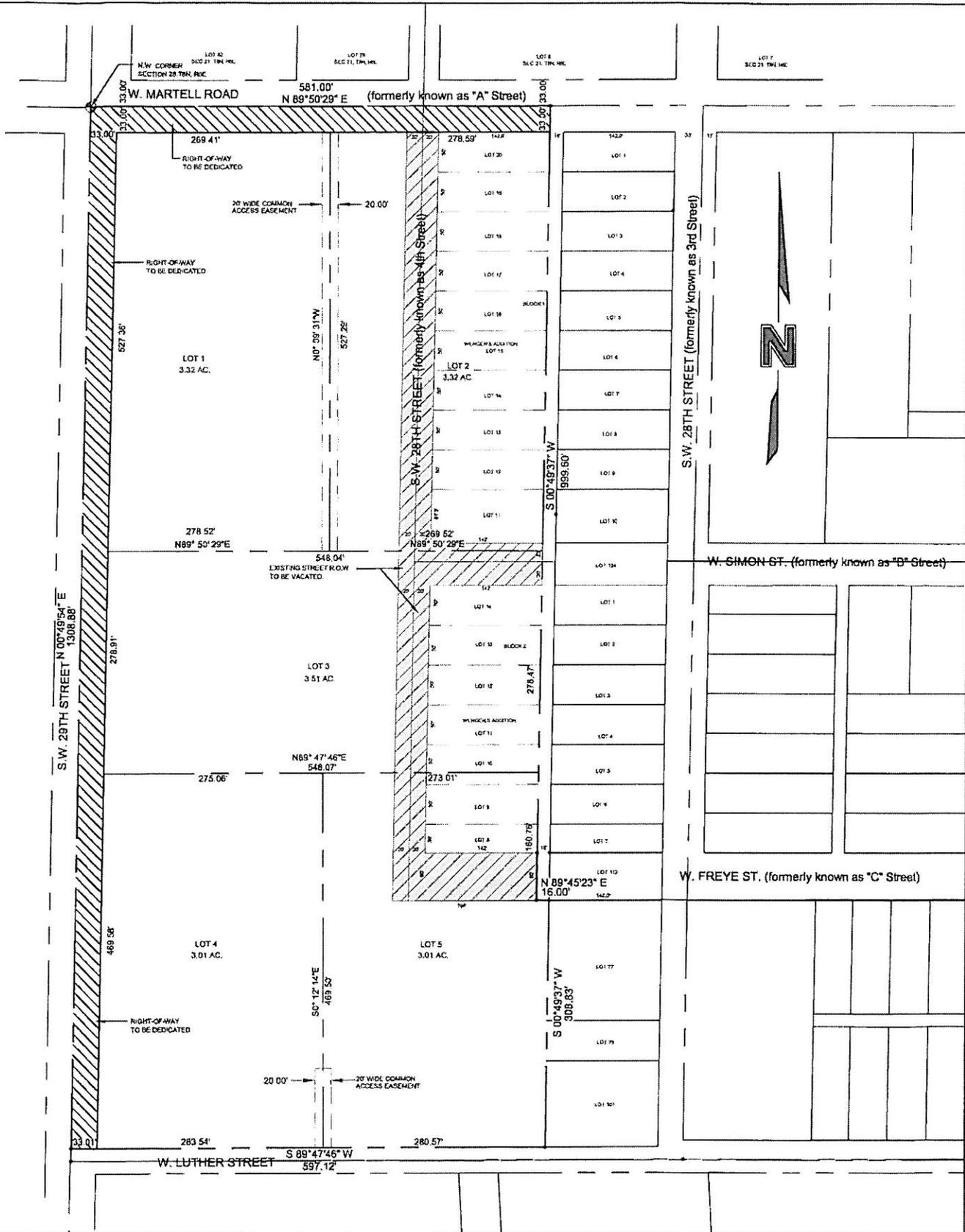
Petition for Vacation of Public Road

The 40.00 foot wide platted Right-of-Way of S.W. 28th Street formerly known as 4th Street as originally platted in Werger's Addition to Martel Nebraska, from the South line of the 66.00 foot Right-of-Way line of W. Martel Road, formerly known as "A" Street as shown on Werger's Addition to Martel Nebraska, to the South line of the 60.00 foot Right-of-Way of W. Freye Street formerly known as "C" Street as originally shown on Werger's Addition to Martell Nebraska, all located in the NW 1/4 of Section 28, T8N, R6E P.M., Lancaster County, Nebraska.

The 53.00 foot wide platted Right-of-Way of W. Simon Street formerly known as "B" Street as originally platted on Werger's Addition to Martel Nebraska, from the East 40.00 foot Right-of-Way of S.W. 28th Street formerly known as 4th Street as originally platted in Werger's Addition to Martell Nebraska to the West line of the 16 foot wide alley Right-of-Way as originally platted in Werger's Addition to Martel Nebraska of Block 1 and 2, all located in the NW 1/4 of Section 28, T8N, R6E P.M., in Lancaster County, Nebraska.

The 60.00 wide platted W. Freye Street, formerly known as "C" Street as originally platted in Werger's Addition to Martel Nebraska from the East line of the Right-of-Way of 40.00 foot wide S.W. 28th Street formerly known as 4th Street as originally platted in Werger's Addition to Martel Nebraska from the West line of the 16.00 wide alley Right-of-Way of Block 2, Werger's Addition to Martel Nebraska, all located in the NW 1/4 of Section 28, T8N, R6E P.M., Lancaster County, Nebraska.

DWG: F:\Projects\2014\20140131\landplanning\Final Plat\140131-VACATION-EXHIBIT.dwg
 DATE: Jul 16, 2014 10:55am
 USER: Jill Schuerman
 XREFS: 140131-fp



drawn by: jds
 checked by: -
 project no.: 2014-0131
 date: 07/15/2014

**PETITION TO VACATE
 EDGE VIEW ADDITION
 MARTELL, NEBRASKA**

 Civil Design Group, Inc.
 8535 EXECUTIVE WOODS, DR., SUITE 200
 Lincoln, Nebraska 68512
 Ph. 402-434-8494 Fax 866-215-8747
 www.civildg.com
 CONSULTING ENGINEERS • LAND USE PLANNERS
 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
 1

The undersigned hereby represent(s) that he, she, they or it is (are) the owner(s) of the following described property in Lancaster County, Nebraska, abutting on said street, alley or other public way, to-wit:

Pester Properties, LLC

Dated this 15 day of July, 2014.

Bruce D. Pester, Member

Bruce D. Pester

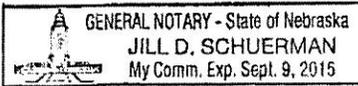
State of Nebraska)
)ss
Lancaster County)

Before me, a notary public qualified for said county, personally came _____

Bruce D. Pester, Member, Pester Properties, LLC

known to be the identical person(s) who signed the foregoing instrument, and acknowledged the execution thereof to be his, her or their voluntary act and deed for the purposes therein set forth, and acknowledged that he, she or they signed the foregoing instrument with the view of having said County of Lancaster vacate said street, alley or other public road and the County of Lancaster reserving and retaining in said street, alley or other public road such title, rights and privileges as it may deem necessary, together with a waiver and release of any and all claims, causes of action, title, rights, demands and quitclaim.

WITNESS my hand and notarial seal on July 15, 2014.



Jill D. Schuerman, Notary Public

My commission expires: Sept 9, 2015

