

Public Property, Safety, and Works Committee  
Monday, January 13, 2020 4:00 PM  
Council Chambers  
1369 25 Avenue

{{Name: Agenda Item Name}}

{{Rationale: Agenda Item Rationale}} {{AgendaItemEnd}}

- 1. Statement of compliance with Open Meetings Act and roll call.**
- 2. Request from Panda, Inc. to vacate the alley between 25 and 26 Avenues and 22 and 23 Streets (Block 16, Phillips 3rd Addition, and Block 8, Pearsall's 2nd Addition).**
- 3. Adjournment.**



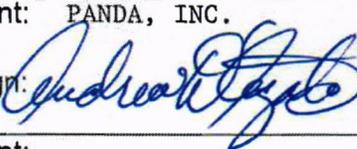
## PETITION

Honorable Mayor and Members of the City Council  
City of Columbus

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

The alley located between 25th and 26th Avenues in Block 16, Phillips 3rd  
Addition and Block 8 of Pearsall's 2nd Addition to the City of Columbus, NE

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: PANDA, INC. Sign: 	12/9/19	13911 Gold Circle #130 Omaha, NE 68144-2376	354.12
Print: Sign:			

**CITY OF COLUMBUS**  
**VACATION OF STREET OR ALLEY REQUEST FORM**  
**OF**  
**PANDA, INC.**

3. Brief explanation of why this vacation is being requested.

Panda, Inc. is the owner of the Arby's Restaurant in Columbus, Nebraska, and is the owner of Lots 1, 2, 3 and 4 in Block 8 of Pearsall's 2<sup>nd</sup> Addition and the adjacent Lots 3, 4, 5 and 6 in Block 16 of Phillips 3<sup>rd</sup> Addition to Columbus, Platte County, Nebraska. The Arby's restaurant is located on Lots 3 and 4 in Block 16, Phillips 3<sup>rd</sup> Addition and there are parking lots on Lots 1, 2, 3 and 4 in Block 8, Pearsall's Addition, and a proposed parking lot on Lot 5 of Block 16 of Phillips 3<sup>rd</sup> and a proposed drive-through lane across Lot 6 of Block 16, Phillips 3<sup>rd</sup> Addition extending from 22<sup>nd</sup> Street, north to the restaurant building located on a portion of Lot 3 in Block 16, Phillips 3<sup>rd</sup>. In order to facilitate the new drive-through lane it is necessary to vacate and close, to vehicular traffic, the alley between 25<sup>th</sup> Avenue and 26<sup>th</sup> Avenue in Block 16 of Phillips 3<sup>rd</sup> Addition and Block 8 of Pearsall's 2<sup>nd</sup> Addition, all in Columbus, Platte County, Nebraska.

SEE SUPPLEMENTAL DRAWING ATTACHED

## SUPPLEMENTAL DRAWING

DATE: 06/07/2019

DRAWN: APH

SCALE: 1"=30'

SHEET NO: 1 OF 2

SHEET TITLE: CONCEPTUAL LAYOUT PLAN

REF:



