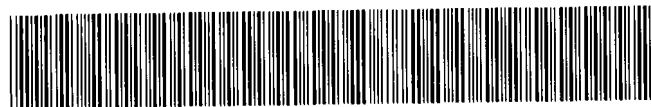




MISC 2016084627



OCT 12 2016 13:33 P 8

misc 8

FEE *52.00* FB *07-05674*

BKP EXAM *CA*

IND SCAN PRF

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
10/12/2016 13:33:16.05



2016084627

THE ABOVE SPACE IS FOR THE REGISTER OF DEEDS RECORDING INFORMATION

RETURN TO *City-3 (LC-1)*

CHECK NUMBER



City of Omaha
Jean Stothert, Mayor

September 13, 2016

RECEIVED Public Works Department

2016 SEP -2 AM 9:52

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

CITY CLERK
OMAHA, NEBRASKA

Robert G. Stubbe, P.E.
Public Works Director

Honorable President

and Members of the City Council,

Transmitted herewith is a proposed Ordinance to vacate the following:

A portion of 11th Street beginning at the southeast corner of Lot 1 Block 0, The Capitol District Replat Subdivision as surveyed, platted, and recorded in Douglas County, Nebraska, thence N02°28'34"W a distance of 79.88 feet, thence N77°41'28"W a distance of 103.38 feet, thence S02°31'07"E a distance of 53.18 feet, thence S87°20'39"W a distance of 100.00 feet to the point of beginning containing 6,652 square feet.

The approval of the Planning Board at their meeting of June 1, 2016 is attached. A petition was not required since Section 14-375 Reissue, Revised Statutes of Nebraska, provides, "Upon the recommendation of the City Planning Board, the City Council may, by Ordinance or Resolution, vacate any street or alley within any such City without any petition being filed therefore".

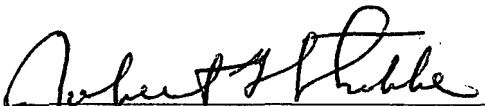
On August 23, 2016, the Committee of Appraisers held a meeting at 8:15 a.m. in the Council Conference Room of the City of Omaha and found no cause for any damages as a result of the vacation.

The purpose of the request is to vacate an irregular portion of 11th Street right-of-way from the north line of Davenport Street previously vacated, and containing 6,652 square feet to the abutting property owner in accordance with the Capital District Redevelopment Agreement. In lieu of Fair Market Value determination public improvements will be made on and near the vacated right-of-way.

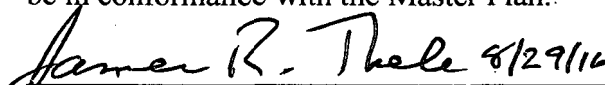
The form of the attached documents has been approved by the City Law Department.

The Public Works Department recommends approval of the proposed Ordinance.

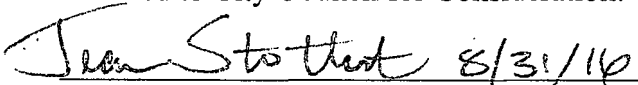
Respectfully submitted,


Robert G. Stubbe, P.E. Date 8-26-16
Public Works Director

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


James R. Thele Date 8/29/16
Planning Director

Referred to City Council for Consideration:


Jean Stothert Date 8/31/16
Mayor's Office

ORDINANCE NO. 40886

AN ORDINANCE vacating a portion of 11th Street beginning at the southeast corner of Lot 1 Block 0, The Capitol District Replat Subdivision as surveyed, platted, and recorded in Douglas County, Nebraska, thence N02°28'34"W a distance of 79.88 feet, thence N77°41'28"W a distance of 103.38 feet, thence S02°31'07"E a distance of 53.18 feet, thence S87°20'39"W a distance of 100.00 feet to the point of beginning containing 6,652 square feet, and providing the effective date hereof.

WHEREAS, Neb. Rev. Stat. Section 14-375 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. 846 adopted July 14, 2015, appointed Pete Festersen, Chris Jerram, and Aimee Melton, members of the City Council, to assess damages to all property affected by the vacation; and,

WHEREAS, on August 23, 2016, the Committee of Appraisers held a meeting at 8:15 a.m. in the Council Conference Room, at which meeting no cause for any damages was found as a result of the vacation; and,

WHEREAS, the City Council finds there are no damages as a result of this vacation, and that such vacation should be approved.

