

Debra Jones
REGISTER OF DEEDS
1998 AUG -5 P 3:54

31.00
INST. NO 98
039927

BLOCK
DO
CODE
GERBIG
CHECKED
ENTERED
EDITED

31.00

98-110

Introduce: 6-29-98

ORDINANCE NO. 17376

1 AN ORDINANCE vacating the administrative plat of GERBIG ADDITION as
2 previously approved by the Planning Director on March 27, 1997.

3 WHEREAS the Planning Director has previously accepted and approved the
4 administrative plat of GERBIG ADDITION at 14th and Pine Lake Road; and

5 WHEREAS, Ridge Development Co. and Southview Inc., present owners of the
6 property located within the plat have requested that said plat be vacated
7 pursuant to § 26.11.140 of the Lincoln Municipal Code; and

8 WHEREAS, it is for the convenience of the inhabitants of the City and
9 for the public that said plat be vacated as requested.

10 NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of
11 Lincoln, Nebraska:

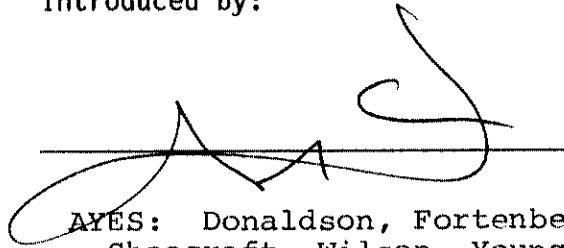
12 Section 1. That the administrative plat of GERBIG ADDITION as
13 previously approved by the Planning Director on March 27, 1997, described as
14 Lot 1 and Outlot A, Gerbig Addition, all located in the Northeast Quarter of
15 Section 23, Township 9 North, Range 6 East, Lincoln, Lancaster County,
16 Nebraska, be and the same is hereby vacated and the plat and dedication
17 thereof declared void subject to the owners granting replacement easements for
18 all easements granted through dedication of said final plat.

19 Section 2. Upon this ordinance taking effect, the City shall cause a
20 certified copy of this ordinance together with the replacement easements
21 required hereunder to be filed in the office of the Register of Deeds of
22 Lancaster County, Nebraska. Filing fees shall be paid by said owners.

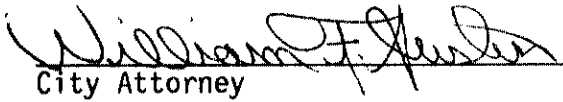
City Clerk m

1 Section 3. That this ordinance shall take effect and be in force from
2 and after its passage and publication according to law.

Introduced by:

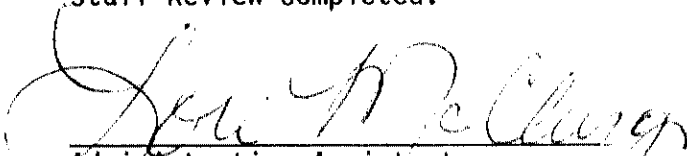


Approved as to Form & Legality:


City Attorney

AYES: Donaldson, Fortenberry, Seng,
Shoecraft, Wilson, Young;
NAYS: None;
ABSENT: Johnson.

Staff Review Completed:


Administrative Assistant

APPROVED

JUL 16 1998

MAYOR

PASSED

JUL 13 1998

BY CITY CLERK

**EASEMENT FOR ELECTRIC LINES
AND/OR UNDERGROUND ELECTRIC FACILITIES**

Ridge Development Company, a Nebraska corporation and **Southview, Inc.**, a Nebraska corporation (collectively "Grantor"), in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, do hereby grant and convey unto the Lincoln Electric System, Aliant Communications and T.V. Transmission, Inc. (collectively "Grantee"), its lessees, successors and assigns, the permanent right, privilege and easement of a right-of-way to construct, operate, maintain and remove all necessary poles, wires, guys, underground electric facilities and other necessary equipment in connection therewith, on and across the following property situated in Lancaster County, Nebraska, more particularly described on Exhibit "A", which is attached hereto and incorporated herein by this reference.

The Grantee shall also have the privilege and easement of ingress and egress across the property to its (their) officers and employees for any purpose necessary in connection with the construction, operation, maintenance, inspection and removal of said line and underground electric facilities.

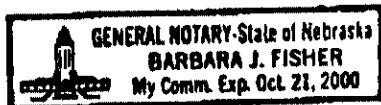
The Grantee shall also have the right at any time to trim or remove such trees and underbrush as may in any way endanger or interfere with the safe operation of the lines, underground electric facilities and equipment used in connection therewith.

The Grantee shall at all times exercise all due care and diligence to avoid injury or damage to the crops, livestock and other personal property of the Grantor, and the Grantee shall indemnify and save harmless the Grantor from any such damage and loss arising or occurring to such property solely by reason of the construction, operation, maintenance and removal of any overhead electric lines, however, in the event that all or part of the underground electric facilities which may be installed on said easement right-of-way becomes defective or unserviceable in the sole judgment of the Grantee, the Grantee shall have the right, without additional payment or consideration to the Grantor or their successors in title for any damage or loss occasioned thereby, to maintain, repair, or replace such underground facilities; provided, if improvements to the property make the installation of such replacements impractical at the location of the original easement granted hereby, the Grantor or their successors in title shall grant and convey to the Grantee, for the same consideration as given herein, an easement for such further installation at a location on said property which is mutually satisfactory to the parties. If the parties fail to agree upon any such new location for the underground electric facilities, the Grantee shall have the right to determine the most suitable location for the easement therefor and the Grantor agrees to convey such easement; and if the parties fail to agree upon any such new location for underground electric facilities, the Grantee shall have no obligation to replace or provide the underground electric facilities across or to any such property. In determining the locations for further installation the Grantee shall at all times exercise due care and diligence to avoid injury or damage to the property of the Grantor or their successors.

