

Public Property, Safety, and Works Committee
Monday, September 13, 2021 4:00 PM
Council Chambers
1369 25 Avenue
Columbus, NE 68601

1. **Statement of compliance with Open Meetings Act and roll call.**

84-1407. Act, how cited.

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

84-1408. Declaration of intent; meetings open to public.

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

84-1409. Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or

for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury

to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such notice shall be published by:

(A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site; or

(B) Posting written notice in three conspicuous public places in such city or village. Such notice shall be posted in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority;

(xiii) A natural resources district; and

(xiv) The Judicial Resources Commission.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

(3) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (4) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsections (5) and (6) of section 84-1413.

84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making virtual conferencing available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act; and

(f) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) Each public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at a meeting.

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

84-1413. Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if

the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

(7) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public web site the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the web site at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the web site at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public web site for at least six months.

84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring

an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Sec. 15, Legislative Bill 83, One Hundred Seventh Legislature, First Session, 2021. (*The Revisor of Statutes will assign a statute number after the Legislature adjourns sine die.*) No motion, resolution, rule, regulation, ordinance, or formal action made, adopted, passed, or taken at a meeting as defined in section 84-1409 of a public body as defined in such section shall be invalidated because such motion, resolution, rule, regulation, ordinance, or formal action was made, adopted, passed, or taken at a meeting or meetings on or after March 17, 2020, and on or before April 30, 2021, pursuant to a Governor's Executive Order which waived certain requirements of the Open Meetings Act.

2. **Application of Joel James Smejkal and Andrea Renee Smejkal for vacation of easement on the west five feet excepting the north ten feet of Lot 1, Block A, Country Shadows Subdivision adjacent to 4714 63 Street.**

The City of **Columbus**

MEMORANDUM

DATE: September 7, 2021
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Country Shadows Subdivision, Lot 1, Block A – Easement Vacation

RECOMMENDATION:

I recommend the approval of the easement vacation associated with Country Shadows Subdivision, Lot 1, Block A.

DISCUSSION:

The easement vacation is due to the purchasing a portion of the adjacent lot. The house property is 4714 63rd Street.

FISCAL IMPACT:

None.

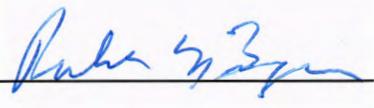
ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Dan Curtis

SIGNATURE:

By: 

Approved By: Tara Vasicek

CITY OF COLUMBUS

VACATION OF EASEMENT REQUEST FORM

1. List the people principally interested in the vacation. Be sure to include:
 - a. Majority abutting land owner or a representative for the group; and
 - b. The person requesting the vacation, if not the same as the owner (i.e., renter or prospective buyer).

C. Ronald Lambert
Charlotte K. Lambert

Joel James Smejkal
Andrea Renee Smejkal

Name (a) Abutting Landowners

Name (b) Owners/Applicants

Business (if applicable)

Business (if applicable)

5297 48th Ave
Columbus, NE 68601

4714 63 St
Columbus, NE 68601

Mailing Address

Mailing Address

402-564-5834

402-910-8779 (Joel)

Daytime Phone Number

Daytime Phone Number

charlam@citlink.net

jsmejkal@frontier.com

Email Address

Email Address

2. Legal address and physical property address of vacation of street/alley request

The West 5 ft. excepting the North 10 ft. of Lot 1, Block A, Country Shadows Subdivision of part of the SW1/4 of the NW1/4 of Section 1, T17N, R1W of the 6th P.M., Platte County, Nebraska, which is adjacent to and now a part of Applicants/Owners property at 4714 63 Street, Columbus, NE

3. Brief explanation of why this vacation is being requested. A separate sheet may be attached if necessary.

Owners/Applicants purchased the East 26.00 feet of Lot 10, Block A, Lambert's Country Shadows South Subdivision, a replat of part of Lot 2 of Scott Loseke Subdivision and Lot 22 of Country Shadows 3rd Subdivision located in the NW ¼ of Section 1, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska, which is immediately west of and adjacent to the property described in 2. above and Owners/Applicants want to utilize their current Lot 1, Block A, property and the recently acquired adjacent 26 feet without the interference of the utility easement currently existing between the properties.
(See copy of plat attached)