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

Section 1. That a portion of the 11th Street beginning at the southeast corner of Lot 1 Block 0, The Capitol District Replat Subdivision as surveyed, platted, and recorded in Douglas County, Nebraska, thence N02°28'34"W a distance of 79.88 feet, thence N77°41'28"W a

distance of 103.38 feet, thence S02°31'07"E a distance of 53.18 feet, thence S87°20'39"W a distance of 100.00 feet to the point of beginning containing 6,652 square feet:

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 property on the west side of the vacated right-of-way as requested by the applicant and shown on Exhibit "A" attached hereto and incorporated herein by this reference; the vacating of the property herein described, 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. This vacation is further subject to the conditions and limitation that there is reserved to the owners of the property to the immediate east of the vacated right-of-way as depicted on Exhibit "A", a perpetual and permanent easement and right over that portion of 11th Street as depicted as the cross-hatched area on the attached Exhibit "A", for the purpose of allowing truck deliveries and emergency vehicles to use the private roadway for ingress and egress over and across that said easement area. The owners of the property to the immediate west of the vacated right-of-way shall maintain the vacated right-of-way for use as a private roadway, including snow removal and ice treatment, in conformance with the standards for public roadways within the City of Omaha. 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; provided, that surface paving for access to Lots 1 through 5, inclusive, The Capitol District, an addition to the City of Omaha, Douglas County, Nebraska, and the perpetual permanent easement rights granted herein are allowed. All vegetation upon the property, including but not limited to, trees, bushes, and crops on the property, 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 without compensation to any person.

Section 2. The owners of the vacated right-of-way of 11th Street shall have the right to restrict the access to the vacated right-of-way for the purposes of using the space for public gathering, including the sale of liquor, in accordance with all applicable state and local laws, rules and regulations, but subject to the easement created herein for the benefit of the owner of the property to the immediate west of the vacated right-of-way.

Section 3. In accord with Omaha Municipal Code section 34-342, in lieu of payment to the City of Omaha for fair market value of the right-of-way to be vacated, the applicant is making public improvements to the area on and near the right-of-way that offset that cost.

Section 4. 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

Ben G. Gray

APPROVED BY:

Jan S. Holt 9/29/2016
MAYOR OF THE CITY OF OMAHA DATE

PASSED SEP 27 2016 7-0

ATTEST:

Buster Brown 9/29/2016
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

[Signature] 8-29-16
CITY ATTORNEY DATE

1161hra

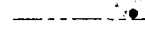
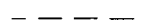

I hereby certify that the foregoing is a true
and correct copy of the original document
now on file in the City Clerk's Office.

