

BK 0947 PG 483



MISC 1990 23137

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ORDINANCE NO. 32233

AN ORDINANCE vacating the east 10 feet of 28th Street south of vacated "K" Street adjacent to Lots 9 and 10, Block 68, South Omaha Addition in the City of Omaha; approving the execution of an easement granting an encroachment into "L" Street right-of-way; and providing the effective date hereof.

WHEREAS, petition representing owners of more than 75 percent of the property abutting on the east 10 feet of 28th Street south of vacated "K" Street adjacent to Lots 9 and 10, Block 68, South Omaha Addition 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 the east 10 feet of 28th Street south of vacated "K" Street adjacent to Lots 9 and 10, Block 68, South Omaha Addition, located in the Northeast Quarter Section 4-14-13

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.

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DODGE COUNTY, NE

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Section 2. That the attached easement, which by this reference is made a part hereof, which allows the continuation of an encroachment into the "L" Street right-of-way, adjacent to Lot 7, Block 68, South Omaha Addition is approved.

Section 3. 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. Freund

APPROVED BY:

Joseph L. Freund 11/21/90
ACTING MAYOR OF THE CITY OF OMAHA DATE

PASSED NOV 20 1990 6-0

ATTEST:

Mary G. Kasper
CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

Robert J. Johnson
ASSISTANT CITY ATTORNEY

1635u

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

Mary G. Kasper
BY CITY CLERK



THIS INDENTURE made this 21st day of November, 1990, by and between the City of Omaha, hereinafter referred to as "GRANTOR", and JOHN J. KAWA, and his successors and assigns, hereinafter referred to as "GRANTEE" whether one or more. In consideration of One (\$1.00) Dollar and other valuable consideration, the receipt of which is hereby acknowledged, Grantor hereby grants to grantee an Easement to use, occupy, and maintain the masonry wall building which encroaches on that portion of the "L" Street right-of-way described as follows:

The irregular north 2.85' of "L" Street adjacent to Lot 7, Block 68, South Omaha Addition, from the west line of the north/south alley west 45.1 +/-' to the west edge of the masonry wall of the encroaching building, all as surveyed, platted, and recorded in Douglas County, Nebraska.

The Easement herein granted shall be perpetual, provided however, that should that portion of the building on the Easement area be destroyed by fire, explosion, deterioration, or other such causes, then the same shall not be reconstructed upon the Easement area, but the Easement shall be terminated and all said remaining portions of said building at or above grade shall be removed by Grantee. This Easement may also be terminated by Grantor when and if it is determined by Grantor that public necessity requires the reconstruction or repair, rehabilitation or refurbishing of the "L" Street viaduct structure, or any replacement of the same, and said building on the Easement area effectively interferes with such activity.

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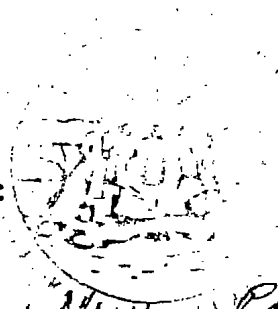
It is mutually agreed that the obligation to maintain the building on the Easement area shall be and remain the responsibility of the Grantee, its successors and assigns, to the extent generally provided by law. Nothing herein is intended to make any party a third party beneficiary of said maintenance responsibility.

This Easement is perpetual subject to the termination provided above, runs with the land and is binding on the successors and assigns of the parties hereto.

Made and executed this 21 day of November, 1990.

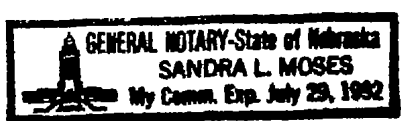
CITY OF OMAHA, Grantor, a Municipal Corporation,

ATTEST:


Mary Kathleen Cornett
CITY CLERK

Joseph L. Friend
ACTING Mayor

Before me the undersigned, a Notary Public, personally appeared Joseph L. Friend, Acting Mayor, and Mary Kathleen Cornett, City Clerk, personally known to me to be the identical officers and acknowledged the same to be their voluntary act and deed and the voluntary act and deed of said Municipal Corporation.



Sandra L. Moses
NOTARY PUBLIC

My Commission expires July 29, 1992

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