



MISC 2003165811

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
CLATSOP COUNTY, OR



SEP 03 2003 09:43 P 7

RECEIVED

D

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

(1)  $\frac{7}{5}$  FEE 37.50 FB 45-06020  
BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP gy  
DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Temp. 12.4.01

CIT.

ORDINANCE NO. 36320

AN ORDINANCE vacating Douglas Street from 71<sup>st</sup> Street to 72<sup>nd</sup> Street, and providing the effective date hereof.

WHEREAS, under Section 14-375, Reissue, Revised Statutes of Nebraska, 1943, provides that the City Council may vacate a street or alley without petition upon City Planning Board recommendation; and,

WHEREAS, the Statute further provides that a Committee of Appraisers be appointed to appraise damages, if any, to property affected by the vacation; and,

WHEREAS, Resolution No. 1865 adopted July 24, 2001 appointed Frank Brown, Franklin Thompson and Dan Welch, respectively, members of the City Council, to assess damages to all property affected by the vacation; and,

WHEREAS, on May 6, 2003, the Committee of Appraisers held a meeting at 11:00 a.m., in the Council Conference Room; and,

WHEREAS, the Committee of Appraisers found no cause for any damages as a result of the vacation; and,

WHEREAS, the City Council finds there are no damages as a result of this vacation.

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

Section 1. That Douglas Street from 71<sup>st</sup> Street to 72<sup>nd</sup> Street abutted by part Lot 4, Lot 5, and part Lot 6, Block 4, Cedarnole Addition and Lot 1 and part Lot 2, Block 5, Cedarnole Addition, located in the Northwest ¼ Section 24-15-12

be, and hereby is, vacated, title to the vacated right-of-way shall remain with the City but may pass to the abutting owners on either side of the centerline thereof as set out in Section 2; 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, conduits, electrical transmission lines, sound and signal transmission lines and other similar services and equipment and appurtenances, 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. All such reserved rights shall be only below ground but may also include uses flush with the ground such as manhole covers and grated inlets. 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 surface structures upon the premises, including but not limited to, walls, fences, drives and walks, may be damaged or removed as necessary in the exercise of the rights herein reserved but shall be restored after the exercise of such reserved rights.

Section 2. That as consideration of this vacation and passage of title, by separate special warranty deed with the foregoing reservations, a Value Calculation Fee of \$16.43 per square foot

shall be paid to the City of Omaha prior to conveyance of the two halves of the vacated street property to the abutting property owners or \$15.61 per square foot if the entire area is conveyed to one property owner only. Upon the payment of such sum, with a credit to be given at the same unit price for any land dedication by the property owner to the South, the portion paid for by either or both abutting property owners may be conveyed to such owner. A preference for conveyance shall be given to the abutting owner for the north half on the north side and for the south half on the south side provided the sum specified herein is paid as provided herein, within 30 days of the effective date of this ordinance. The City may allow payments to be made in escrow pending execution and delivery of any deed. If the property owner on the north does not make the timely payment provided for herein or sends a written refusal to pay such sum, then the owner on the south shall at its cost, cause a registered land surveyor to survey the portions on the north, plus one foot, developed for the property owner on the north as part of the negotiated acquisition of project S.P. 86-23B which property will be deeded only to the owner on the north at no cost and such property area shall not in any event be used to determine the total price to be paid for conveyance of the vacated street. If such area is not surveyed it shall be presumed to contain 570 square feet. The Mayor, Public Works Department and Law Department are hereby authorized to carry out such conveyances as authorized herein in accordance with these terms.



ORDINANCE NO. 363.20  
PAGE -4-

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 COUNCILMEMBER

James D. Kalke Jr.

APPROVED BY:

Mike Johey 7/18/03  
MAYOR OF THE CITY OF OMAHA DATE

PASSED JUL 15 2003 as amended 5-0

ATTEST:

Buster Brown 7/18/03  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

[Signature] 7-16-03  
CITY ATTORNEY DATE

P:\Law1\8980pjm.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.

Buster Brown  
CITY CLERK  
BY \_\_\_\_\_

DODGE

DOUGLAS

AVE.

Sew. No. 716

ST.

ST.