(Vacation of Easement Request Form Continued)

4. Attach written correspondence on company/department letterhead from all public (City water, sewer and street departments) and private utility companies regardless of whether said utilities have structures in the requested street or alley to be vacated or narrowed.
5. Complete required forms:
 - a. Vacation of Easement Petition
 - b. Vacation of Easement Individual with Notary
 - c. Vacation of Easement Corporation with Notary
6. Submit all completed forms to City Clerk for inclusion in the Public Property, Safety and Works Committee agenda. The Public Property, Safety and Works Committee will act on the Easement Request and make a recommendation to the City Council.
7. Procure an Attorney to obtain an Ordinance. Submit Draft Ordinance to City Clerk for review by City Attorney.
8. Ordinance placed on City Council agenda for consideration.
9. Upon City Council approval, City to file with Platte County Register of Deeds.

Fee Charges:

Application Fee: \$200.00

INDIVIDUAL

Acknowledgement of signature to petition for vacating or narrowing of the following easement—to wit:

The West 5 ft. excepting the North 10 ft. of Lot 1, Block A, Country Shadows Subdivision of part of the SW1/4 of the NW1/4 of Section 1, T17N, R1W of the 6th P.M., Platte County, Nebraska.

Within Columbus, Nebraska.

[Handwritten Signature]

Signature

6-10-21

Date

[Handwritten Signature]

Signature

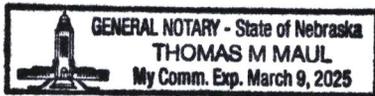
6-10-21

Date

State of Nebraska)
 : ss
County of Platte)

On this 10th day of June, 2021, before me, a Notary Public in and for said County, personally appeared Joel James Smejkal and Andrea Renee Smejkal who are personally known to me to be the identical persons whose names are affixed to the annexed petition of owners of lots and lands abutting upon said part of easement in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who have acknowledged the signing of said petition to be their voluntary act and deed.

Witness my hand and notarial seal on the day and date above written.



(Seal)

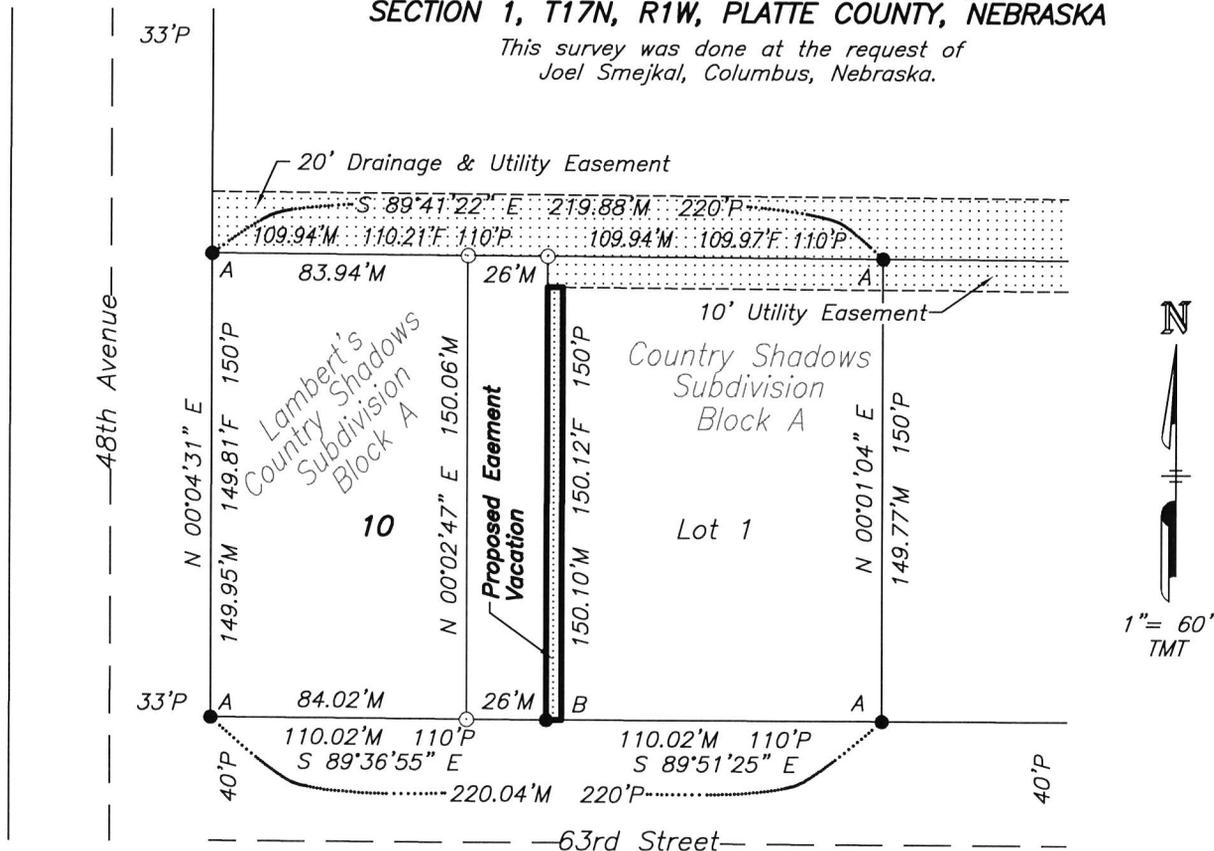
[Handwritten Signature]

