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ORDINANCE NO. 33975

AN ORDINANCE partially amending Ordinance No. 23083 adopted August 25, 1964, in order to release the reserved right of the City of Omaha to authorize utility installations in vacated 43rd Street from Frances Street North to a point 200 feet South of the South line of Center Street, and providing the effective date hereof.

WHEREAS, Ordinance No. 23083 adopted August 25, 1964, vacated all of 43rd Street from Frances Street to Center Street in the City of Omaha, Nebraska, and

WHEREAS, said Ordinance also reserved to the City of Omaha the right to authorize utility companies to construct utility installations on, above or beneath said vacated street, and

WHEREAS, said reserved right to authorize construction of utility installations is not necessary to serve the general public, and said utility companies have heretofore released any rights to construct utility installations within that part of vacated 43rd Street from Frances Street North to a point 200 feet South of the South line of Center Street.

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

Section 1. That said Ordinance No. 23083 is hereby partially amended to cancel and release the reserved right of the City of Omaha to authorize Metropolitan Utilities District and any other public utility to construct, maintain, repair and renew and operate utility installations within the following described part of said vacated street as set forth in said Ordinance No. 23083, to-wit:

That part of vacated 43rd Street from Frances Street North to a point 200 feet South of the South line of Center Street.

Section 2. That this Ordinance shall take effect and be in force after fifteen days from and after its passage.

INTRODUCED BY COUNCILMAN  
167 J. J. [Signature]

APPROVED BY:  
[Signature] 9/7/66  
Mayor of the City of Omaha Date

PASSED

SEP 6 1966

APPROVED AS TO FORM:

ATTEST

[Signature]  
City Clerk of the City of Omaha  
Deputy

[Signature]  
City Attorney

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.

[Signature]  
CITY CLERK  
BY

23975  
43rd St.

PARTIAL RELEASE OF EASEMENT

FOR VALUE RECEIVED, Metropolitan Utilities District of Omaha, a municipal corporation, of Omaha, Douglas County, Nebraska, does hereby forever release the rights of easement reserved and granted to it for utility installation and maintenance in vacated 43rd Street from Frances Street to Center Street, in the City of Omaha, Douglas County, Nebraska, pursuant to City Ordinance No. 23083, adopted by the City of Omaha on August 25, 1964 and recorded in Miscellaneous Records Book 417 at Page 129, except as to the North Fifty (50) feet of 43rd Street vacated by said City Ordinance No. 23083.

Metropolitan Utilities District of Omaha now has installed and maintained utilities in the North Fifty (50) feet of said vacated street.

IN WITNESS WHEREOF, this release is executed by the undersigned on this 3rd day of February, 1966.

METROPOLITAN UTILITIES DISTRICT  
OF OMAHA

Attest:

/S/ Geo. C. Pardee  
General Counsel

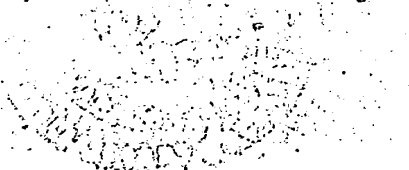
By /S/ R. H. Trester  
General Manager

STATE OF NEBRASKA )  
                          ) ss  
COUNTY OF DOUGLAS )

On this 3rd day of February, A.D., 1966, before me, a Notary Public in and for said County, personally came the above named R. H. Trester, to me personally known to be the identical person who executed the foregoing instrument on behalf of Metropolitan Utilities District of Omaha, and to me known to be the General Manager of said Metropolitan Utilities District of Omaha, and he acknowledged said instrument to be his voluntary act and deed, and the voluntary act and deed of said municipal corporation pursuant to a resolution of its Board of Directors in the premises.

