



MISC 2005079240



JUL 07 2005 14:06 P 5

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
7/7/2005 14:06:24.66



2005079240

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

*misc*  
*5/2*

FEE 26<sup>00</sup> FB 41-01340  
 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP JW  
 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

ORDINANCE NO. 34430

AN ORDINANCE vacating the north/south alley between 51st Street and 52nd Street from Erskine Street north 138 feet, and providing the effective date hereof.

WHEREAS, under Section 14-375, Reissue, Revised Statutes of Nebraska, 1943, 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. 1755 adopted June 24, 1997 appointed Subby Anzaldo, Resolution No. 1756 adopted June 24, 1997 appointed Frank Brown, and Resolution No. 1757 adopted June 24, 1997 appointed Marc Kraft, respectively, members of the City Council, to assess damages to all property affected by the vacation; and,

WHEREAS, on November 25, 1997, the Committee of Appraisers held a meeting at 10:10 a.m., in the Council Conference Room; and,

WHEREAS, the Committee of Appraisers found no cause for any damages as a result of the vacation; and,

WHEREAS, the City Council finds there are no damages as a result of this vacation.

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

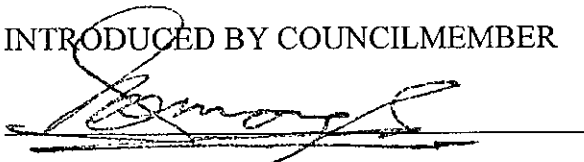
Section 1. That the north/south alley between 51st Street and 52nd Street from Erskine Street north 138 feet, abutted by 8 feet vacated alley adjacent and the west 40 feet of Lot 18, Auburn Hill, and 8 feet vacated alley adjacent and east 40 feet of Lot 19, Auburn Hill, located in the Southeast Quarter Section 7-15-13

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 center line thereof;

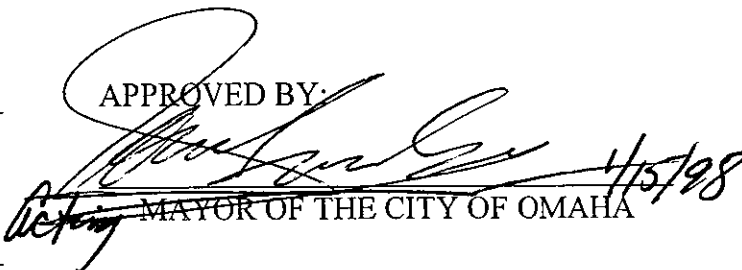
the vacating of the property herein described, and the reversion thereof, pursuant to applicable law, shall be subject to the conditions and limitation that there is reserved to the City of Omaha the right to maintain, operate, repair and renew sewers now existing therein and in the future to construct, 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. 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

  
\_\_\_\_\_

APPROVED BY:


  
\_\_\_\_\_ 4/15/98  
MAYOR OF THE CITY OF OMAHA

PASSED JAN 13 1998 7-0

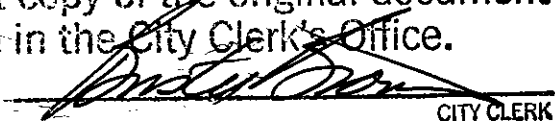
ATTEST:

