



August 1, 1989

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

Teletax (402) 444-5125

Louis E. Lamberty, P.E.
Director

Honorable President

and Members of the City Council,

Transmitted herewith is an Ordinance for the proposed vacation of the following:

The east/west alley between Davenport Street and Chicago Street from 10th Street to 11th Street and 10th Street from Davenport Street to Chicago Street.

The alley area to be vacated comprises 5,280 square feet, being 264 feet in length by 20 feet in width; the street area to be vacated comprises 28,400 square feet, being 384 feet in length by 100 feet in width.

The approval of the City Planning Board at its meeting held April 26, 1989, is attached. A petition was not required since Section 14-375 Reissue, Revised Statutes of Nebraska, provides, "Upon the recommendation of the City Planning Board, the City Council may, by Ordinance or Resolution, vacate any street or alley within any such City without any petition being filed therefore", also "Before any such street or alley shall be vacated, the Council shall appoint a Committee of at least three members thereof who shall faithfully and impartially and after reasonable notice to the owners and parties interested in the property affected by such vacation, assess damages, if any, to such owners and parties affected".

On June 13, 1989, the Committee of Appraisers held a meeting at 10:00 a.m., in the City Council Conference Room and found no cause for any damages as a result of the vacation.

The form of the attached documents has been approved by the City Law Department.

This vacation will allow the State to consolidate the properties and establish the contract with a parking contractor for legal parking lot activities in the area.



ORDINANCE NO. 31898-A

AN ORDINANCE vacating the east/west alley between Davenport Street and Chicago Street from 10th Street to 11th Street and 10th Street from Davenport Street to Chicago Street, and providing the effective date hereof.

WHEREAS, under Section 14-375, Reissue, Revised Statutes of Nebraska, 1943, provides that the City Council may vacate a street or alley without petition upon City Planning Board recommendation; and,

WHEREAS, the Statute further provides that a Committee of Appraisers be appointed to appraise damages, if any, to property affected by the vacation; and,

WHEREAS, Resolution No. 2177 adopted June 30, 1981 appointed Steve Tomasek, Resolution No. 1948 adopted July 16, 1985 appointed Richard Takechi, and Resolution No. 1203 adopted June 9, 1987 appointed James P. Cleary, respectively, members of the City Council, to assess damages to all property affected by the vacation; and,

WHEREAS, on June 13, 1989, the Committee of Appraisers held a meeting at 10:00 a.m., in the Council Conference Room; and,

WHEREAS, the Committee of Appraisers found no cause for any damages as a result of the vacation; and,

WHEREAS, the City Council finds there are no damages as a result of this vacation.

*Amended By
Ord. # 2105
of 8/29/89.
(37)*

ORDINANCE NO. 31898-A
PAGE -2-

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

Section 1. That the east/west alley between Davenport Street and Chicago Street from 10th Street to 11th Street and 10th Street from Davenport Street to Chicago Street abutted by Lots 1 through 8, Block 62 and Lots 3 through 6, Block 63, City Lots, vacated in the NE 1/4 of the NE 1/4, Section 22-15-13

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 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; 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 premises to accomplish the above purposes at any and all times. All vegetation upon the premises, including but not limited to, trees, bushes and crops and all structures upon the premises, including but not limited to, buildings, walls, fences, drives and walks, may be damaged or removed as necessary in the exercise of the rights herein reserved without compensation to any person.

Section 2. By agreement with the abutting owner, the State of Nebraska, through its Department of Roads, the vacation hereof is subject to the following; that in the event of future development of adjacent private property a need arises to provide public access via the vacated alley or vacated 10th Street right-of-way covered by this Ordinance, the State of Nebraska agrees to relinquish its rights to the vacated right-of-way. The State of Nebraska will execute and deliver to the City of Omaha a quit claim deed to convey such needed right-of-way to the public, without charge within 60 days of notification of such necessity by act of the City.