WITNESS my hand and Notarial Seal on the date last aforesaid

[Signature]  
Notary Public



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KNOW ALL MEN BY THESE PRESENTS, that Northwestern Bell Telephone Company, an Iowa corporation, hereby releases and forever disclaims any easement rights which it may have by virtue of franchise or otherwise to construct, maintain, renew and operate communications facilities in, under, upon and over the following described areas in Aubler Place in the City of Omaha, Douglas County, Nebraska:

all of that portion of the North and South alley between 42nd Street and 43rd Street from Frances Street North to a line parallel to and 200 feet South of the South Line of Center Street which was vacated pursuant to Ordinance No. 22948, recorded in Miscellaneous Book 397 at Page 99 in the Office of the Register of Deeds of Douglas County, Nebraska;

all of that portion of 43rd Street from Frances Street North to a line parallel to and 200 feet South of the South Line of Center Street which was a part of the street vacated pursuant to Ordinance No. 23003, recorded in Miscellaneous Book 417 at Page 129 in said Register of Deeds office; and

all of that portion of the North and South alley between 43rd Street and 44th Street from Frances Street North to a line parallel to and 200 feet South of the South Line of Center Street which was a part of the alley vacated pursuant to Ordinance No. 23002, recorded in Miscellaneous Book 279 at Page 74 in said Register of Deeds office.

IN WITNESS WHEREOF, Northwestern Bell Telephone Company has caused this instrument to be properly executed in its behalf on this 20th day of January, 1963, by its duly authorized officers.

NORTHWESTERN BELL TELEPHONE COMPANY

By /s/ J. E. Olson  
Vice President and General Manager

Attest: /s/ J. M. Hornish  
Assistant Secretary

COUNTY OF DOUGLAS )  
SS )  
COUNTY OF DOUGLAS )

On this 20th day of January, 1963, before me, a Notary Public duly commissioned and qualified in and for said County, personally came the above named J. E. Olson and J. M. Hornish who are personally known to me to be the individuals persons whose names are affixed to the above instruments as Vice President and General Manager and Assistant Secretary of the Northwestern Bell Telephone Company (a corporation). They duly acknowledged the instrument as their voluntary act and deed and the voluntary act and deed of said corporation.

WITNESS my hand and official seal at Omaha, Nebraska, in said County of Douglas, this 20th day aforesaid.

/s/ Ella Stagnire  
Notary Public

My commission expires February 6, 1963.

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RELEASE OF EASEMENT RIGHTS

KNOW ALL MEN BY THESE PRESENTS:

For Valuable Consideration, Omaha Public Power District, being a contingent beneficiary of certain reserved easement rights by virtue of City of Omaha Ordinances No. 17652 and No. 23903, respectively recorded in Miscellaneous Book 279, Page 74 and Book 417, Page 129 in the Register of Deeds of Douglas County, Nebraska, does hereby release all easement rights over, under and upon that portion of the vacated north-south alley abutting Lots 5 through 16, in Block 20 and also that portion of vacated 43rd Street abutting Lots 5 through 10, in Block 20 and Lots 11 through 16 in Block 11, all in Ambler Place in the City of Omaha, Douglas County, Nebraska.

The foregoing release of easement rights are contingent on the purchase by Southmont Properties, Inc. of the land abutting the foregoing described portions of the vacated alley and street and that failure by Southmont Properties, Inc. to purchase said abutting land automatically voids the release of easement rights by Omaha Public Power District.

Executed this 8th day of February, 1966.

OMAHA PUBLIC POWER DISTRICT

/s/ C. C. Draney

BY /s/ A. L. Monroe-

VICE PRESIDENT

ITS Assistant General Manager

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS ) SS

On this eighth day of February, 1966, before me, the undersigned, a Notary Public in and for said County and State, personally came A. L. Monroe, Assistant General Manager and C. C. Draney, Assistant Secretary of Omaha Public Power District known personally to me to be the same and identical persons whose names are affixed to the above instrument and acknowledged the execution thereof to be voluntary act and deed and as such officers the voluntary act and deed of the said corporation, and that the Seal of the said corporation was thereto affixed by the authority.

Witness my hand and official Seal at Omaha, Nebraska, in said County the date aforesaid.

/s/ D. J. Simon

Notary Public

April 6, 1971

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RECEIVED

THOMAS J. BROWN  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

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City of Omaha  
City Clerk

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