NORTH

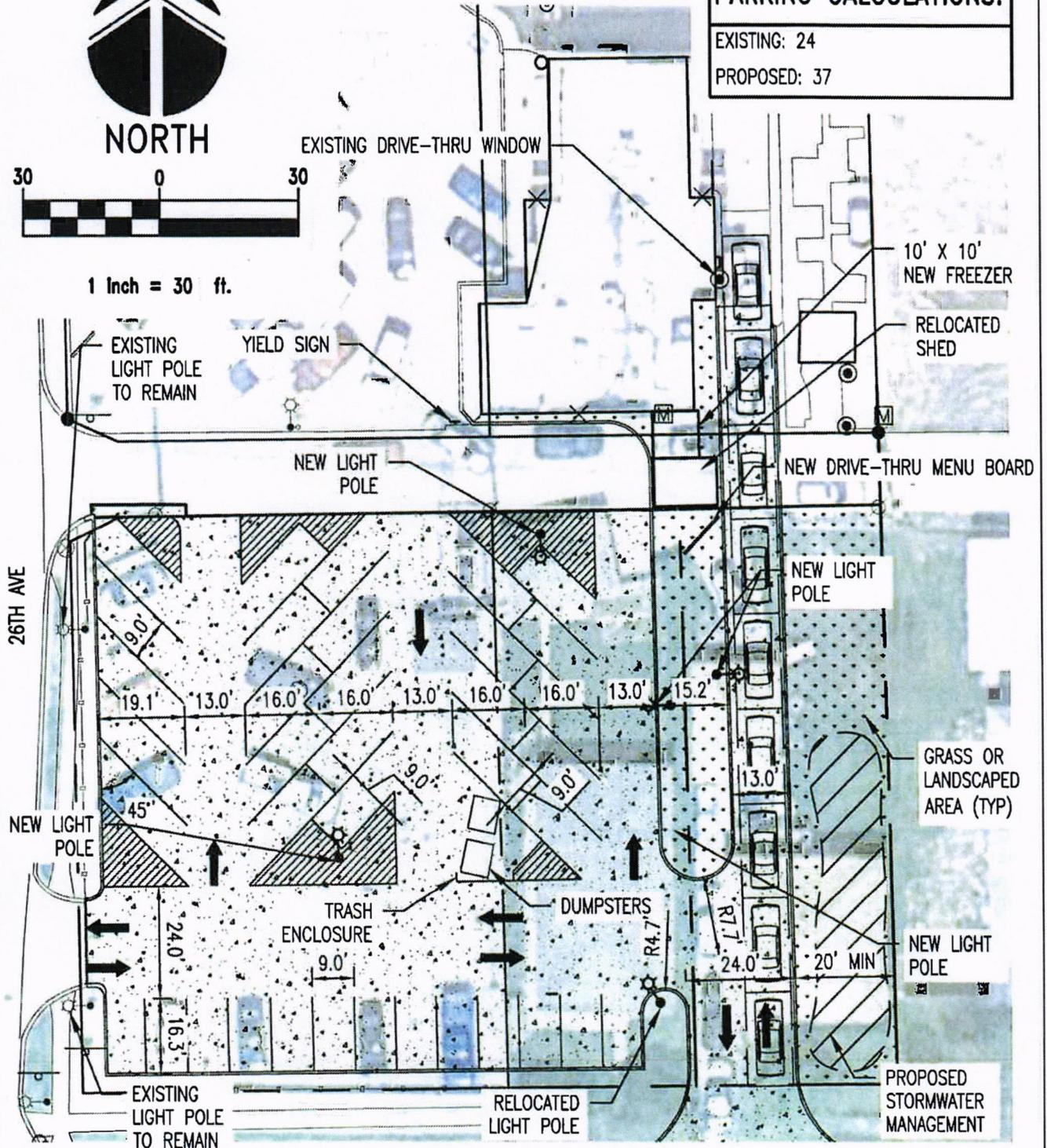


1 Inch = 30 ft.

### PARKING CALCULATIONS:

EXISTING: 24

PROPOSED: 37



P:\Projects\07502\07502.dwg  
 6/7/2019 7:57:42 AM  
 APH

**CORPORATION**

The acknowledgement of the signature of a corporation must have attached a copy of the By-Law or Resolution, duly certified by corporation officers, under and by virtue of which such signature was affixed to said petition.

Acknowledgement of signature to petition for vacating and narrowing of the following street/alley – to wit: The alley located between 25th and 26th Avenues in  
Block 16, Phillips 3rd Addition and Block 8 of Pearsall's 2nd Addition  
to the City of Columbus, Platte County, Nebraska

within Columbus, Nebraska.

Corporation: PANDA, INC.

Andrew D'Agosto VP  
Signature/Title Vice President

12/9/19  
Date

\_\_\_\_\_  
Signature/Title

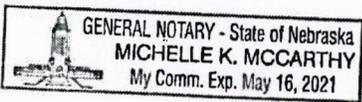
\_\_\_\_\_  
Date

State of Nebraska  
Douglas County

On this 9<sup>th</sup> day of December, 2019, before me, a Notary Public in and for said County, personally appeared Andrew D'Agosto

who is/are personally known to me to be the identical person(s) whose name(s) is/are affixed to the annexed petition of owners of lots and lands abutting upon said part of street/alley in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who is/are personally known to me to be the Vice-President of said Corporation and has/have acknowledged the signing of said petition to be a voluntary act and deed, and the voluntary act and deed of said Corporation.

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

(SEAL) 

Michelle K. McCarthy  
Notary Public

My Notarial Commission expires the 16<sup>th</sup> day of May, 2021.

The City of **Columbus**

**MEMORANDUM**

**DATE:** January 9, 2020  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Alley Vacation Request, between 25<sup>th</sup> and 26<sup>th</sup> Avenues and 23<sup>rd</sup> and 22<sup>nd</sup> Streets, Block 16 of Phillips 3<sup>rd</sup> Addition and Block 8 of Pearsall's 2<sup>nd</sup> Addition

**RECOMMENDATION:**

I would recommend the approval of the alley vacation request between 25<sup>th</sup> and 26<sup>th</sup> Avenues and 23<sup>rd</sup> and 22<sup>nd</sup> Streets, Block 16 of Phillips 3<sup>rd</sup> Addition and Block 8 of Pearsall's 2<sup>nd</sup> Addition at the time of start of proposed Arby Restaurant improvements as submitted by Panda, Inc. subject to receipt of the following:

- Ordinance vacating said alley with a utility easement in the same location and width of existing alley minus the proposed walk-in cooler area
- Receipt of all public and private utility correspondence of the alley vacation request
- Letter of Understanding including: date of vacation, start date for Arby Restaurant improvements, elimination of parking stalls within the line of sight at the intersection of US30/23<sup>rd</sup> Street and 26<sup>th</sup> Avenue, and related items

**DISCUSSION:**

A petition was received from the property owner who owns 354.12 abutting feet of the total approximately 530 abutting feet of the alley. The request was made to allow the property owner to revise the drive through, minor building addition, and addition of parking with stormwater detention. Upon vacation and proper filing in the Platte County courthouse, one half of the alley will be become owned by the adjacent property owner. A utility easement will be maintained at the same width and length as the alley minus the area for the proposed walk-in cooler.

