

MISC 2004168453



DEC 30 2004 11:26 P 5

Received - RICHARD TAKECHI  
Register of Deeds, Douglas County, NE  
12/30/2004 11:26:35.36



2004168453

After recording please return to:

Jeff C. Miller, Esq.  
YOUNG & WHITE  
8742 Frederick Street  
P.O. Box 241358  
Omaha, NE 68124-5358  
(402) 393-5600

*misc 9*  
*5*  
*7*

FEE	<i>20.00</i>	FB	<i>OC-30960</i>
BKP	<i>71511</i>	C/O	
DEL		SCAN	FV

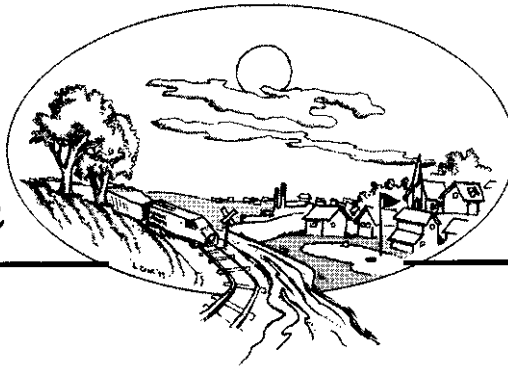
*7850/01-60000*

COVER PAGE FOR RECORDING PURPOSES:

Regarding real property located in Douglas County, Nebraska, described as follows:

Lots 1, 2, 3 and 4 of Block 1, and Lots 10 and 11 of Block 2, Poppleton's Addition to Elkhorn, a Subdivision in Douglas County, Nebraska.

*City of Elkhorn*



A Small Town That's "Growing" Places

**CERTIFICATE OF PASSAGE OF**  
**ORDINANCE NO. 545**

I, Cheryl K. Eckerman, City Clerk of the City of Elkhorn, Nebraska, hereby certify that the following is a true and correct copy of Ordinance No. 545 as passed and approved on December 14, 2004 and that said Ordinance has been published in a legal newspaper as required by law.

*Cheryl K. Eckerman*  
CHERYL K. ECKERMAN, CITY CLERK  
CITY OF ELKHORN, NEBRASKA

(SEAL)



**PROCEEDINGS AND PASSAGE OF ORDINANCE NO. 545:**

The Mayor and City Council of the City of Elkhorn, Nebraska, met in regular session on December 14, 2004, at 7:00 p.m., at the Bess Johnson Elkhorn Public Library, and passed the following described ordinance:

**ORDINANCE NO. 545**

**AN ORDINANCE TO VACATE LOTS 1 THROUGH 4 OF BLOCK 1, AND LOTS 10 AND 11 OF BLOCK 2, POPPLETON'S ADDITION TO ELKHORN, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ELKHORN, DOUGLAS COUNTY, NEBRASKA:**

WHEREAS, the owner of the property previously platted as Lots 1 through 4 of Block 1, and Lots 10 and 11 of Block 2, Poppleton's Addition to Elkhorn, a subdivision in Douglas County, Nebraska, desires to formally vacate said plat; and

WHEREAS, it appears desirable and for the public good and best interest of the City of Elkhorn, that an Ordinance be passed vacating the plat of Lots 1 through 4 of Block 1, and Lots 10 and 11 of Block 2, Poppleton's Addition to Elkhorn, a subdivision in Douglas County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the plat of Lots 1 through 4 of Block 1, and Lots 10 and 11 of Block 2, Poppleton's Addition to Elkhorn, a subdivision in Douglas County, Nebraska, is hereby vacated.

Section 2. That the real estate which previous hereto comprised the now vacated Lots 1 through 4 of Block 1, and Lots 10 and 11 of Block 2, Poppleton's Addition to Elkhorn, along with the adjoining portions of the streets and alleys vacated by an Ordinance passed by the Village of Elkhorn on June 9, 1950, shall be part of the parcel and tract of real estate described in Exhibit "A" hereto.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall be in full force and take effect after its passage and approval as provided by law.

Following the introduction, the Ordinance was read by title for the first time at which time Council member Kracklow moved that the statutory rule requiring that an ordinance be read by title on three separate occasions be dispensed with. Council member Rosenbaum seconded the motion. Upon roll call vote the following Council members voted YEA: all.

The following voted NAY: none.

The motion to suspend the rules was adopted by three-fourths of the Council and the statutory

rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title and thereafter Council member Moore moved for final passage of the Ordinance, which motion was seconded by Council member Kreuklow. The Mayor then stated the question was "Shall Ordinance No. 545 be passed and adopted?" Upon roll call vote, the following Council members voted YEA: all. The following voted NAY: none. The passage and adoption of said Ordinance having been concurred by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

PASSED AND APPROVED this 14 day of December, 2004.



