

DEED 2011107809
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 Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 12/14/2011 11:15:56 AM
 2011107809

THE AUSTIN AT MIDTOWN

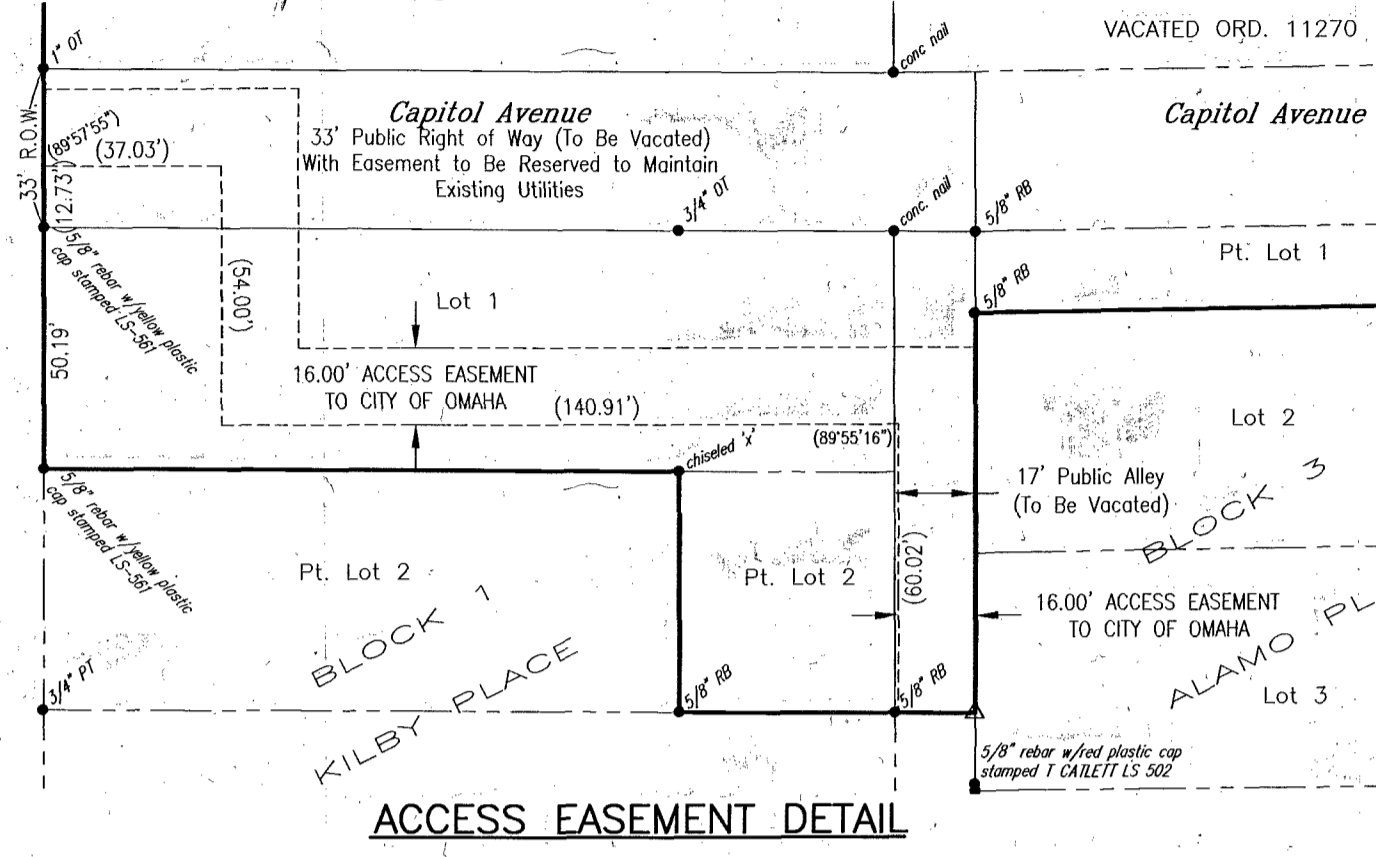
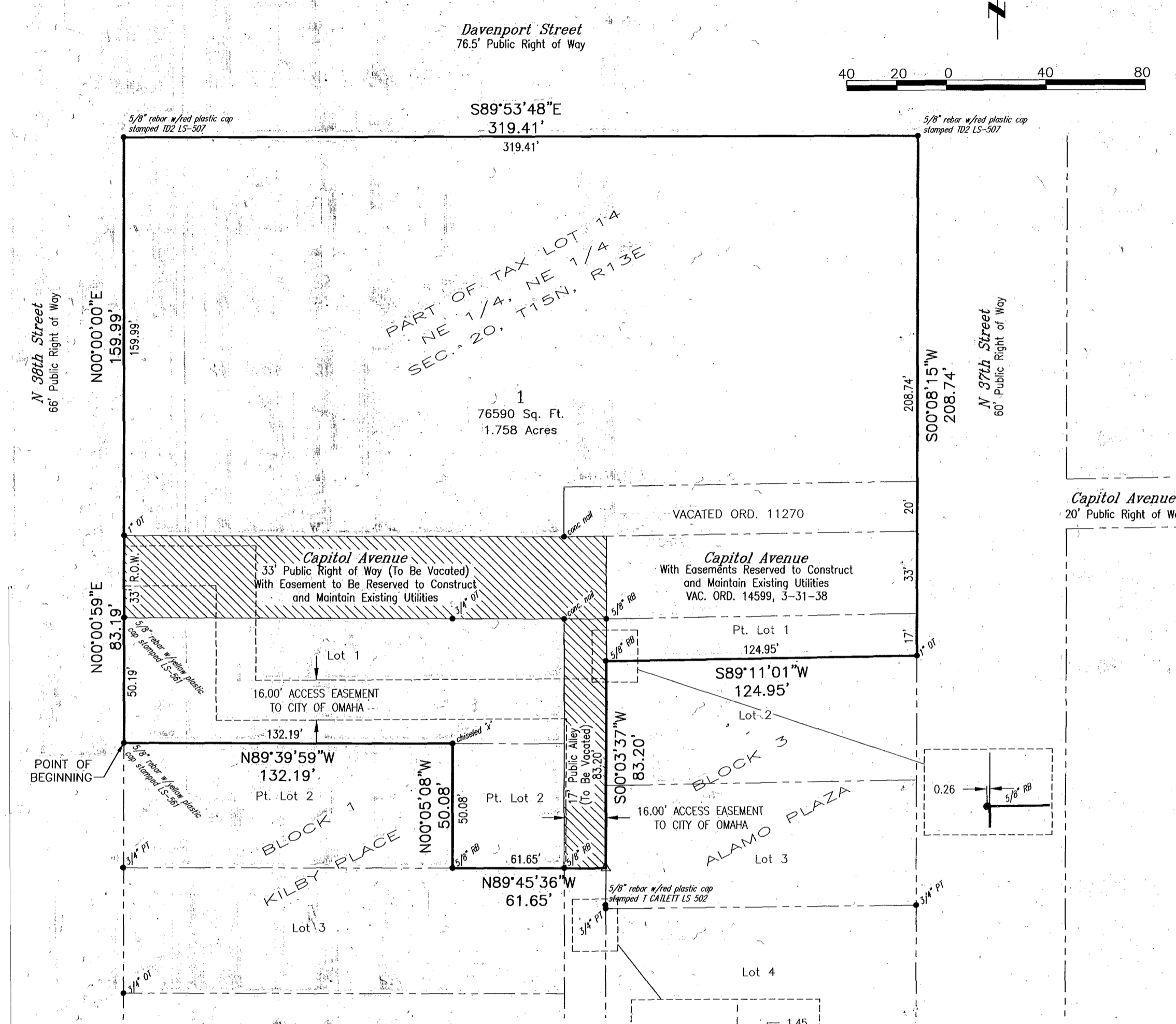
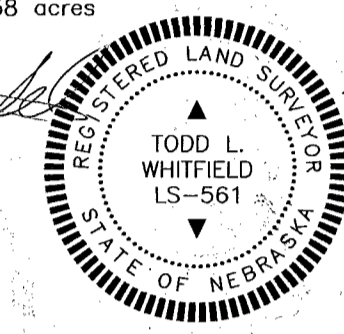
Lot 1, THE AUSTIN AT MIDTOWN, Being a replatting of Lot 1 and the East 45.00 feet of Lot 2, Block 1, KILBY PLACE, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, TOGETHER WITH the South 17.00 feet of Lot 1, Block 3, ALAMO PLAZA a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, AND ALSO TOGETHER WITH Part of Tax Lot 14 located in the Northeast Quarter of the Northeast Quarter of Section 20, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, lying south of Davenport Street and between 38th and 37th Streets, AND ALSO TOGETHER WITH the East 125.00 feet of Capitol Avenue vacated in ordinance number 14599, the vacated 20.00 foot public right of way north of and abutting Capitol Avenue as described in ordinance number 11270, AND ALSO TOGETHER WITH the remaining portion of vacated Capitol Avenue right of way lying east of and abutting 38th Street right of way and that part of the vacated north/south 17.00 feet public alley abutting the said Lots 1 and 2, Block 1, KILBY PLACE on the east and a portion of Lot 3, all of Lot 2 and the south 17.00 feet of said Lot 1, Block 3, ALAMO PLAZA on the west.

