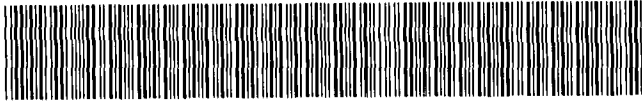


MISC 2012100687



OCT 05 2012 09:55 P 8

W

Misc
 FEE 42⁵⁰ FB 03-80000
 8
 BKP EXAM BW
 5
 IND SCAN PRF

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 10/5/2012 09:55:41.37



2012100687

THIS PAGE INCLUDED FOR INDEXING

PAGE DOWN FOR BALANCE OF INSTRUMENT

RETURN TO: City W

CHECK NUMBER

chg CIT



City of Omaha
Jim Suttle, Mayor

August 28, 2012

RECEIVED
12 AUG 17 PM 12:48
CITY CLERK
OMAHA, NEBRASKA

Public Works Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 601
Omaha, Nebraska 68183-0601
(402) 444-5220
Fax (402) 444-5248

Robert G. Stubbe, P.E.
Public Works Director

Honorable President

and Members of the City Council,

Transmitted herewith is a proposed Ordinance to vacate the following:

Abbott Drive right-of-way located directly south of Capitol Avenue and between 9th and 10th Streets.

The approval of the Planning Board at their meeting of April 4, 2012 is attached. A petition was not required since Section 14-375 Reissue, Revised Statutes of Nebraska, provides, "Upon the recommendation of the City Planning Board, the City Council may, by Ordinance or Resolution, vacate any street or alley within any such City without any petition being filed therefore", also "Before any such street or alley shall be vacated, the Council shall appoint a Committee of at least three members thereof who shall faithfully and impartially and after reasonable notice to the owners and parties interested in the property affected by such vacation, assess damages, if any, to such owners and parties affected".

On May 22, 2012, the Committee of Appraisers held a meeting at 9:15 a.m. in the Council Conference Room of the City of Omaha and found no cause for any damages as a result of the vacation.

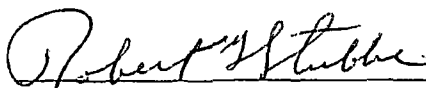
The purpose of the request is to allow consolidation of the vacated right-of-way with the adjacent property. The Planning Department is requesting this vacation; therefore, there are no fees to be assessed.

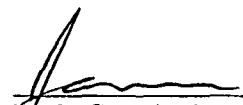
The form of the attached documents has been approved by the City Law Department.

The Public Works Department recommends approval of the proposed Ordinance.

Respectfully submitted,

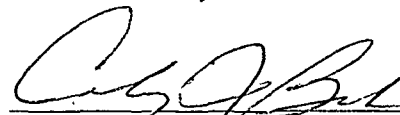
This action has been reviewed and found to be in conformance with the Master Plan.


Robert G. Stubbe, P.E. 6-14-12
Public Works Director Date

 R. E. Thale 8/15/12
R. E. Cunningham, RA, F.SAME Date
for Planning Director

191712scp

Referred to City Council for Consideration:


Mayor's Office 8-16-12
Date

ORDINANCE NO. 39451

AN ORDINANCE vacating Abbott Drive right-of-way located north of Dodge Street and east of 10th Street (directly south of Capitol Avenue and between 9th and 10th Streets), in the City of Omaha and providing the effective date hereof.

WHEREAS, Nebraska Revised Statute Section 14-375, 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. 726 adopted July 14, 2009, appointed Garry Gernandt, Jean Stothert, and Franklin Thompson, members of the City Council, to assess damages to all property affected by the vacation; and,

WHEREAS, on May 22, 2012, the Committee of Appraisers held a meeting at 9:15 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 that portion of Abbott Drive right-of-way, located north of Dodge Street and east of 10th Street (directly south of Capitol Avenue and between 9th and 10th Streets), abutted by parts of Lots 1, 3, 4 and 6, Original City of Omaha, located in the NE ¼ of NE ¼ Section 22-15-13, as shown on the attached Exhibit "A",

be, and hereby is, vacated and that without further act of the City, title to the vacated right-of-way shall pass to the City of Omaha. The vacating of the property herein described, and the reversion thereof, pursuant to applicable law, shall be subject to existing easements for the maintenance of existing utilities, underground lines, conduits or other infrastructure, if any.

