

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.

BOOK 442 PAGE 73  
*(26)*

BY

*Mary Ballou Board*  
CITY ORDINANCE NO. 33976

AN ORDINANCE partially amending Ordinance No. 17652 adopted June 9, 1953, in order to release reserved easement rights over vacated North and South alley between 43rd and 44th Streets 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. 17652 adopted June 9, 1953, vacated all of the North and South alley between 43rd Street and 44th Street from Frances Street to Center Street abutting Lots 1 through 20, inclusive, in Block 20, in Ambler Place in the City of Omaha, Nebraska, and

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

WHEREAS, said reserved easement rights and the reserved right to authorize construction of utility installations over that part of the said vacated alley from Frances Street to a point 200 feet South of the South line of Center Street abutting Lots 5 through 16, Block 20, in Ambler Place are not necessary to serve the general public, and said utility companies have heretofore released any rights to construct utility installations within the above described part of said vacated alley.

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

Section 1. That said Ordinance No. 17652 is hereby partially amended to cancel and forever release all reserved easements over the following described part of said vacated alley in favor of the City of Omaha, and also 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 alley, as set forth in said Ordinance No. 17652, to-wit:

That part of said vacated alley from Frances Street to a point 200 feet South of the South line of Center Street abutting Lots 5 through 16, Block 20, in Ambler Place.

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

INTRODUCED BY COUNCILMAN

PASSED

SEP 6 1966

APPROVED BY:

*C. D. Hansen* *W. W. Miller*  
Mayor of the City of Omaha Date

APPROVED AS TO FORM:

ATTEST

*John J. Murphy*  
City Attorney  
City Clerk of the City of Omaha

23974  
Berkauer  
Carrie E.  
of 431st

### 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 granted to it for utility installation and maintenance in vacated north-south alley between 43rd and 44th Streets from Center Street to Frances Street, in the City of Omaha, Douglas County, Nebraska, pursuant to City Ordinance No. 17652, adopted by the City of Omaha on June 9, 1953 and recorded in Miscellaneous Records Book 279 at Page 74, and in vacated north-south alley between 42nd and 43rd Streets from Frances Street to a point 200 feet south of the south line of Center Street, in the City of Omaha, Douglas County, Nebraska, pursuant to City Ordinance No. 22548, adopted by the City of Omaha on April 23, 1963 and recorded in Miscellaneous Records Book 397 at Page 99.

Metropolitan Utilities District of Omaha does not now have installed or maintained any utilities in said vacated alleys, and by release of this easement does forever release any and all rights which it may have acquired, this release being for the benefit of the present owners of said property, their heirs, successors and assigns forever.

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 freely and willingly voluntary act and deed of said municipal corporation and subject to a resolution of its Board of Directors in the

same date and Notarial Seal on the date last aforesaid.

Notary Public

53974

RELEASE OF EASEMENT RIGHTS

KNOW ALL MEN BY THESE PRESENTS:

For Valuable Consideration, Omaha Public Power District, being a subsequent beneficiary of certain reserved easement rights by virtue of City of Omaha Ordinances No. 37632 and No. 38038, 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 easements 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 Amber Place in the City of Omaha, Douglas County, Nebraska.

The foregoing release of easement rights are contingent on the purchase by Southmount Properties, Inc. of the land abutting the foregoing described portions of the vacated alley and street and that failure by Southmount 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  
Attest: ASSISTANT GENERAL MANAGER

/s/ A. L. Monroe  
Attest: Assistant General Manager

STATE OF NEBRASKA )  
 )  
COUNTY OF DOUGLAS )  
 )  
SS

On this eleventh 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 there personally to me to be the same and identified  
whose names are affixed to the above instrument and acknowledged the  
instrument 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

23076

ON THIS DAY OF TWENTY EIGHT, that Northwestern Bell Telephone Company, as Local 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 Ambler 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. 23348, 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. 23309, 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. 17652, recorded in Miscellaneous Book 279 at Page 74 in said Register of Deeds office.

THE WITNESS WHEREUPON, Northwestern Bell Telephone Company has caused this instrument to be properly executed in its behalf on this 20th day of January, 1936, 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

STATE OF NEBRASKA  
CITY OF OMAHA  
COUNTY OF DOUGLAS

On this 20th day of January, 1936, before me, a Notary Public duly commissioned and qualified to and 105 East 18th Street, personally knew the above named J. E. Olson and J. M. Hornish, who are personally known to me to be the identical persons whose names are affixed to the above instrument as Vice President and General Manager (u), Assistant Secretary of the Northwestern Bell Telephone Company (a corporation). I, Ella Stagmire, acknowledge the instrument to be their voluntary act and deed and the instrument act and deed of said corporation.

WITNESS my hand and official seal at Omaha, Nebraska, in said County  
this 20th day of January, 1936.

/s/ Ella Stagmire  
Notary Public

My commission expires February 6, 1936.