Sew. No. 11807

San. Sew. No. 13572

FARNAM

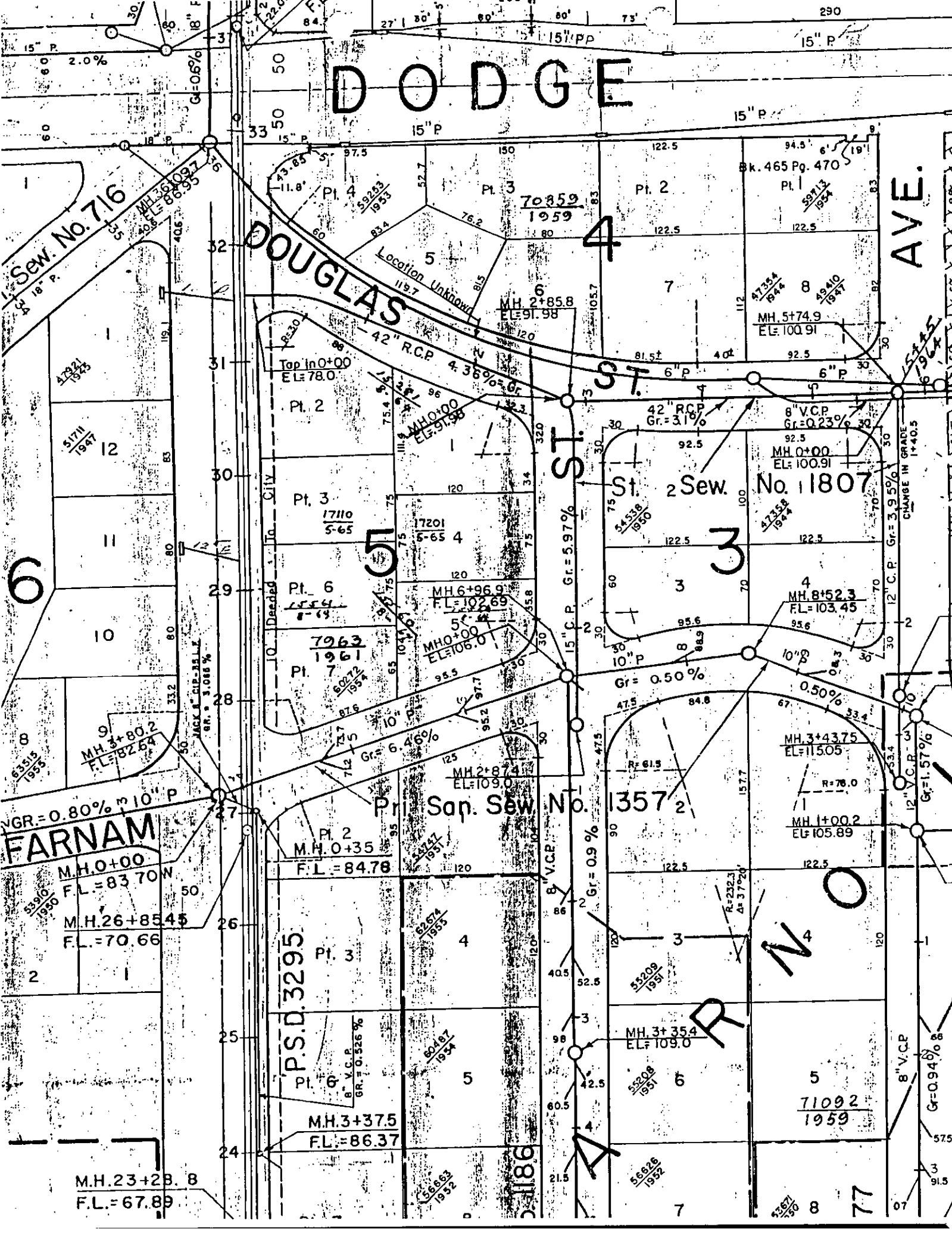
P.S.D. 3295

R

N

O

77



829

Pop. 40125  
5

ORDINANCE NO. 36320

**AN ORDINANCE** vacating Douglas Street from 71<sup>st</sup> Street to 72<sup>nd</sup> Street, and providing the effective date hereof.

261

**PRESENTED TO COUNCIL**

1st Reading JUN 24 2003 - Hearing  
7/1/03

Hearing JUL - 1 2003 - Over to  
11/5/03 request to City  
Council Rule VII H.

Final Reading JUL 15 2003

Ordinance read  
Amendment of the whole read  
Amendment to the Amendment of the whole - Approved 5-0  
Amendment of the whole - Passed as amended 5-0

**BUSTER BROWN**  
City Clerk

**PUBLICATIONS**

PUBLICATION OF HEARING

Date 6-27-03

PUBLICATION OF ORDINANCE

Date \_\_\_\_\_