Notary Public

My Notarial Commission expires the 9th day of March, 2025.

**PROPOSED EASEMENT VACATION IN
LOT 1, BLOCK A, COUNTRY SHADOWS SUBD.
OF PART OF THE SW1/4 OF THE NW1/4 OF
SECTION 1, T17N, R1W, PLATTE COUNTY, NEBRASKA**

*This survey was done at the request of
Joel Smejkal, Columbus, Nebraska.*



-Legend-

- Found Monument
- Set 5/8" x 24" Rebar w/ Plastic Survey Cap
- × Computed Location
- M Measured this Survey
- F Recorded Measurement
C.F. Flowers. L.S. # 357
- P Plat Measurement
General Land Office

Note: All Bearings are referenced from True North observed at the Northeast Corner, Section 36, T17N, R1W.

Field Notes:

- A. Found 5/8" Iron bar
- B. Found 5/8" Iron bar 16" deep. I perpetrated it with a 1"x 24" Iron pipe with plastic cap.

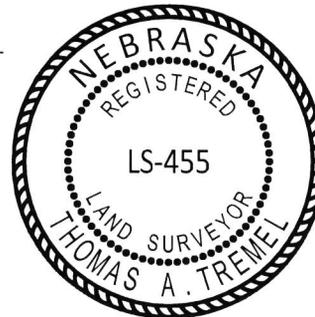
Description:

The West 5 ft. excepting the North 10 ft. of Lot 1, Block A, Country Shadows Subdivision of part of the SW1/4 of the NW1/4 of Section 1, T17N, R1W of the 6th P.M., Platte County, Nebraska.

Surveyor's Statement:

I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this survey was conducted under my direct supervision and is correct to the best of my knowledge and belief.

Thomas A. Tremel
Thomas A. Tremel, L.S. #455
May 24, 2021





June 11, 2021

Thomas Maul
Attorney
3214 25th St.
Columbus, NE 68601

Dear Mr. Maul,

I have received your request on behalf of Joel and Andrea Smejkal for the vacation of the 5' utility easement that runs along the west side of their Lot 1, Block A in the Country Shadows Subdivision which is a part of the SW ¼ of the NW1/4 of Section 1, T17N, R1W of the 6th P.M., Platte County, Nebraska.

