

February 13, 1990

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CITY CLERK  
OMAHA, NEBRASKA

City of Omaha  
P. J. Morgan, Mayor

**Public Works Department**

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 601  
Omaha, Nebraska 68183-0601  
(402) 444-5220

Telefax (402) 444-5125

Louis E. Lamberty, P.E.  
Director

Honorable President

and Members of the City Council,

Transmitted herewith is a proposed Ordinance to vacate the following:

Izard Street from 18th Street to 19th Street

The area to be vacated comprises 21,120 square feet, being 80 feet in width by 264 feet in length.

The approval of the Planning Board at their meeting of January 17, 1990 is attached. The vacating petition is also attached.

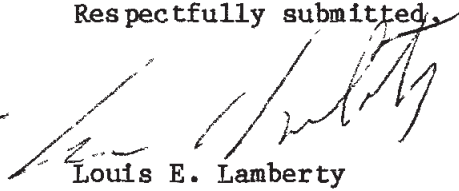
The vacation has been approved by the City Legal Department.

This vacation will provide for the development of a positive and functional weathered connection between the two existing manufacturing facilities while allowing complete, uninterrupted rail service and maintenance access to the utilities through the area.


An Administrative Fee of \$1,320.00 had been paid to the City by the applicant, Airlite Plastics Company.

The Public Works Department recommends approval of the proposed Ordinance.

Respectfully submitted,

  
Louis E. Lamberty  
Director

This action has been reviewed and found to be in conformance with the Master Plan.

  
S. P. Benson  
Planning Director

Referred to City Council for Consideration

  
Mayor's Office/Title

0644u

Att.



ORDINANCE NO. 32000

AN ORDINANCE vacating Izard Street from 18th Street to 19th Street in the City of Omaha and providing the effective date hereof.

WHEREAS, petition representing owners of more than 75 percent of the property abutting on Izard Street from 18th Street to 19th Street has been filed with the City of Omaha; and,

WHEREAS, said property owners have in and by said petition waived any and all damages that may be occasioned by said vacation.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Izard Street from 18th Street to 19th Street, abutted by 10 feet vacated Izard Street adjacent on the south to Lots 5, 6, 7 and 8, Block 196 1/2, City Lots and 10 feet vacated Izard Street adjacent on the north to Lots 1, 2, 3, 4, Block 203 1/2, City Lots, also, 14 feet vacated 19th Street adjacent to Lot 5, Block 196 1/2, City Lots, and Lot 4, Block 203 1/2, City Lots, located in the Southwest Quarter Section 15-15-13

be, and hereby is, vacated; the vacating of the property herein described, and the reversion thereof, pursuant to applicable law, shall be subject to the conditions and limitation that there is reserved to the City of Omaha a 50 foot wide easement for sewer, utility and railroad spur line purposes, which is described as follows: Beginning at a point which is the intersection of the west line of the 18th Street right of way and a line which is fifteen (15) feet north of and parallel to the centerline of Izard Street right of way, being the point of beginning; thence west along the line to the intersection of the east line of the 19th Street right of way; thence south fifty (50) feet to a line five (5) feet north of the south right of way line of Izard Street; thence east along said line, except for existing dock area, to the west line of 18th Street right of way; thence north fifty (50) feet to the point of beginning, all in the Original City of Omaha, as surveyed, platted and recorded in Douglas County Nebraska; and the City shall also have the right to maintain, operate, repair and renew sewers now existing therein and in the future to construct, maintain, repair and renew additional or other sewers, and also the right to authorize the public utilities and cable television systems to construct, maintain, repair or renew and operate now or hereafter installed water mains and gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines and other similar services and equipment and



appurtenances above, on and below the surface of the ground for the purpose of serving the general public or abutting property within the above described easement; and the right so reserved shall also include such lateral connection or branch lines as may be ordered, desired or permitted by the City or such other utility and to enter upon the easement to accomplish the above purposes at any and all times.

Notwithstanding the foregoing, the adjacent property owner(s) is hereby permitted the construction of improvements, including without limitation a concrete slab to a depth not to exceed six (6) inches, in the easement area, and the storage of equipment and materials so long as the same shall not result in damage to or destruction of such sewer lines, water and gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment, subject to the following:

- a. if the exercise of the City's or other utilities rights hereunder requires the removal of the above concrete slab, the cost of repair or replacement will be borne by the adjacent property owner(s), and neither the City nor any other utility shall have responsibility to repair or replace other private improvements constructed within the easement area;
- b. if the exercise of the City's rights hereunder requires the removal of materials or equipment stored within the easement area, or the dismantling of improvements located therein, the City of Omaha's sole responsibility with respect thereto shall be to furnish reasonable notice directing removal or dismantling thereof.

