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GEORGE J. DILLON, JR.
REGISTER OF DEEDS
DOUGLAS COUNTY, NE



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BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

Resolved WHEREAS:

a) This Board of Commissioners of Douglas County, Nebraska, received a petition to vacate a portion of 104th Avenue north of Spaulding Street, in Douglas County, Nebraska, and more particularly described as follows: 104th Avenue from Spaulding Street North in the Knolls Subdivision, Douglas County, Nebraska.

b) The Douglas County Engineer made a study of the use being made of the above-described property and under the date of July 31, 1990, reported that he recommended approval of the vacation as requested.

c) The Board of Commissioners of Douglas County, Nebraska, on December 13, 1994, fixed Tuesday, January 10, 1995, at 9:00 a.m. in the Legislative Chamber of the Omaha-Douglas Civic Center as the date, time and place for a public hearing thereon.

d) Notice of such public hearing was published in the Daily Record, a legal newspaper in Douglas County, Nebraska, and further, a notice of said public hearing was mailed by certified mail, more than two weeks in advance of the hearing, to the last known address of the owners of land abutting or adjacent to the right-of-way to be vacated.

e) Said subdivision does not lie within a township in a county operating roads on a township basis.

f) A public hearing was held on January 10, 1995, at 9:00 a.m. in the Legislative Chamber of the Omaha-Douglas Civic Center, and at said hearing a request by the petitioners' representative was made to lay the matter over for a time period of three weeks, to resume again at the February 7, 1995, Board of Commissioners meeting, and at said hearing no objections were voiced, and at the conclusion of said hearing the Board of Commissioners determined that the public good, convenience and necessity required the vacation as requested.

g) On March 26, 1991, the City County of the City of Omaha, Nebraska, adopted a resolution recommending the vacation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, NEBRASKA, that a portion of 104th Avenue north of Spaulding Street in Douglas County, Nebraska, and more particularly described as follows: 104th Avenue from Spaulding Street North in the Knolls Subdivision, Douglas County, Nebraska, the point of terminus be and is hereby vacated to conform to the plat attached hereto, and that the above-described land shall revert to and become the property of those owners or their prior grantors in the same proportion as was originally contributed to the public way now being vacated, subject to the condition and limitation that there is reserved to the Metropolitan Utilities District of the City of Omaha, the Omaha Public Power District, U.S. West Communications, or any other public utilities, the right to construct, maintain, repair, renew and operate presently existing or hereafter installed water mains, 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 right so reserved shall also include such lateral connection by the county; and to enter upon the premises to accomplish the above purpose at any and all times.

BE IT FURTHER RESOLVED that the Engineer of Douglas County, Nebraska, be and is hereby authorized and directed to correct the records, profiles and plats accordingly and that the petitioners shall file a copy of the resolution in the Office of the Register of Deeds, costs for same to be charged to the petitioners.

Dated this 7th day of February, 1995.

Motion by Borgeson, seconded by Hutchings
I move adoption of the resolution.
ADOPTED: February 7, 1995
YEAS: Borgeson, Hutchings, Labedz, Mills
Simon, Harris, Duda

(Certified Copy)

DOUGLAS COUNTY CLERK

IMPRINTED SEAL
REGISTER OF DEEDS

Clare Duda
Bm
Charles J. Harris
Bernice Labedz
Marye M. Mills
R. Thomas Vann

Board of County Commissioners
Douglas County, Nebraska

Certified copy to: Commissioners, R. Thomas Vann, Howard D. Vann, Matilda Jort, Engineer

Part vacated 104 Av adj. Lat 64 * part Lat 65 North of
(The Arnolds) Spaulding St