

ORDINANCE NO. 2013-46

AN ORDINANCE DIRECTING THE SALE OF (1) THE RAILROAD RIGHT-OF-WAY AND (2) A TRACT OF LAND LOCATED IN THE REPLAT OF MCCRIGHT'S FIRST SUBDIVISION TO THE CITY OF WAYNE, WAYNE COUNTY, NEBRASKA.

BE IT ORDAINED by the Mayor and the Council of the City of Wayne, Nebraska:

Section 1. The Mayor and City Council are directed to convey by Warranty Deed to Kenneth Jorgensen the property owned by the City and legally described as:

Parcel 1:

A PARCEL OF LAND LOCATED IN THE CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILROAD (NOW REMOVED) IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 26 NORTH, RANGE 4 EAST OF THE SIXTH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 2, REPLAT OF McCRIGHT'S FIRST SUBDIVISION TO THE CITY OF WAYNE, NEBRASKA; THENCE S02°28'02"E (ASSUMED BEARING) A DISTANCE OF 113.35 FEET TO THE WEST CORNER OF LOT 24, BENSCOTER ADDITION PLANNED UNIT DEVELOPMENT REPLAT 2; THENCE N58°33'38"E ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID RAILROAD AND THE NORTHERLY LINE OF SAID LOT 24, A DISTANCE OF 454.28 FEET TO THE NORTHEAST CORNER OF SAID LOT 24; THENCE N59°11'34"E ON SAID SOUTHEASTERLY RIGHT OF WAY LINE AND ON THE WESTERLY LINE OF LOTS 1 AND 2 OF MOHR'S INDUSTRIAL TRACT, A DISTANCE OF 340.79 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE N59°11'34"E ON SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 125.84 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE HIGHWAY 35; THENCE N82°17'57"W ON SAID SOUTH LINE, A DISTANCE OF 153.58 FEET TO THE NORTHEAST CORNER OF A 0.51 ACRE TRACT, SURVEYED BY BRETT R. KENNEDY IN 2007; THENCE S59°08'42"W, ON THE EASTERLY LINE OF SAID KENNEDY TRACT AND THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID RAILROAD, A DISTANCE OF 125.67 FEET TO THE SOUTHEAST CORNER OF SAID TRACT AND THE NORTHEAST CORNER OF LOT 5 OF SAID REPLAT OF McCRIGHT'S FIRST SUBDIVISION; THENCE S59°07'17"W ON THE SOUTHEASTERLY LINE OF SAID LOT 5 AND SAID NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 360.70 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5 AND THE SOUTHEAST CORNER OF LOT 4 OF SAID REPLAT; THENCE S59°07'38"W ON THE SOUTHEASTERLY LINE OF SAID LOT 4 AND SAID NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 47.30 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE S59°07'17"W ON SAID NORTHWESTERLY LINE, A DISTANCE OF 213.23 TO THE POINT OF BEGINNING, CONTAINING 1.85 ACRES, MORE OR LESS.

Parcel 2:

A tract of land located in the Replat of McCright's First Subdivision to the City of Wayne, Wayne County, Nebraska, a part of the Northeast Quarter of Section 18, Township 26 North, Range 4, East of the 6th P.M., Wayne County, Nebraska, beginning at the Southwest corner of Lot 3, of the Replat of McCright's First Subdivision to the City of Wayne, Wayne County, Nebraska, a part of the Northeast Quarter of Section 18, Township 26 North, Range 4, East of the 6th P.M., Wayne County, Nebraska; thence North on the west line of said Lot 3, 101.58 feet; thence East and parallel to the north line of Lots 3 and 4, 187.58 feet to a point on the northwesterly Right-of-Way line of the Chicago, St. Paul, Minneapolis and Omaha Railroad now removed; thence Southwesterly on said Right-of-Way line, 213.22 feet, to the point of beginning containing 9527.39 square feet and 0.22 acres, more or less; the foregoing being a part of Lots 3 and 4 in the Replat of McCright's First Subdivision to the City of Wayne, Wayne County, Nebraska,

for the sum of \$5,000.00 and other valuable consideration.

Section 2. Notice of the sale and the terms contained in Section 1 shall be published for three consecutive weeks in the Wayne Herald, provided that if a remonstrance against said sale signed by legal electors thereof equal in number to 30% of the electors of the City voting at the last regular municipal election held therein, be filed with the governing body within thirty days of the passage and publication of this ordinance, said property shall not then, nor within one year thereafter, be sold.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 1st day of day of October, 2013.

THE CITY OF WAYNE, NEBRASKA

By _____
Mayor

ATTEST:

City Clerk