

AN ORDINANCE amending Section Two of Ordinance No. 10904 as Amended by Ordinance No. 14030; Amending Section One of Ordinance No. 12989; and repealing Section Two of Ordinance No. 10904 as Amended by Ordinance No. 14030, and Repealing Ordinance No. 14030; and repealing Section One of Ordinance No. 12989.

WHEREAS, Ordinance No. 10904 was passed by the City Council of the City of Omaha on November 16, 1920, vacating certain parts of 45th Avenue, Davenport Street, Wakeley Street, Chicago Street, Cass Street and parts of alleys embraced within the area between Dodge Street and California Street, from 45th Avenue to Saddle Creek Road, but reserving in The City of Omaha under the provisions of Section Two of said ordinance certain rights with respect to said vacated streets, and

WHEREAS, Ordinance No. 14030 was passed by the City Council of the City of Omaha on January 12, 1932, amending Section Two of said Ordinance No. 10904, but still reserving certain rights in the City of Omaha with respect to said streets, and

WHEREAS, Ordinance No. 12989 was passed by the City Council of the City of Omaha on April 6, 1926, vacating Chicago Street from the Omaha Belt Line Railway right-of-way to 46th Street, but reserving in Section One of said Ordinance certain rights with respect to said vacated street, and

WHEREAS, the City Council of the City of Omaha did by resolution on April 26, 1938, authorize the City Attorney to execute a certain stipulation for the purpose of settling two certain actions pending in the District Court of Douglas County, Nebraska, entitled "Updike Lumber & Coal Company, Plaintiff, v. The City of Omaha, Defendant", Docket 302, Number 44, and "Updike Lumber & Coal Company v. The City of Omaha, Defendant", Docket 305, Number 29, by the terms of which stipulation The City of Omaha agreed, among other things:

"To relinquish all reservations of rights in the following described streets and alleys in The City of Omaha:

Chicago Street from Saddle Creek Road to 46th Street;

The alleys between Cass Street and Davenport Street from Saddle Creek Road to 45th Avenue;

Davenport Street from the west line of the Belt Line East to the west line of Saddle Creek Road;

45th Avenue from Davenport Street to California Street;

Cass Street and Wakeley Street from the west side of Saddle Creek Road to 45th Avenue,

X which reservations are contained in Ordinance No. 10904 and Ordinance No. 14030, amending said Ordinance No. 10904, and in Ordinance No. 12989, except the reservation of the right to maintain, repair, renew and operate the sewers now in said streets and the right to authorize the Metropolitan Utilities District of the City of Omaha to maintain, repair, renew and operate the now existing water and gas mains in said streets, it being SPECIFICALLY understood that The City of Omaha will relinquish the right to construct either a viaduct over or a subway under Chicago Street and/or Davenport Street at the intersection of said streets with the Belt Line Railway."

and the City Attorney executed said stipulation and the District Court of Douglas County, Nebraska, has since entered judgment pursuant to said stipulation;

THEREFORE,

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

Section 1. That Section Two of Ordinance No. 10904 as amended by Section One of Ordinance No. 14030 be, and the same is hereby amended to read as follows:

"Section 2. The vacation of the property described in Section One hereof and the reversion thereof shall be subject to the conditions and limitations that there is reserved to The City of Omaha the right to maintain, repair, renew and operate the sewers now in said streets and the right to authorize the Metropolitan Utilities District of The City of Omaha to maintain, repair, renew and operate the now existing water and gas mains in said streets."

Section 2. That Section One of Ordinance No. 12989 be, and the same hereby is amended to read as follows:

"Section 1. That Chicago Street from the Omaha Belt Line Railway right-of-way to 46th Street be, and is hereby, vacated in The City of Omaha; the vacation of the property herein described and the reversion thereof shall be subject to the conditions and limitations that there is reserved to The City of Omaha the right to maintain, repair, renew and operate the sewers now in said streets and the right to authorize the Metropolitan Utilities District of the City of Omaha to maintain, repair, renew and operate the now existing water and gas mains in said streets."

Section 3. That Section Two of Ordinance No. 10904 as amended by Ordinance No. 14030 and Section One of Ordinance

12989 and Ordinance No. 14030, as heretofore existing, be, and the same are hereby repealed.

Section 4. That this Ordinance shall take effect and be in force from and after fifteen (15) days after its passage.

INTRODUCED BY

Harry J. Smith
Commissioner

Paul H. Green
Mayor and President of City Council

Attest: Emmett Cannon
City Clerk

PASSED:

JUL 26 1938

APPROVED AS TO FORM:

W. H. Cannon
Assistant City Attorney

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.

Emmett Cannon
BY CITY CLERK

ORDINANCE NO. 14628 ✓

AN ORDINANCE amending Section Two of Ordinance No. 10904 as Amended by Ordinance No. 14050; Amending Section One of Ordinance No. 12989; and repealing Section Two of Ordinance No. 10904 as Amended by Ordinance No. 14050, and Repealing Ordinance No. 14050; and repealing Section One of Ordinance No. 12989.

RECEIVED

Presented to Council:-

JUL 12 1938

C. W. H.

JUL 26 1938

Filed

Annott Hannon
City Clerk

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.

BY

CITY CLERK

THOMAS J. O'CONNOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

1938 FEB 24 AM 10 24

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Wm. Connelley
300 Continental Bldg

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