**FISCAL IMPACT:**

The applicant will be responsible for all publications expenses, preparing of the above reference items, recording, and any other costs associated with the alley vacation transaction.

**ALTERNATIVE:**

Do not approve.

**SIGNATURE:**

By: Richard J. Bogus

Approved By: Tara Vasicek



US 30/ 23rd ST.

26th AVE.

PANDA INC

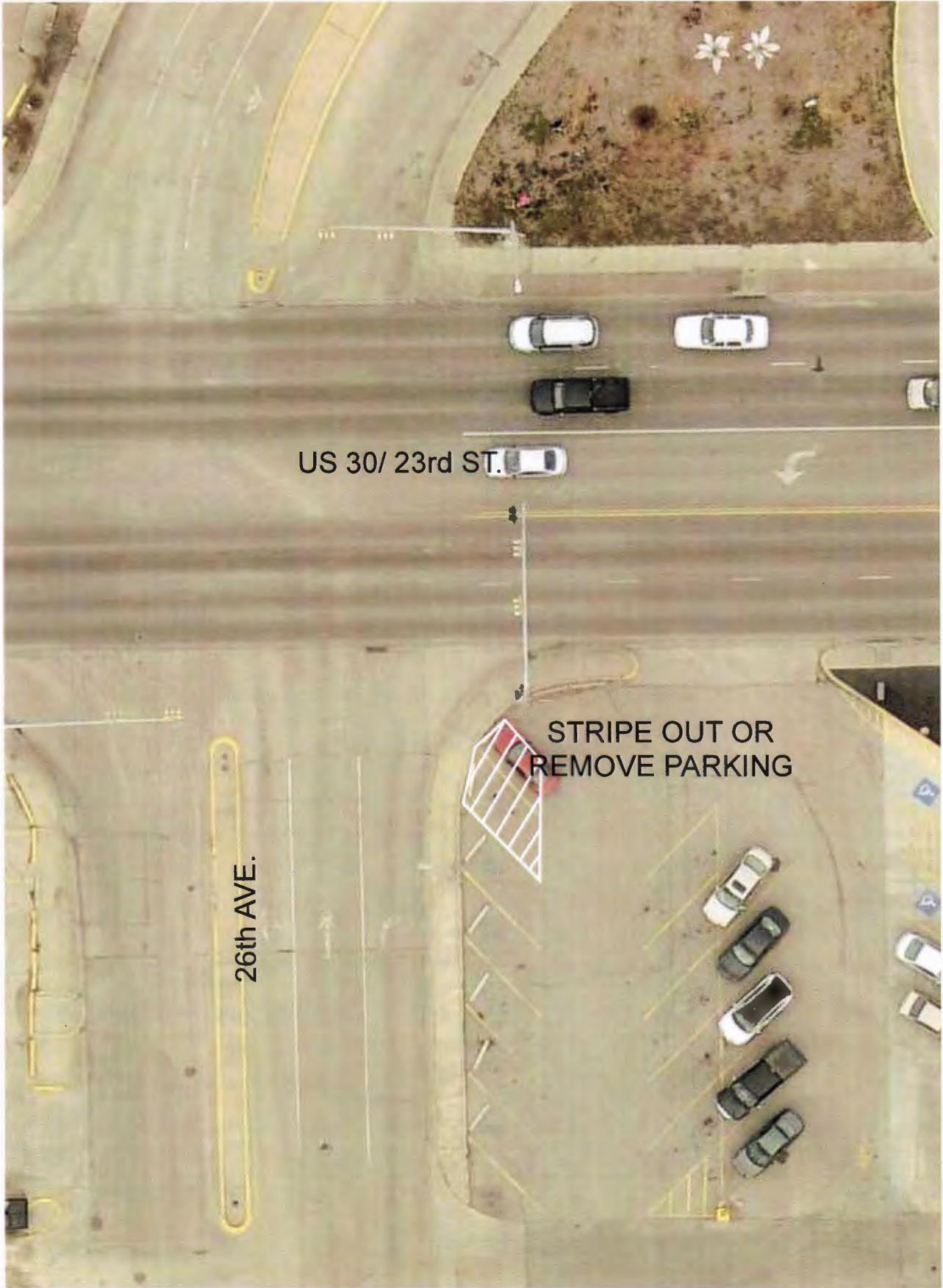
UNITED STATES OF AMERICA



PANDA INC

MEAYS, CLIFFORD L  
& BRANDE A





US 30/ 23rd ST.

26th AVE.

STRIPE OUT OR  
REMOVE PARKING