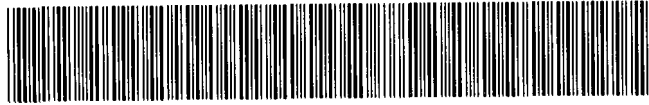




MISC 2016084626



OCT 12 2016 13:33 P 8

Misc

FEE 52.00 FB 01-60000

BKP 7-15-11 EXAM

IND SCAN PRF

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
10/12/2016 13:33:14.78



2016084626

THE ABOVE SPACE IS FOR THE REGISTER OF DEEDS RECORDING INFORMATION

RETURN TO:

City-3 (LC-1)

CHECK NUMBER



City of Omaha
Jean Stothert, Mayor

September 13, 2016

RECEIVED

2016 SEP -2 AM 9:52

CITY CLERK
OMAHA, NEBRASKA

Public Works Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 601
Omaha, Nebraska 68183-0601
(402) 444-5220
Fax (402) 444-5248

Robert G. Stubbe, P.E.
Public Works Director

Honorable President

and Members of the City Council,

Transmitted herewith is a proposed Ordinance to vacate the following:

An irregular portion of 204th Street right-of-way located southeast of 204th Street and Blondo Parkway (containing 0.54 acres).

The approval of the Planning Board at their meeting of June 1, 2016 is attached. A petition was not required since Section 14-375 Reissue, Revised Statutes of Nebraska, provides, "Upon the recommendation of the City Planning Board, the City Council may, by Ordinance or Resolution, vacate any street or alley within any such City without any petition being filed therefore", also "Before any such street or alley shall be vacated, the Council shall appoint a Committee of at least three members thereof who shall faithfully and impartially and after reasonable notice to the owners and parties interested in the property affected by such vacation, assess damages, if any, to such owners and parties affected".

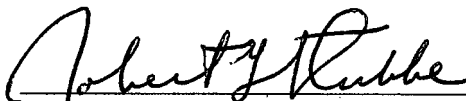
On August 23, 2016, the Committee of Appraisers held a meeting at 8:15 a.m. in the Council Conference Room of the City of Omaha and found no cause for any damages as a result of the vacation.

This vacation is being requested by the City of Omaha, Planning Department. Title will be passed to Edward Rose Development Company, if approved.

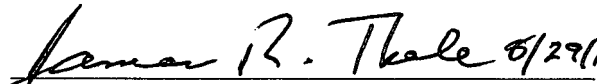
The form of the attached documents has been approved by the City Law Department.

The Public Works Department recommends approval of the proposed Ordinance.

Respectfully submitted,

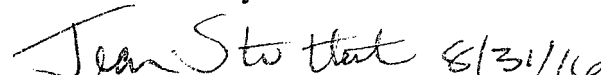

Robert G. Stubbe, P.E. 8-26-16
Public Works Director Date

This action has been reviewed and found to be in conformance with the Master Plan.


James R. Thele 8/29/16
Planning Director Date

CR

Referred to City Council for Consideration:


Jean Stothert 8/31/16
Mayor's Office Date

ORDINANCE NO. 40882

AN ORDINANCE vacating that part of 204th Street right-of-way lying within the northwest ¼ of the southwest ¼ of Section 7, T15N, R11E of the 6th P.M., Douglas County, Nebraska described as follows, beginning at the intersection of the south line of Blondo Parkway and the east line of 204th Street, said point being 120.00 feet east of the west line of said northwest ¼; thence east (assumed bearing) 60.51 feet on the south line of Blondo Parkway; thence S06°35'47"E 241.24 feet; thence southwesterly on a 125.00 foot radius curve to the right, chord bearing S20°09'59"W, chord distance 112.57 feet, an arc distance of 116.77 feet; thence S46°55'45"W 29.91 feet to a point on the east line of 204th Street, said point being 147.56 feet east of the west line of said northwest ¼; thence N06°08'00"W 257.95 feet; thence north 109.26 feet on a line 120.00 feet east of and parallel with the west line of said northwest ¼ to the point of beginning, containing 23,359 square feet, and providing the effective date hereof.