This notification serves as confirmation that your request to vacate the easement has been approved. Should you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely,

Cullen Sila
Black Hills Energy



LOUP POWER DISTRICT

"SERVING YOU ELECTRICALLY"

GENERAL OFFICE

2404 15th Street
P.O. Box 988
Columbus, NE 68602-0988

Phone:
402/564-3171
Fax:
402/564-0970

June 14, 2021

Thomas M. Maul, Attorney
3214 25th St.
Columbus, NE 68601

Dear Mr. Maul:

Re: Vacate and Abandon Easement at Country Shadows Subdivision

Loup Power District has no objection to your request to vacate and abandon the easement as described and shown as a five-foot easement running parallel to the west property line of Lot 1, Block A, Country Shadows Subdivision, Columbus, Platte County, Nebraska.

Loup Power District will retain all other easements of record.

Sincerely,

Korey Hobza, P.E.
V.P. of Engineering

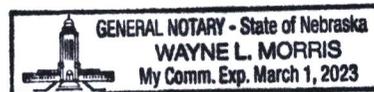
KH:mz

C: D. Hellbusch
D. Gasper
W. Morris
Country Shadows Plat File

6-14-2021

Notary Public

Date





Thomas M. Maul

From: Thomas M. Maul
Sent: Thursday, June 10, 2021 2:59 PM
To: 'Dan Tucker'
Subject: RE: Vacation of Easement

Thanks Dan for the prompt reply. The 10' easement in the back remains, and you will note that we "shortened" the vacation request by 10' so as to not interfere with the easement in the back.

Again, thanks for your prompt response.

THOMAS MAUL

ATTORNEY

O: 402.564.5880

C: 402.910.6887

3214 25TH ST.

COLUMBUS, NE 68601

tmaul@ddlgroup.com

www.dvoraklawgroup.com



DVORAK
Law Group, LLC

CONFIDENTIALITY: This message (including any attachment) is confidential. It may also be privileged or otherwise protected by work-product immunity or other legal rules. If you have received it by mistake, please delete it from your system; you may not copy or disclose its contents to anyone.

From: Dan Tucker [mailto:dtucker@mscon.com]
Sent: Thursday, June 10, 2021 2:54 PM
To: Thomas M. Maul <tmaul@ddlgroup.com>
Subject: Re: Vacation of Easement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thomas,

Frontier Communications does not have any issues with the easement vacation. As long as the easement in the back stays as is.

Thanks

Dan Tucker

Mid States Consultants

402.405.2247

From: Thomas M. Maul <tmaul@ddlgroup.com>
Sent: Thursday, June 10, 2021 2:20 PM

Thomas M. Maul

From: Anna Allen <anna.kavan@turnkey-telecom.com>
Sent: Friday, June 11, 2021 3:22 PM
To: Thomas M. Maul
Cc: Jim Peterson
Subject: FW: Vacation of Easement
Attachments: Untitled attachment 00015.htm; DLGLogoemailsig_resize_84ca87af-a478-4434-b9c6-8317a2458c8b.png; Vacation of Easement Request Form. Smejkal.pdf; Untitled attachment 00018.htm

CAUTION:This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thomas,

As a representative of Midstates Data Transport (private utility company), I am writing to let you know there is no objection to the Vacation of Easement Request for Lot 1, Block A of the Country Shadows Subdivision. Midstates is the owner of a fiber optic line in the area, but not in this particular lot.

Thank you,

Anna Allen

Engineer

Office: 402-426-2101

Cell: 402-830-0778

Email: anna.allen@turnkey-telecom.com



From: Jim Peterson <jim.peterson@turnkey-telecom.com>
Sent: Thursday, June 10, 2021 2:56 PM
To: Anna Allen <anna.kavan@turnkey-telecom.com>
Subject: Fwd: Vacation of Easement

Anna,

Forwarding this matter to you.

Thanks, Pete

From: "Thomas M. Maul" <tmaul@ddlawgroup.com>

Date: June 10, 2021 at 2:20:24 PM CDT

To: "Cullen Sila (cullen.sila@blackhillscorp.com)" <cullen.sila@blackhillscorp.com>, "Todd Strain (todd.strain1@charter.com)" <todd.strain1@charter.com>, "Tony Carrol (tony.carrol@vyvebb.com)"

3. **Application of Charles B. Seedschlag for vacation of easements west of intersection of 42 Street and 54 Avenue.**

The City of **Columbus**

MEMORANDUM

DATE: September 7, 2021
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Meadow Ridge Ninth Addition – Easement Vacation

RECOMMENDATION:

I recommend the approval of the easement vacations associated with Meadow Ridge Ninth Addition.