  
\_\_\_\_\_ 4/15/98  
CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

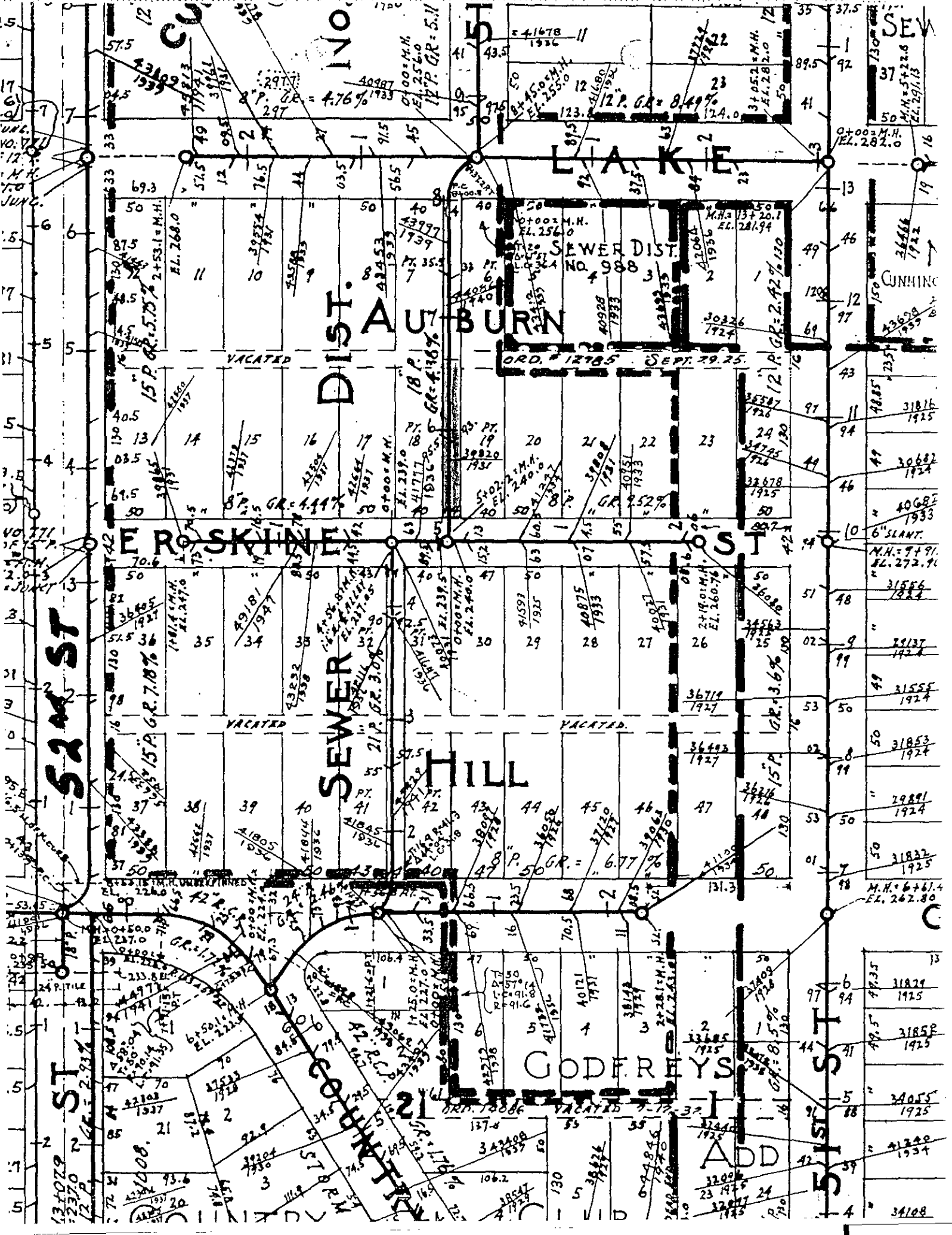
  
\_\_\_\_\_ ASSISTANT CITY ATTORNEY

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.

  
\_\_\_\_\_ CITY CLERK

BY \_\_\_\_\_





3537-37-130 ✓ ✓ ✓  
ORDINANCE NO. 34430 ✓

AN ORDINANCE vacating the north/south alley between 51st Street and 52nd Street from Erskine Street north 138 feet, and providing the effective date hereof.

vacate

alley

Erskine

3537

# PUBLICATIONS

PUB.N. OF HEARING

Date 12-26-97

# PRESENTED TO COUNCIL

1st Reading DEC 23 1997 *Helding*

1/6/98 *present to City Council*

Hearing JAN - 6 1998 - *disc to*

PUB.N. OF ORDINANCE  
Date 1-23-98

1/13/98

Final Reading JAN 13 1998

*Passed 7-0*

CITY CLERK