

BOOK 759 PAGE 539

RECEIVED

November 12, 1985

1985 NOV 12 AM 8:35

CITY CLERK
OMAHA, NEBRASKA

Honorable President
and Members of the City Council,

City of Omaha

Michael Boyle, Mayor

Public Works
Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 600
Omaha, Nebraska 68183
(402) 444-5220

James H. Suttle, P.E.
Director

Transmitted herewith is a proposed Ordinance to vacate the following:

The West 2.5 feet of 15th Street from Douglas Street to Farnam Street, the North 2 feet of Farnam Street from 2.5 feet East of the West right-of-way line of 15th Street to 155 feet West of the West right-of-way line of 15th Street, and the South 1.5 feet of Douglas Street from 2.5 feet East of the West right-of-way line of 15th Street to 155 feet West of the West right-of-way line of 15th Street.

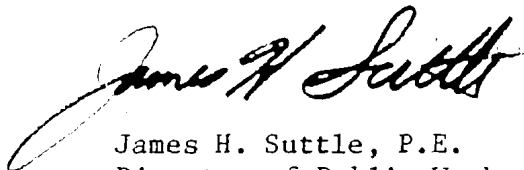
The approval of the Planning Board at their meeting of November 13, 1985 is attached. The vacating petition is also attached.

The vacation has been approved by the City Legal Department.

This vacation will allow for a clear title to be given in the pending sale of the buildings comprising the Central Park Plaza as there are footing encroachments into the right-of-way. An administrative fee of \$500.00 has been paid to the City by the applicant.

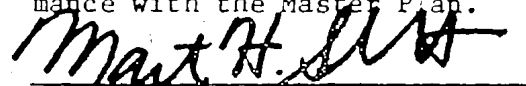
The Public Works Department recommends approval of the proposed Ordinance.

Respectfully submitted,

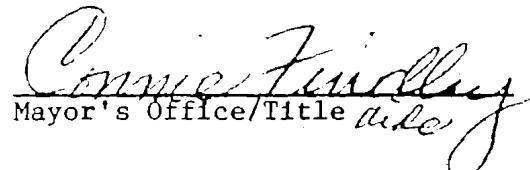


James H. Suttle, P.E.
Director of Public Works

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


Martin H. Shukert, AICP
Planning Director

Referred to City Council for Consideration:


Mayor's Office/Title *title*

5228x

Att.



AN ORDINANCE vacating the West 2.5 feet of 15th Street from Douglas Street to Farnam Street, the North 2 feet of Farnam Street from 2.5 feet East of the West right-of-way line of 15th Street to 155 feet West of the West right-of-way line of 15th Street, and the South 1.5 feet of Douglas Street from 2.5 feet East of the West right-of-way line of 15th Street to 155 feet West of the West right-of-way line of 15th Street in the City of Omaha and providing the effective date hereof.

WHEREAS, petition representing owners of more than 75 percent of the property abutting on the West 2.5 feet of 15th Street from Douglas Street to Farnam Street, the North 2 feet of Farnam Street from 2.5 feet East of the West right-of-way line of 15th Street to 155 feet West of the West right-of-way line of 15th Street, and the South 1.5 feet of Douglas Street from 2.5 feet East of the West right-of-way line of 15th Street to 155 feet West of the West right-of-way line of 15th Street has 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 said vacation.

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

Section 1. That the West 2.5 feet of 15th Street from Douglas Street to Farnam Street, the North 2 feet of Farnam Street from 2.5 feet East of the West right-of-way line of 15th Street to 155 feet West of the West right-of-way line of 15th Street, and the South 1.5 feet of Douglas Street from 2.5 feet East of the West right-of-way line of 15th Street to 155 feet West of the West right-of-way line of 15th Street abutted by Lots 1, 2, Part of Lot 3, Part of Lot 6, Lot 7 and Lot 8, Block 118, Original City



be, and hereby is, vacated; 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 and sidewalks now existing therein and in the future to construct, maintain, repair and renew additional or other sewers and sidewalks, also the right of the Metropolitan Utilities District of the City of Omaha or any other public utility to construct, maintain, repair or renew and operate now existing or hereafter installed pipes, mains, pole lines, conduits, wires 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 there is also a reservation of any rights of use or approval belonging to the Nebraska Department of Roads or Federal Highway Administration in the Douglas Street right-of-way.

*Approved by Dec 3
3109 + 3170
12/13/85 (M)*

Section 2. That this Ordinance shall be in full force and take effect upon its passage.