WHEREAS, Neb. Rev. Stat. Section 14-375 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. 846 adopted July 14, 2015, appointed Pete Festersen, Chris Jerram, and Aimee Melton, members of the City Council, to assess damages to all property affected by the vacation; and,

WHEREAS, on July 26, 2016, the Committee of Appraisers held a meeting at 8:15 a.m. in the Council Conference Room, at which meeting no cause for any damages was found as a result of the vacation; and,

WHEREAS, the City Council finds there are no damages as a result of this vacation, and that such vacation should be approved; and,

WHEREAS, the Fair Market Value determination has been waived in accordance with the subdivision agreement provisioning for this vacation.

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

Section 1. That part of 204th Street right-of-way lying within the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 7, T15N, R11E of the 6th P.M., Douglas County, Nebraska described as follows, beginning at the intersection of the south line of Blondo Parkway and the east line of 204th Street, said point being 120.00 feet east of the west line of said northwest $\frac{1}{4}$; thence east (assumed bearing) 60.51 feet on the south line of Blondo Parkway; thence S06°35'47"E 241.24 feet; thence southwesterly on a 125.00 foot radius curve to the right, chord bearing S20°09'59"W, chord distance 112.57 feet, an arc distance of 116.77 feet; thence S46°55'45"W 29.91 feet to a point on the east line of 204th Street, said point being 147.56 feet east of the west line of said northwest $\frac{1}{4}$; thence N06°08'00"W 257.95 feet; thence north 109.26 feet on a line 120.00 feet east of and parallel with the west line of said northwest $\frac{1}{4}$ to the point of beginning, containing 23,359 square feet:

be, and hereby is, vacated and without further act of the City, 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. No buildings, improvements, or other structures shall be placed in, on, over, or across said vacated right-of-way without express written approval of the City. 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.

Section 2. That the abutting property owner shall abide by the conditions of the subdivision agreement provisioning for this vacation.

Section 3. That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Ben B. Gray

APPROVED BY:

Jean Strickland 9/29/2016
MAYOR OF THE CITY OF OMAHA DATE

PASSED SEP 27 2016 7-0

ATTEST:

