

ORDINANCE NO. 10904

AN ORDINANCE VACATING CERTAIN DESIGNATED PARTS OF
STREETS AND ALLEYS IN THE CITY OF OMAHA.

WHEREAS, the owners of more than 75% of the lands, lots and real estate abutting upon the parts of streets and alleys hereinafter designated have signed a petition requesting the vacation thereof upon and subject to conditions expressed in the said petition; which petition is by reference thereto made a part hereof as though and to the extent fully set forth herein; Now, Therefore

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

Section 1. That it be and is hereby declared necessary to vacate the parts of streets and alleys hereinafter designated; and that the following designated parts of streets and alleys be and the same and each of them is hereby vacated, subject to the provisions and conditions in said petition and in this ordinance expressed; that is to say:

45th Avenue from north line of Davenport Street to the south line of California Street.

Davenport Street from Belt Line east to west line of Saddle Creek Road.

Wakely Street from east line of 45th Avenue to the west line of Saddle Creek Road.

Chicago Street from Belt Line east to the west line of Saddle Creek Road;

And that part of Cass Street from the east line of 45th Avenue east for a distance of 132½ feet,

And such parts of each and all parts of the alleys extending both east and west embraced and included within the area described by the parts of streets herein designated.

Section 2. This ordinance shall not go into effect or be in force as to any part thereof unless and until the petitioners convey to the City of Omaha by good and sufficient deed of warranty and free from incumbrance, and without costs, the property described, for

2m
14030
Ord. repealed by 14628.

this purpose, in the petition requesting the vacation.

The petitioners shall receive no damages which may be occasioned to them by reason of the vacation of any of the parts of streets and alleys affected by this ordinance, such damage being expressly waived.

The right is expressly reserved by the City of Omaha, as against the petitioners, their successors, heirs and assigns, to construct either a viaduct over, ways across, or subways under Chicago Street or Davenport Street at the Belt Line Railroad; or both of said streets.

The petitioners, their successors, heirs or assigns shall not be allowed or receive any damages of any nature or character whatsoever resulting from or which may be occasioned by the construction of a viaduct or viaducts, way or ways, across, or subway or subways underneath either Davenport Street or Chicago Street, or both, at the intersection thereof with the Belt Line Railroad, nor shall the petitioners, its successors, heirs or assigns be entitled to receive any compensation for said streets or either of them in the event that such ways are constructed or opened up at such point or points; nor shall the City, as against said petitioners or those succeeding in interest thereafter, be required to condemn any structure or property of such petitioners and others as may have been placed in said Davenport Street or Chicago Street in order to open up such way, but may forthwith and without more take possession of said streets and remove or cause to be removed without expense to said City any structure or property of the petitioners, or those succeeding in interest from said streets at said point.

Section 5. Subject to the conditions herein expressed and upon full compliance with such conditions as are required to be complied with before this ordinance becomes effective and not otherwise, this ordinance shall take effect and be in force from and after fifteen days of the date of its passage.



Mayor & President of City Council.

Bulletin
Pub. Imp

11/19/20

ORDINANCE NO. 10904

AN ORDINANCE VACATING CERTAIN

DESIGNATED PARTS OF STREET

AND ALLEYS IN THE CITY OF

OMAHA.

Copy to

SECTION
FILED BY ORD. # 14630

REPEALED BY ORD. SEC. 2
Repealed by Ord # 14628
Amended by # 16763

Presented to Council
NOV 2 1920

NOV 16 1920

Passed

[Signature]

ORDINANCE NO. 14030

AN ORDINANCE AMENDING SECTION TWO OF ORDINANCE NO. 10904, SO THAT SAID VACATION ORDINANCE SHALL CONFORM TO CONDITIONS PREVIOUSLY AGREED TO PRIOR TO THE PASSAGE OF SAID ORDINANCE; AND REPEALING SAID SECTION TWO AS HERETOFORE EXISTING.