DISCUSSION:

The easement vacations are required due to the platting of this subdivision. The final plat includes any easements required.

FISCAL IMPACT:

None.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: _____ Dan Curtis _____

SIGNATURE:

By: _____  _____

Approved By: _____ Tara Vasicek _____

CITY OF COLUMBUS
VACATION OF EASEMENT REQUEST FORM

1. List the people principally interested in the vacation. Be sure to include:
- a. Majority abutting land owner or a representative for the group; and
 - b. The person requesting the vacation, if not the same as the owner (i.e., renter or prospective buyer).

Charles B. Seedschlag
Name (a)

Name (b)

Meadow Ridge Properties, LLC
Business (if applicable)

Business (if applicable)

4811 37 Street Columbus NE 68601
Mailing Address

Mailing Address

402 / 562-8155
Daytime Phone Number

Daytime Phone Number

charles@walkerfoundations.com
Email Address

Email Address

2. Legal address and physical property address of vacation of street/alley request
See Attached Exhibit "A" for legal descriptions RE: Meadow Ridge 9th Addition.

3. Brief explanation of why this vacation is being requested. A separate sheet may be attached if necessary.

Drainage Easements no longer necessary.

PETITION

Honorable Mayor and Members of the City Council
City of Columbus

We, the undersigned, owners of property representing more than 75 percent of the easement property, hereby ask and petition that the necessary action be taken to vacate the following easements:

See attached Exhibit "A" for legal descriptions RE: Meadow Ridge 9th Addition.

and we hereby respectively waive any and all damages or claims for damages by reason of said vacating.

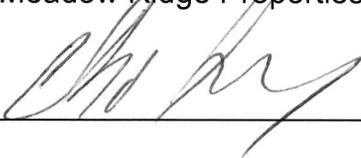
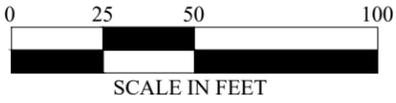
Property Owner(s)	Date	Mailing Address	Abutting No. of Feet
Print: Meadow Ridge Properties, LLC Sign: 	9/7/21	4811 37 Street Columbus NE 68601	
Print: Sign:			

Exhibit A



Drawn By: LRR
Date: August 23, 2021
Project Number: S-071-121
Scale: 1" = 50'