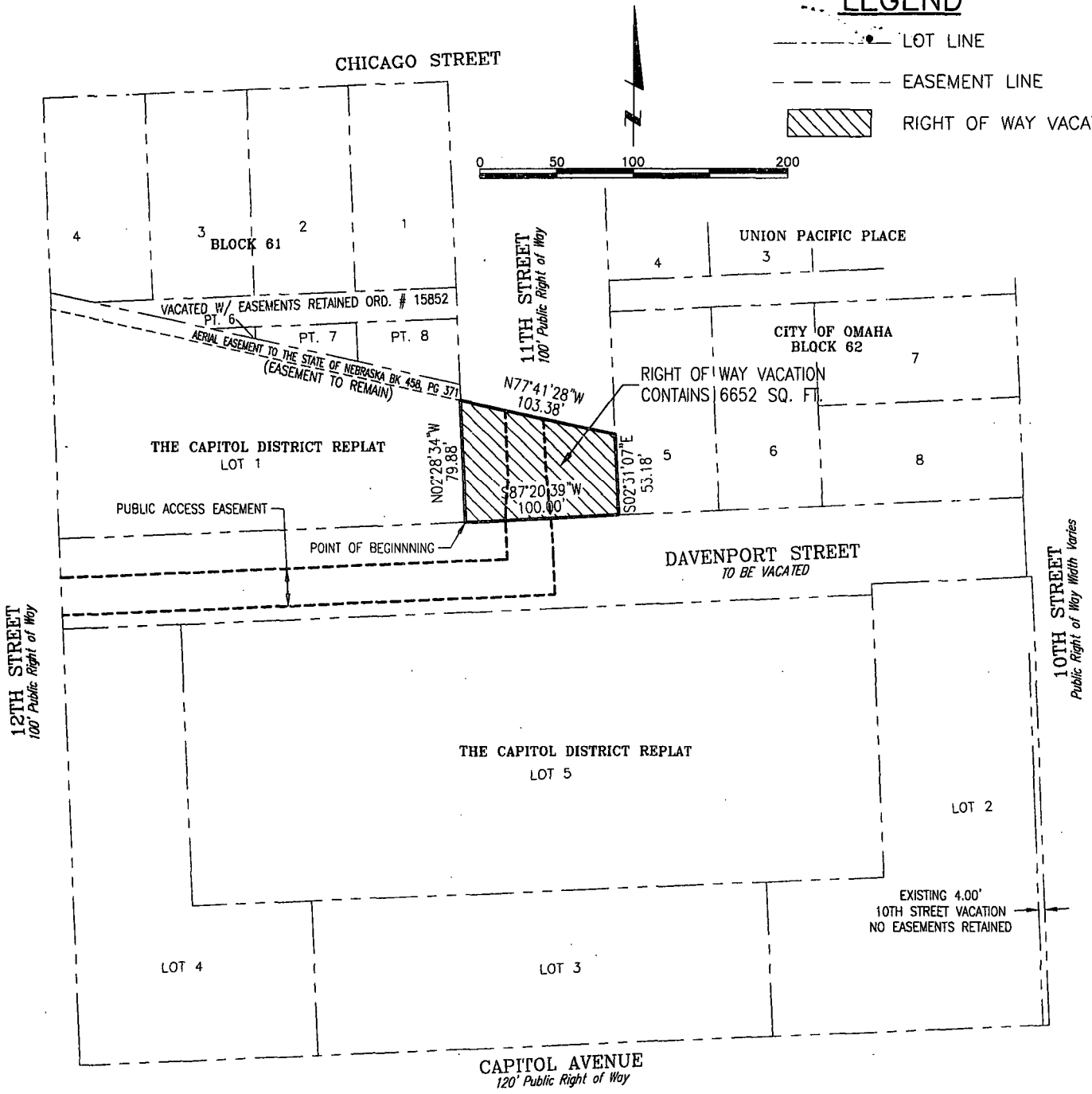
Buster Brown Imprinted Seal
Buster Brown, City Clerk, City of Omaha

