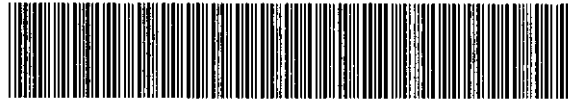




City of Omaha
Mike Fahey, Mayor



MISC 2003198864



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Planning Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 1100
Omaha, Nebraska 68183-0110
(402) 444-5200
(402) 444-5150
Telefax (402) 444-6140

Robert C. Peters
Director

Honorable President
and Members of the City Council,

*Brinker Harding
Pacific Realty Group
1905 Harney Street, 4th Floor
Omaha, NE 68102*

Transmitted herewith is an Ordinance requested by the Planning Department providing for the granting of a permanent easement to the Omaha Public Power District for underground electric facilities and appurtenances on lot 22, Gallup University Riverfront Campus in order to serve the National Park Services facility.

The easement will allow a connection with the existing OPPD easement on Lot 22 and provide for service to the National Park Services facility. The granting of this easement will not hamper the future use of these lots nor diminish the value of the property.

This Ordinance authorizes the Mayor to execute the attached easement and right-of-way agreement that will grant the Omaha Public Power District a permanent easement for underground electric facilities within Lots 22, Gallup University Riverfront Campus, a subdivision surveyed, platted and recorded in Douglas County, Nebraska.

Your favorable consideration of this Ordinance is requested.

Sincerely,

Referred to City Council for Consideration:

[Signature]
Robert C. Peters
Planning Director
Date 9-2-03

[Signature]
Mayor's Office
Date 9-3-04

Approved:

[Signature]
Norm Jackman
Acting Public Works Director
Date 9-02-03

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ARD N TAKECHI
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LAS OFFICIAL

CLERK

STUG-1
July 30, 2003

Doc.# _____

RIGHT-OF-WAY EASEMENT

CITY OF OMAHA, Owner of the real estate described as follows, and hereafter referred to as "Grantor",

Lot 22, Gallup University Riverfront Campus, a subdivision surveyed, platted and recorded in Douglas County, Nebraska.

in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant to the OMAHA PUBLIC POWER DISTRICT, a public corporation, its successors and assigns, hereafter referred to as "District", a permanent right of way easement with rights of ingress and egress thereto, to construct, operate, maintain, replace and remove its underground electric facilities, consisting of cables, wires, conduits, manholes, drains, splicing boxes and other appurtenances, upon, over, along and under the following described real estate, to wit:

A tract of land located in Lot 22, Gallup University Riverfront Campus, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, being more particularly described as follows: Referring to the Northwest corner of Lot 20 of said subdivision, said point also being a corner on the East line of said lot 22; thence S 00° 00'00" E (assumed Bearing), 87.78 feet on the East line of said Lot 22; thence N 44° 57'04" W, 152.19 feet on the south line of an existing Utility and Access Easement to Lot 20, to the Point of Beginning; thence S 82° 14'15" W, 76.60 feet to the East line of an existing 40.00 foot easement to the Omaha Public Power District (OPPD); thence N 12°32' 18" E, 10.02 feet on the East line of said existing OPPD easement; thence N 04°41'50" E, 10.85 feet on the East line of said OPPD easement; thence N 82° 14'15" E, 55.61 feet to the south line of said Utility and Access Easement; thence S 44° 57'04" E, 25.11 feet on the south line of said Utility and Access Easement to the Point of Beginning. (See Exhibit "A" on the reverse side hereof for a drawing of the easement area)

CONDITIONS:

The Grantor hereby grants to the District, its successors and assigns, the right, privilege and authority to clear all trees, roots, brush, and other obstructions from the surface and subsurface of said strip and to temporarily open any fences crossing said strip. Grantor agrees that grade shall not be reduced more than One foot (1') in elevation without the prior approval of the District.

In granting this easement, it is understood that said cables shall be buried below plow depth in order to not interfere with the ordinary cultivation of the strip. Damages to fences and growing crops arising from the construction and maintenance of the aforesaid system shall be paid for by the District.

The Grantor covenants that it has lawful possession of said real estate, good, right and lawful authority to make such conveyance and that its successors and assigns shall warrant and defend the same and will indemnify and hold harmless the District forever against the claims of all persons whomsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

IN WITNESS WHEREOF, the Owner have executed this instrument this 30 day of October, 2003.

Attest:


[Signature]
City Clerk

Approved as to Form:

CITY OF OMAHA

[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
SPECIAL PROJECTS ATTORNEY

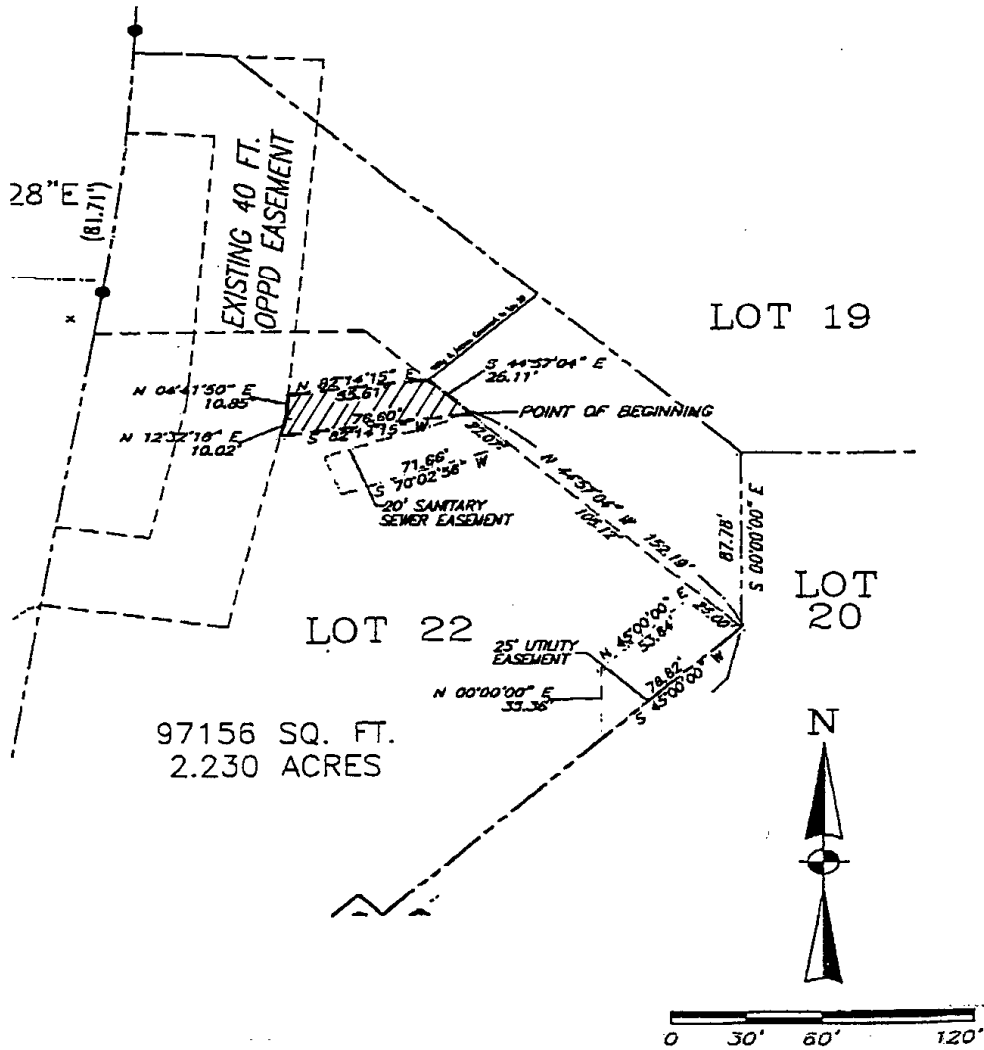
STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

On this ____ day of _____, 2003, before me the undersigned, a Notary Public in and for said County, personally came _____ and _____, Mayor and City Clerk of the City of Omaha, personally known to me to be the identical person who signed the foregoing instrument as grantor and who acknowledged the execution thereof to be _____ voluntary act and deed for the purpose therein expressed.

Witness my hand and Notarial Seal the date above written.

NOTARY PUBLIC

Exhibit "A"



SW ¼, Section 14, T 15 N, R 13 E, County Douglas, ROW RAM
Rep ___ Engineer ___ Serv Req # ___ W.O.# _____

ORDINANCE NO. 36411

AN ORDINANCE to grant the Omaha Public Power District a permanent easement and to authorize the Mayor to execute an easement and right-of-way agreement; and, providing for the effective date hereof.

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

Section 1. That the City of Omaha, notwithstanding the procedure outlined in Sections 27-51 to 27-75 of the Omaha Municipal Code, will grant to the Omaha Public Power District a permanent easement to the extent identified in Exhibit "A" attached hereto and to the extent it has any interest in the following piece of property:

Lots 22, Gallup University Riverfront Campus, a subdivision surveyed, platted and recorded in Douglas County, Nebraska.

Section 2. That the Mayor of the City of Omaha shall be authorized to execute the easement and right-of-way agreement attached to this Ordinance.

Section 3. This Ordinance shall be in full force and take effect on the date of its passage.

INTRODUCED BY COUNCILMEMBER

James D. Kolka Jr.

APPROVED BY:

Mike Jahoy 10/2/03
MAYOR OF THE CITY OF OMAHA DATE

PASSED SEP 30 2003 7-0

ATTEST:

Buster Brown 10/2/03
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

Frederick J. ... 9-9-03
CITY ATTORNEY DATE
SPECIAL PROJECTS

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
CITY CLERK

BY

1225

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ORDINANCE NO. 36411

AN ORDINANCE to grant the Omaha Public Power District a permanent easement and to authorize the Mayor to execute an easement and right-of-way agreement; and, providing for the effective date hereof
(Catho University, 4th & Riverfront Campus)

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PRESENTED TO COUNCIL

1st Reading SEP 16 2003 - *Hearing*
9/23/03

Hearing SEP 23 2003 - *Over to*
9/30/03

Final Reading SEP 30 2003

Passed 7-0

PUBLICATIONS

PUBLICATION OF HEARING

Date _____

PUBLICATION OF ORDINANCE

Date _____

BUSTER BROWN
City Clerk

RECEIVED
ENVIRONMENTAL
2003 OCT - 8 AM 8:58