



MISC 2007031082



MAR 21 2007 15:33 P 5

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
3/21/2007 15:33:56.81



2007031082

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

*misc*  
 FEE 34<sup>00</sup> FB 43-02892-L1  
43-02880 - lots in B11  
 B 5 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP \_\_\_\_\_ BW  
18 DEL JD SCAN \_\_\_\_\_ FV JD JD

CITY 3

ORDINANCE NO. 37668

AN ORDINANCE vacating the east/west alley between the Northwest Radial Highway and Spencer Street from 61<sup>st</sup> Street to Military Avenue, and providing the effective date hereof.

WHEREAS, Section 26-45 of the Omaha Municipal Code provides that the City Council may vacate unused and unimproved alleyways or secondary access without petition and without convening any committee for the purpose of determining damages to affected abutting properties upon City Planning Board recommendation.

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

Section 1. That the east/west alley between the Northwest Radial Highway and Spencer Street from 61<sup>st</sup> Street to Military Avenue, abutted by Lots 1 through 4, part vacated alley and Lot 5, Lots 6 through 10, part Lot 11, part Lot 14, Lots 15 through 18, and Lot 24, Block 11, Benson Addition and Lot 1, Benson Replat 12, located in the NE  $\frac{1}{4}$  Section 12-15-12, be and hereby is, vacated and that without further act of the City, title to the vacated right-of-way shall pass to the abutting owners on either side of the centerline thereof; 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 take effect and be in force fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

*David G. Wilson*

APPROVED BY:

*Mike Jobey* *3/8/07*  
MAYOR OF THE CITY OF OMAHA DATE

PASSED *MAR - 6 2007 7-0*

ATTEST:

*Bruce Brown* *3/8/07*  
CITY CLERK OF THE CITY OF OMAHA DATE

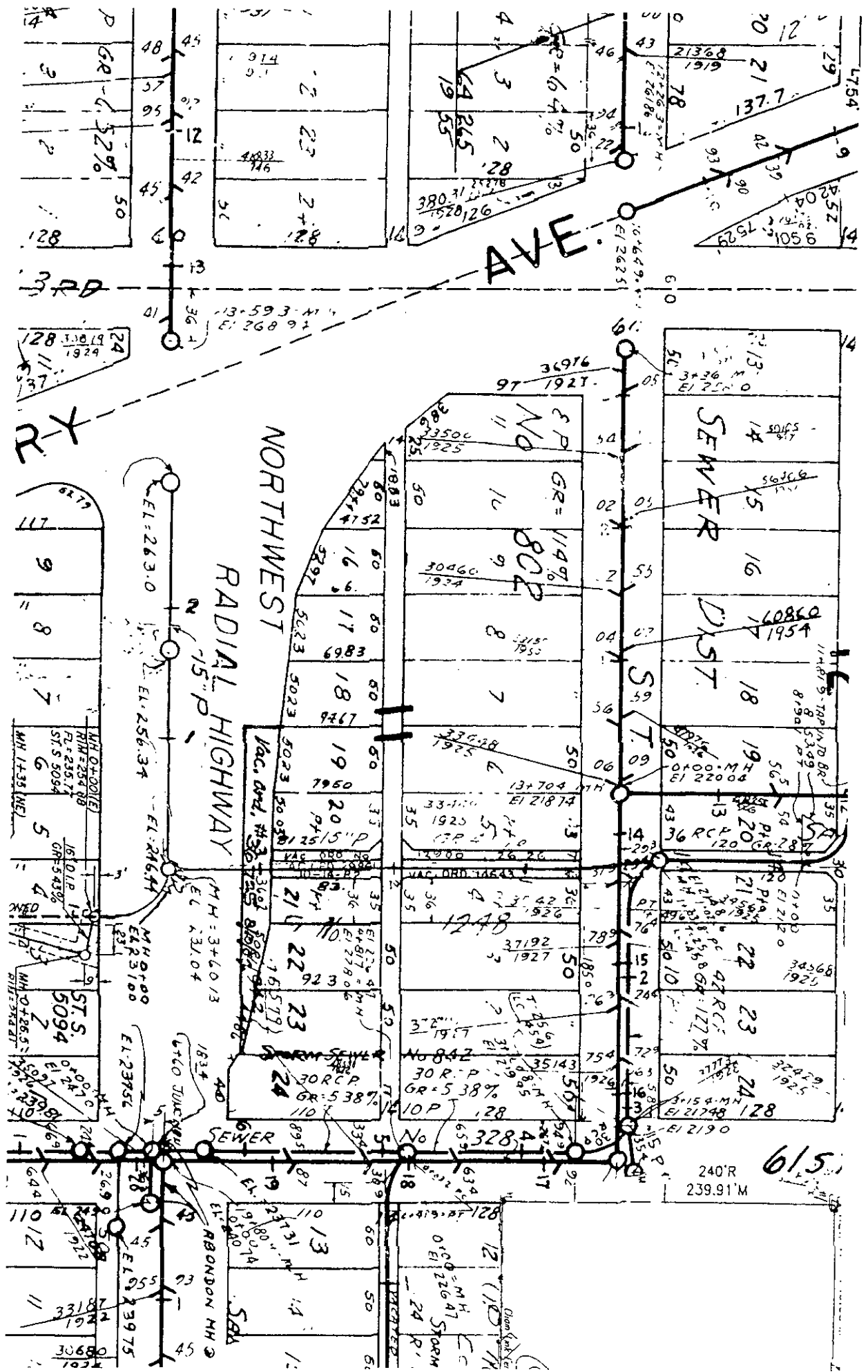
APPROVED AS TO FORM:

*[Signature]* *1-26-07*  
CITY ATTORNEY DATE

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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.

*Sandra L. Mares*  
Deputy City Clerk, City of Omaha



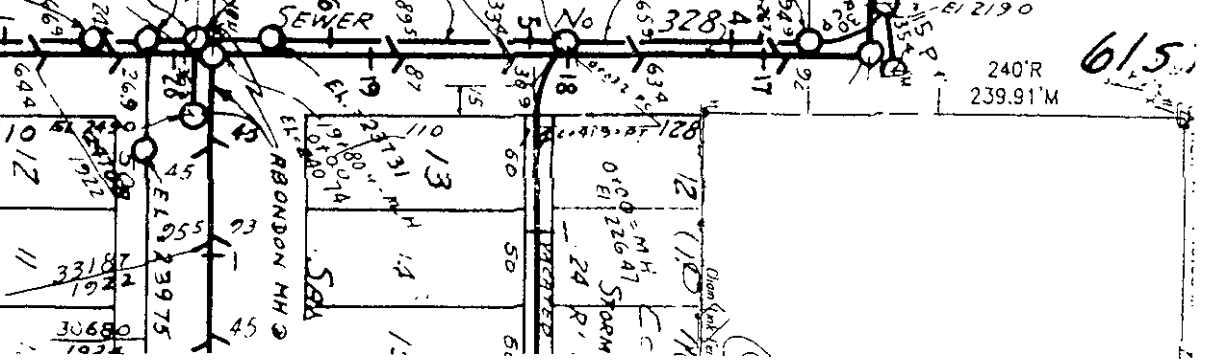
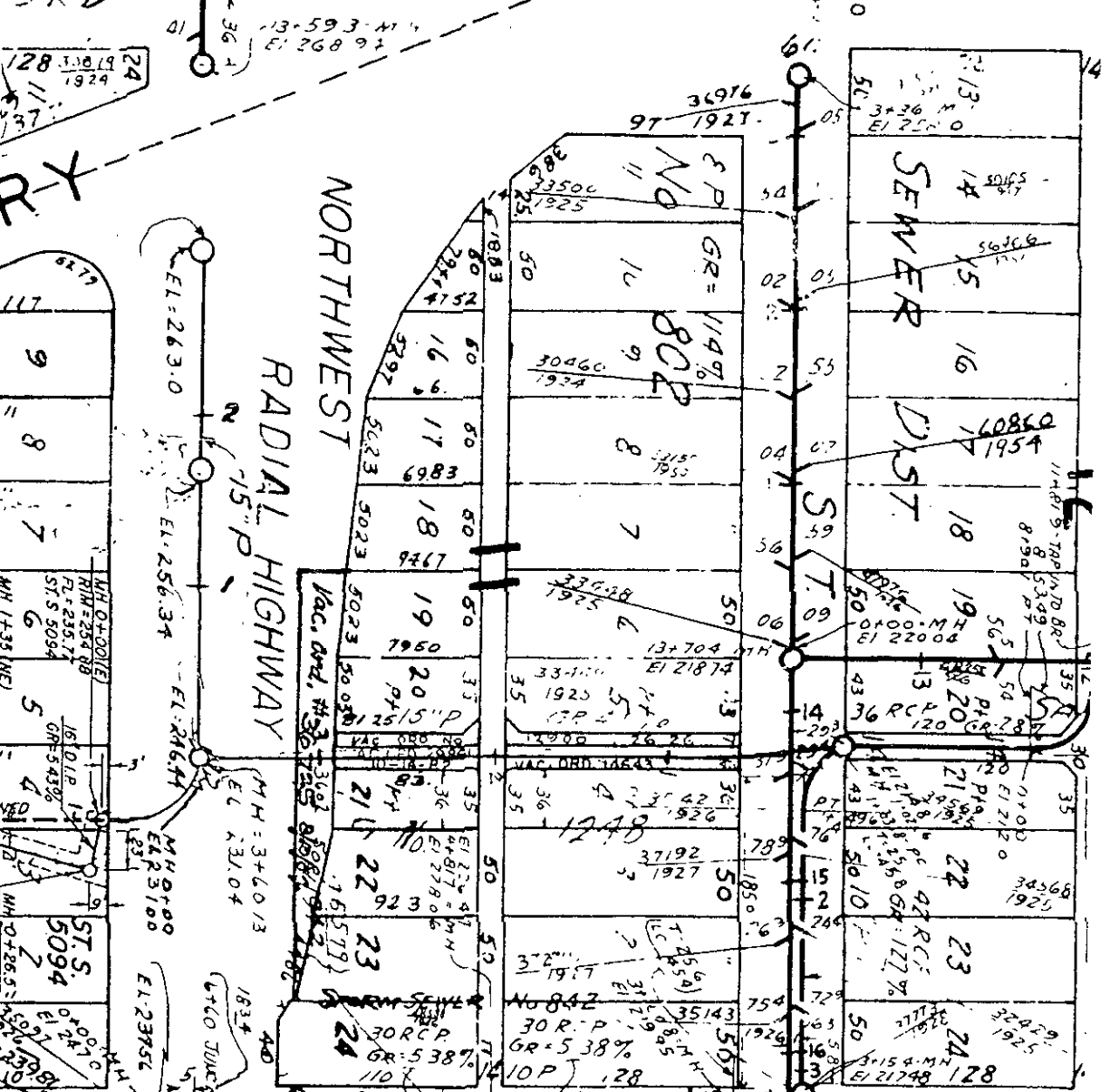
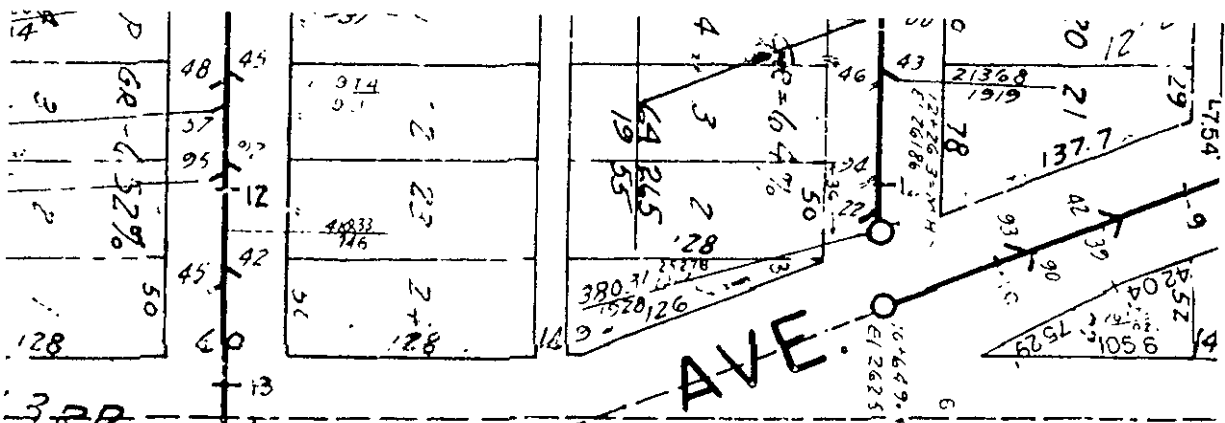
AVE

NORTHWEST  
RADIAL HIGHWAY  
N 15° P

SEWER DIST

RY

240'R  
239.91'M  
61.5



2/4

P.W.

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**PRESENTED TO COUNCIL**

1st Reading FEB 13 2007 - Hearing  
action pursuant to City  
Council Rule VII H

Hearing FEB 27 2007 - Open to  
public

Final Reading MAR - 6 2007

Passed 7-0

**PUBLICATIONS**

**PUBLICATION OF HEARING**

Date \_\_\_\_\_

**PUBLICATION OF ORDINANCE**

Date \_\_\_\_\_

**BUSTER BROWN**  
City Clerk