

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

**Resolved**

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, on the 9th day of January, 1962, deemed that the public interest required the vacation of the first east and west alley south of Maple Street and west of 84th Street to the Chicago and Northwestern Railway Company right-of-way in Block 2, West Benson Addition; and 86th Street lying between Block 2 and Block 3, West Benson, a subdivision, and extending from the south line of the right-of-way of Maple Street, southward to Miami Street at a line comprising a southward extension of the east line of Lot 29, in Block 3, in West Benson, a subdivision, as surveyed, platted and recorded, in 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 street, and to submit in writing to the County Board upon the study made and his recommendation as to the vacation thereof, and

WHEREAS, on January 11, 1962, the Highway Department Superintendent recommended to the Board of County Commissioners of Douglas County, Nebraska, that "We have investigated the petition of Arthur J. Whalen, Attorney for the property owners abutting the above described property, and confirm the action and recommendation of the previous County Surveyor and the Resolutions of the County Board, dated December 27th, 1948 and July 15th, 1952."

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, on the 16th day of January, 1962, adopted a resolution fixing Tuesday, February 6, 1962 at 10:15 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 Daily Record, a legal newspaper in 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 of the owners of land abutting on or adjacent to the Alley and Street 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 and Street does not lie within a township in a County operating roads on a township basis, and

WHEREAS, a public hearing was held on February 6, 1962 at 10:15 A.M., in the County Board Room of Douglas County, Nebraska, and 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 street.

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Douglas County, Nebraska, that the above described property in Douglas County, Nebraska, be and the same is hereby vacated to conform to the plat attached hereto, marked Exhibit "A", and incorporated herein by reference; and that the above described vacated alley and street shall revert to the owners of the adjacent real estate, one-half on each side thereof, 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.

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PETITIONERS

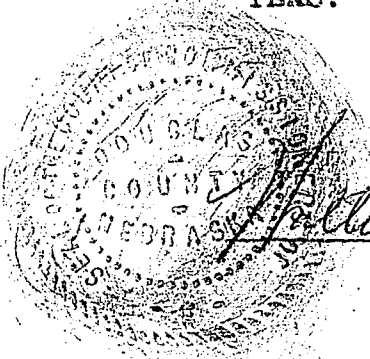
BE IT FURTHER RESOLVED that the County Surveyor be and is hereby authorized and directed to correct the records, profiles and plat accordingly and that a copy of this resolution be filed in the Register of Deed's office and the cost of same be charged to the petitioners.

DATED this 27th day of February, 1962.

*Robert J. Hefflinger*  
*John J. Cavanaugh*  
*Guadalupe Dworak*  
*Daniel O. Lynch*  
*Lesmond Bergman*

BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, NEBRASKA

Motion by Bergman; Seconded by Lynch  
 I move the adoption of the resolution.  
 ADOPTED: February 27, 1962.  
 YEAS: Cavanaugh, Dworak, Lynch,  
 Bergman, Hefflinger



(CERTIFIED COPY)

*Arthur J. Spellman*  
 COUNTY CLERK



(2) 90834  
Arthur J. Whalen, Atty

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RECEIVED

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1962 MAR 23 AM 11 33

THOMAS J. O'CONNOR  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

STATE OF NEBRASKA }  
Douglas County } ss.

Entered in Numerical Index and filed  
for Record in the office of the Register of  
Deeds of said County and recorded in  
Book 378 of Maple  
Page 131

*Thomas J. Whalen*  
Register of Deeds

By \_\_\_\_\_ Deputy

MAIL 30

N 50-497 to 524

Fee 2.00

*d*