

MISCELLANEOUS RECORD No. 97

7. Certified Copy of Ordinance)
 James P. Hoctor, City Clerk)
 to)
 Whom It May Concern)

ORDINANCE NO. 14030.

AN ORDINANCE AMENDING SECTION TWO OF ORDINANCE NO. 10904, SO THAT SAID VACATION ORDINANCE SHALL CONFORM TO CONDITIONS PREVIOUSLY AGREED TO PRIOR TO THE PASSAGE OF SAID ORDINANCE; AND REPEALING SAID SECTION TWO AS HERETOFORE EXISTING.

WHEREAS, Ordinance No. 10904 was passed by the City Council of the City of Omaha on November 16, 1930, vacating certain parts of 45th Avenue, Davenport Street, Wakely Street, Chicago Street, Cass Street and parts of alleys embraced within the area between Dodge Street and California Street, from 45th Avenue to Saddle Creek Road, in consideration of certain private owners deeding certain other lands to The City of Omaha to be used for street purposes; and

WHEREAS, said certain other property owners have deeded said lands, but the said ordinance reserved certain conditions to The City of Omaha, which reservations were not part of the conditions under which said other lands were deeded, as evidenced by a petition of the property owners on file in the office of the City Clerk; THEREFORE,

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

Section 1. That Section two of Ordinance No. 10904 be, and the same is hereby amended to read as follows:

"Section 2. The vacation of the property described in section one hereof and the reversion thereof shall be subject to the conditions and limitations 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; also the right to authorize the Metropolitan Utilities District of The City of Omaha or any other public utility, to construct, maintain, repair and renew and operate now existing or hereafter installed water mains, pole lines, conduits and other similar services or equipment 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 connections or branch lines as may be ordered, desired or permitted by the city; also the right is expressly reserved by the city, as against the petitioners, their successors, heirs and assigns, to construct, either a viaduct over or subway under Chicago Street or Davenport Street in the Belt Line Railroad; or both of said streets.

"The petitioners, their successors, heirs or assigns shall not be allowed or receive any damages of any nature or character whatsoever resulting from or which may be occasioned by the construction of a viaduct or viaducts over said streets or for the construction of a subway or subways underneath said streets, at the intersection of said streets with the Belt Line Railroad. Nor shall the City, as against said petitioners or those succeeding in interest thereafter, be required to condemn any structure of such petitioners and others as may have been placed in said Davenport Street or Chicago Street, in order to construct such viaducts or subways, but may forthwith remove or cause to be removed without expense to said city, any such structure from said streets at said point.

"It is further reserved to the city the right to enter upon the said premises to accomplish any of the above purposes at any and all times."

Section 2. That Section two of Ordinance No. 10904 as heretofore existing be, and the same is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after fifteen (15) days after its passage.

PASSED: January 12, 1932.

(SEAL)

RICHARD L. METCLAFE,
 Mayor and President of City Council.

Attest: JAMES P. HOCTOR, City Clerk.

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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.

James P. Hoctor,
City Clerk.

State of Nebraska,)
County of Douglas.) ss.

Entered in Numerical Index and filed for Record in the Register of Deeds Office of said County, the 1st day of February, A. D., 1932, at 4:20 o'clock P. M.
Harry Pearce,

Register of Deeds.

Compared by R&G.,

8. Certified Copy of Ordinance)
James P. Hoctor, City Clerk)
to)
Whom It May Concern)

ORDINANCE NO. 14029.

AN ORDINANCE VACATING THAT PORTION OF SADDLE CREEK ROAD DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF LOT 30, BLOCK 4, BRIGGS' PLACE, 20 FEET WEST OF THE NORTH-EAST CORNER OF SAID LOT; THENCE IN A NORTHWESTERLY DIRECTION 42.72 FEET MORE OR LESS, TO THE POINT OF INTERSECTION OF THE NORTH LINE OF VACATED ALLEY TO THE NORTH AND THE EAST LINE OF SADDLE CREEK ROAD; THENCE SOUTH ALONG SAID EAST LINE OF SADDLE CREEK ROAD PRODUCED SOUTH, 59.5 FEET TO A POINT 62 FEET NORTH OF THE NORTH LINE OF DODGE STREET; THENCE TO THE LEFT ON A CURVE WHOSE RADIUS IS 62 FEET TO A POINT WHICH IS 20 FEET WEST OF THE EAST LINE OF SAID LOT 30, BLOCK 4, AND 4.1 FEET NORTH OF THE NORTH LINE OF DODGE STREET; THENCE NORTH 102.4 FEET TO THE PLACE OF BEGINNING IN THE CITY OF OMAHA.

WHEREAS, a petition representing owners of all of the property abutting on that portion of Saddle Creek Road proposed to be vacated has heretofore been filed with The City of Omaha; and

WHEREAS, said property owners have in and by said petition waived any and all damages that may be occasioned by the vacating of said alley; THEREFORE,

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

Section 1. That that part of Saddle Creek Road lying between Dodge Street and the vacated alley north of Dodge Street, and described as follows:

Beginning at a point on the north line of Lot 30, Block 4, Briggs' Place, 20 feet west of the northeast corner of said lot; thence in a northwesterly direction 42.72 feet more or less, to the point of intersection of the north line of vacated alley to the north and the east line of Saddle Creek Road; thence south along said east line of Saddle Creek Road produced south, 59.5 feet to a point 62 feet north of the north line of Dodge Street; thence to the left on a curve whose radius is 62 feet to a point which is 20 feet west of the east line of said Lot 30, Block 4, and 4.1 feet north of the north line of Dodge Street; thence north 102.4 feet to the place of beginning in The City of Omaha.

be and the same is hereby vacated; the vacating of the property herein described and the reversion thereof shall be subject to the condition 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 Metropolitan Utilities District of The City of Omaha or any other public utilities, to construct, maintain, repair and renew and operate now existing or hereafter in-