

## RESOLUTION NO. A-\_\_\_\_\_

1           WHEREAS, on October 18, 2006 judgment was entered in the District Court of  
2 Lancaster County, Nebraska, by Judge Paul D. Merritt in the matter of Trina L. Thomas, a single  
3 person, Plaintiff, v. Capitol Beach Community Association Inc., a Nebraska corporation,  
4 Defendant, under Docket CI-06 Page 4075, decreeing that title to two parcels of land within Lot  
5 296 I.T. as described in the Plaintiff's petition, located in the Northeast Quarter of Section 22,  
6 Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, be quieted and  
7 confirmed in the Plaintiff, Trina L. Thomas, by virtue of adverse possession against the record  
8 owner of the property, Capitol Beach Community Association, Inc.; and

9           WHEREAS, the separation of the two parcels of land from said Lot 296 I.T. in the quiet  
10 title action constitutes a subdivision of land under Title 26 of the Lincoln Municipal Code which  
11 failed to comply with City of Lincoln's requirements relating to a subdivision approval; and

12           WHEREAS, the said two parcels of land within Lot 296 I.T. and the remaining portion of  
13 Lot 296 I.T. have been renumbered by the County Surveyor and designated as Lot 306 I.T., Lot  
14 307 I.T. and Lot 308 I.T., respectively, all located in the Northeast Quarter of Section 22,  
15 Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; and

16           WHEREAS, Engineering Design Consultants LLC, on behalf of Trina L. Thomas, has  
17 requested the City to consent to the validity of said subdivision in order to allow Lots 306 I.T.  
18 and 307 I.T. to be included within the final plat to be known as Capital Beach East 7th Addition,  
19 without also including the remaining portion of Lot 296 I.T. (i.e. Lot 308 I.T.) therein; and

20           WHEREAS, the Planning Department has recommended that the City of Lincoln, in  
21 accordance with the provisions of *Neb. Rev. Stat. § 76-2110*, waive its right to object to the  
22 validity of said conveyance; and

23           WHEREAS, in accordance with the provisions of *Neb. Rev. Stat. § 76-2100*, the City of  
24 Lincoln desires to waive its right to object to the validity of said subdivision.

1 NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lincoln,  
2 Nebraska:

3 1. That the City of Lincoln hereby waives its right to object to the validity to the  
4 subdivision of two parcels of land within Lot 296 I.T., now known as Lot 306 I.T. and Lot 307  
5 I.T., all in the Northeast Quarter of Section 22, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M.,  
6 Lincoln, Lancaster County, Nebraska, pursuant to the Decree entered by District Judge Paul D.  
7 Merritt on October 18, 2006 in the matter of Trina L. Thomas, a single person, Plaintiff, v.  
8 Capitol Beach Community Association Inc., a Nebraska corporation, Defendant, under Docket  
9 CI-06 Page 4075.

10 2. That the City Clerk is directed to record the original of this Resolution with the  
11 Register of Deeds of Lancaster County, Nebraska, against Lot 306 I.T., Lot 307 I.T. and Lot 308  
12 I.T., all in the Northeast Quarter of Section 22, Township 10 North, Range 6 East of the 6<sup>th</sup>  
13 P.M., Lancaster County, Nebraska.

Introduced by:  
  
\_\_\_\_\_

Approved as to Form and Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2009:  _____ Mayor
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