INTRODUCED BY COUNCILMEMBER

Steve N. Tomasek

APPROVED BY:

Michael Boyle 12/5/85
MAYOR OF THE CITY OF OMAHA DATE

PASSED DEC 3 1985 as amended 7-0

ATTEST:

Mary Young
CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

Ken Zenger
ASSISTANT CITY ATTORNEY

5227x



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.

Mary Young
CITY CLERK
BY _____



INTER-OFFICE COMMUNICATION

Date November 13, 1985

BOOK 759 PAGE 542

TO: Mary Galligan Cornett, City Clerk
FROM: Joe Mangiamelli
SUBJECT: Notification of Public Hearing on Ordinance Vacating for Rights-of-way around Central Park Plaza

1985 NOV 13 PM 4:00
CITY CLERK
OMAHA, NEBRASKA

RECEIVED

The Public Hearing for the vacation of several strips of right-of-way adjacent to the Central Park Plaza will be held on Tuesday, November 19, 1985. For the purposes of notification I would request that such notice be sent to the following individuals:

Gerald M. Tyler, Vice President, Finance
Murdock Development Company
Murdock Plaza
10900 Wilshire Boulevard
Los Angeles, California 90024

Don R. Baker, Property Manager
Murdock Management Company
1 Central Park Plaza
222 South 15th Street, Suite 380
Omaha, Nebraska 68102

Kenneth R. Cook
Kutak, Rock and Campbell
The Omaha Building
1650 Farnam Street
Omaha, Nebraska 68102

If you have any questions or require additional information concerning this matter, please feel free to contact me at your earliest convenience. Thank you for your assistance in this matter.

scf

(CORPORATION)

The acknowledgement of the signature of a corporation must have attached a copy of the By-Law or Resolution, duly certified by corporation officers, under and by virtue of which such signature was affixed to said petition or protest.

Acknowledgment of signature to (Changing grade
(petition for (Grading
(~~protest against~~ (Curbing, paving and repaving
(Surfacing and Resurfacing
(Vacating and narrowing

of the following part of street—to wit: W 2.5' of 15th St. from Douglas St. to Farnam St., N 2.0' of Farnam St. from 2.5' E of W ROW line of 15th St. to 155' W of W ROW line of 15th St., S 1.5' of Douglas St. from 2.5' E of W ROW line 15th St. to 155' W of W ROW line 15th St. and S 15' of Douglas St. from a point 30' W of W ROW line 15th St. to a point 90' W of W ROW line 15th St.

(Street Improvement District No. _____)
within (_____) in Omaha, Nebraska
(Grading Improvement No. _____)

State of Nebraska)
County) ss.
Douglas County)

On this 7th day of November A. D., Nineteen Hundred and 85

before me, a Notary Public in and for said County, personally appeared Gerald Tyler
(Name)

Vice President of Central Park Plaza, Inc., a Nebraska corporation
(Title) (Corporation)

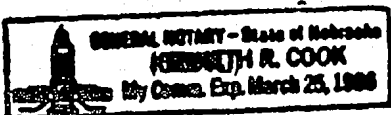
who is personally known to me to be the identical person _____ whose name is affixed to the annexed
petition)
~~protest~~) of owners of lots and lands abutting upon said part of said street in the City of Omaha, Nebraska

for)
~~against~~) the improvement of said part of said street _____ by vacating

and who is personally known to me to be the Vice President of said Corporation

and who I acknowledged the signing of said (petition) to be his voluntary
~~protest~~
act and deed, and the voluntary act and deed of said Corporation.

Witness my hand and notarial seal on the day and date above written.



Kenneth R. Cook
(Notary Public)

My Notarial Commission expires the 25 day of March 1986

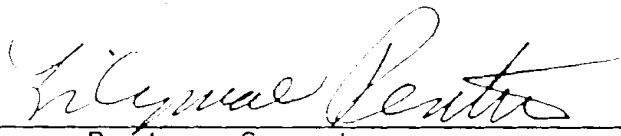


CERTIFICATE OF SECRETARY
OF
CENTRAL PARK PLAZA, INC.
A NEBRASKA CORPORATION

The undersigned, hereby certified that:

She is the duly elected, qualified and acting Secretary of Central Park Plaza, Inc., a Nebraska corporation. Attached hereto is a true and correct copy of a resolution adopted by unanimous written consent by the Board of Directors of said corporation on November 6, 1985 without a meeting, which consent was filed with the minutes of proceedings of the Board of Directors and said resolutions have not been modified or rescinded and are at this date of certification in full force and effect.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 6th day of November, 1985.