Section 2. That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Thomas Mulligan

APPROVED BY:

Jim Suttle 9/19/12
MAYOR OF THE CITY OF OMAHA DATE

PASSED SEP 18 2012 7:0

ATTEST:

Buster Brown 9/19/12
CITY CLERK OF THE CITY OF OMAHA DATE

191812scp

APPROVED AS TO FORM:

Walter P. [Signature] 6-14-12
CITY ATTORNEY DATE

Imprinted Seal

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.

Buster Brown
Buster Brown, City Clerk, City of Omaha

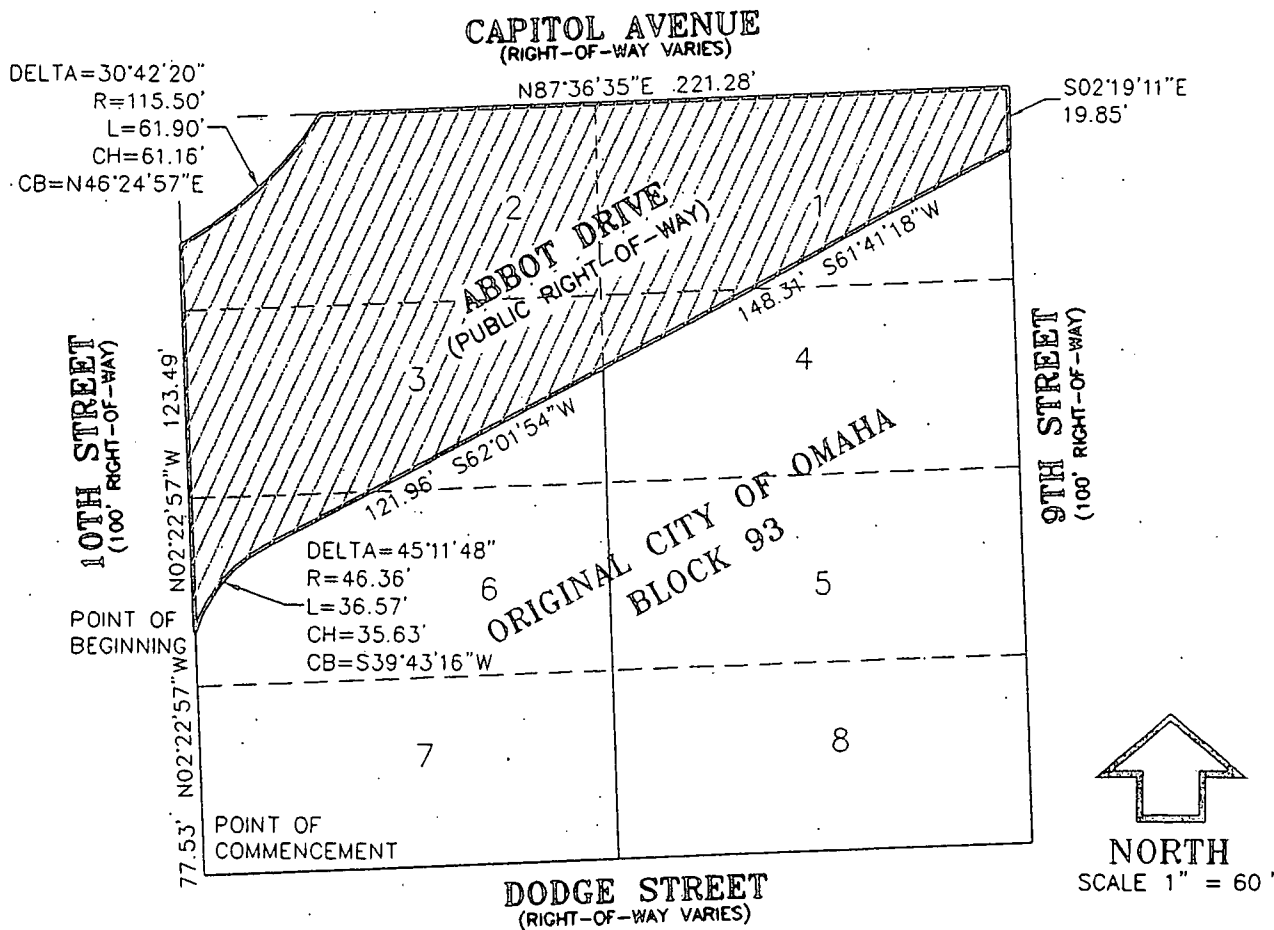
Date: 3-1-12

DESCRIPTION & SKETCH

LEGAL DESCRIPTION: ABBOT DRIVE RIGHT-OF-WAY VACATION

A PORTION OF ABBOT DRIVE RIGHT-OF-WAY LYING WITHIN THE LIMITS OF THE ORIGINAL BLOCK 93, ORIGINAL CITY OF OMAHA AND CONTAINING PORTIONS OF LOTS 1, 2, 3, 4 AND 6 OF SAID BLOCK 93, ALL AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID BLOCK 93; THENCE NORTH 02°22'57" WEST ALONG THE WEST LINE OF SAID BLOCK 93, A DISTANCE OF 77.53 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02°22'57" WEST ALONG SAID WEST BLOCK LINE, A DISTANCE OF 123.49 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 115.50 FEET AND A CENTRAL ANGLE OF 30°42'20", AN ARC DISTANCE OF 61.90 FEET (CHORD=61.16', CHORD BEARING=N46°24'57"E) TO A POINT ON THE NORTH LINE OF SAID BLOCK 93; THENCE NORTH 87°36'35" EAST ALONG SAID NORTH BLOCK LINE, A DISTANCE OF 221.28 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 93; THENCE SOUTH 02°19'11" EAST ALONG THE EAST LINE OF SAID BLOCK 93, A DISTANCE OF 19.85 FEET; THENCE SOUTH 61°41'18" WEST, A DISTANCE OF 148.31 FEET; THENCE SOUTH 62°01'54" WEST, A DISTANCE OF 121.96 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 46.36 FEET AND A CENTRAL ANGLE OF 45°11'48", AN ARC DISTANCE OF 36.57 FEET (CHORD=35.63', CHORD BEARING=S39°43'16"W) TO THE POINT OF BEGINNING. CONTAINING 21,599 SQUARE FEET, MORE OR LESS.



