



MISC 2004113457



AUG 26 2004 07:38 P 6

Received - RICHARD TAKECHI  
Register of Deeds, Douglas County, NE  
8/26/2004 07:38:39.51



2004113457

**THIS PAGE INCLUDED FOR INDEXING  
PAGE DOWN FOR BALANCE OF INSTRUMENT**

*misc K*

<i>5/6</i>	FEE <u>33.00</u>	FB <u>43.02880</u>
	BKP _____	C/O _____ COMP <u><i>Z</i></u>
	DEL _____	SCAN _____ FV _____

Temp. 12.4.01

*CIT.*

*Ret City 3*

ORDINANCE NO. 36725

AN ORDINANCE vacating a segment of right-of-way on the North that is beyond 12 ½ feet from the curb on the Northwest Radial Highway West of 61<sup>st</sup> Street, more particularly described in the attached Exhibit "A" in the City of Omaha and providing the effective date hereof.

WHEREAS, petition representing owners of more than 75 percent of the property abutting on a segment of right-of-way on the North that is beyond 12 ½ feet from the curb on the Northwest radial Highway West of 61<sup>st</sup> Street, more particularly described in the attached Exhibit "A" 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 vacating a segment of right-of-way on the North that is beyond 12 ½ feet from the curb on the Northwest Radial Highway West of 61<sup>st</sup> Street, more particularly described in the attached Exhibit "A", located in the Northeast ¼ Section 12-15-12

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. That no buildings, improvements, or other structures, shall be placed in, on, over, or across said vacated right-of-way without express written approval of the City. All vegetation upon the premises, including but not limited to, trees, bushes, and crops, and all structures

upon the premises, including but not limited to, buildings, walls, fences, drives and walks, may be damaged or removed as necessary in the exercise of the rights herein reserved without compensation to any person.

Section 2. 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

James D. Kral Jr.

APPROVED BY:

Mike Isbey 8/12/04  
MAYOR OF THE CITY OF OMAHA DATE

PASSED AUG 10 2004 7-0

ATTEST:

[Signature] 8/12/04  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

[Signature] 7-14-04  
CITY ATTORNEY DATE  
[Signature]

P:\PW\2210sap.doc

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 \_\_\_\_\_

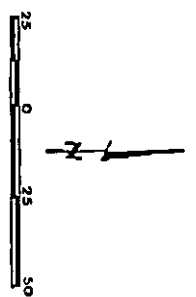
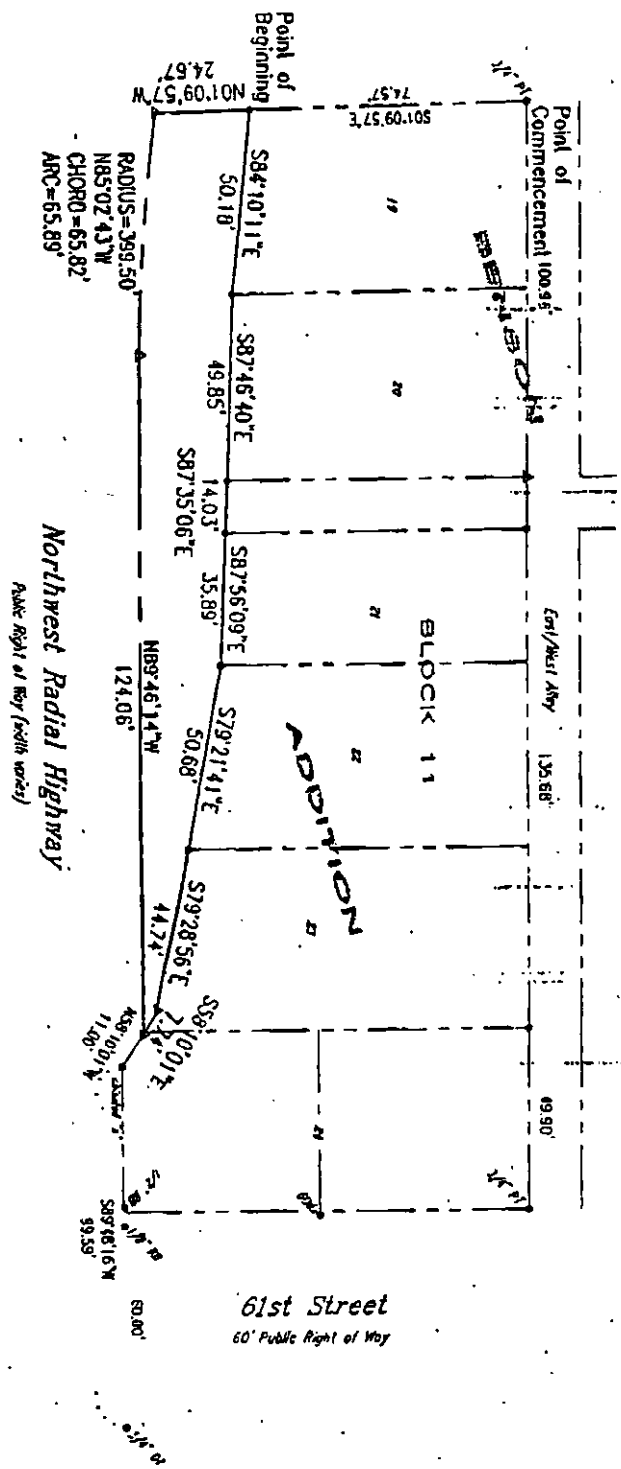
**LEGAL DESCRIPTION (right of way)**