Lilymae Penton, Secretary



**UNANIMOUS WRITTEN CONSENT
OF THE BOARD OF DIRECTORS OF
CENTRAL PARK PLAZA, INC.
A NEBRASKA CORPORATION**

The undersigned, being all of the directors of Central Park Plaza, Inc., a Nebraska corporation, do hereby waive any and all requirements for the holding of meetings of the Board of Directors, including without limitation any requirements as to notice thereof, and do hereby take the following actions and adopt the following recitals and resolutions, pursuant to Section 21-2042 of the Nebraska Business Corporation Act and as permitted by the Bylaws of this Corporation by signing a written consent hereto effective as of November 6, 1985.

RESOLVED, that Gerald Tyler be and hereby is elected a Vice President of this Corporation.

RESOLVED, FURTHER, that Gerald Tyler be and hereby is authorized and directed to execute and deliver on behalf of this Corporation any and all documents, including but not limited to a petition to the City Council of the City of Omaha, Nebraska, to effect a vacation of a portion of certain streets adjacent to that property commonly known as Central Park Plaza.

RESOLVED, FURTHER, that the officers of this Corporation, including but not limited to Gerald Tyler, be and hereby are authorized to execute and deliver, for and in the name of this Corporation, such instruments and documents, and to take for and in the name of this Corporation such actions, as each or any of them may deem necessary or advisable to carry out the purposes of the foregoing resolutions.

RESOLVED, FURTHER, that such authority is deemed to be retroactive and all such actions heretofore taken by such officer, as authorized above, are hereby ratified, confirmed and approved.

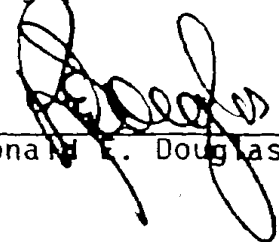
And the undersigned do hereby direct that this document be filed with



the minutes of this Corporation and consent that the actions set forth herein shall have the same force and effect as if taken at a duly constituted meeting of the Board of Directors of this Corporation.



Lilymae Penton



Ronald E. Douglas



CERTIFICATE OF SECRETARY
OF
WESTWOOD PLAZA NO. 10, INC.

The undersigned, being the duly elected and acting Secretary of Westwood Plaza No. 10, Inc., a Delaware corporation, does hereby certify that the following persons are the duly elected incumbents of the offices set forth by their respective names below:

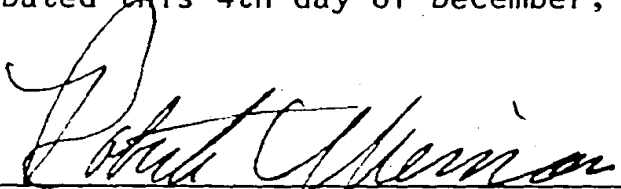
David H. Murdock Chairman of the Board and President

Roberta Wieman Vice President, Secretary and
Assistant Treasurer

And said persons are authorized to execute or endorse documents and instruments on behalf of Westwood Plaza No. 10, Inc. including but not limited to deeds and instruments of conveyance and related documents concerning the sale of that property commonly known as the "Central Park Plaza."

IN WITNESS WHEREOF, I have this day set my hand and affixed the seal of Westwood Plaza No. 10, Inc. hereto.

Dated this 4th day of December, 1985.



Roberta Wieman, Secretary

CERTIFICATE OF SECRETARY
OF
CENTRAL PARK PLAZA, INC.

The undersigned, being the duly elected and acting Secretary of Central Park Plaza, Inc., a Nebraska corporation, does hereby certify that the following persons are the duly elected incumbents of the offices set forth by their respective names below:

- David H. Murdock President
- Ronald E. Douglas Vice President
- Lilymae Penton Vice President, Secretary and Treasurer
- Gerald Tyler Vice President

And said persons are authorized to execute or endorse documents and instruments on behalf of Central Park Plaza, Inc. including but not limited to deeds and instruments of conveyance and related documents concerning the sale of that property commonly known as the "Central Park Plaza."

IN WITNESS WHEREOF, I have this day set my hand and affixed the seal of Central Park Plaza, Inc. hereto.

Dated this 4th day of December, 1985.

Lilymae Penton
Lilymae Penton, Secretary

BK 759 Del VA N 9-5744 to EP 53.00
 PG 539 Indx N/A MC M9
 OF Misc M Comp N Comp X

GEORGE J. BUGLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

1985 DEC -9 PM 1:52

RECEIVED

Book 25

10039 F MISC