

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA

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69

Resolved

RESOLUTION

CERTIFIED COPY

RESOLVED WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, on the 24th day of February, 1959, deemed that the public interest required the vacation of 73rd Street between Maple and Wirt Streets, Benson Addition, Douglas County, Nebraska, and by resolution on that date directed the Highway Department Superintendent to study the use being made of the aforesaid street and to submit in writing to the County Board a report upon the study made and his recommendation as to the vacation thereof, and

WHEREAS, the Highway Superintendent recommended to the Board of County Commissioners of Douglas County, Nebraska, that "To our knowledge, this street has never been opened for use since it was platted and since both abutting blocks 68 and 69 in Benson Addition are in single ownership, I recommend that the request be granted" as specified in the plat attached hereto, marked Exhibit "A" and incorporated herein by reference, and

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, on the 10th day of March, 1959, adopted a resolution fixing Tuesday, April 7th, 1959, at 10:30 A.M., in the County Board Room of Douglas County, Nebraska, as the time, date and place for a public hearing thereon, and

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, caused such resolution to be published in the Douglas County Gazette, a legal newspaper of Douglas County, Nebraska, once a week for three (3) consecutive weeks, and further caused copies of the resolution fixing the time, date and place of said public hearing to be served upon all the owners of land abutting on or adjacent to 73rd Street between Maple and Wirt Streets to be vacated, by mailing the same by certified mail to the last known address of each owner more than two (2) weeks in advance of the hearing, 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 Tuesday, April 7th, 1959, at 10:30 A.M., in the County Board room of Douglas County, Nebraska, and

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at said time and place no objections were voiced, and at the conclusion of said hearing the Board of County Commissioners of Douglas County, Nebraska, determined that the public good required the vacation of said 73rd Street.

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Douglas County, Nebraska, that 73rd Street between Maple and Wirt Streets, Benson Addition, Douglas County, Nebraska, be and the same is hereby vacated to conform to the plat attached hereto, marked Exhibit "A", and incorporated herein by reference, 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, Northwestern Bell Telephone Company or any other public utilities the right to construct, maintain, repair, renew and operate present 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 connections or branch lines as may be ordered, desired or permitted 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 County Surveyor be and is hereby authorized and directed to correct the records, profiles and plats accordingly and that a copy of this resolution be filed in the Register of Deed's Office and the cost of same be charged to the petitioners.

DATED this 14th day of April, 1959.

Walter X. Spellman

Ralph O. Hefflinger

John J. Cavanaugh

Gus A. Dworak

Motion by Dworak; Seconded by Hefflinger
I move the adoption of the resolution.
ADOPTED: April 14th, 1959
YEAS: Cavanaugh, Dworak, Hefflinger, Spellman
ABSENT: Bergman

BOARD OF COUNTY COMMISSIONERS
DOUGLAS COUNTY, NEBRASKA

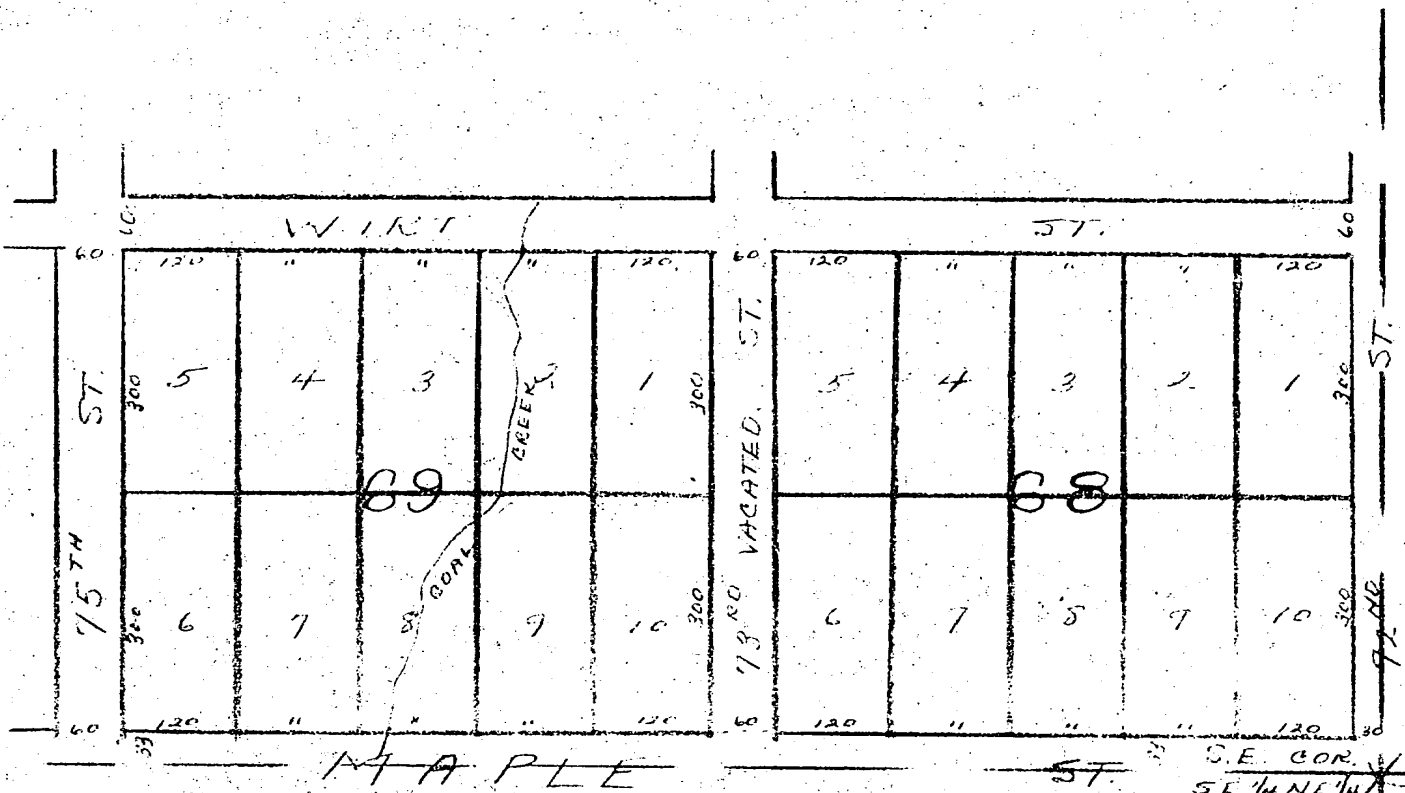
(CERTIFIED COPY)

COUNTY CLERK

50379

ABSTRACT OF TITLES

Block 68 vacated, and a part of Block 69 vacated lying East of center line of Coal Creek in Benson, being located in the SW 1/4 of the NE 1/4 of Section 11, Township 15 North Range 12 East of the 10th P. M., Douglas County, Nebraska, together with all that part of 75th Street vacated lying between said Blocks 68 and 69, Benson, except the West 200 feet of said Block 68 vacated.



4-7-59

16. ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
 21 DAY April 19 59 AT 3:51 P. M. THOMAS J. O'CONNOR, REGISTER OF DEEDS 3.75