LOCATED IN:
 NE 1/4, NE 1/4 SECTION 20, T15N, R13E

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I have made a boundary survey of the subdivision herein and that permanent monuments have been placed at all corners, angle points and ends of curves on the boundary on the plot and that permanent monuments will be placed at all corners; angle points and ends of curves on all lots and streets within the subdivision to be known as Lot 1, THE AUSTIN AT MIDTOWN, being a replatting of Lot 1 and the East 45.00 feet of Lot 2, Block 1, KILBY PLACE, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, TOGETHER WITH the South 17.00 feet of Lot 1, Block 3, ALAMO PLAZA a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, AND ALSO TOGETHER WITH Part of Tax Lot 14 located in the Northeast Quarter of the Northeast Quarter of Section 20, Township 15 North, Range 13 East of the 6th P.M., Douglas County, Nebraska, lying south of Davenport Street and between 38th and 37th Streets, AND ALSO TOGETHER WITH the East 125.00 feet of Capitol Avenue vacated in ordinance number 14599, the vacated 20.00 foot public right of way north of and abutting Capitol Avenue as described in ordinance number 11270, AND ALSO TOGETHER WITH the remaining portion of vacated Capitol Avenue right of way lying east of and abutting 38th Street right of way and that part of the vacated north/south 17.00 feet public alley abutting the said Lots 1 and 2, Block 1, KILBY PLACE on the east and a portion of Lot 3, all of Lot 2 and the south 17.00 feet of said Lot 1, Block 3, ALAMO PLAZA on the west, the entire parcel described as follows:
 Beginning at the northwest corner of Lot 2, Block 1, KILBY PLACE;
 Thence North 00°00'59" East (assumed bearing) for 83.19 feet on the east right of way line of 38th Street to a 1" open to pipe at the north right of way line of vacated Capitol Avenue;
 Thence North 00°00'00" East for 159.99 feet continuing on said east right of way to a 5/8" rebar with 1 1/4" red plastic cap stamped LS 507 at the south right of way line of Davenport Street;
 Thence South 89°53'48" East for 319.41 feet to a 5/8" rebar with 1 1/4" red plastic cap stamped LS 507 at the intersection of the south right of way line of Davenport Street with the west right of way line of 37th Street;
 Thence South 00°08'15" West for 208.74 feet on said west right of way line to a 1" open to pipe at the northeast corner of said Lot 2, Block 3, ALAMO PLAZA;
 Thence South 89°11'01" West for 124.95 feet to a 5/8" rebar at the northwest corner of said Lot 2, Block 3, ALAMO PLAZA;
 Thence South 00°03'37" West for 83.20 feet along the east line of said Lots 2 and 3, Block 3, ALAMO PLAZA, to a 5/8" rebar with 1 1/4" yellow plastic cap stamped LS 561 at the intersection of the extended south line of said Lot 2, Block 1, KILBY PLACE;
 Thence North 89°45'36" West for 61.65 feet on said extended south line to a 5/8" rebar at the southwest corner of the east 45.00 feet of said Lot 2, Block 1;
 Thence North 00°05'08" West for 50.08 feet to a chiseled "x" at the northwest corner of the east 45.00 feet of said Lot 2, Block 1;
 Thence North 89°39'59" West for 132.19 feet to the POINT OF BEGINNING.
 Contains 76,599 square feet or 1.758 acres

