



MISC 2004122777



SEP 15 2004 15:00 P 5

Received - RICHARD TAKECHI  
Register of Deeds, Douglas County, NE  
9/15/2004 15:00:24.33



2004122777

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

*Misc*

*07-17560 - Herbach's*

FEE 32.00

FB 07-36120 Smiths-E.V.-

*5*

BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP 88

*14*

DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Temp. 12.4.01

*City 3*

ORDINANCE NO. 36750

AN ORDINANCE vacating the north/south alley between Florence Boulevard and 20<sup>th</sup> Street from Clark Street south approximately 400 feet.

WHEREAS, Section 26-45 of the Omaha Municipal Code provides that the City Council may vacate unused and unimproved alleyway or secondary right-of-way access without petition and without convening any committee for the purpose of determining damages to affected abutting properties upon City Planning Board recommendation.

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

Section 1. That the north/south alley between Florence Boulevard and 20<sup>th</sup> Street from Clark Street south approximately 400 feet, abutted by Lots 1 through 10, Block 17, E.V. Smith's Addition; and Lots 5 through 8, Block 4, Horbachs 2<sup>nd</sup> Addition, located in the NW ¼ Section 15-15-13, is an unused and unimproved alleyway or secondary right-of-way access, and should 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 owners on either side of the centerline thereof; 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, 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. 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 structures upon the premises, including but not limited to, buildings, 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. That this Ordinance shall take effect and be in force fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

James D. Volkert Jr.

APPROVED BY:

Mark J. Johnson 8/26/04  
MAYOR OF THE CITY OF OMAHA DATE

PASSED AUG 24 2004 7-0

ATTEST:

[Signature] 8/26/04  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

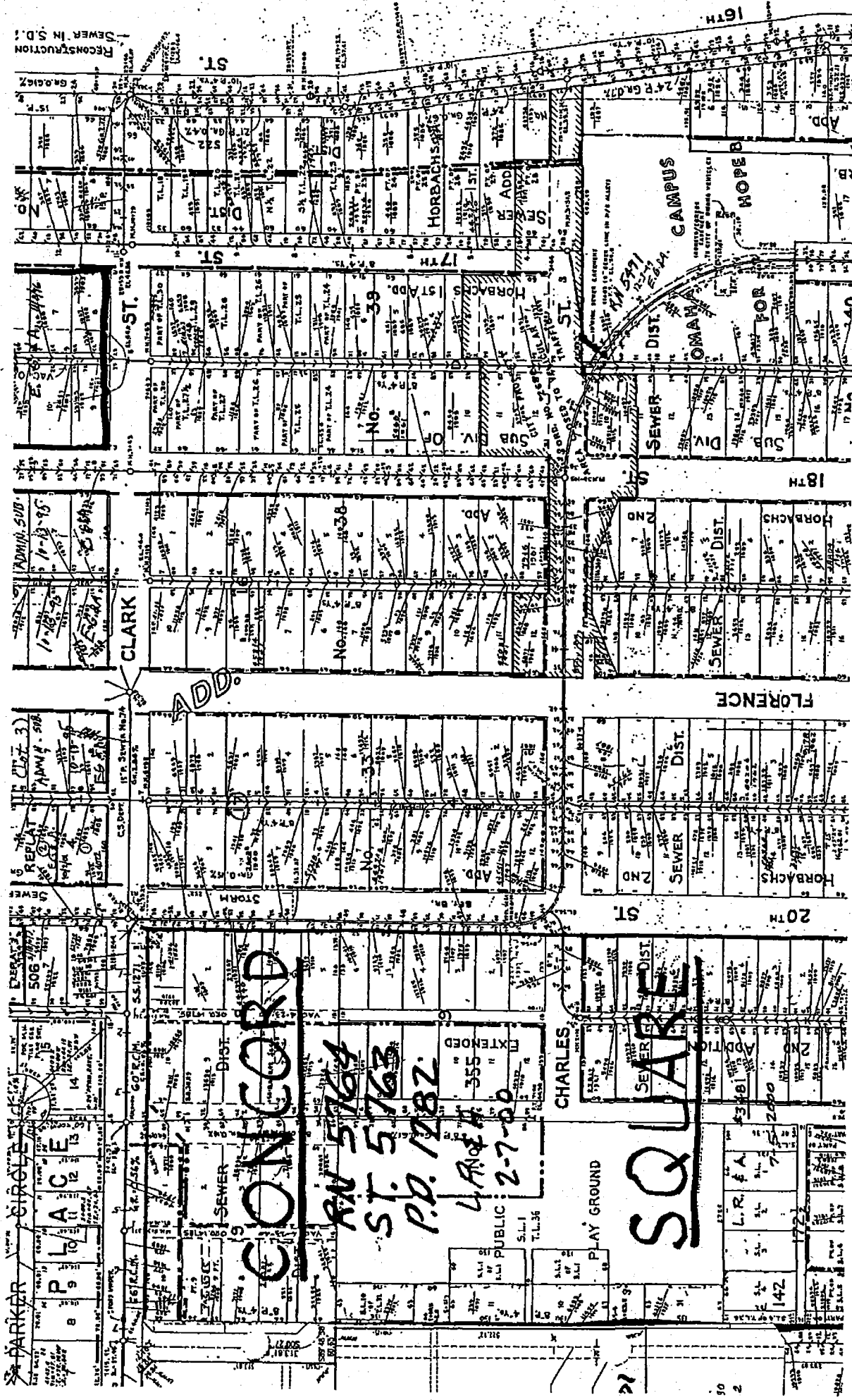
[Signature] 8-19-04  
CITY ATTORNEY DATE

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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.

[Signature]  
CITY CLERK

BY \_\_\_\_\_



RECONSTRUCTION  
SEWER IN S.D.

ST

16TH

CAMPUS

MOPEB

DIST. # 591

SEWER

DIV

OMAH

FOR

SEWER

DIST.

HORBACHS

SEWER

DIST.

HORBACHS

18TH

FLORENCE

20TH

ST

CHARLES

CONCORD  
SQUARE

ST. 5764  
ST. 5763  
P.P. 1182  
L.A. # 355  
PUBLIC 2-7-00

PLAY GROUND

L.R. # A

142

941

Pub Works

5

ORDINANCE NO. 30750

AN ORDINANCE vacating the north/south alley between Florence Boulevard and 20<sup>th</sup> Street from Clark Street south approximately 400 feet.

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**PRESENTED TO COUNCIL**

1st Reading JUL 27 2004 - Hearing 8/3/04

Hearing AUG - 3 2004 - Allen to 8/10/04

Final Reading AUG 10 2004 - Motion to lay over 4 weeks to 8/24/04 Carried 7-0  
AUG 24 2004 - Passed 7-0

**PUBLICATIONS**

PUBLICATION OF HEARING

Date 7-30-04

PUBLICATION OF ORDINANCE

Date \_\_\_\_\_

BUSTER BROWN  
City Clerk