Phillip E. Klein  
MAYOR

ATTEST:

Cheryl K. Espinoza  
CITY CLERK

## LEGAL DESCRIPTION

THAT PART OF THE SOUTH 1/2 OF SECTION 7, T15N, R11E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 7: THENCE S00°25'27"E (ASSUMED BEARING) 2572.55 FEET ON THE EAST LINE OF SAID SECTION 7 TO A POINT 75.00 FEET NORTH OF THE SE CORNER OF SAID SECTION 7, THENCE S89°34'33"W 50.00 FEET; THENCE S00°25'27"E 75.37 FEET ON A LINE 50.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION 7 TO THE SOUTH LINE OF SAID SECTION 7; THENCE S89°09'04"W 94.75 FEET ON THE SOUTH LINE OF SAID SECTION 7 TO A POINT 100.00 FEET NORTHERLY FROM THE CENTERLINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY; THENCE N70°55'54"W 642.00 FEET ON A LINE 100.00 FEET NORTHERLY FROM AND PARALLEL TO THE CENTERLINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE S16°46'18"W 50.04 FEET TO THE NORTHERLY LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE N70°55'54"W 57.07 FEET ON THE NORTHERLY LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE N19°04'06"E 50.00 FEET ON THE EASTERLY LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE N70°55'54"W 2118.08 FEET ON THE NORTHERLY LINE OF SAID RAILROAD RIGHT-OF-WAY TO A POINT OF CURVE; THENCE NORTHWESTERLY ON THE NORTHERLY LINE OF SAID RAILROAD RIGHT-OF-WAY ON A 11,559.16 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N71°42'28"W, CHORD DISTANCE 313.14 FEET, AN ARC DISTANCE OF 313.15 FEET TO A POINT OF TANGENCY; THENCE N72°29'02"W 764.90 FEET ON THE NORTHERLY LINE OF SAID RAILROAD RIGHT-OF-WAY TO A POINT OF CURVE; THENCE NORTHWESTERLY ON THE NORTHERLY LINE OF SAID RAILROAD RIGHT-OF-WAY ON A 5829.58 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N74°01'10"W, CHORD DISTANCE 312.43 FEET, AN ARC DISTANCE OF 312.47 FEET TO A POINT OF TANGENCY; THENCE N75°33'18"W 375.68 FEET ON THE NORTHERLY LINE OF SAID RAILROAD RIGHT-OF-WAY TO A POINT 253.00 FEET SOUTHEASTERLY OF THE EAST LINE OF TAX LOT 3 IN THE NW 1/4 OF THE SW 1/4 OF SAID SECTION 7 AS MEASURED ALONG THE NORTHERLY LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE N14°32'11"E 97.00 FEET; THENCE N75°35'19"W 278.10 FEET TO THE EAST LINE OF SAID TAX LOT 3; THENCE SOUTH 99.43 FEET ON THE EAST LINE OF SAID TAX LOT 3 TO A POINT 52.20 FEET NORTH OF THE NORTHERLY LINE OF SAID RAILROAD RIGHT-OF-WAY; THENCE N57°52'27"W 288.61 FEET TO A POINT ON THE EAST LINE OF STATE HIGHWAY NO. 31; THENCE N06°08'00"W 281.15 FEET ON THE EAST LINE OF STATE HIGHWAY NO. 31 TO A POINT ON THE NORTH LINE OF SAID TAX LOT 3, SAID POINT BEING 120.00 FEET EAST OF THE WEST LINE OF SAID SECTION 7; THENCE NORTH 209.26 FEET ON THE EAST LINE OF STATE HIGHWAY NO. 31 ON A LINE 120.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 7 TO THE NORTH LINE OF LOT 10, BLOCK 2, POPPLETON'S ADDITION TO ELKHORN, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA; THENCE N89°06'57"E 300.44 FEET ON THE NORTH LINE OF LOTS 10 AND 11, BLOCK 2 SAID POPPLETON'S ADDITION TO ELKHORN AND ON THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED BOOK 1718 AT PAGE 671 OF THE DOUGLAS COUNTY RECORDS AND HEREINAFTER CALLED TRACT "A"; THENCE N00°01'03"W 45.00 FEET ON THE SOUTH LINE OF SAID TRACT "A"; THENCE N89°06'57"E 579.63 FEET ON THE SOUTH LINE OF SAID TRACT "A" TO THE SE CORNER OF SAID TRACT "A"; THENCE N00°01'03"W 392.96 FEET ON THE EAST LINE OF SAID TRACT "A" AND ON THE EAST LINE OF A TRACT OF LAND DESCRIBED IN MISC. BOOK 578 AT PAGE 333 OF THE DOUGLAS COUNTY RECORDS TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 7; THENCE N89°06'04"E 1460.94 FEET ON THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION 7 TO THE NW CORNER OF THE SE 1/4 OF SAID SECTION 7; THENCE N89°06'33"E 2655.90 FEET ON THE NORTH LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING.

Legal Description provided by James D. Warner, Registered Land Surveyor, of Thompson, Dreessen & Dorner, Inc., 10836 Old Mill Road, Omaha, NE 68154, (402-330-8860).

EXHIBIT "A"