Todd L. Whitfield, L.S. 561
 Sept. 9, 2011
 Date



EASEMENT NOTE

16' ACCESS EASEMENT TO THE CITY OF OMAHA TO BECOME ACTIVE ONLY AT SUCH TIME THAT THE ALLEY FROM THE SOUTHERN LIMITS OF THE VACATION SHOWN, TO THE NORTHERN LIMITS OF LOT 2 ALAMO PLAZA REPLAT 1 IS IMPROVED TO THE CURRENT CITY STANDARDS AND IS MADE PASSABLE BY A MOTOR VEHICLE ALONG ITS ENTIRE LENGTH AND ONLY AFTER 90 DAYS AFTER WRITTEN NOTIFICATION BY THAT CITY OF OMAHA TO THE OWNER THAT THE EASEMENT NEEDS TO BECOME ACTIVE.

LEGEND

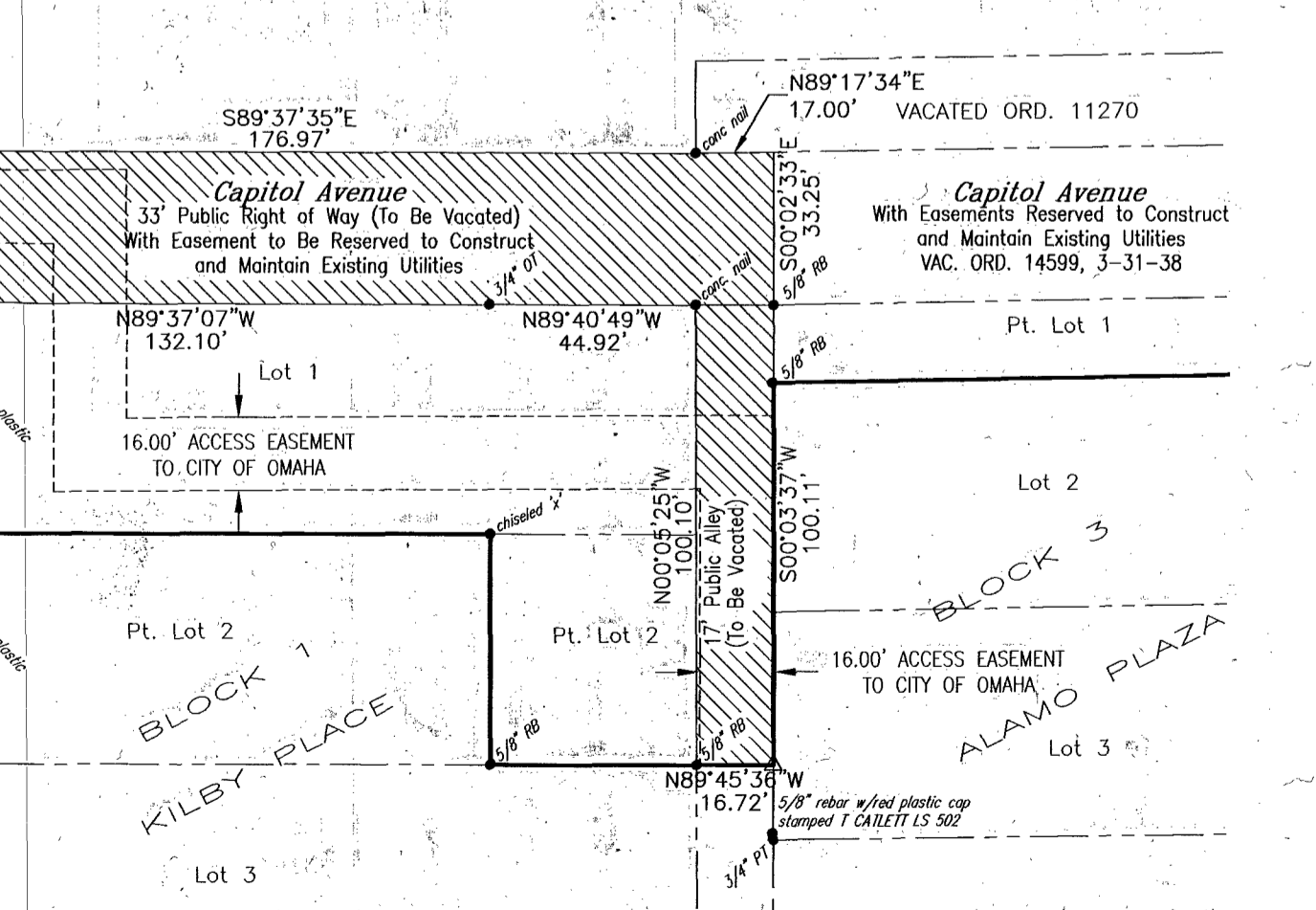
- PT PINCH TOP PIPE
- OT OPEN TOP PIPE
- RB REBAR
- CORNER FOUND
- △ CORNER SET (5/8" REBAR W/ 1 1/4" YELLOW PLASTIC CAP STAMPED LS-561, UNLESS NOTED OTHERWISE)
- BOUNDARY LINE
- - - EASEMENT LINE
- ▨ STREET AND ALLEY VACATION