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, Wakely 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, in consideration of certain private owners deeding certain other lands to The City of Omaha to be used for street purposes; and

WHEREAS, said certain other property owners have deeded said lands, but the said ordinance reserved certain conditions to The City of Omaha, which reservations were not part of the conditions ~~under~~ which said other lands were deeded, as evidenced by a petition of the property owners on file in the office of the City Clerk; THEREFORE,

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

Section 1. That Section two of Ordinance No. 10904 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, operate, repair and renew sewers now existing therein and in the future to construct, maintain, repair and renew additional or other sewers; also the right to authorize the Metropolitan Utilities District of The City of Omaha or any other public utility, to construct, maintain, repair and renew and operate now existing or hereafter installed water mains, pole lines, conduits and other similar services or equipment 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 connections or branch lines as may be ordered, desired or permitted by the city; also the right is expressly reserved by the city, as against the petitioners, their successors, heirs and assigns, to construct, either a viaduct over or subway under Chicago Street or Davenport Street in the Belt Line Railroad; or both of said streets.

" The petitioners, their successors, heirs or assigns shall not be allowed or receive any damages of any nature or character whatsoever resulting from or which may be occasioned by the construction of a viaduct or viaducts over said streets or for the construction of a subway or subways underneath said streets, at the intersection of said streets with the Belt Line Railroad. Nor shall the city, as against said petitioners or ~~those succeeding in~~ those succeeding in interest thereafter, be required to condemn any structure of such petitioners and others as may have been ~~placed~~ placed in said Davenport Street or Chicago Street, in order to construct such viaducts or subways, but may forthwith remove or cause to be removed without expense to said city, any such structure from said streets at said point.

" It is further reserved to the city the right to enter upon the said premises to accomplish any of the above purposes at any and all times."

Sec. 2. That Section two of Ordinance No. 10904 as heretofore existing be, and the same is hereby repealed.

Sec. 3. That this ordinance shall take effect and be in force from and after fifteen (15) days after its passage.

PASSED: JAN 12 1932

Richard L. Metcalf

Mayor and President of City Council.

ATTEST:

James B. Hoctor

City Clerk.

INTRODUCED BY COMMISSIONER:

Richard L. Metcalf

Approved as to Form:

John F. Mosca
City Attorney.

4088 ✓

189 ✓

Bulletin

Pub. Insp. - 2 -

Co. Carson

Reg. of Deeds

ORDINANCE NO. 14131 ✓

AN ORDINANCE AMENDING SECTION TWO OF ORDINANCE NO. 10904, SO THAT SAID VACATION ORDINANCE SHALL CONFORM TO CONDITIONS PREVIOUSLY AGREED TO PRIOR TO THE PASSAGE OF SAID ORDINANCE; AND REPEALING SAID SECTION TWO AS HERETOFORE EXISTING.

14628

REPEALED BY ORD.

RECEIVED DEC 28 1931

Presented to Council

DEC 29 1931

C. of W.

JAN 12 1932

Passed

James O. Hoots
City Clerk

ORDINANCE NO. 14628

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,

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. Dickey
Mayor and President of City Council

Attest:

Emma D. Cannon
City Clerk

PASSED:

JUL 26 1938

APPROVED AS TO FORM:

W. W. Winters
Assistant City Attorney

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.

RECEIVED

Presented to Council:-

JUL 12 1938

C. of W.

JUL 26 1938

Passed

Emmett Hannon
City Clerk

ORDINANCE NO. 12989

An Ordinance vacating Chicago Street from West line of Omaha Belt Railway Right of Way, to 46th Street in the City of Omaha.

