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GEORGE J. BUGLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

01281 H 03-8000

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ORDINANCE NO. 33730

AN ORDINANCE vacating that part of Leavenworth Street and the abandoned railroad spur right-of-way lying East of the East line of Lot 2, Block 208, Original City of Omaha, Douglas County, Nebraska, described as follows: Beginning at the Northeast corner of said Lot 2, thence North for 100 feet along the East line of said Lot 2 extended to the North line of Leavenworth Street; thence East along said North right-of-way line for 163 feet; thence South for 50 feet to the South right-of-way line of Leavenworth Street; thence West along said South right-of-way line for 148 feet to the East line of the abandoned railroad spur line; thence south along said East line for 50 feet; thence West for 15 feet to the point of beginning, 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. 1507 adopted June 25, 1991 appointed Subby Anzaldo, Resolution No. 1481 adopted June 22, 1993 appointed Frank Christensen, and Resolution No. 1607 adopted June 7, 1994 appointed Lormong Lo, respectively, members of the City Council, to assess damages to all property affected by the vacation; and,

WHEREAS, on September 19, 1995, the Committee of Appraisers held a meeting at 10:15 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 part of Leavenworth Street and the abandoned railroad spur right-of-way lying East of the East line of Lot 2, Block 208, Original City of Omaha, Douglas County, Nebraska, described as follows: Beginning at the Northeast corner of said Lot 2, thence North for 100 feet along the East line of said Lot 2 extended to the North line of Leavenworth Street; thence East along said North right-of-way line for 163 feet; thence South for 50 feet to the South right-of-way line of Leavenworth Street; thence West along said South right-of-way line for 148 feet to the East line of the abandoned railroad spur line; thence south along said East line for 50 feet; thence West for 15 feet to the point of beginning, located in the Southwest Quarter Section 23-15-13

be, and hereby is, vacated and that without further act of the City, title to the vacated North 163 feet by 50 feet right-of-way shall pass to the abutting owner on the north and the Southwest 15 feet by 50 feet to the abutting owner on the south; 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.

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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

[Signature]

APPROVED BY:

Hal Daub *12/15/95*
MAYOR OF THE CITY OF OMAHA

PASSED DEC 12 1995 *4-0-2 pass*

ATTEST:

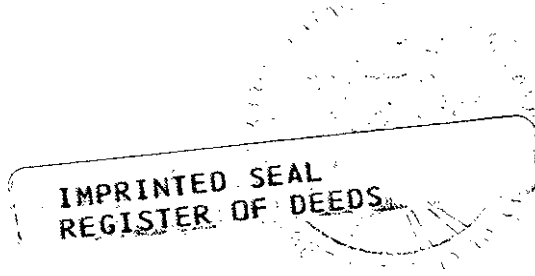
Mary Margaret Carness
CITY CLERK OF THE CITY OF OMAHA

Pass - Council, Christensen

APPROVED AS TO FORM:

[Signature]
ASSISTANT CITY ATTORNEY

P:PW2389.SKZ



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.

[Signature]
DEPUTY CITY CLERK
BY _____