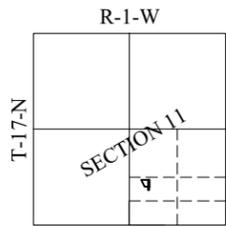


SCALE IN FEET

LEGEND

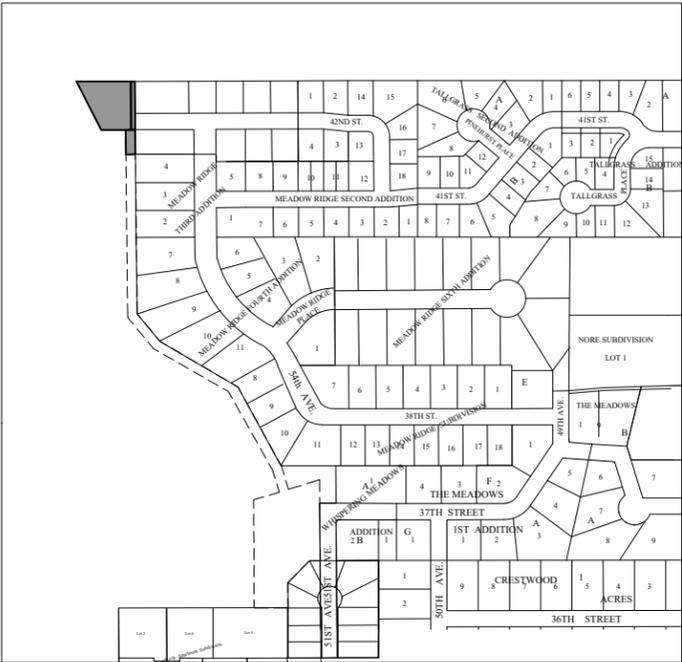
● Section Corner Found

Situation Sketch



Platte County, Nebraska

Location Sketch



City of Columbus,
Platte County, Nebraska

EASEMENT #1

A temporary drainage easement located in the Southwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of Lot 1, Block A, Meadow Ridge Seventh Addition to the City of Columbus, Platte County, Nebraska; thence S 88°06'48" W on the North line of the Southwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, 15.00 feet to the Point of Beginning; thence S 88°06'48" W on said North line, 200.00 feet; thence S 28°51'43" E, 200.73 feet; thence N 88°07'25" E on the Westerly extension line of the South Right-of-Way line of 42nd Street, 110.00 feet; thence N 02°13'23" W and parallel to the West line of said Meadow Ridge Seventh, 178.91 feet to the Point of Beginning, containing 0.64 acres, more or less.

EASEMENT #2

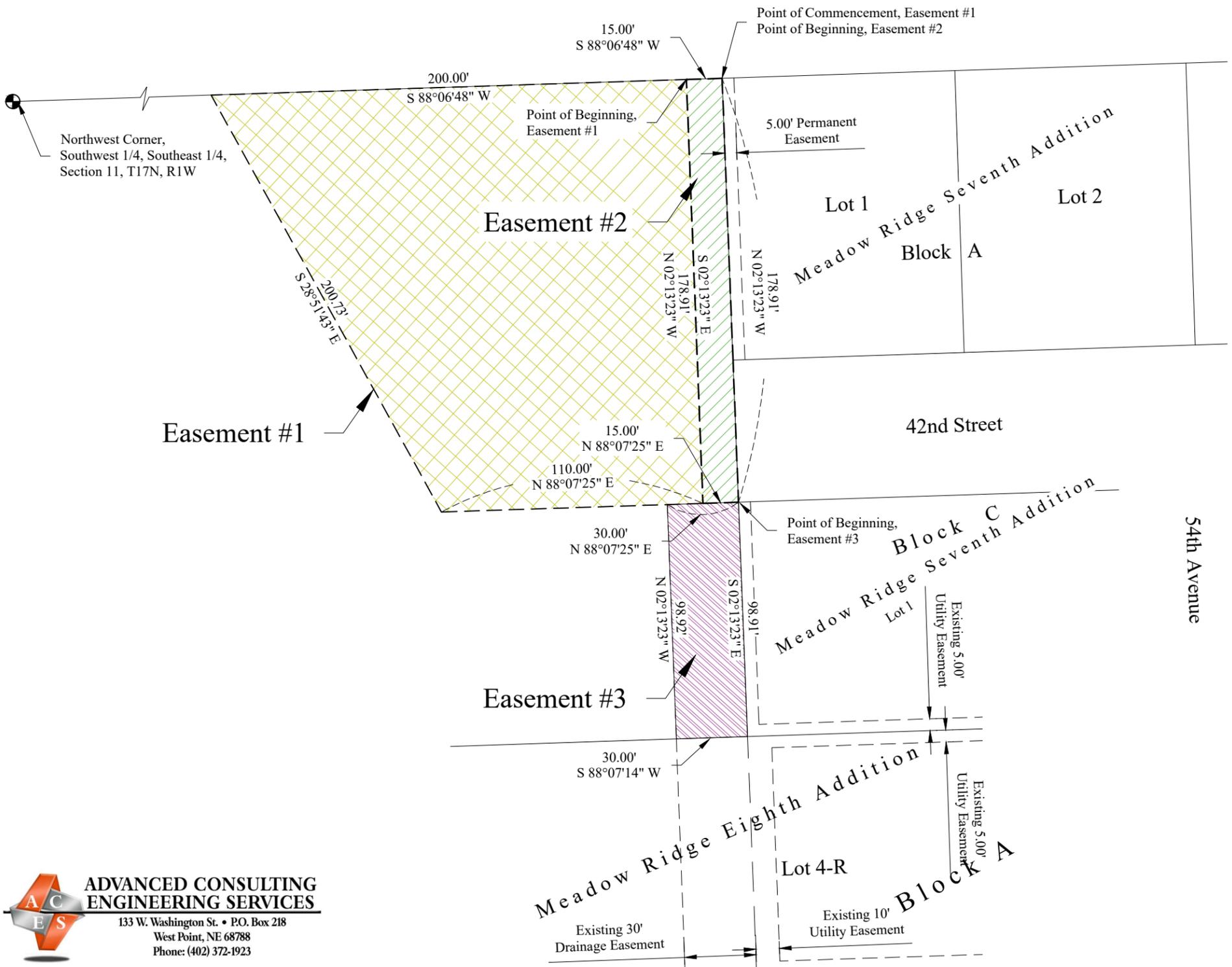
A Permanent Drainage Easement located in the Southwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block A, Meadow Ridge Seventh Addition to the City of Columbus, Platte County, Nebraska; thence S 88°06'48" W on the North line of the Southwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, 15.00 feet; thence S 02°13'23" E and parallel to the West line of said Meadow Ridge Seventh Addition, 178.91 feet; thence N 88°07'25" E on the Westerly extension line of the South Right-of-Way line of 42nd Street, 15.00 feet to the Northwest corner of said Lot 1, Block C; thence N 02°13'23" W on the West line of said Meadow Ridge Seventh Addition, 178.91 feet to the Point of Beginning, containing 0.075 acres, more or less.