WHEREAS, Petition representing the owners of all the property abutting upon Chicago Street from West line of Omaha Belt Railway Right of Way, to 46th Street has heretofore 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 the vacating of said Chicago Street between West line of Omaha Belt Railway Right of Way, and 46th Street;

THEREFORE,

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

repealed.
14628

Section 1. That Chicago Street from Omaha Belt 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 condition 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 Metropolitan Utilities District or the City of Omaha or any public utility to construct, maintain, repair and renew, and operate now existing or hereafter installed water mains, pole lines, conduits and other similar services or equipment 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 connections or branch lines as may be ordered, desired or permitted by the City; and to enter upon the premises to accomplish the above purposes at any and all times.

Section 2. That this ordinance shall take effect and be in force after fifteen days from and after its passage.

PASSED APR 6- 1926

James P. McGuire
Mayor and President of City Council

ATTEN
James P. Hoctor
City Clerk

20916

Rec
Bulldozer
Exc. Imp.
Co. 62222222
Ry. of Ill.

ORDINANCE NO. 12982

An Ordinance vacating
Chicago from West line of
Omaha Belt Railway Right of Way,
to 46th - -

Introduced by:

Joseph P. Voute

and Reported

by Charles H. Jones

MAR 23 1906

APR 6 1906

22222222

James H. H. H.

APPROVED AS TO FORM:

W. B. Van Dusen
CITY ATTORNEY

Chas. H. H. H.
W. B. Van Dusen
W. B. Van Dusen

City of **OMAHA, NEBRASKA**



JAMES J. DWORAK
MAYOR

PUBLIC WORKS DEPARTMENT

504 CITY HALL

GEORGE B. SUMNER
PUBLIC WORKS DIRECTOR

A large, stylized handwritten signature, likely of the Honorable President.

October 29, 1963

Honorable President

and Members of the City Council,

Gentlemen:

Transmitted herewith is an amending ordinance to provide for the relaxation of utility reservations covering Ordinances Nos. 10904, 12989, 14030, and 14628 for the following vacation:

45th Avenue from North Line of Davenport Street to the South of California Street, Chicago Street from the West Line of Saddle Creek Road to 46th Street, Cass Street and Wakeley Street from the West Side of Saddle Creek Road to 45th Avenue; and the alleys between California Street and Davenport Street from the West Line of Saddle Creek Road to the East Line of 45th Avenue.

Attached is a letter received from Mr. William S. Caniglia, attorney requesting relaxation of utility reservations.

We are attaching letters received from the Omaha Public Power District, Northwestern Bell Telephone Company and Metropolitan Utilities District, releasing easement restrictions.

The Public Works Department has no objection to the release of utility reservations.

The Public Works Department recommends your consideration and approval of the attached amending ordinance.

Respectfully submitted,

A handwritten signature of George B. Sumner.

George B. Sumner
Public Works Director

1b

ORDINANCE NO.

22788

AN ORDINANCE to amend Ordinances Nos. 10904, 12989, 14030, and 14628 by amending same to provide vacation, without reservations, of: 45th Avenue from North line of Davenport Street to the South line of California Street, the east-west alley between California Street and Cass Street from Saddle Creek Road to 45th Avenue; to repeal such parts of said Ordinances as are in conflict herewith; and to provide the effective date hereof."

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

Section 1. That Ordinances Nos. 10904, 12989, 14030 and 14628 be, and the same hereby are, amended to provide that: 45th Avenue from North line of Davenport Street to the South line of California Street, the east-west alley between California Street and Cass Street from Saddle Creek Road to 45th Avenue, be, and the same hereby are, vacated."

Section 2. That such parts of Ordinances Nos. 10904, 12989, 14030 and 14628 in conflict with Section 1 above, be and hereby are repealed.

Section 3. That this Ordinance shall be in full
force and take effect fifteen (15) days from and after
the date of its passage.