That part of the Northwest Radial Highway lying south of and abutting the south line of Lots 19 through 24 inclusive, Block 11, BENSON, a subdivision, as surveyed, plotted and recorded in Douglas County, Nebraska, the entire tract described as follows:

Commencing at the northwest corner of said Lot 19:  
 Thence South 01°09'57" East (assumed bearings) for 74.57 feet along the west line of said Lot 19 to the north right of way line of Northwest Radial Highway and the TRUE POINT OF BEGINNING;

- Thence along said north right of way line for the following seven (7) courses:
- 1) Thence South 84°10'11" East for 50.18 feet;
  - 2) Thence South 87°46'40" East for 49.85 feet;
  - 3) Thence South 87°35'06" East for 14.03 feet;
  - 4) Thence South 87°56'09" East for 35.89 feet;
  - 5) Thence South 79°21'41" East for 50.68 feet;
  - 6) Thence South 79°28'56" East for 44.74 feet;
  - 7) Thence South 58°10'01" East for 7.74 feet;

Thence North 89°46'14" West for 124.06 feet;  
 Thence along a curve to the right (having a radius of 399.50 feet and a long chord bearing North 85°02'43" West for 65.82 feet) for an arc length of 65.89 feet to the extended west line of said Lot 19;  
 Thence North 01°09'57" West for 24.67 feet along said extended west line to the Point of Beginning.  
 Contains 4,826 square feet.



**LEGEND**

- △ CORNERS SET (5/8" REBAR WITH 1 1/4" YELLOW PLASTIC CAP STAMPED LS #545)
- CORNERS FOUND
- PT PINCH TOP PIPE
- OT OPEN TOP PIPE
- RB REBAR

**Lamp, Ryneason & Associates, Inc.** WWW.LRA-INC.COM  
 14710 West Dodge Road, Suite 100 (Ph) 402.496.2498  
 Omaha, Nebraska 68154-2027 (Fax) 402.496.2730



950

Pub. works  
5

ORDINANCE NO. 36925

**AN ORDINANCE** vacating a segment of right-of-way on the North that is beyond 12 1/2 feet from the curb on the Northwest Radial Highway West of 61<sup>st</sup> Street in the City of Omaha and providing an effective date hereof.

*Handwritten mark*

**PRESENTED TO COUNCIL**

1st Reading JUL 27 2004 -- Hearing  
8/13/04

Hearing AUG - 3 2004 -- Open to  
8/10/04

Final Reading AUG 10 2004

Passed 7-0

**PUBLICATIONS**

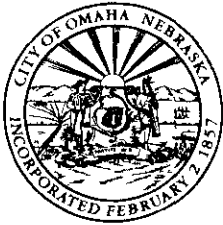
PUBLICATION OF HEARING

Date 7-30-04

PUBLICATION OF ORDINANCE

Date \_\_\_\_\_

**BUSTER BROWN**  
City Clerk



City of Omaha  
Mike Fahey, Mayor

July 27, 2004

RECEIVED

04 JUL 16 PM 1 39

C. J. J.  
CITY OF OMAHA

**Public Works Department**

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 601  
Omaha, Nebraska 68183-0601  
(402) 444-5220  
Telefax (402) 444-5248