Section 2. That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Joseph L. Fernald

PASSED MAR 13 1990 7-0

ATTEST:

Buster Brown  
CITY CLERK OF THE CITY OF OMAHA  
*Deputy*

0645u

APPROVED BY:

[Signature] 3/15/90  
MAYOR OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

Alley P. Zeman  
ASSISTANT CITY ATTORNEY



PETITION

Honorable President and Members of the City Council  
Omaha/Douglas Civic Center  
Omaha, Nebraska 68102

We, the undersigned, owners of property representing more than 75 percent of the abutting property, hereby ask and petition that the necessary action be taken to vacate Izard Street from 18th Street to 19th Street.

and we, hereby respectively, waive any and all damages, or claims for damages by reason of said vacating.

[illegible]

(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 part of street(x) — to wit. Izard Street from 18th Street to 19th Street.  
~~xxxxxx~~

within Omaha, Nebraska

State of Nebraska )  
 ) ss.  
Douglas County)

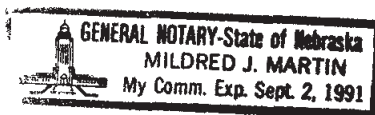
On this 15th day of November A.D., Nineteen Hundred and Eighty Nine  
before me, a Notary Public in and for said County, personally appeared Robert F. Crosby  
(Name)

President Airlite Plastics Co.  
(Title) (Corporation)

who is personally known to me to be the identical person(x) whose name(s) is affixed to the annexed  
~~xxxx~~ petition of owners of lots and lands abutting upon said part of said street(s) in the City of Omaha,  
~~xxxx~~ Nebraska for the vacation of said part of said street(s) and who is personally known to me to be the  
~~xxxx~~ President of said Corporation and he has acknowledged the signing of said  
~~xxxx~~ his petition to be xxx voluntary act and deed, and the voluntary act and deed of said Corporation.  
~~xxxx~~