INTRODUCED BY COUNCILMAN

Harry Trustin

APPROVED BY:

James J. Sworak

MAYOR OF THE CITY OF OMAHA

11/13/63
DATE

PASSED NOV 12 1963 as amended

ATTEST:

Mary J. Galligan
CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

Frederick A. Brown
Deputy CITY ATTORNEY

OMAHA PUBLIC POWER DISTRICT

ELECTRIC BUILDING

OMAHA 2, NEBRASKA

November 8, 1963

Public Works Department
City of Omaha
City Hall
Omaha, Nebraska

IN RE: Release of Easements Against
Vacated 45th Avenue and Adjoining
Streets and Alleys

Gentlemen:

This letter is written in regard to Council Document No. 3985, regarding Amendment of Ordinances Nos. 10904, 12989, 14030 and 14628, providing for vacation of property mentioned hereafter without reservations of easements. The property involved is described as follows:

45th Avenue from North line of Davenport Street to South line of California Street, Chicago Street from the West line of Saddle Creek Road to 46th Street, Cass and Wakeley Street from the West side of Saddle Creek Road to 45th Avenue, Davenport Street from the West line of Saddle Creek Road to the East line of Omaha Belt Line Railway, the alleys between California Street and Davenport Street from Saddle Creek Road to 45th Avenue.

The Omaha Public Power District has acquired such rights as it deems necessary to provide service in this general area and, therefore, has no objection to the release of the easements retained in vacating the above-mentioned streets.

Very truly yours,

OMAHA PUBLIC POWER DISTRICT

A. E. Johnson
Assistant General Manager

JAMES J. FITZGERALD, JR.
R.B. HAMER (1906-1959)
JAMES W.R. BROWN
JOSEPH L. LEAHY
CHARLES A. SCHORR
EDGAR R. GEESAMAN
LYLE E. STROM
MICHAEL J. JONES

STEPHEN T. MCGILL
JOSEPH J. BARMETTLER
HAROLD L. ROCK
WILLIAM T. CANIGLIA
JAMES D. ERICSON
WILLIAM J. BRENNAN, JR.

LAW OFFICES
FITZGERALD, HAMER, BROWN & LEAHY
810 INSURANCE BUILDING
TEL. 342-5550
OMAHA, NEBR. 68102

September 24, 1963

Public Works Department
City Hall
1720 Farnam Street
Omaha, Nebraska 68102

In Re: Release of Easement Against
Vacated 45th Avenue

Gentlemen:

Enclosed are the following:

- 1 - Release of easement from Metropolitan Utilities District.
- 2 - Letter from Northwestern Bell Telephone Company dated August 21, 1963.

The above items refer to Ordinances 10904 and 12989, as amended by Ordinances 14030 and 14628, which ordinances vacate certain property in Poppleton Park Addition reserving certain rights to the City of Omaha for the maintenance of existing sewers therein.

On behalf of our client, Updike Lumber & Coal Company, owner of the property involved, we are hereby requesting that the City of Omaha release its rights and easement in and to the streets vacated by the above ordinances. We feel that the release and letter submitted herewith indicate that the interested public utilities have no use for or interest in the property or easements. Our examination further shows that there are presently no sewers in the vacated streets. These easements constitute restrictions against certain uses of the property and we, therefore, respectfully request that they be released so that the owners may more adequately use the premises.

Yours very truly,

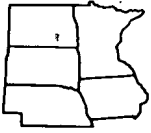
William S. Taughan

for
FITZGERALD, HAMER, BROWN & LEAHY

*Ted Brown said ok.
on 9-30-63
APP*

WTC:jm

Encls.



NORTHWESTERN BELL TELEPHONE COMPANY

100 SOUTH 19TH STREET, OMAHA 2, NEBRASKA

Area Code 402

Telephone 344-2584

W. W. DOROTHY
Chief Engineer

August 21, 1963

Public Works Department
City Hall
1720 Farnam Street
Omaha, Nebraska - 6812

RE: Release of Easement against vacated 45th Avenue

Gentlemen:

This letter concerns a request by the firm of Fitzgerald, Hamer, Brown and Leahy on behalf of their client the Updike Lumber and Coal Company for the release by the Northwestern Bell Telephone Company of certain easements retained in an Omaha vacation ordinance. The property involved is vacated 45th Avenue between California and Davenport Streets and the Alley between California and Cass Streets from Saddle Creek Road to 45th Avenue.