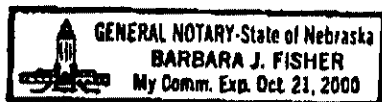
The Grantee agrees that should the lines and underground electric facilities constructed hereunder be abandoned for a period of five years, the right-of-way or easement hereby secured shall then cease and terminate, and this contract shall be of no further force and effect.

**RIDGE DEVELOPMENT COMPANY, a
Nebraska corporation**By: Thomas E. White
Thomas E. White
President of DevelopmentBy: John C. Brager
John C. Brager
President of Construction**SOUTHVIEW, INC., a Nebraska
corporation**By: Gerald L. Schleich
Gerald L. Schleich, PresidentSTATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing was acknowledged before me this 16th day of June, 1998, by
Thomas E. White, President of Development of **Ridge Development Company**, a Nebraska
corporation, on behalf of the corporation.

Barbara J. Fisher
Notary PublicSTATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing was acknowledged before me this 16th day of June, 1998, by
John C. Brager, President of Construction of **Ridge Development Company**, a Nebraska
corporation, on behalf of the corporation.

Barbara J. Fisher
Notary PublicSTATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing was acknowledged before me this 18th day of June, 1998, by
Gerald L. Schleich, President of **Southview, Inc.**, a Nebraska, corporation, on behalf of the
corporation.

Barbara J. Fisher

**LEGAL DESCRIPTION
UTILITY EASEMENT**

A LEGAL DESCRIPTION FOR UTILITY EASEMENT PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA,

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23, THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 50 MINUTES 56 SECONDS WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 239.85 FEET TO THE NORTHWEST CORNER OF LOT 6 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 00 MINUTES 12 SECONDS WEST ALONG THE WEST LINE OF LOTS 6 I.T., AND 7 I.T., A DISTANCE OF 459.67 FEET TO THE SOUTHWEST CORNER OF LOT 7 I.T., THENCE SOUTH 89 DEGREES 44 MINUTES 04 SECONDS EAST ALONG THE SOUTH LINE OF LOT 7 I.T., A DISTANCE OF 189.88 FEET TO A POINT 50.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER, THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH 14TH STREET, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 2199.65 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, THENCE SOUTH 89 DEGREES 57 MINUTES 29 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 15.00 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 02 SECONDS WEST ALONG A LINE 15.00 FEET WEST OF AND PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SOUTH 14TH STREET, A DISTANCE OF 2184.73 FEET TO A POINT, THENCE NORTH 89 DEGREES 44 MINUTES 04 SECONDS WEST ALONG A LINE 15.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT 7 I.T., A DISTANCE OF 189.88 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST ALONG A LINE 15.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF LOTS 7 I.T., AND 6 I.T., A DISTANCE OF 434.63 FEET TO A POINT, THENCE NORTH 89 DEGREES 51 MINUTES 27 SECONDS WEST ALONG A LINE 40.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 5.00 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 12 SECONDS EAST ALONG A LINE 20.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF LOT 6 I.T., A DISTANCE OF 40.00 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, THENCE SOUTH 89 DEGREES 51 MINUTES 27 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 20.00 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 0.98 ACRES, OR 42,938.34 SQUARE FEET MORE OR LESS.

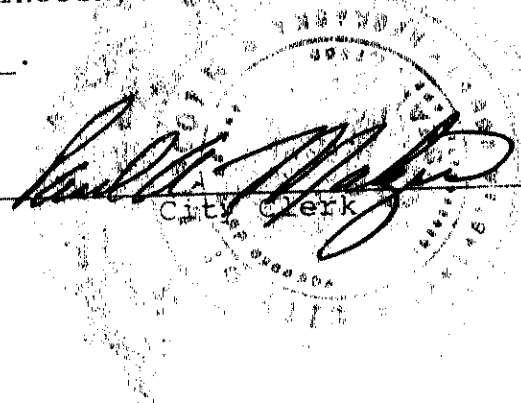
June 5, 1998
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C E R T I F I C A T E

I, Paul A. Malzer, City Clerk of the City of Lincoln,
Nebraska, do certify that the above and foregoing is a true and
correct copy of ORDINANCE NO. 17376 (VACATING THE ADMINISTRATIVE
PLAT OF GERBIG ADD.)

as passed and approved by the City Council of the City of Lincoln,
Nebraska, at its meeting held JULY 13, 1998 as
the original appears of record in my office, and is now in my charge
remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially
and affixed the seal of the City of Lincoln, Nebraska, this 21ST
day of JULY, 19 98.


City Clerk