

25-15-12  
25-15-12

## BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

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**Resolved**

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, on the 1st day of February, 1971 deemed that the public interest required the vacation of 108th Street and Old Dodge Road, more particularly described as follows: 108TH STREET. That part of the NW 1/4 of Section 21 together with that part of the NE 1/4 of Section 20, all in T 15 N, R 12 E of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the Northeast corner of said Section 20; thence S 0° 30' 00" W, 164.00 feet to the point of beginning, said point lying on the Southerly R.O.W. line of West Dodge Road; thence S 81° 32' 37" E, 33.32 feet; thence S 0° 30' 00" W, 976.89 feet to the Northeasterly R.O.W. line of Old Dodge Road; thence N 57° 32' 30" W, 77.79 feet; thence N 0° 30' 00" E, 944.93 feet to a point on the Southerly R.O.W. line of West Dodge Road; thence S 81° 32' 37" E, 33.32 feet to the point of beginning. OLD DODGE ROAD. That part of the NW 1/4 of Section 21 together with that part of the NE 1/4 of Section 20, all in T 15 N, R 12 E of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the Southeast corner of the NE 1/4 of the NE 1/4 of said Section 20; thence N 0° 30' 00" E along the Easterly line of said Section 20, 124.00 feet to the point of beginning; thence N 57° 32' 30" W along the Southwesterly R.O.W. line of Old Dodge Road, 915.51 feet to a point of curve; thence Northwestery on a curve to the right (radius being 608.85 ft.), an arc distance of 290.31 feet; thence N 30° 13' 20" W along the Westerly R.O.W. line of Old Dodge Road, 25.04 feet to a point on the Southerly R.O.W. line of West Dodge Road; thence East along the Southerly R.O.W. line of West Dodge Road, 76.52 feet; thence Southeasterly on a curve to the left (radius being 542.85 ft.), an arc distance of 247.66 feet; thence S 57° 32' 30" E along the Northeasterly R.O.W. line of Old Dodge Road, 1989.94 feet to a point of curve; thence Southeasterly on a curve to the left (radius being 283.30 ft.), an arc distance of 159.98 feet; thence S 89° 53' 47" E, 191.55 Feet; thence S 01° 41' 31" W, 66.03 feet; thence N 89° 53' 47" W, 189.72 feet to a point of curve; thence Northwestery on a curve to the right (radius being 349.30 ft.), an arc distance of 197.25 feet; thence N 57° 32' 30" W, 1074.43 feet to the point of beginning, as surveyed, platted and recorded, Douglas County, Nebraska; and

WHEREAS, by resolution dated on the 1st day of February, 1971, the Board of County Commissioners directed the Highway Department Superintendent to study the use being made of said public streets and to submit in writing to the County Board upon the study made his recommendation as to the vacation thereof; and

WHEREAS, on the 18th day of February, 1971, the Highway Department Superintendent recommended to the Board of County Commissioners of Douglas County, Nebraska, as follows: "A study of the vacation of parts of 108th Street and Old Dodge Road was made and it is my determination that the best interests of the County will be served by the proposed vacation"; and

WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, on the 2nd day of March, 1971, adopted a resolution fixing Tuesday, the 23rd day of March, 1971 at 10:10 A.M., in the County Board Room of Douglas County, Nebraska, as time, date and place for a public hearing thereon; and

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WHEREAS, the Board of County Commissioners of Douglas County, Nebraska, caused such resolution to be published in the Daily Record, a legal newspaper in 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 of the owners of land abutting on or adjacent to the 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, it was brought to the attention of the Board of County Commissioners that the property described above assumed that the westerly line of the Southwest quarter of the Northwest quarter of Section 21 was bearing North 00° 36' 45" West; and

WHEREAS, There was a request that if the Board were to vacate the property it should include an alternative description which assumed that the westerly line of the Southwest quarter of the Northwest quarter of Section 21 was bearing North 00° 05' 40" West; and

WHEREAS, the Douglas County Highway Superintendent studied the alternative description and found it to be identical to the former description and stated that he had no objection to the inclusion of the alternative description in the vacation; and

WHEREAS, said streets do not lie within a township in a County operating roads on a township basis; and