**Norm Jackman, P.E.**  
Acting Public Works Director

Honorable President

and Members of the City Council,

Transmitted herewith is a proposed Ordinance to vacate the following

A segment of right-of-way on the North that is beyond 12 ½ feet from the curb on the Northwest Radial Highway West of 61<sup>st</sup> Street

The approval of the Planning Board at their meeting of April 7, 2004 is attached The vacating petition is also attached


The form of the documents for this vacation has been approved by the City Law Department

This vacation will allow consolidation of the right-of-way with the adjoining property

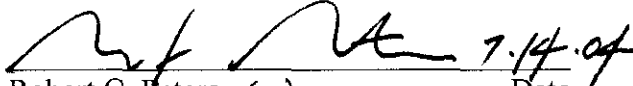
An Administrative Fee of \$250.00 has been paid to the City by the applicant The Administrative Fee Committee has reviewed the vacation request and recommends a Value Calculation Fee of \$4,100.00 be assessed This fee has also been paid

The Public Works Department recommends approval of the proposed Ordinance


Respectfully submitted,

  
\_\_\_\_\_  
Norm Jackman, P.E. *ncj* Date 7/14/04  
Acting Public Works Director

This action has been reviewed and found to be in conformance with the Master Plan

  
\_\_\_\_\_  
Robert C. Peters (S.) Date 7.14.04  
Planning Director

Referred to City Council for Consideration

  
\_\_\_\_\_  
Mayor's Office Date 7-14-04

P \PW\2209sap.doc

Att

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Section 2 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

Juan D. Kalke

APPROVED BY

Mike Jolley 8/12/04  
MAYOR OF THE CITY OF OMAHA DATE

PASSED AUG 10 2004 7-0

ATTEST

Andy Brown 8/12/04  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM

J. Hansen 7-14-04  
CITY ATTORNEY DATE  
Randy

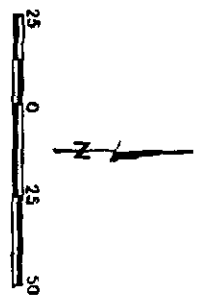
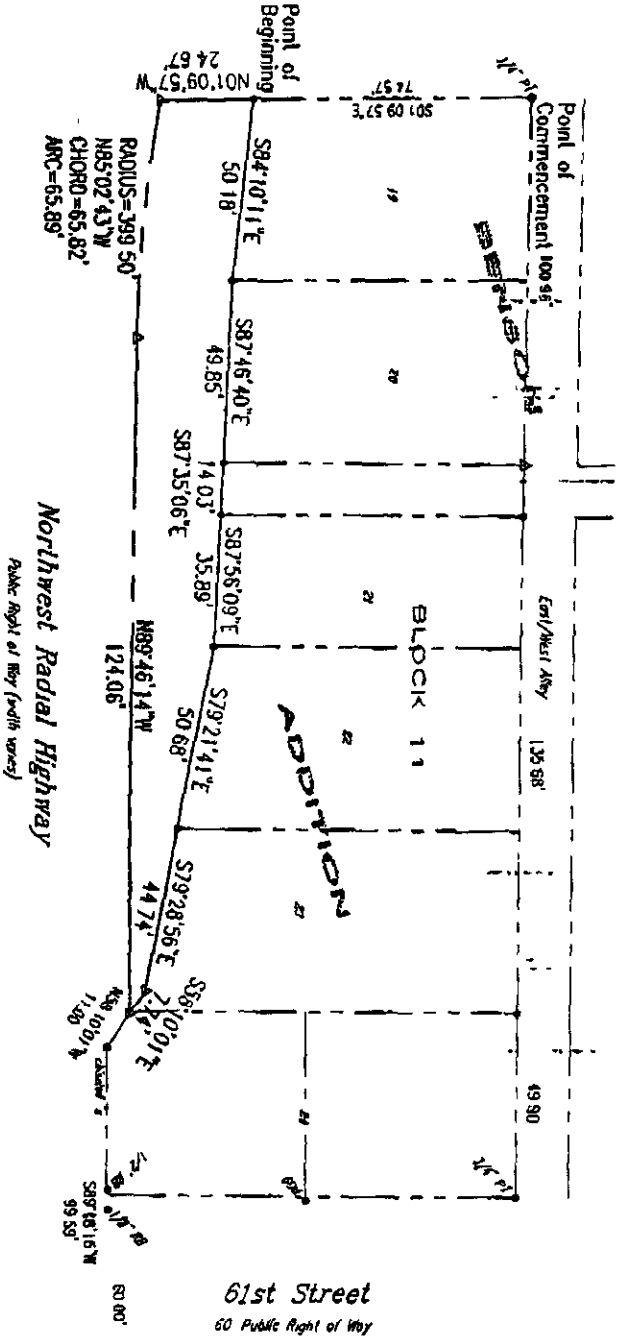
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**Lamp, Ryneason & Associates, Inc.**  
 14710 West Dodge Road, Suite 100  
 Omaha, Nebraska 68154-2027  
 WWW.LRA-INC.COM  
 (Ph) 402.496.2498  
 (Fax) 402.496.2730





