

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

BOOK 508 PAGE 1

67-841

Resolved

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska deemed the public interest required the vacation of West Center Frontage Road (Southeast corner of 132nd and West Center) a tract of land located in Lot 1, Block 1, Westwood Heights 15th Addition, an Addition in the City of Omaha, Douglas County, Nebraska, described as follows: Beginning at the Northwest corner of said Lot 1, Block 1, thence North $76^{\circ}44'41''$ East (assumed bearing) along the North line of said Lot 1, Block 1, a distance of 284.63 feet; thence South $88^{\circ}00'28''$ East a distance of 600.33 feet; thence North $89^{\circ}36'19''$ East a distance of 328.33 feet to the Northeast corner of said Lot 1, Block 1; thence South $00^{\circ}05'44''$ East along the East line of said Lot 1 a distance of 30.00 feet; thence South $89^{\circ}36'19''$ West a distance of 329.80 feet; thence North $88^{\circ}00'28''$ West a distance of 585.17 feet to a point of curvature; thence Southwesterly on a 87.50 foot radius curve to the left a distance of 23.28 feet; thence South $76^{\circ}44'41''$ West a distance of 175.90 feet; thence Southwesterly on a 87.50 foot radius curve to the left a distance of 108.46 feet; thence South $05^{\circ}43'20''$ West a distance of 254.29 feet; thence Southwesterly on a 69.23 foot radius curve to the right a distance of 101.84 feet; thence North $00^{\circ}00'44''$ East along the West line of said Lot 1 a distance of 25.00 feet; thence North $24^{\circ}14'22''$ East a distance of 109.66 feet; thence North $05^{\circ}43'20''$ East a distance of 100.50 feet; thence North $02^{\circ}53'02''$ East a distance of 174.90 feet to the point of beginning, as surveyed, platted and recorded, Douglas County, Nebraska, and directed the County Surveyor of Douglas County, Nebraska, to study the use being made of West Center Frontage Road and to submit in writing to said Board a report on the study made and his recommendation concerning said vacation; and

WHEREAS, the County Surveyor of Douglas County, Nebraska, has made a study of the use being made of West Center Frontage Road and under date of September 15, 1971, reported to the Board as follows: "A study has been made of the use of the roadway for which vacation has been requested and recommendation for denial of the proposed vacation is made for the following reasons: 1. Sanitary and storm sewer easements exist through the area and would need to be retained regardless of vacation. 2. West Center Road is a controlled access road and the access points have been established onto the frontage road with median breaks in West Center Road. 3. No advantage to the general public resulting from the vacation is immediately apparent. Your attention is drawn to the fact that due to L.B. 192, effective August 27, 1971, vacation of public right-of-way within zoning jurisdiction of the City of Omaha, approval of the vacation must be obtained from the City"; and

WHEREAS, on November 9, 1971, the City Council of the City of Omaha recommended the vacation of said road to the Board of County Commissioners of Douglas County, Nebraska with the following stipulation: the petitioner shall be required to landscape the 10-foot portion of the right-of-way of West Center Road immediately adjacent to the vacated frontage road in accordance with State Highway Department specifications; and

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska adopted by resolution the 14th day of December, 1971 at 10:00 A.M. in the hearing room of the County Commissioners of Douglas County, Nebraska as the date, time and place of a public hearing on the vacation of the above described property; and

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska caused such resolution to be published once a week for three (3) consecutive weeks in the Daily Record, a legal newspaper in Douglas County, Nebraska; and

WHEREAS, said road does not lie within a township in a county operating roads on a township basis; and

WHEREAS, a public hearing was held on December 14, 1971 at 10:00 A.M. in the hearing room of the County Commissioners of Douglas County, Nebraska and at said hearing no objections were raised with regard to vacation of said roadway; and

WHEREAS, said road was dedicated to the public use by Royalwood Estate, Inc., then owners of said tract, and all rights-of-way upon said tract should revert to its successors in interest, Millard R. and Beverly Seldin, husband and wife, as the owners of all the abutting property (to wit: Lot 1, Block 1, Westwood Heights 15th Addition) in accordance with their petition and their request.

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Douglas County, Nebraska that the above road be and it hereby is vacated and title to said property shall revert to and invest in Millard R. and Beverly Seldin, husband and wife, subject to the requirement that Millard R. Seldin and Beverly Seldin landscape the ten (10) foot portion of the right-of-way of West Center Road immediately adjacent to the vacated frontage road in accordance with State Highway Department specifications and subject to the further limitations and conditions that there is reserved to the Metropolitan Utilities District of the City of Omaha, Omaha Public Power District, Northwest Bell Telephone Company or any other public utilities the right to construct, maintain, repair, renew and operate present, existing or hereafter installed watermains, pole lines, conduits and other similar services or equipment above, on and below the surface of the ground for the purpose of serving the general public or abutting property owners: and the rights so reserved shall also include such lateral connection or branch lines as may be ordered, desired or permitted by the County: and to enter upon the premises to accord the above purpose at any and all times.

BE IT FURTHER RESOLVED that the County Surveyor of Douglas County, Nebraska be and hereby is authorized and directed to correct records, profiles and plats accordingly and that a copy of this resolution be filed in the Register of Deeds Office and the cost of same be charged to the petitioner.

Dated this 15th day of February, 1972.