WHEREAS, a public hearing was held on Tuesday, March 23, 1971, at 10:10 A.M., in the County Board Room of Douglas County, Nebraska, and at said time and place no objections were voiced with regard to the vacation itself or the inclusion of the alternative description in the order of vacation, 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 streets.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, NEBRASKA, that the following described streets in Douglas County, Nebraska be and the same hereby are vacated subject to the conditions and limitations reserved to the Metropolitan Utilities District of the City of Omaha, the Omaha Public Power District, Northwestern Bell Telephone Company and other public utility companies: 108TH STREET: That part of the NW 1/4 of Section 21 together with that part of the NE 1/4 of Section 20, all in T 15 N, R 12 E of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the Northeast corner of said Section 20; thence S 0° 30' 00" W, 164.00 feet to the point of beginning, said point lying on the Southerly R.O.W. line of West Dodge Road; thence S 81° 32' 37" E, 33.32 feet; thence S 0° 30' 00" W, 976.89 feet to the Northeasterly R.O.W. line of Old Dodge Road; thence N 57° 32' 30" W, 77.79 feet; thence N 0° 30' 00" E, 944.93 feet to a point on the Southerly R.O.W. line of West Dodge Road; thence S 81° 32' 37" E, 33.32 feet to the point of beginning; thence S 81° 32' 37" E, 33.32 feet to the point of beginning assuming that the westerly line of the Southwest quarter of the Northwest quarter of Section 21 bears North 00° 36' 45" West, or, in the alternative, beginning at the Northeast corner of said Section 20; thence S 0° 10' 56" E, 164.00 feet to the point of beginning, said point lying on the Southerly R.O.W. line of West Dodge Road; thence S 82° 13' 33" E, 33.32 feet; thence S 0° 10' 56" E, 976.89 feet to the Northeasterly R.O.W. line of Old Dodge Road; thence N 58° 13' 26" W, 77.79 feet; thence N 0° 10' 56" W, 944.93 feet to a point on the Southerly R.O.W. line of West Dodge Road; thence S 82° 13' 33" E, 33.32 feet to the point of beginning assuming that the westerly line of the Southwest quarter of the Northwest quarter of Section 21 bears North 00° 05' 40" West. OLD DODGE ROAD: That part of the NW 1/4 of Section 21

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together with that part of the NE 1/4 of Section 20, all in T 15 N, R 12 E of the 6th P.M., Douglas County, Nebraska, described as follows: Beginning at the Southeast corner of the NE 1/4 of the NE 1/4 of said Section 20; thence N 0° 10' 56" E along the Easterly line of said Section 20, 124.00 feet to the point of beginning; thence N 58° 13' 26" W along the Southwesterly R.O.W. line of Old Dodge Road, 915.51 feet to a point of curve; thence Northwesterly on a curve to the right (radius being 608.85 ft.), an arc distance of 290.31 feet; thence N 30° 54' 16" W along the Westerly R.O.W. line of Old Dodge Road, 25.04 feet to a point on the Southerly R.O.W. line of West Dodge Road; thence N 89° 19' 04" E along the Southerly R.O.W. line of West Dodge Road, 76.52 feet; thence Southeasterly on a curve to the left (radius being 542.85 ft.) an arc distance of 247.66 feet; thence S 58° 13' 26" E along the Northeasterly R.O.W. line of Old Dodge Road, 1989.94 feet to a point of curve; thence Southeasterly on a curve to the left (radius being 283.30 ft.), an arc distance of 159.98 feet; thence N 89° 25' 17" E 191.55 feet; thence S 01° 00' 35" W, 66.03 feet; thence S 89° 25' 17" W, 189.72 feet to a point of curve; thence Northwesterly on a curve to the right (radius being 349.30 ft.) an arc distance of 197.25 feet; thence N 58° 13' 26" W, 1074.43 feet to the point of beginning assuming that the westerly line of the Southwest quarter of the Northwest quarter of Section 21 bears North 00° 05' 40" West.

BE IT FURTHER RESOLVED that the County Surveyor of Douglas County, Nebraska be and is hereby authorized and directed to correct the records, profiles and plots accordingly and that a copy of this resolution be filed in the Register of Deeds Office and the cost of same be charged to the petitioners.

DATED this 30th day of March, 1971.