**EHRHART
GRIFFIN &
ASSOCIATES**

ENGINEERING PLANNING LAND SURVEYING
3552 Farnam Street • Omaha, Nebraska 68131 • 402 / 551-0631



OMAHA CITY COUNCIL

Omaha/Douglas Civic Center
1819 Farnam Street - Suite LC-1
Omaha, NE 68183
Phone (402) 444-5520
Fax (402) 444-5263

Thomas Mulligan
President
Garry Gernandt
Vice President
Pete Festersen
Ben Gray
Chris Jerram
Jean Stothert
Franklin Thompson

May 22, 2012

WHEREAS, the City Planning Board, at its meeting of April 4, 2012, recommended to the City Council that the following parcel of right-of-way be vacated, to wit:

Vacation of Abbott Drive right-of-way located north of Dodge Street and east of 10th Street

WHEREAS, Section 14-375, Reissue Revised Statutes of Nebraska, 1943, provides that: "Upon recommendation of the City Planning Board, the City may, by ordinance or resolution, vacate any street or alley within any such city without any petition being filed therefore." It further provides that: "Before any such street or alley be vacated, the Council shall appoint a committee of at least three members thereof who shall faithfully and impartially, and after reasonable notice to the others and parties interested in the property affected by the vacation, assess damages, if any, to such owners and parties affected"; and,

WHEREAS, the City Council of the City of Omaha adopted Resolution Number 726 on July 14, 2009, appointing Garry Gernandt, Jean Stothert and Franklin Thompson, members of the City Council, to assess damages, if any, to such owners and parties affected by the vacation of the above said right-of-way; and,

WHEREAS, notice was given that a hearing was to be held on Tuesday, May 22, 2012, at 9:15 a.m. in the City Council Conference Room, Omaha/Douglas Civic Center, 1819 Farnam Street, Omaha, Nebraska, to assess damages, if any, and such hearing was held.

