

ORDINANCE 17576

AN ORDINANCE to amend Ordinance No. 17434, adopted November 12, 1952; to describe additional tracts to be involved in said proceeding; to correct the legal description of certain lands described in said Ordinance; to alter the description of other tracts included in said Ordinance; to provide that no curb cuts for the purpose of ingress and/or egress to the street will be permitted from certain property acquired by the City; to provide that where land upon which part of an owner's building stands is taken, the owner shall have the right and the responsibility to remove such part of building or buildings.

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

Section 1. That the following property descriptions be inserted in Section 1, immediately following the first paragraph of Section 1 and just preceding the property description appearing as Tract 1 on page 1, Ordinance No. 17434:

TRACT 1A 49

The South 13 feet of that part of Lot 12, Block 4, Walnut Hill, lying West of the railroad right-of-way.

## TRACT 1B

The South 13 feet of that part of Lot 12, Block 4, which is within the railroad right-of-way, and the South 13 feet of Lots 13 and 14, all in Walnut Hill.

## TRACT 1C

The North 10 feet of that portion of vacated 45th Street, South of the South line of Cuming Street, and the North 10 feet of that portion of Lot 3, Block 1, Donecken's Addition, lying West of replatted 45th Street. 20-250

Section 2. That that part of Section 1, appearing as the third paragraph on page 1 of Ordinance No. 17434, (being Tract 1, Appraisers' Description), be amended to read as follows:

That part of Lots 15, 16 and 17, Block 4, Walnut Hill, lying South of a line described as follows: Beginning at a point on the West line of Lot 15, 17 feet North of the Southwest corner of said Lot 15, and extending to a point on the East line of Lot 16, 17.8 feet North of the Southeast corner of Lot 16, thence to a point on the East line of Lot 17, 18.9 feet North of the Southeast corner of Lot 17. 49

Section 3. That that part of Section 1, appearing as the fourth paragraph on page 1 of Ordinance No. 17434, (being Tract 2, Appraisers' Description), be amended to read as follows:

That part of Lots 18 and 19, Block 4, Walnut Hill, lying South of a line described as follows: Beginning at a point on the West line of Lot 18, 18.9 feet North of the Southwest corner of said Lot 18, and extending to a point on the East line of Lot 19, 21.0 feet North of the Southeast corner of said Lot 19.

Section 4. That that part of Section 1 appearing as the sixth paragraph on page 1 of said Ordinance No. 17434, (being Tract 4, Appraisers' Description), be amended to read as follows:

The North 11 feet of Lot 2, Block 1, Donecken's Addition. 20

Section 5. That that part of Section 1, appearing as the seventh paragraph on page 1 of said Ordinance No. 17434, (being Tract 5, Appraisers' Description), be amended to read as follows:

The North 11 feet of Lot 1, Block 1, Donecken's Addition. 20

Section 6. That that part of Section 1, appearing as the eighth paragraph on page 1 of said Ordinance No. 17434, (being Tract 6, Appraisers' Description), be amended to read as follows:

That part of Lots 1, 2, and 3, Block 4, Springdale, lying North of a line described as follows: 17-149

Beginning at a point on the West line of Lot 3, 11 feet South of the Northwest corner of said Lot 3, thence to a point on the East line of Lot 3, 8 feet South of the Northeast corner thereof, thence to a point on the East line of Lot 1, 7 feet South of the Northeast corner of said Lot 1.

Section 7. That that part of Section 1, appearing as the third paragraph on page 6 of said Ordinance No. 17434, (being Tract 57, Appraisers' Description), be amended to read as follows:

That part of the West 50 feet of Lot 2, Block 9, Lowes Second Addition, lying North of a line described as follows: 3

Beginning at the Northwest corner of Lot 2, and extending to a point on the East line of the West 50 feet, 2.3 feet South of the North line of said Lot 2.

Section 8. That that part of Section 1, appearing as the fourth paragraph on page 6 of said Ordinance No. 17434, (being Tract 58, Appraisers' Description), be amended to read as follows:

That part of the East 95.5 feet of Lot 2, Block 9, Lowes Second Addition described as follows:

Beginning at a point on the West line of the East 95.5 feet of Lot 2, 2.3 feet South of the Northwest corner of the East 95.5 feet of said Lot 2, and extending to a point on the East line of Lot 2, 7.6 feet South of the Northeast corner of said Lot 2.

