



# Boone County Board Minutes



## MINUTES OF PUBLIC HEARING PROCEEDINGS COUNTY ROAD VACATION

Ken Luettel, Chairman of the Boone County Board of Commissioners, called for a motion to open a public hearing on Monday, September 26, 2016 at 10:00 A.M. in the Boone County Courthouse Commissioners Meeting Room in Albion, Nebraska. Notice of the hearing was given in advance by publication and the convened hearing was open to the public. Motion made by Commissioner Luettel, second by Commissioner Tisthammer to open said public hearing. Present for roll call were Commissioners Ken Luettel, Jerry L. Tisthammer and Hilary K. Maricle. Also, present for the hearing were Darrel Thorin, County Highway Superintendent and Andy Roberts, Valero Renewables representative.

The purpose of the public hearing was to hear testimony in favor of, opposition to, and to answer questions in relation thereto the proposed vacation of a portion of county road:

- Beginning at a point between the NE corner of the SW1/4 and the NW corner of the SE1/4 of Section 26, Township 20 North, Range 6 West, thence south approximately two thousand five hundred and five (2,505) feet to a point located on the north right-of-way line of Nebraska State Highway 39, between the SW1/4 and the SE1/4 of Section 26, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, known as 265<sup>th</sup> Avenue.

Darrel Thorin, County Highway Superintendent, had previously submitted a written feasibility study for the Board's review dated August 24, 2016 recommending that said portion of county road known as 265<sup>th</sup> Avenue be vacated with the road right-of-way reverting back to the adjoining landowners of thirty-three (33) feet on each side as long as all adjacent landowners are in agreement. The road is not included in the county's current inventory with the Nebraska Department of Roads. Vacation of said road would have no effect on the State Highway Allocation Funds received by the county. This road is not currently being used for vehicular traffic. No opposition was received in regard to the road vacation request.

Andy Roberts, Valero Renewables, and the Board discussed Valero's plan for new installation of approximately 8,000 feet of additional rail siding. Roberts answered questions from the Board regarding the project. Roberts said that the new railroad design phase is 10% completed. Roberts said that they are waiting on utility permits and the US Army Corps of Engineers permit regarding wetland areas before construction can proceed.

Motion made by Tisthammer, second by Maricle to close said hearing at 11:00 A.M. Roll call vote: Yeas: Tisthammer, Maricle and Luettel. Nays: None. Motion carried.

Motion made by Luettel, second by Maricle to vacate said portion of 265<sup>th</sup> Avenue, beginning at a point between the NE corner of the SW1/4 and the NW corner of the SE1/4 of Section 26, Township 20 North, Range 6 West, thence south approximately two thousand five hundred and five (2,505) feet to a point located on the north right-of-way line of Nebraska State Highway 39, between the SW1/4 and the SE1/4 of Section 26, Township 20 North, Range 6 West of the 6<sup>th</sup> P.M., Boone County, Nebraska, with all right-of-way rights to be relinquished and shall revert to the owners of the adjacent real estate, one-half on each side thereof, with the understanding that all utilities with assets that may be affected by this vacation continue to have full access to their property. Roll call vote: Yeas: Luettel, Maricle and Tisthammer. Nays: None. Motion carried.

Kathy Thorberg,  
Boone County Clerk