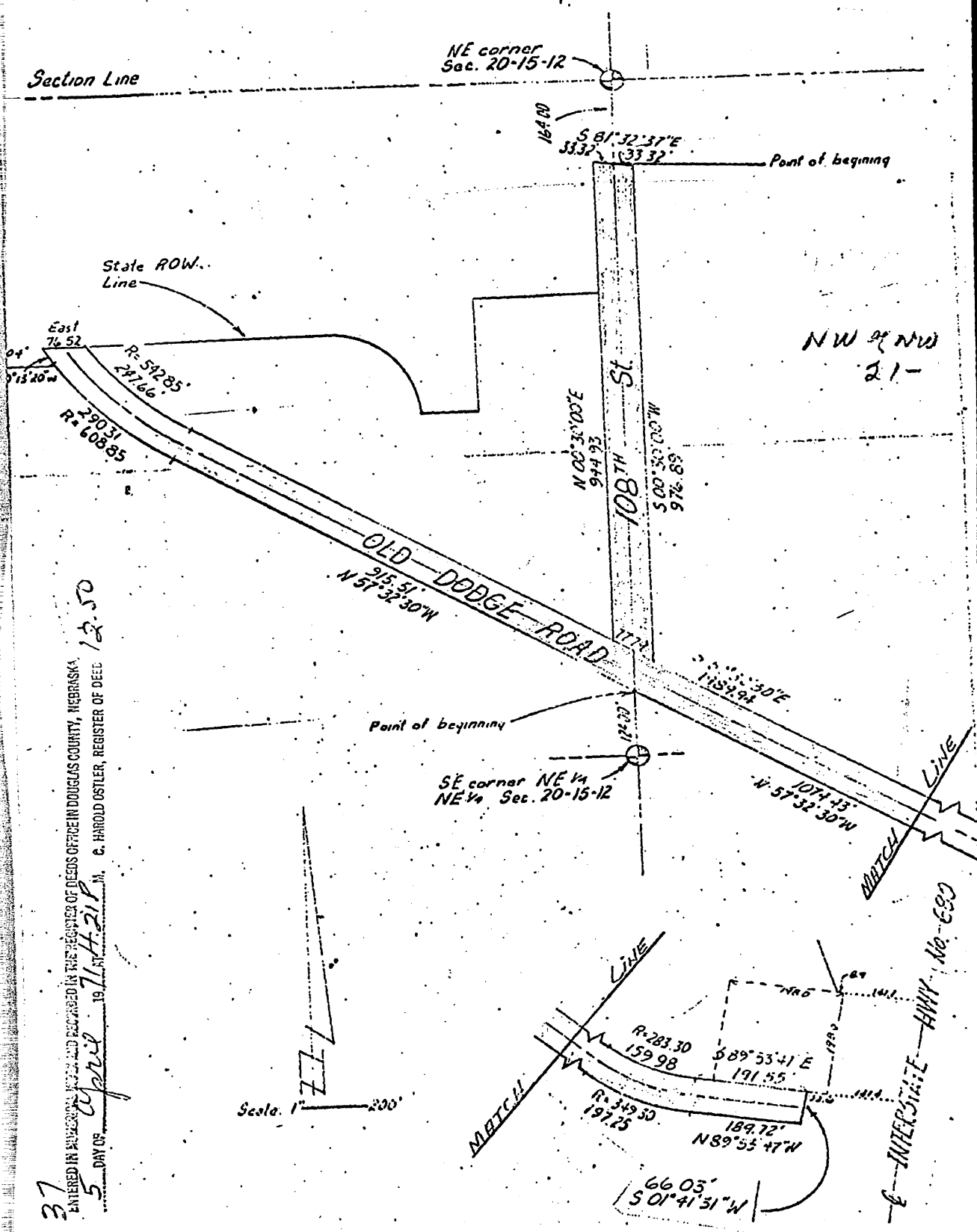
*John Cavanaugh*  
*William Buglewicz*  
*William Buglewicz*

BOARD OF COUNTY COMMISSIONERS  
 OF DOUGLAS COUNTY, NEBRASKA

Motion by Lynch; Seconded by Hassett  
 I move the adoption of the resolution.  
 ADOPTED: March 30, 1971.  
 YEAS: Buglewicz, Lynch, Green,  
 Hassett, Cavanaugh

(CERTIFIED COPY)  
*Stephen W. Palmer*  
 County Clerk

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37 ENTERED IN PUBLIC RECORDS AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA, APRIL 19 11 42 AM, C. HAROLD OSTLER, REGISTER OF DEEDS 12.50