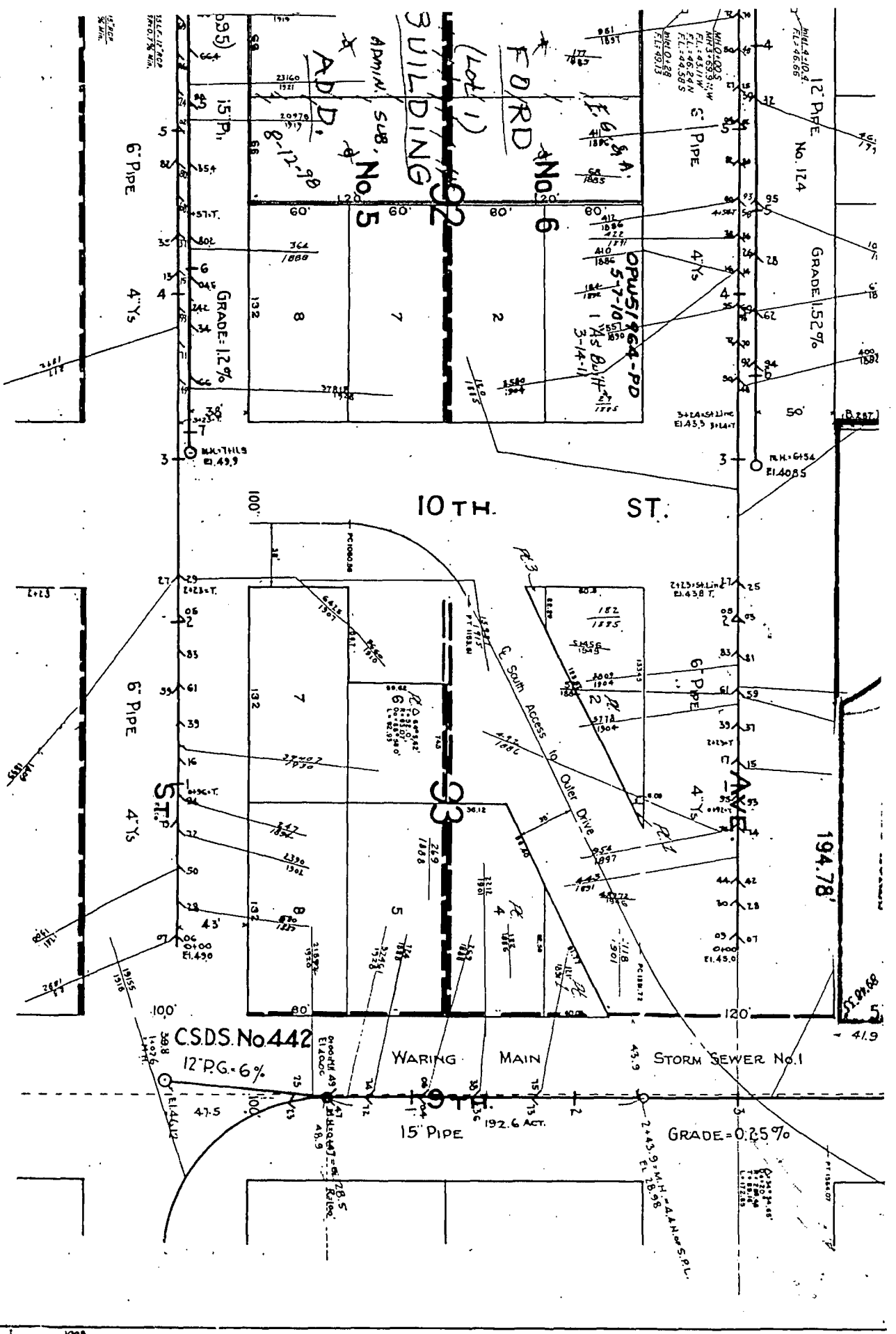
NOW, THEREFORE, that Councilmembers Jean Stothert, Garry Gernandt and Franklin Thompson report to the City Council that it assesses no damages in favor of the owners or parties affected.

Jean Stothert, Councilmember

Garry Gernandt, City Council Vice President

Franklin Thompson, Councilmember

NE 1/4 of NE 1/4 SEC 22 T. 15 N. R. 13 E.



1156 ✓

P.S.

ORDINANCE NO. 39451

AN ORDINANCE vacating Abbott Drive right-of-way located north of Dodge Street and east of 10th Street (directly south of Capitol Avenue and between 9th and 10th Streets), in the City of Omaha and providing the effective date hereof.

191812AscP

9 ✓

PRESENTED TO COUNCIL

1st Reading AUG 28 2012 - *Approved*
with pursuant to City Council
Rule VII H.

Hearing SEP 11 2012 - *over to*
2/18/12

Final Reading SEP 18 2012

Passed 7-0

PUBLICATIONS

PUBLICATION OF HEARING

Date 8/31/2012

PUBLICATION OF ORDINANCE

Date _____

BUSTER BROWN
City Clerk