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2008 JUN 13 PM 3: 19

Carol Hivens
DODGE COUNTY
REGISTER OF DEEDS
COMPARE INDEX FEE \$ 10.⁵⁰

ORDINANCE NO. 5107

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, VACATING A PART OF 23RD AVENUE NORTH IN THE CITY OF FREMONT, DODGE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR EXECUTION OF QUIT CLAIM DEEDS; PROVIDING FOR THE RETENTION OF EASEMENTS; AND, PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA:

SECTION I. **VACATION.** That part of 23rd Avenue North located along the southerly line of Lot 2, Menard Addition, Fremont, Dodge County, Nebraska, originally platted in Wal-Mart's First Addition to said City of Fremont, more particularly described as follows:

Commencing at the intersection of the North line of said 23rd Avenue North and the West Line of Diers Parkway,

Thence S87°38'00W a distance of 18.55 feet;

Thence Westerly along said North Line an arc distance of 112.87 feet along a 222.50 foot radius curve to the left, the long chord of which bears S73°05'35"W and has a length of 111.66 feet;

Thence Westerly along said North Line an arc distance of 47.44 feet along a 93.50 foot radius curve to the right, the long chord of which bears S73°05'35"W and has a length of 46.93 feet;

Thence S87°41'20"W a distance of 122.92 feet to the Easterly Line of 24th Street;

Thence S32°14'10"W a distance of 66.77 feet to the North line of 23rd Street;

Thence N87°41'20"E a distance of 333.11 feet along the North Line of 23rd Street to the West Line of Diers Parkway;

Thence N02°29'35"W a distance of 94.77 feet along the West Line of Diers Parkway to the Point of Beginning, containing 0.47 acres more or less.

Vacate
23rd Avenue North
(3-25-08)

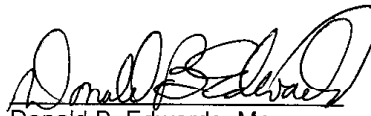
City

SECTION II. **QUIT CLAIM DEEDS.** That the Mayor and City Clerk are hereby authorized to execute Quit Claim Deeds for the vacated portion of 23rd Avenue North to be conveyed to the property owner of said Lot 2, Menard Addition for one dollar (\$1.00) and other valuable consideration and said vacated portion of 23rd Avenue North shall be considered a part of said Lot.

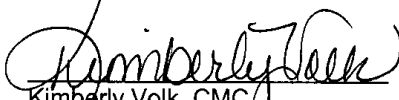
SECTION III. **EASEMENTS.** That the City of Fremont reserves easement rights over the entire area being vacated for use by the City of Fremont and any public or private utility for the installation and maintenance of overhead and/or underground utility lines and pipes. The City of Fremont may, by Resolution of the City Council, vacate said easements.

SECTION IV. **EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 29th DAY OF APRIL, 2008


Donald B. Edwards, Mayor

ATTEST:


Kimberly Volk, CMC
City Clerk



Vacate
23rd Avenue North
(3-25-08)