ORDINANCE NO. 31898-A
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Section 3. That this Ordinance shall take effect and be in force fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Joseph L. Truitt

APPROVED BY:

J. J. Mangan 8/31/89
MAYOR OF THE CITY OF OMAHA DATE

PASSED AUG 29 1989 as amended 6-0

ATTEST:

Buster Brown
CITY CLERK OF THE CITY OF OMAHA
DEPUTY

APPROVED AS TO FORM:

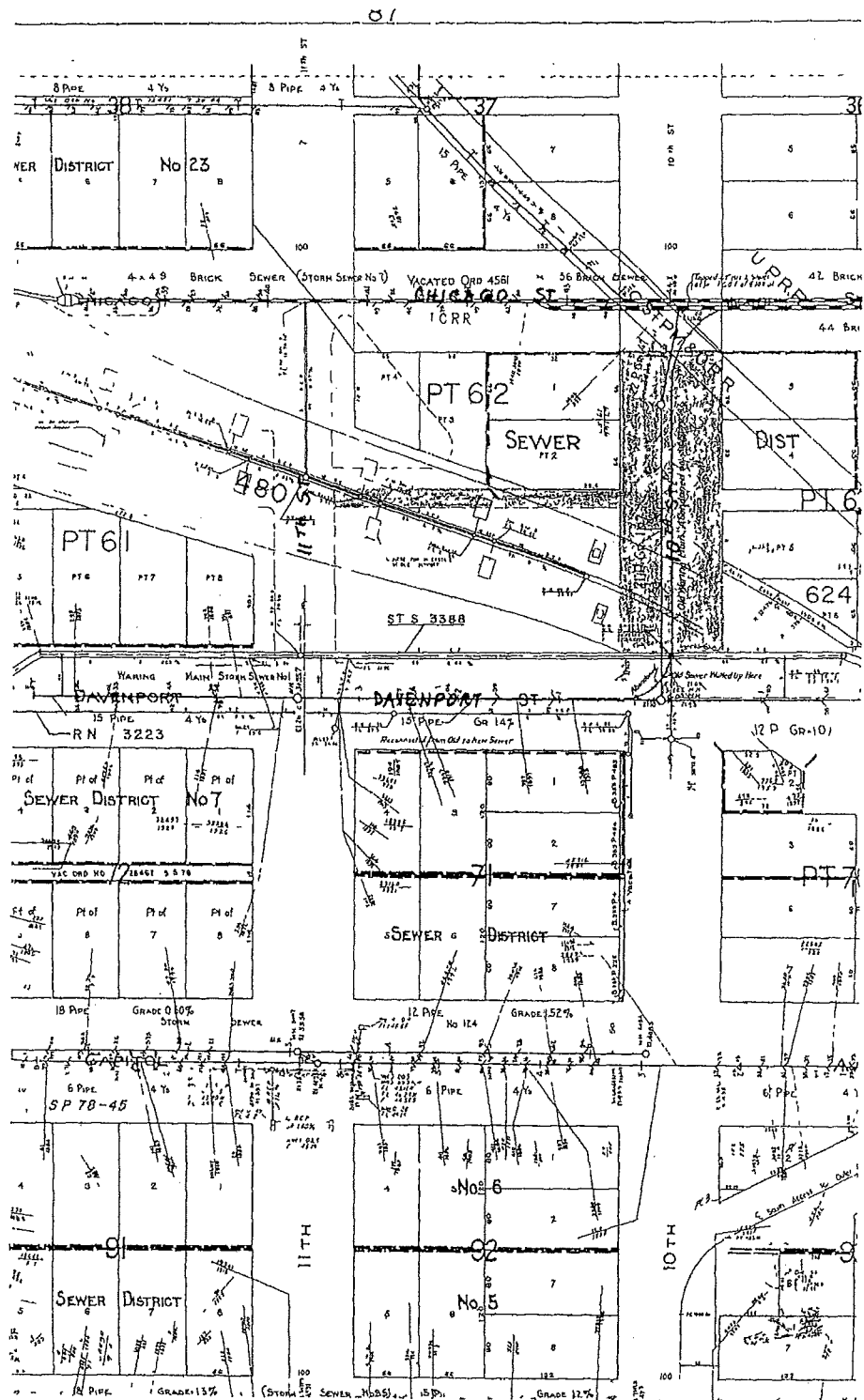
Robert C. Brown
ASSISTANT CITY ATTORNEY

APPROVED AND AGREED TO:
NEBRASKA DEPARTMENT OF ROADS

John A. B. [Signature]
Right of Way Manager Title/Date
August 24, 1989

3813y





PARC 0582 0000 03

FB 12 STATUS 2 CLASS E
EXEMPT 0 EXEMPT TYPE TAX DISTRICT 0100 SID
PROP HOUSE HALF DIR -----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE
ADDRESS 00315 N 011 ST OMA 68102

-----OWNER INFORMATION-----
NAME DOUGLAS COUNTY IDA DATE OF LAST CHANGE 01-13-1984
+ C/O NEBR MACHINEY CO DEED BOOK PAGE
ADDR PO BOX 809 HOMESTEAD DELETE
CITY NORTH PLATTE ST NE ZIP 69101 NON NUMERIC ZIP CODE

-----CURRENT VALUE-----
YEAR ---DATE--- ---LAND--- ---IMPR--- ---TOTAL--- PAR RSN NUMBER TY CD PCT VALUE
1985 03-14-1985 IMPROVED RA

ADDITION NO. 80000

LOT 4 HALF BLOCK 62 HALF
SECT TOWN RANGE

