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94-9

PETITION TO VACATE PUBLIC WAY with RELEASE AND WAIVER OF RIGHTS AND TITLE, AND QUIT CLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby ask and petition you to vacate the following street, alley, or other public way, commonly known as: (Example: Blank Street from 1st to 2nd St. or East-west alley, from the north line of 1st Street to the south line of 2nd Street)

That portion of West "S" Street as more particularly described in Exhibit "A", which is attached hereto and incorporated herein by this reference.

in the City of Lincoln, Nebraska, the CITY OF LINCOLN, NEBRASKA, to reserve and retain in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, title, rights, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of or resulting from such vacation of said street, alley, or other public way; and hereby remise and forever quit claim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, of, in, and to all of said street, alley, or other public way, together with all and singular the hereditaments thereunto belonging.

TO HAVE AND TO HOLD the above-described street, alley, or other public way unto the City of Lincoln, Nebraska, and to its successors and assigns, so that none of the undersigned, nor any person in his, her, their, or its name(s) or behalf shall or will hereafter claim or demand any right or title to the said premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

The undersigned hereby represent(s) that he, she, they, or it is (are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way, legally described to wit: (Legal description from deed or abstract)

Lot 100 I.T., Southwest Quarter of Section Twenty-one (21), Township Ten (10), North, Range Six (6) East, Lincoln, Lancaster County, Nebraska

DATED this June, 1994

DAUGHERTY CONSTRUCTION, INC., a Nebraska corporation

By: Rick Daugherty, President

(Individual(s) acknowledgment):

STATE OF NEBRASKA)
LANCASTER COUNTY) ss:

Before me, a notary public qualified for said county, personally came

known to me to be the identical person(s) who signed the foregoing instrument, and acknowledged the execution thereof to be his, her, or their voluntary act and deed for the purposes therein set forth, and acknowledged that he, she, or they signed the foregoing instruments with the view of having said City of Lincoln vacate said street, alley, or other public way, and the City of Lincoln reserving and retaining in said street, alley, or other public way such title, rights, and privileges as it may deem necessary, together with a waiver and release of any and all claims, causes of action, title, rights, demands, and quit claim.

WITNESS my hand and notarial seal on, 1994

Notary Public

My Commission expires:

(Corporate Acknowledgment - OVER)

NEBRASKA DOCUMENTARY STAMP TAX

NOV - 7 1994

\$ X2 BY [Signature]

REFERRED JUL 5 1994 LAW

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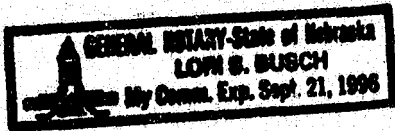
(Corporate Acknowledgment)

STATE OF NEBRASKA)
) ss:
LANCASTER COUNTY)

Before me, a notary public qualified for said county, personally came Rick Daugherty,

president of Daugherty Construction, Inc., a corporation, known to me to be the president and identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his/her voluntary act and deed as such officer and the voluntary act and deed of said corporation, and that the corporate seal of said corporation was affixed thereto by its authority, for the purposes therein set forth, and acknowledged that he/she signed the foregoing instrument with the view of having said City of Lincoln vacate said street, alley, or other public way, and the City of Lincoln reserving and retaining in said street, alley, or other public way such title, rights, and privileges as it may deem necessary, together with a waiver and release of any and all claims, causes of action, title, rights, demands, and quit claim, on behalf of the corporation.

WITNESS my hand and notarial seal on June, 19 94.



Low S. Busch
Notary Public

My Commission expires: _____

**LEGAL DESCRIPTION
VACATION OF WEST "S" STREET**

A Legal Description of a part of West "S" Street, located in the South Half of Section 21, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described by metes and bounds as follows:

Beginning at the Center One-Sixteenth Corner of the Southwest Quarter of Section 21, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; Thence N 00°00'30" E, (an assumed bearing), and on the West Line of the Northeast Quarter of the Southwest Quarter of said Section 21, a distance of 33.00 feet to a point on the North right-of-way line of West "S" Street and the Southwest Corner of Lot 100 Irregular Tract of said Section 21; Thence N 89°34'57" E, and on the Northerly right-of-way line of said West "S" Street and the South Line of Lot 100 Irregular tract of said Section 21 which is also parallel to the South Line of the Northeast Quarter of the Southwest Quarter of said Section 21, a distance of 851.79 feet to a point on a curve to the left; Thence on a curve to the left, having a radius of 66.00 feet, and arc length of 103.67 feet, and a central angle of 90°00'00", with a chord bearing of S 45°25'03" E, a chord distance of 93.34 feet to a point on the Southerly Right-of-Way Line of said West "S" Street and also said point is on the Northerly Line of Lot 8, Western Manor Duplex First Addition to the City of Lincoln, Lancaster County, Nebraska; Thence S 89°34'57" W, and on the Southerly Right-of-Way Line of said West "S" Street and also on the Northerly Line of Lot 8, of said Western Manor Duplex First Addition and Outlots "D", "E", "F", and "G", Western Manor First Addition to the City of Lincoln, Lancaster County, Nebraska, a distance of 918.48 feet to the Northwesterly Corner of Outlot "D", of said Western Manor First Addition and on the West Line of the Southeast Quarter of the Southwest Quarter of said Section 21 and also on the easterly right-of-way Line of U.S. Interstate Highway 80; Thence N 00°21'02" E, and on the West Line of the Southeast Quarter of the Southwest Quarter of said Section 21 and also on the easterly right-of-way line of U.S. Interstate Highway 80, a distance of 33.00 feet to the point of beginning and containing a calculated area of 57,172.50 square feet or 1.313 acres, more or less.

St adj to:
PL 100 IT SW 21-10 6

IT
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D
K

LANCASTER COUNTY, NEB
Dan Nalte
REGISTER OF DEEDS

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Nov 7 10 32 AM '94

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INST. NO. 94—

EXHIBIT "A"

City Clerk
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