EASEMENT #3

A permanent easement for drainage purposes located in the Southwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block C, Meadow Ridge Seventh Addition to the City of Columbus, Platte County, Nebraska; thence S 02°13'23" E on the West line of said Lot 1, 98.91 feet to the Southwest corner of said Lot 1; thence S 88°07'14" W on the North line of Lot 4-R, Block A, Meadow Ridge Eighth Addition to the City of Columbus, Platte County, Nebraska, 30.00 feet; thence N 02°13'23" W and parallel to the West line of said Lot 1, 98.92 feet; thence N 88°07'25" E on the Westerly extension line of the South Right-of-Way line of 42nd Street, 30.00 feet to the Point of Beginning, containing 0.068 acres, more or less.



4. **Application of Charles B. Seedschlag for vacation of easement west of intersection of 37 Street and 50 Avenue.**

The City of **Columbus**

MEMORANDUM

DATE: September 7, 2021
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Meadow Ridge Tenth Addition – Easement Vacation

RECOMMENDATION:

I recommend the approval of the easement vacations associated with Meadow Ridge Tenth Addition.

DISCUSSION:

The easement vacations are required due to the platting of this subdivision. The final plat includes any easements required.

FISCAL IMPACT:

None.

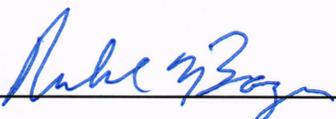
ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: _____ Dan Curtis _____

SIGNATURE:

By: _____  _____

Approved By: _____ Tara Vasicek _____

CITY OF COLUMBUS
VACATION OF EASEMENT REQUEST FORM

1. List the people principally interested in the vacation. Be sure to include:
 - a. Majority abutting land owner or a representative for the group; and
 - b. The person requesting the vacation, if not the same as the owner (i.e., renter or prospective buyer).

Charles B. Seedschlag
Name (a)

Name (b)

Meadow Ridge Properties, LLC
Business (if applicable)

Business (if applicable)

4811 37 Street Columbus NE 68601
Mailing Address

Mailing Address

402 / 562-8155
Daytime Phone Number

Daytime Phone Number

charles@walkerfoundations.com
Email Address

Email Address

2. Legal address and physical property address of vacation of street/alley request
See Attached Exhibit "A" for legal descriptions RE: Meadow Ridge 10th Addition.

3. Brief explanation of why this vacation is being requested. A separate sheet may be attached if necessary.

Drainage Easements no longer necessary.