(CORPORATION)

The acknowledgement of the signature of a corporation must have attached a copy of the By-Law or Resolution, duly certified by corporation officers, under and by virtue of which such signature was affixed to said petition

Acknowledgement of signature to petition for vacating and narrowing of the following part of street(s) - to wit See Attached for complete legal description and drawing alley(s)

within Omaha, Nebraska

State of Nebraska )  
 ) ss  
Douglas County)

On this 9 day of February A D , Two Thousand and Four

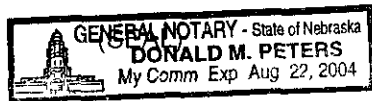
before me, a Notary Public in and for said County, personally appeared Bryan D Hartmann  
(Name)

Officer Mountaintop Investments, LLC  
(Title) (Corporation)

(Signature)

who (is/are) personally known to me to be the identical person(s) whose name(s) (is/are) affixed to the annexed petition of owners of lots and lands abutting upon said part of said street(s)/alley(s) in the City of Omaha, Nebraska for the vacation of said part of said street(s)/alley(s) and who (is/are) personally known to me to be the Bryan D. Hartman of said Corporation and (he/she) (has/have) acknowledged the signing of said petition to be (he/she/their) voluntary act and deed, and the voluntary act and deed of said Corporation

Witness my hand and notarial seal on the day and date above written



[Signature]  
(Notary Public)

My Notarial Commission expires the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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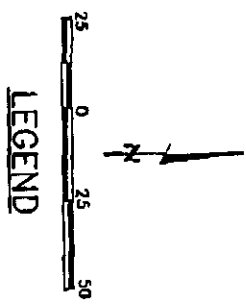
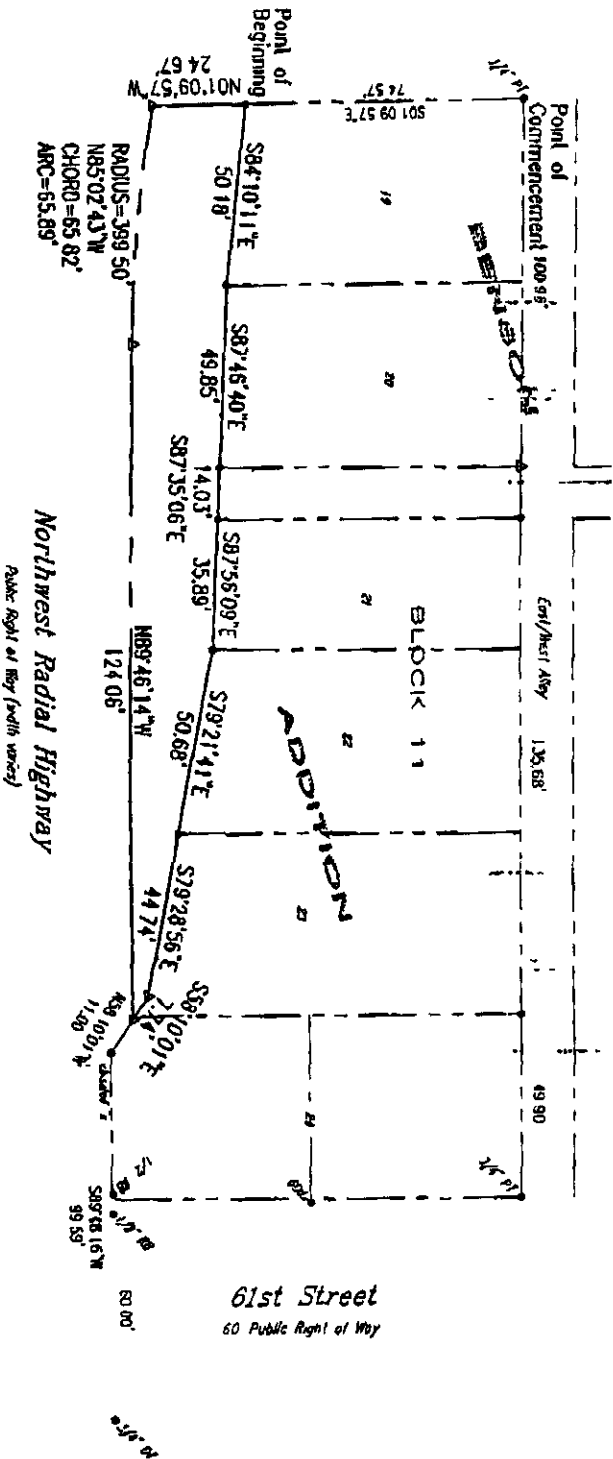
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L:\04007\dwg\0407ROW-bnd Book 04007 Page 2