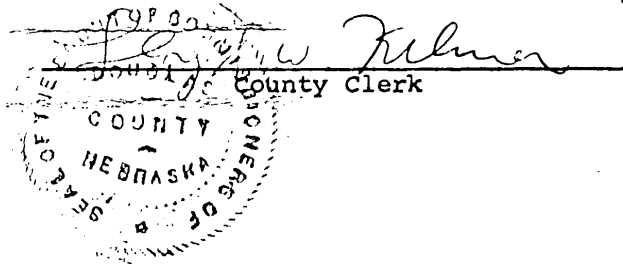
Motion by Cavanaugh; Seconded by Buglewicz

I move the adoption of the resolution.

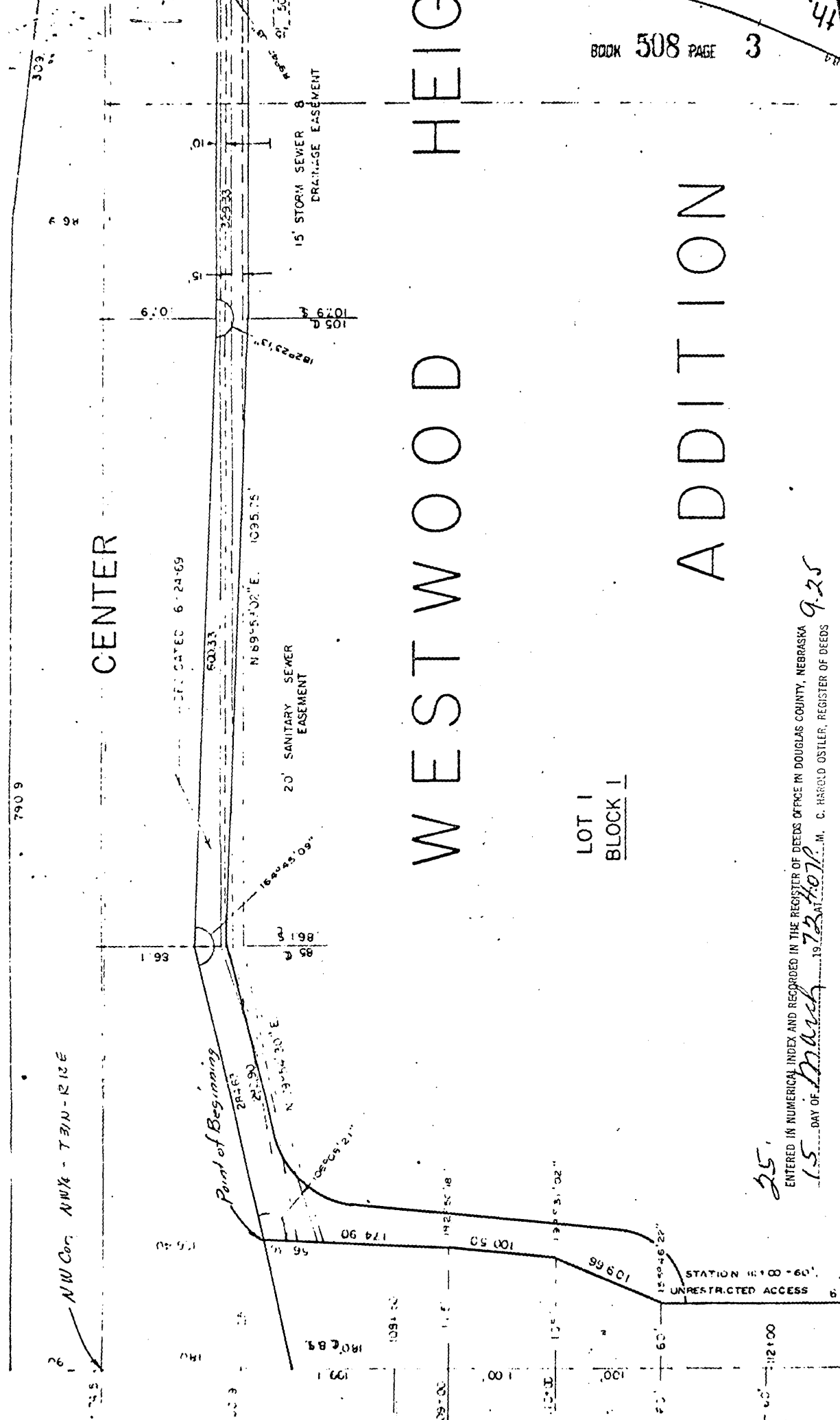
ADOPTED: February 15, 1972.

YEAS: Buglewicz, Cavanaugh, Green, Hassett, Lynch

(CERTIFIED COPY)



Handwritten signatures of Board of County Commissioners members: Paul Cell, George Buglewicz, William Green, and John Cavanaugh, with the text 'BOARD OF COUNTY COMMISSIONERS DOUGLAS COUNTY, NEBRASKA' printed below.



WESTWOOD HEIG

ADDITION

LOT 1
BLOCK 1

NW 1/4 NW 1/4 - TRIN-RIZE

CENTER

RECORDED 6-24-69

Point of Beginning

20' SANITARY SEMER EASEMENT

15' STORM SEWER & DRAINAGE EASEMENT

25.
 ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
 15 DAY OF March 1972 AT 1071 M. C. HAROLD OSTLER, REGISTER OF DEEDS

STATION 1100 + 60
UNRESTRICTED ACCESS 68