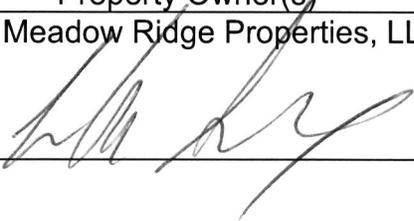
PETITION

Honorable Mayor and Members of the City Council
City of Columbus

We, the undersigned, owners of property representing more than 75 percent of the easement property, hereby ask and petition that the necessary action be taken to vacate the following easements:

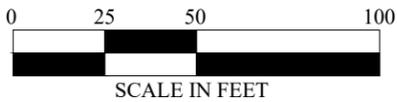
See attached Exhibit "A" for legal descriptions RE: Meadow Ridge 10th Addition.

and we hereby respectively waive any and all damages or claims for damages by reason of said vacating.

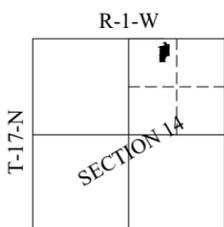
Property Owner(s)	Date	Mailing Address	Abutting No. of Feet
Print: Meadow Ridge Properties, LLC Sign: 	9/2/21	4811 37 Street Columbus NE 68601	
Print: Sign:			



Drawn By: LRR
 Date: August 23, 2021
 Project Number: S-071-127
 Scale: 1" = 50'

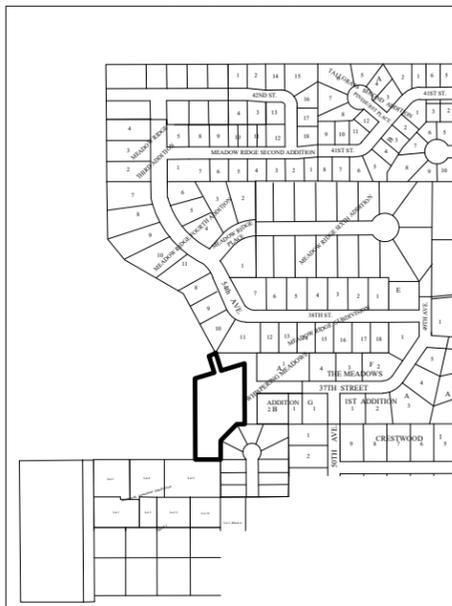


Situation Sketch



Platte County, Nebraska

Location Sketch



City of Columbus,
 Platte County, Nebraska

Drainage Easement

A permanent easement for drainage purposes located in the Northwest 1/4 of the Northeast 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of Lot 5, Block 1, Westbrook Apartment Subdivision to the City of Columbus, Platte County, Nebraska; thence N 02°03'38" W on the West line of Meadow View Addition to the City of Columbus, Platte County, Nebraska, 93.80 feet; thence N 42°56'40" E on the Northwest line of said Meadow View Addition, 113.13 feet; thence N 87°56'58" E on the North line of said Meadow View Addition, 44.83 feet; thence N 02°03'02" W, 300.00 feet; thence S 71°34'32" W, 73.35 feet; thence N 18°25'28" W, 71.89 feet; thence S 65°39'10" W, 30.16 feet; thence S 18°25'28" E, 68.78 feet; thence S 71°34'32" W, 157.21 feet; thence S 02°03'02" E, 400.00 feet to a point on the North line of said Lot 5, thence N 88°06'30" E on said North line, 125.20 feet to the Point of Beginning, containing 2.13 acres, more or less.

Lot 9-R
 Block C
 Meadow Ridge Eighth Addition

Lot 10-R

Meadow Ridge Subdivision
 Lot 11

30.16'
 S 65°39'10" W

68.78'
 S 18°25'28" E

71.89'
 N 18°25'28" W

73.35'
 S 71°34'32" W

157.21'
 S 71°34'32" W

Lot 1

Block A

Whispering

37th Street
 Meadows

Addition

Lot 2

Block B

2.13 Acres±

300.00'
 N 02°03'02" W

400.00'
 S 02°03'02" E

44.83'
 N 87°56'58" E

Lot 6

113.13'
 N 42°56'40" E

Lot 7

Meadow View Addition

Lot 8

93.80'
 N 02°03'38" W

125.20'
 N 88°06'30" E

Point of Beginning

Westbrook Apartment Subdivision

Lot 5

Lot 9

Lot 10

Lot 11

51st Avenue

5. Adjournment.