

**BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, NEBRASKA**

*Resolved*

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, on the 17th day of February, 1959, deemed that the public interest required the vacation of the alley abutting Lots Twelve (12) to Forty-nine (49), Block Three (3), West Benson Addition, Douglas County, Nebraska, and by resolution on that date directed the Highway Department Superintendent to study the use being made of the aforesaid alley and to submit in writing to the County Board a report upon the study made and his recommendation as to the vacation thereof, and

WHEREAS, the Highway Superintendent recommended to the Board of County Commissioners of Douglas County, Nebraska, "that since this section does not interfere with other rights than those of the petitioner, Dugdale Construction Company, I recommend that the petition be granted" as specified in the plat attached hereto, marked Exhibit "A" and incorporated herein by reference, and

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, on the 16th day of March, 1959, adopted a resolution fixing Tuesday, April 14th, 1959, at 10:30 A.M., in the County Board Room of Douglas County, Nebraska, as the time, date and place for a public hearing thereon, and

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, caused such resolution to be published in the Douglas County Gazette, a legal newspaper of Douglas County, Nebraska, once a week for three (3) consecutive weeks, and further caused copies of the resolution fixing the time, date and place of said public hearing to be served, upon all the owners of land abutting on or adjacent to the alley to be vacated by mailing the same by certified mail to the last known address of each owner more than two (2) weeks in advance of the hearing, and

WHEREAS, said alley does not lie within a township in a County operating roads on a township basis, and

WHEREAS, the public hearing was held on Tuesday, April 14th, 1959, at 10:30 A.M., in the County Board Room of Douglas County, Nebraska, and

WHEREAS, at said time and place no objections were voiced, and at the conclusion of said hearing the Board of County Commissioners of Douglas County, Nebraska, determined that the public good required the vacation of said alley, and

WHEREAS, one member of the Board of County Commissioners of Douglas County, Nebraska was absent from the said meeting, and the law requires that said vacation must be by the unanimous vote of all members of the Board.

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Douglas County, Nebraska, with all members of the Board present, that their action on Tuesday, April 14, 1959, at 10:30 A.M., be ratified and approved to provide that the alley extending Five hundred Thirty-two Feet (532') north from Miami Street, between 86th Street and 87th Avenue, West Benson Addition, Douglas County, Nebraska, be and the same is hereby vacated to conform to the plat attached hereto, marked Exhibit "A" and incorporated herein for reference,

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Resolved

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subject to the condition and limitation that there is reserved to the Metropolitan Utilities District of the City of Omaha, The Omaha Public Power District, Northwestern Bell Telephone Company, or any other public utilities the right to construct, maintain, repair, renew and operate present existing or hereafter installed water mains, pole lines, conduits and other similar services or equipment above, on and below the surface of the ground for the purpose of serving the general public or abutting property owners; and the right so reserved shall also include such lateral connections or branch lines as may be ordered, desired, or permitted by the County; and to enter upon the premises to accomplish the above purpose at any and all times; and be it further resolved that said property shall revert to private ownership upon vacation of said alley.

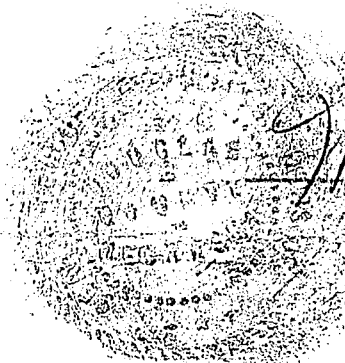
DATED this 18th day of April, 1961.

Joseph A. Hefflinger  
John J. Cavanaugh  
Edward Dworak  
Daniel C. Lynch  
Leonard Bergman  
BOARD OF COUNTY COMMISSIONERS,  
DOUGLAS COUNTY, NEBRASKA.

Motion by Bergman; Seconded by Lynch  
I move the adoption of the resolution.  
ADOPTED: April 18th, 1961.  
YEAS: Cavanaugh, Dworak, Lynch,  
Bergman, Hefflinger

(CERTIFIED COPY)

Walter L. Spellman  
COUNTY CLERK



12.25