RIGHT OF WAY VACATION EXHIBIT

LEGAL DESCRIPTION

LEGEND

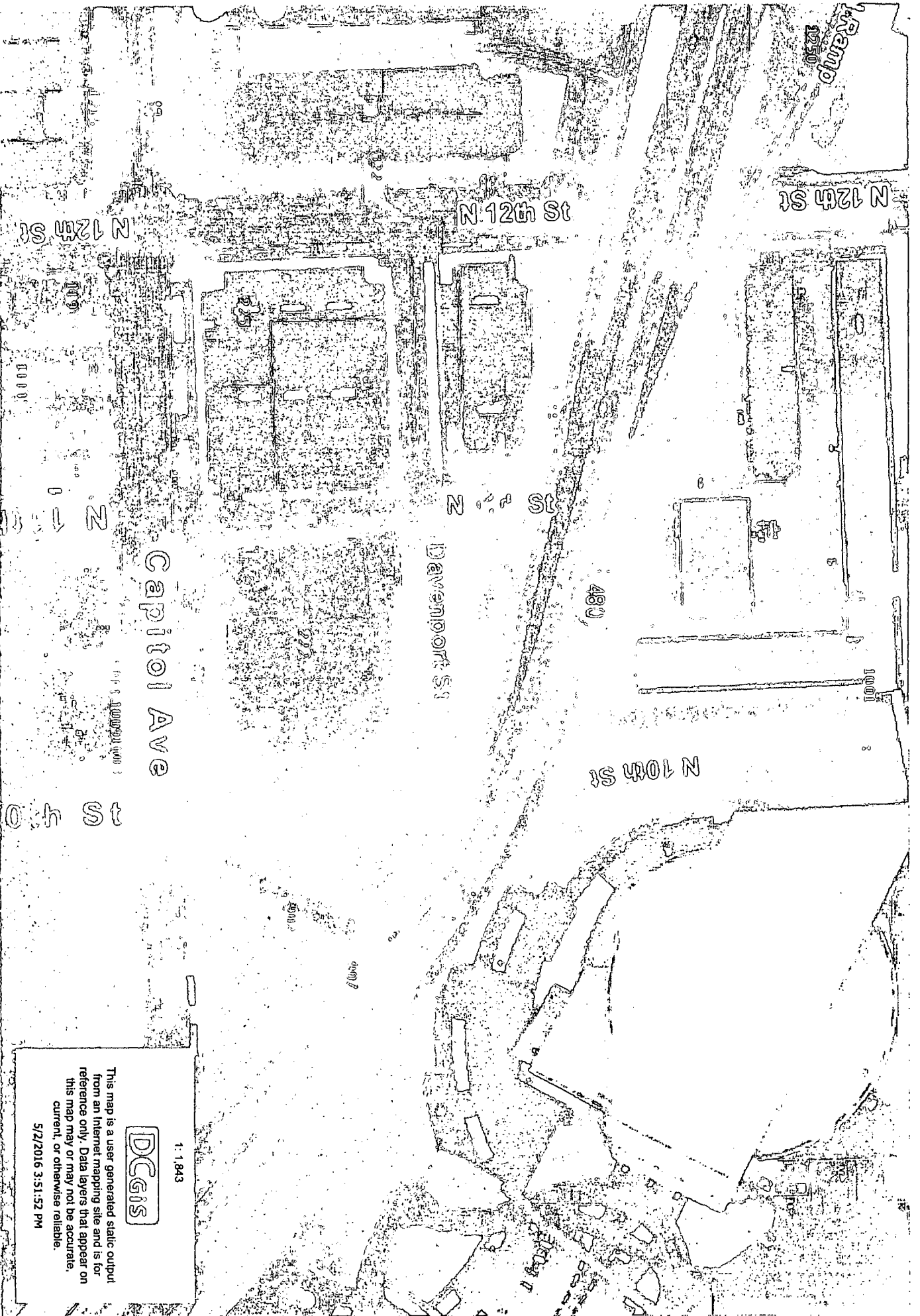
-  LOT LINE
-  EASEMENT LINE
-  RIGHT OF WAY VACATION



LAMP RYNEARSON
& ASSOCIATES

14710 West Dodge Road, Suite 100 402.496.2498 | P
 Omaha, Nebraska 68154-2027 402.496.2730 | F
 www.LRA-Inc.com

drawn by EAM	designed by	reviewed by TLW	project - task number 0110011.01-003	date 11-4-2013	book and page	revisions
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



1: 1,843

5/2/2016 3:51:52 PM

1273

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ORDINANCE NO. 40881e

AN ORDINANCE vacating a portion of 11th Street beginning at the southeast corner of Lot 1 Block 0, The Capitol District Replat Subdivision as surveyed, platted, and recorded in Douglas County, Nebraska, thence N02°28'34"W a distance of 79.88 feet, thence N77°41'28"W a distance of 103.38 feet, thence S02°31'07"E a distance of 53.18 feet, thence S87°20'39"W a distance of 100.00 feet to the point of beginning containing 6,652 square feet, and providing the effective date hereof.

1161Bhra

[Handwritten mark]

PUBLICATIONS

PUBLICATION OF HEARING

Date _____

PUBLICATION OF ORDINANCE

Date _____

PRESENTED TO COUNCIL

1st Reading SEP 13 2016 - Hearing
[Signature]

Hearing SEP 20 2016 - Over to
[Signature]

Final Reading SEP 27 2016

Passed 7-0

BUSTER BROWN
City Clerk