Section 9. That that part of Section 1, appearing as the fifth paragraph on page 8 of said Ordinance No. 17434, (being Tract 77, Appraisers' Description), be amended to read as follows:

The South 71 feet of Lot 3, Replat, Block 8, Bemis Park. 14

Section 10. That that part of Section 1, appearing as the sixth paragraph on page 8 of said Ordinance No. 17434, (being Tract 78, Appraisers' Description), be amended to read as follows:

The South 71 feet of the West 39.5 feet of Lot 4, Replat, Block 8, Bemis Park.

Section 11. That that part of Section 1, appearing as the seventh paragraph on page 8 of said Ordinance No. 17434, (being Tract 79, Appraisers' Description), be amended to read as follows:

The South 22 feet of the East .5 foot of Lot 4, and the South 22 feet of Lot 5, all in Replat, Block 8, Bemis Park.

Section 12. That that part of Section 1, appearing as the seventh paragraph on page 10 of said Ordinance No. 17434, (being Tract 101, Appraisers' Description), be amended to read as follows:

That part of O'Neill's Subdivision, West of 30th Street, lying North of a line described as follows: 20-106

Beginning at a point on the North line 550.7 feet West of the Northeast corner; thence Southeast to a point 13.5 feet South and 183.88 feet West of the Northeast corner; thence Southeast 6.0 feet to a point 16.5 feet South and 178.68 feet West of the Northeast corner; thence Southeast to a point 36.9 feet South and 15 feet West of the Northeast corner; thence Southeast to a point 53.7 feet South of the Northeast corner on the East line of said part of O'Neill's Subdivision.

Section 13. That that part of Section 1, appearing as the first paragraph on page 11 of said Ordinance No. 17434, (being Tract 102, Appraisers' Description), be amended to read as follows:

38

All of Lots 2 and 3, Block 1, O'Neill's Subdivision, and that part of the alley lying South of and adjacent to Lots 2 and 3, Block 1, O'Neill's Subdivision.

Section 14. That that part of Section 1, appearing as the fifth paragraph on page 11 of said Ordinance No. 17434, (being Tract 106, Appraisers' Description), be amended to read as follows:

All of that part of vacated Lincoln Boulevard adjacent to Tax Lot 14, in Section 16, Township 15 North, Range 13, East of the 6th P.M.

16-15-13

Section 15. That that part of Section 1, appearing as the sixth paragraph on page 11 of said Ordinance No. 17434, (being Tract 107, Appraisers' Description), be amended to read as follows:

All of Tax Lot 14, in Section 16, Township 15 North, Range 13, East of the 6th P.M.

16-15-13

Section 16. That the descriptions hereby amended and corrected in the next preceding paragraphs be, and the same hereby are, repealed and the amended descriptions as heretofore appearing be substituted therefor.

Section 17. That, as to all of the property described in Sections 14 and 15 of this Ordinance (being Appraisers' Tracts 106 and 107), under the Federal Highway Project for which said land is being acquired, the right-of-way adjacent to this property will be classified as a "continuous motion curve" and that no curb cuts for the purpose of ingress and egress to the street from this property will be permitted.

Section 18. That in such situations where only part of a lot or tract is taken and such taking by the City Severs the building or other improvement, leaving part of the building or other improvement on City land and the other part on the owner's remainder, the appraisers' award shall take into consideration that the owner shall have both the right and the responsibility to either remove that part of the building encroaching on City property or move the entire building to other space on the same lot or on another lot, such removal to be made immediately after confirmation of such award or at such extended or postponed date as may be determined by the City.

Section 19. This Ordinance shall be in full force and take effect ~~forty~~ ~~(15) days from and after its passage,~~ immediately upon its passage.

INTRODUCED BY:

W. E. HINCHEY

COMMISSIONER

PASSED: April 21, 1953

APPROVED AS TO FORM:

EDWARD F. FOGARTY

CITY ATTORNEY

GLENN CUNNINGHAM

MAYOR AND PRESIDENT OF CITY COUNCIL

ATTEST:

M. J. DINIEN, JR.

CITY CLERK

I hereby certify that the foregoing is a true and correct copy of the original document on file in the City Clerk's office.

*M. J. Dinien, Jr.*  
CITY CLERK