CITY LOTS

-----LEGAL DESCRIPTION-----
1 PT VAC STS & ALLEYS ADJ & SW PT 2 LTS 5-6 & 8 BLK 37 & PT LTS 1-2 & 8
3 BLK 38 & ALL LT 1 & -EX S PT TAKEN 4 FOR INTERSTATE HWY-LTS 2-3 & 4
5 BLK 62 KNOWN AS PARCELS A & B 6 CONTAINING APPROX 1.89 AC
7 8

CODE BOOK PAGE DATE KEY SUB TB

SPLIT/COMB/LEGAL

PARC 0583 0000 03

FB 12 STATUS 2 CLASS E
EXEMPT 1 EXEMPT TYPE TAX DISTRICT 0100 SID
PROP HOUSE HALF DIR -----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE
ADDRESS 01022 DAVENPORT ST OMA 68102

-----OWNER INFORMATION-----
NAME STATE OF NEBRASKA DATE OF LAST CHANGE 10-16-1971
DEPARTMENT OF ROADS DEED BOOK PAGE
ADDR PO BOX 94759 HOMESTEAD DELETE
CITY LINCOLN ST NE ZIP 68509 NON NUMERIC ZIP CODE

-----CURRENT VALUE-----
YEAR ---DATE--- ---LAND--- ---IMPR--- ---TOTAL--- PAR RSN NUMBER TY CD PCT VALUE
1968 10-12-1968 EXEMPT ESC

ADDITION NO. 80000

LOT 8 HALF BLOCK 62 HALF
SECT TOWN RANGE

CITY LOTS

-----LEGAL DESCRIPTION-----
1 IRREG S PT LOTS 2-3 & 4 & ALL 2 LOTS 5 THRU
3 4
5 6
7 8

CODE BOOK PAGE DATE KEY SUB TB

SPLIT/COMB/LEGAL

L

PARC 0599 0001 03

FB 12 STATUS 2 CLASS E
EXEMPT 1 EXEMPT TYPE TAX DISTRICT 0100 SID
PROP HOUSE HALF DIR STREET NAME TYPE SUFFIX APT AREA ZIP CODE
ADDRESS 00301 N 010 ST OMA 68102