There are no Telephone facilities on the property described at the present time, and no apparent reason to build there in the future; therefore, we have no objection to the release of the easements involved.

Yours truly,

W. W. Dorothy
Chief Engineer

RELEASE

The Metropolitan Utilities District of Omaha hereby releases any and all rights accruing to it by virtue of the provisions of Ordinance No. 10904 enacted by the City of Omaha, Douglas County, Nebraska, on November 16, 1920, and amended on January 12, 1932, in 45th Avenue between California and Davenport Streets and the east-west alley from Saddle Creek Road to 45th Avenue between California and Cass Streets in said city of Omaha.

Dated this 10th day of September, 1963.

METROPOLITAN UTILITIES DISTRICT
OF OMAHA

Attest:

Geo. C. Fander
General Counsel

By R. H. Trester
General Manager

(No corporate seal)

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 10th day of September, 1963, before me, a Notary Public in and for said County, personally came the above named R. H. Trester, to me personally known to be the identical person who executed the foregoing instrument on behalf of the Metropolitan Utilities District of Omaha, and to me known to be the General Manager of said Metropolitan Utilities District of Omaha, and he acknowledged said instrument to be his voluntary act and deed and the voluntary act and deed of said municipal corporation pursuant to a motion of its Board of Directors on the 21st day of August, 1963.

WITNESS my hand and official seal on the date last aforesaid.

Helen Penke
Notary Public

"AN ORDINANCE to amend Ordinances Nos. 10904, 12989, 14030, and 14628 by amending same to provide vacation, without reservations, of: 45th Avenue from North Line of Davenport Street to the South line of California Street, the east-west alley between California Street and Cass Street from Saddle Creek Road to 45th Avenue; to repeal such parts of said Ordinances as are in conflict herewith; and to provide the effective date hereof."

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

"Section 1. That Ordinances Nos. 10904, 12989, 14030 and 14628 be, and the same hereby are, amended to provide that: 45th Avenue from North line of Davenport Street to the South line of California Street, the east-west alley between California Street and Cass Street from Saddle Creek Road to 45th Avenue, be, and the same hereby are, vacated."

Section 2. That such parts of Ordinances No. 10904, 12989, 14030 and 14628 in conflict with Section 1 above, be and hereby are repealed.

Section 3. That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMAN

APPROVED BY:

Harry Trustin

James J. Dworak

11/13/63

MAYOR OF THE CITY OF OMAHA DATE

PASSED November 12, 1963 as amended

ATTEST:

APPROVED AS TO FORM:

Mary I. Galligan

Frederick A. Brown

CITY CLERK OF THE CITY OF
OMAHA

DEPUTY 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.

BY

Mary I. Galligan
CITY CLERK

11/12/63

22788

Jacobberger

MOTION BY MR.

H. A. Jacobberger

I hereby move that the Title of Council Document No.

3985, current series, be amended to read:

"AN ORDINANCE to amend Ordinances Nos. 10904, 12989, 14030, and 14628 by amending same to provide vacation, without reservations, of: 45th Avenue from North line of Davenport Street to the South line of California Street, the east-west alley between California Street and Cass Street from Saddle Creek Road to 45th Avenue; to repeal such parts of said Ordinances as are in conflict herewith; and to provide the effective date hereof. "

I further move that Section 1 of Council Document No. 3985, current series, be amended to read as follows:

"Section 1. That Ordinances Nos. 10904, 12989, 14030 and 14628 be, and the same hereby are, amended to provide that: 45th Avenue from North line of Davenport Street to the South line of California Street, the east-west alley between California Street and Cass Street from Saddle Creek Road to 45th Avenue, be, and the same hereby are, vacated. "