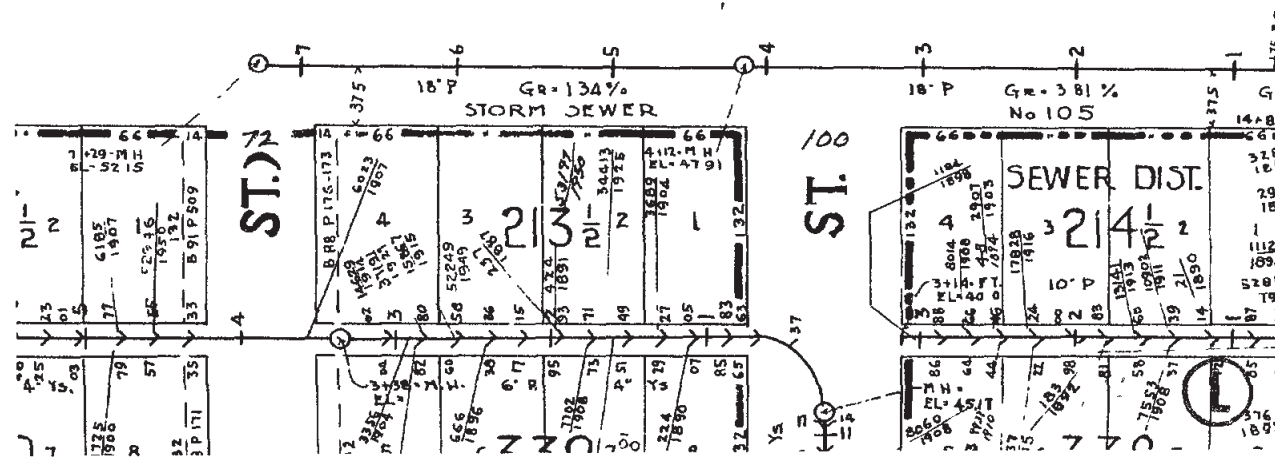
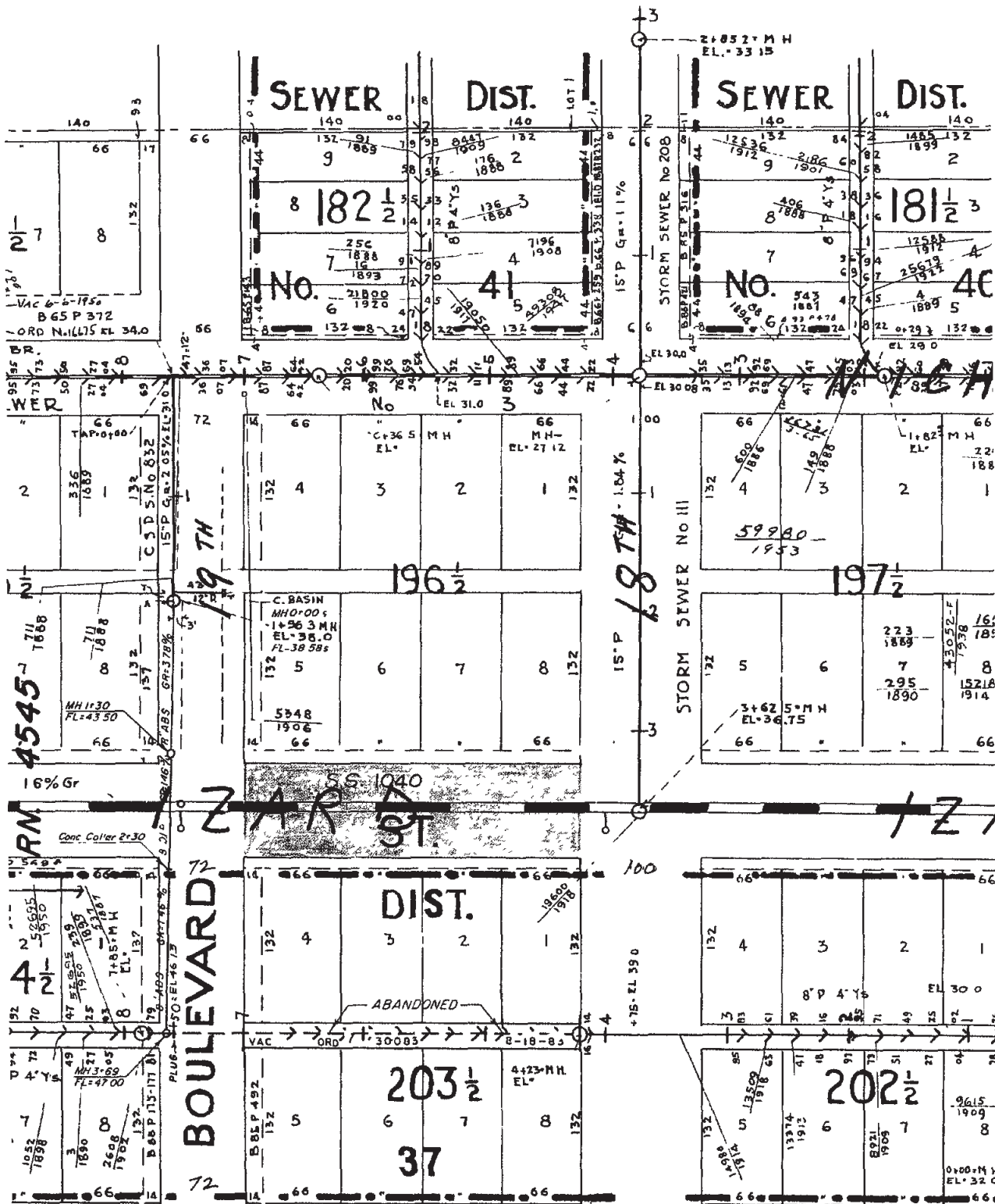
Witness my hand and notarial seal on the day and date above written

(SEAL)



Mildred J. Martin  
(Notary Public)

My Notarial Commission expires the 2 day of September 1991





*Grand St.  
Vacate*

*3411-390-459*

ORDINANCE NO. 32000

AN ORDINANCE vacating Izard Street from 18th Street to 19th Street in the City of Omaha and providing the effective date hereof.

*17*

# PUBLICATIONS

PUB'N. OF HEARING

Date 2-16-90

PUB'N. OF ORDINANCE

Date 3-23-90

## PRESENTED TO COUNCIL

1st Reading FEB 13 1990 *Second Reading and Public Hearing to be held 2/27/90*

Pursuant to City Council Rule VII H.

Hearing FEB 27 1990 *Open to 3/13/90*

Pursuant to City Council Rule VII H.

MAR 13 1990

Final Reading

Passed 7-0

*Mary Margaret Bennett*

CITY CLERK