-----OWNER INFORMATION-----
NAME STATE OF NEBRASKA DATE OF LAST CHANGE 10-16-1971
+ DEPARTMENT OF ROADS DEED BOOK PAGE
ADDR PO BOX 94759 HOMESTEAD DELETE
CITY LINCOLN ST NE ZIP 68509 NON NUMERIC ZIP CODE

-----CURRENT VALUE-----
YEAR DATE LAND IMPR TOTAL PAR RSN NUMBER TY CD PCT VALUE
1968 10-12-1968 EXEMPT ESC

ADDITION NO. 80000 LOT 6 HALF BLOCK 63 HALF
CITY LOTS SECT TOWN RANGE
-----LEGAL DESCRIPTION-----
1 TRIA SW 6.7 FT LOT 5 & TRIA SW 120 2 FT
3 4
5 6
7 8

CODE BOOK PAGE DATE KEY SUB TB
SPLIT/COMB/LEGAL

PARC 0596 0001 03

FB 12 STATUS 5 CLASS C
EXEMPT 0 EXEMPT TYPE TAX DISTRICT 0100 SID
PROP HOUSE HALF DIR STREET NAME TYPE SUFFIX APT AREA ZIP CODE
ADDRESS

-----OWNER INFORMATION-----
NAME IVAN*ABDOUCH ETAL DATE OF LAST CHANGE 06-16-1987
+ 902 CAPITOL AVE DEED BOOK 1803 PAGE 518
ADDR HOMESTEAD DELETE
CITY OMAHA ST NE ZIP 68102 NON NUMERIC ZIP CODE

-----CURRENT VALUE-----
YEAR DATE LAND IMPR TOTAL PAR RSN NUMBER TY CD PCT VALUE
1985 00-00-0000 NOT IMPROVED BOE 6041

ADDITION NO. 80000 LOT 0 HALF BLOCK 63 HALF
CITY LOTS SECT TOWN RANGE
-----LEGAL DESCRIPTION-----
1 PT IN SW COR LT 4 2 & NW COR LT 5 & VAC
3 ALLEY & ST ADJ 4 3310 SQ FT
5 6
7 8

CODE BOOK PAGE DATE KEY SUB TB
SPLIT/COMB/LEGAL



PARC 0597 0000 03

FB 12 STATUS 5 CLASS C
EXEMPT 0 EXEMPT TYPE TAX DISTRICT 0100 SID
PROP HOUSE HALF DIR -----STREET NAME----- TYPE SUFFIX APT AREA ZIP CODE
ADDRESS

-----OWNER INFORMATION-----
NAME JOSEPHINE M*PANE TR DATE OF LAST CHANGE 03-02-1987
+ 6308 COUNTRY CLUB ROAD DEED BOOK 804 PAGE 63
ADDR HOMESTEAD DELETE
CITY OMAHA ST NE ZIP 68152 NON NUMERIC ZIP CODE
-----CURRENT VALUE-----HOMESTEAD-----
YEAR ---DATE--- ---LAND--- ---IMPR--- ---TOTAL--- PAR RSN NUMBER TY CD PCT VALUE
1985 00-00-0000 NOT IMPROVED BDE 6039

ADDITION NO. 80000 LOT 5 HALF BLOCK 63 HALF
CITY LOTS SECT TOWN RANGE
-----LEGAL DESCRIPTION-----
1 PT 10TH ST & PT ALLEY 2 ADJ & PT OF LTS 4 &
3 5849 SQ FT 4
5 6
7 8

CODE BOOK PAGE DATE KEY SUB TB
SPLIT/COMB/LEGAL



STATE OF NEBRASKA

DEPARTMENT OF ROADS

KAY A ORR
GOVERNOR

August 24, 1989

G C. STROBEL
DIRECTOR-STATE ENGINEER

Joe Mangiamelli
Omaha Public Works Dept
1819 Farnam Street Suite 601
Omaha NE 68183-0601

Re: Vacation of East-West Alley between Davenport Street and Chicago Street from 10th Street to 11th Street and 10th Street from Davenport Street and Chicago Street

Dear Mr. Mangiamelli:

Enclosed please find the amended ordinance relative to the above referenced street and alley vacation which we have had signed indicating the Departments approval of the ordinance as amended.