NOTES

1. ALL DISTANCES ARE SHOWN IN DECIMAL FEET.
2. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
3. DISTANCES AND ANGLES SHOWN IN PARENTHESES REFER TO EASEMENTS.

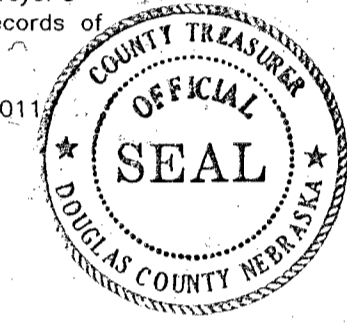
STREET AND ALLEY VACATION DESCRIPTION

The existing 33.00 foot public road right of way of Capitol Avenue lying east of and abutting the east right of way line of North 38th Street to the west line of the vacated east 125.00 feet of Capitol Avenue as described in Ordinance No. 14599 dated March 31, 1938, TOGETHER WITH the existing north / south 17.00 foot wide public alley lying east of and abutting Lots 1 and 2, Block 1, KILBY PLACE and west of and abutting part of the south 17.00 feet of Lot 1, all of Lot 2 and a portion of Lot 3, Block 3, ALAMO PLAZA both being subdivisions, as surveyed, platted and recorded in Douglas County, Nebraska, described as follows:
 Beginning at the northwest corner of said Lot 1, Block 1, KILBY PLACE;
 Thence North 00°00'59" East (assumed bearing) for 33.00 feet along the east right of way line of North 38th Street to the north right of way line of Capitol Avenue;
 Thence South 89°37'35" East for 176.97 feet on said north right of way line;
 Thence North 89°17'34" East for 17.00 feet continuing on said north right of way line to the west line of the vacated east 125.00 feet of Capitol Avenue as described in Ordinance No. 14599 dated March 31, 1938;
 Thence South 00°02'33" East for 33.25 feet along said west line to the northwest corner of the south 17.00 feet of said Lot 1, Block 3, ALAMO PLAZA;
 Thence South 00°03'37" West for 100.11 feet along the west lines of said Lots 1, 2 and 3, Block 3 to the intersection of the extended south line of Lot 2, Block 1, KILBY PLACE;
 Thence North 89°45'36" West for 16.72 feet to the southeast corner of said Lot 2, Block 1;
 Thence North 00°05'25" West for 100.10 feet to the northeast corner of said Lot 1, Block 1;
 Thence North 89°40'49" West for 44.92 feet on the north line of said Lot 1, Block 1;
 Thence North 89°37'07" West for 132.10 feet to the POINT OF BEGINNING.
 Contains 8091 square feet.



COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I find no regular nor special taxes due or delinquent against the property described in the Land Surveyor's Certificate and embraced in this plat, as shown by the records of this office, this
 13th day of DECEMBER 2011
 Douglas County Treasurer



APPROVAL OF CITY ENGINEER OF OMAHA

I HEREBY APPROVE this plat of Lot 1, THE AUSTIN AT MIDTOWN, as to the design standards.
 Todd Pfeiffer 9/15/11
 City Engineer Date
 I HEREBY CERTIFY THAT adequate provisions have been made for the compliance with Chapter 53-8 of the Omaha Municipal Code.
 Todd Pfeiffer 12/12/11
 City Engineer Date

APPROVAL OF OMAHA CITY PLANNING BOARD

This plat of Lot 1, THE AUSTIN AT MIDTOWN, was approved by the Omaha City Planning Board this
 5th day of October 2011.
 John Seesholtz
 Chairman, Omaha City Planning Board

APPROVAL OF OMAHA CITY COUNCIL

This plat of Lot 1, THE AUSTIN AT MIDTOWN, was approved and accepted by the City Council of Omaha, Nebraska, this
 6th day of December 2011.
 Jim Smith
 Mayor
 Brenda Brown
 City Clerk
 Thomas Mulligan
 President

REVIEW BY DOUGLAS COUNTY ENGINEER

This plat of Lot 1, THE AUSTIN AT MIDTOWN, was reviewed by the Douglas County Engineer's Office.
 9/9/11
 Douglas County Engineer



PETITION

KNOW ALL PERSONS BY THESE PRESENTS: That the undersigned is the OWNER of the property as described in the surveyor's certificate and embraced within this plat, DO HEREBY PETITION the City Council of Omaha, Nebraska, to vacate the streets and alleys as shown and described in the vacation details and Legal Description of the Street and Alley Vacations shown herein.

OWNER'S AND MORTGAGEE CERTIFICATION AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That the undersigned are OWNERS of the property as described in the surveyor's certificate and embraced within this plat, and have caused said land to be subdivided into lots as shown on this plat and also grant the perpetual 16' access easement as shown herein with limitations as noted to the City of Omaha, Nebraska. We do further grant a perpetual easement to the Omaha Public Power District and CenturyLink and to any company which has been granted a franchise under the authority of the City Council of Omaha, Nebraska, to provide a cable television system in the area to be subdivided, their successors and assigns, to erect, operate, maintain, repair and renew poles, wires, crossarms, downguys and anchors, cables, conduits and other related facilities; and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat, and power and for the transmission of signals and sounds of all kinds including signals provided by cable television systems, and the reception thereon, over, through, under, and across a five foot (5') wide strip of land abutting the front and side lot lines and a ten foot (10') wide strip of land abutting the rear lot lines.

3703 DAVENPORT, L.L.C., OWNER
 Thomas H. McLeay
 (Printed Name) Signature
 Vice President of Sole Member
 (Title)
 OMAHA STATE BANK, MORTGAGEE
 Charles D. Boone
 (Printed Name) Signature
 VICE PRESIDENT
 (Title)

ACKNOWLEDGEMENT OF NOTARIES

State of Nebraska)
 County of Douglas)
 The foregoing instrument was acknowledged before me this
 12th day of SEPTEMBER 2011
 by
 THOMAS H. MCLEAY VICE PRESIDENT OF SOLE MEMBER
 (Printed Name) (Title)
 of 3703 DAVENPORT, L.L.C. a Nebraska limited liability company, on behalf of said company.
 Michelle N. Leas
 (Printed Name) Signature
 GENERAL NOTARY - State of Nebraska
 My Comm. Exp. March 27, 2013

State of Nebraska)
 County of Douglas)
 The foregoing instrument was acknowledged before me this
 12th day of September 2011
 by
 Charles D. Boone Vice President
 (Printed Name) (Title)
 of Omaha State Bank on behalf of said bank.
 Witness my hand and seal the date aforesaid.
 Holly J. Joehms
 (Printed Name) Signature
 GENERAL NOTARY - State of Nebraska
 My Comm. Exp. March 27, 2013

drawn by EAM
 designed by TLW
 reviewed by TLW
 Name 0111042E101.dwg
 revisions
 14710 West Dodge Road, Suite 100 402.496.2498 P
 Omaha, Nebraska 68154-2027 402.496.2730 F
 www.LRA-Inc.com
LAMP RYNEARSON & ASSOCIATES
 THE AUSTIN AT MIDTOWN (Lot 1)
 OMAHA, DOUGLAS COUNTY, NEBRASKA
 MINOR PLAT
 job number-tasks 0111042.02-020
 book page
 date 9-9-2011
 sheet 1 of 1