Date 02-09-2004

Dwn.By JLK

Job Number 04007 01-406

**Lamp, Rynearson & Associates, Inc.**  
 14710 West Dodge Road, Suite 100  
 Omaha, Nebraska 68154-2027

**WWW.LRA-INC.COM**  
 (Ph) 402.496.2498  
 (Fax) 402.496.2730

PAGE 1341 0000 06

EXEMPT STATUS CLASS  
 EXEMPT TYPE EXEMPT TYPE  
 HOUSE HIRE DR ----- STREET NAME ----- TYPE SUFFIX APT AREA ZIP CODE  
 ADDRESS 03113 N 0-3 ST MA 03104

----- OWNER INFORMATION -----  
 HOME DEPT EXEMPT TYPE DATE OF EXEMPT CHANGE 03-12-2002  
 HOUSE REFERENCE ORIGIN OF DATA AUTO 13  
 HOME DEPT APT NO  
 CITY ORIGIN STATE ZIP CODE NON-NUMBER TO ZIP CODE

----- HOME SITE -----  
 DATE DATE LAND AREA TOTAL PAR PSM NUMBER TYPE OF FC VALUE  
 03-12-2002 17000 0 27500 516

ADDITION NO 00000 COL 15 COL 16 COL 17 COL 18  
 BEH-01 516 516 RANGE 516-516  
 ----- LEGAL DESCRIPTION -----  
 03-12-2002 03-12-2002  
 03-12-2002  
 03-12-2002

FE 1-ALE 12

FE 2-PRIME

FE 3-0000

PAGE 1355 0000 07

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 03-12-2002

FE 1-ALE 12

FE 2-PRIME

FE 3-0000

APR 13 2004

FR 13 STATUS 0 CLASS R

EXEMPT 0 EXEMPT TYPE

FR DISTRICT 0100 STD

FR

HOUSE	FAIR	DIR	STREET NAME	TYPE	PLFT/1	APT	AREA	ZIP CODE
06102			NORTHWEST RADIAL	HT			0100	50104

ADDITIONAL INFORMATION

NAME	DATE OF	AST	CHANGE	01-01-2004
6102 NORTHWEST RADIAL HWY	07/25	OR	02/8	2004
06102				0100
06102				0100

CURRENT VALUE

MARK VALUE

FR	DATE	LAND	IMP	TOTAL	POP	SEN	NUMBER	1	SD	VAL
06102	03-15-03	0000	0000	0000	00	00	00	00	00	00

SECTION NO.	06102	0000	0000	0000	0000	0000	0000
06102							

FR 06102

FR 06102

FR 06102



950

Yud work  
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15 ✓

**PRESENTED TO COUNCIL**

1st Reading JUL 27 2004 - Hearing  
8/3/04

Hearing AUG - 3 2004 - Over to  
8/10/04

Final Reading AUG 10 2004

Passed 7-0

**PUBLICATIONS**

**PUBLICATION OF HEARING**

Date 7-30-04

**PUBLICATION OF ORDINANCE**

Date 8-19-04

**BUSTER BROWN**  
City Clerk