Also, the Federal Highway Administration will not allow the consideration for the City's lease for the Department of Roads' property north of the Civic Auditorium to be reduced proportionately to the area of street and alley to be vacated.

If you should have any questions, please feel free to contact this office at 479-4770 at your convenience.

Sincerely,

Frank Blankenau
Property Management Supervisor
Division of Right of Way

cc: M. W. Fredrickson
J. Rownd
File



OMAHA CITY COUNCIL

OMAHA/DOUGLAS CIVIC CENTER

OMAHA, NEBRASKA 68183

(402) 444-5520

JOSEPH FRIEND
PRESIDENT
RICHARD TAKECHI
VICE PRESIDENT
SUBBY ANZALDO
JIM CLEARY
FRED CONLEY
STEVE EXON
STEVE TOMASEK

June 13, 1989

WHEREAS, the City Planning Board, at its meeting of April 26, 1989, recommended to the City Council that the following parcel of right-of-way be vacated, to wit:

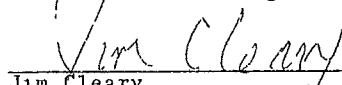
Vacation of East/West Alley Between Davenport Street and Chicago Street from 10th Street to 11th Street and 10th Street from Davenport Street to Chicago Street

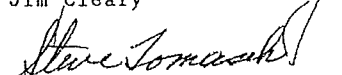
WHEREAS, Section 14-375, Reissue Revised Statutes of Nebraska, 1943, provides that: "Upon recommendation of the City Planning Board, the City may, by ordinance or resolution, vacate any street or alley within any such city without any petition being filed therefore." It further provides that: "Before any such street or alley be vacated, the Council shall appoint a committee of at least three members thereof who shall faithfully and impartially, and after reasonable notice to the others and parties interested in the property affected by the vacation, assess damages, if any, to such owners and parties affected"; and,

WHEREAS, on June 30, 1981, July 16, 1985, and June 9, 1987, the City Council of the City of Omaha adopted Resolution Nos. 2177, 1948, and 1203, appointing Steve Tomasek, Richard Takechi, and Jim Cleary, respectively, members of the City Council, to assess damages, if any, to such owners and parties affected by the vacation of the above said right-of-way; and,

WHEREAS, notice was given that a hearing was to be held on Tuesday, June 13, 1989, at 10:00 a.m. in the City Council Conference Room, Omaha/Douglas Civic Center, 1819 Farnam Street, to assess damages, if any, and such hearing was held.

NOW, THEREFORE, this committee reports to the City Council that it assesses no damages in favor of the owners or parties affected.


Jim Cleary


Steve Tomasek

Richard Takechi (Absent)



QPM

1861-1886-1839-2104-
2105

ORDINANCE NO. 31898A

AN ORDINANCE vacating the east/west alley between Davenport Street and Chicago Street from 10th Street to 11th Street and 10th Street from Davenport Street to Chicago Street, and providing the effective date hereof.

3571

PUBLICATIONS

PUBN. OF HEARING

Date 8-4-89

PUBN. OF ORDINANCE

Date 9-8-89

PRESENTED TO COUNCIL

1st Reading AUG - 1 1989 Hearing

8/8/89

Hearing AUG - 8 1989

8/15/89

Final Reading AUG 15 1989 1989 motion
to lay on 2013 to 2014/89 cannot
7-8.

AUG 29 1989 #2104 Ordinance 1989
Mary H. Lammert

2105 Amended to whole
City Clerk

Passed as amended 6-0