Buster Brown 9/29/2016
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

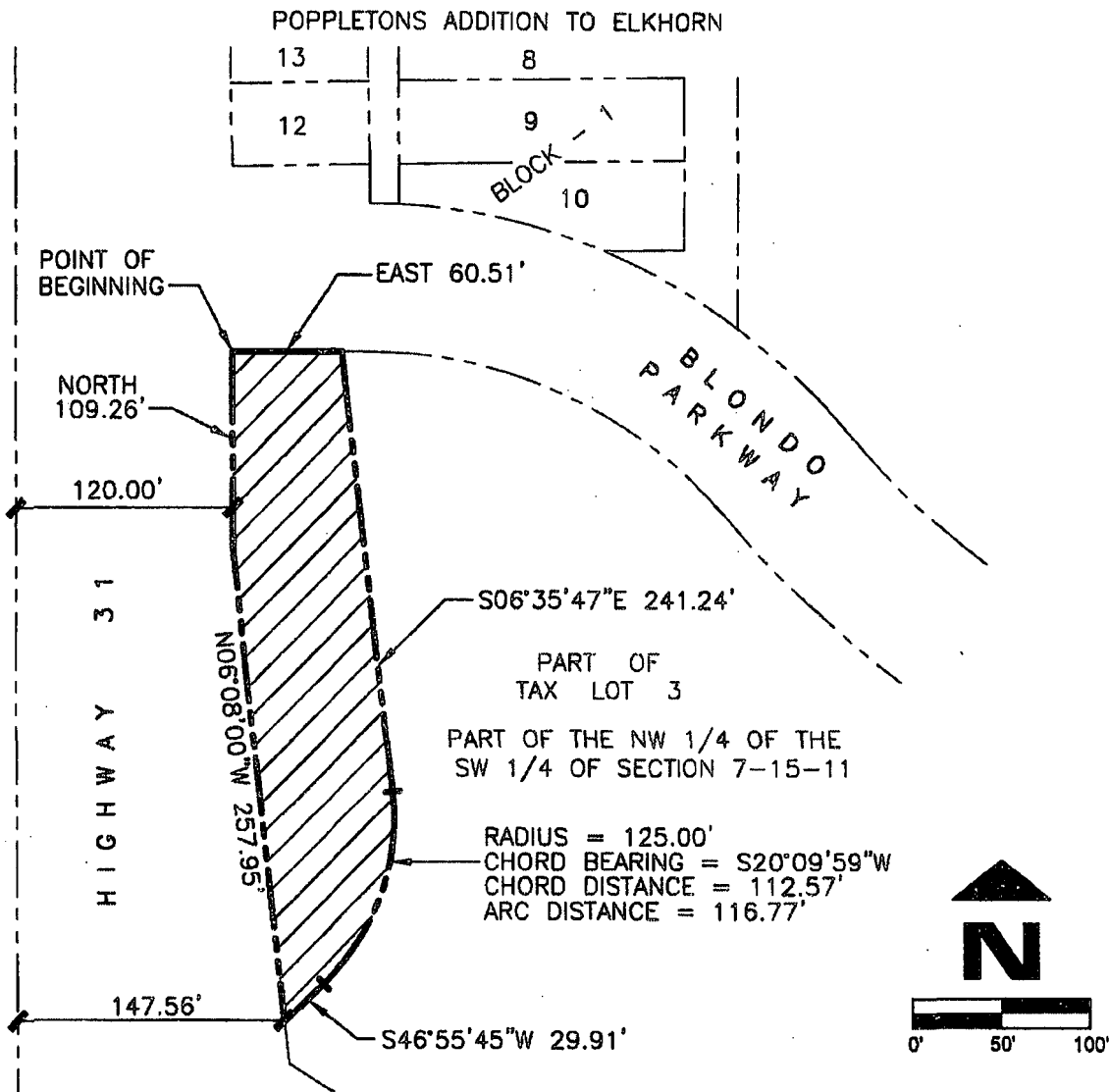
[Signature] 8-29-16
CITY ATTORNEY DATE

1163hra

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.

Imprinted Seal

Buster Brown
Buster Brown, City Clerk, City of Omaha



LEGAL DESCRIPTION

THAT PART OF HIGHWAY 31 RIGHT-OF-WAY LYING WITHIN THE NW 1/4 OF THE SW 1/4 OF SECTION 7, T15N, R11E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA DESCRIBED AS FOLLOWS, BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF BLONDO PARKWAY AND THE EAST LINE OF HIGHWAY 31, SAID POINT BEING 120.00 FEET EAST OF THE WEST LINE OF SAID NW 1/4; THENCE EAST (ASSUMED BEARING) 60.51 FEET ON THE SOUTH LINE OF BLONDO PARKWAY; THENCE S06°35'47"E 241.24 FEET; THENCE SOUTHWESTERLY ON A 125.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S20°09'59"W, CHORD DISTANCE 112.57 FEET, AN ARC DISTANCE OF 116.77 FEET; THENCE S46°55'45"W 29.91 FEET TO A POINT ON THE EAST LINE OF HIGHWAY 31, SAID POINT BEING 147.56 FEET EAST OF THE WEST LINE OF SAID NW 1/4; THENCE N06°08'00"W 257.95 FEET; THENCE NORTH 109.26 FEET ON A LINE 120.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NW 1/4 TO THE POINT OF BEGINNING.

CONTAINING 23,359 SQUARE FEET OR 0.536 ACRES



Job Number: 1245-120-69(SV)
thompson, dreessen & dornier, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com

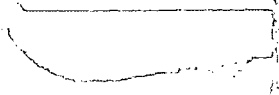
Date: JUNE 9, 2016
Drawn By: RJR
Reviewed By: JDW
Revision Date:

STREET VACATION

EDWARD ROSE DEVELOPMENT

Book
Page

N 2030th St



POOR COPY

FOUR



1:3.988

This copy is a user generated
from an internal scanning
operation only. Data helps
this copy may or may not
accurate or otherwise

EN 721115 11:57

1274

PL

ORDINANCE NO. 40887

AN ORDINANCE vacating that part of 204th Street right-of-way lying within the northwest 1/4 of the southwest 1/4 of Section 7, T15N, R11E of the 6th P.M., Douglas County, Nebraska described as follows, beginning at the intersection of the south line of Blondo Parkway and the east line of 204th Street, said point being 120.00 feet east of the west line of said northwest 1/4; thence east (assumed bearing) 60.51 feet on the south line of Blondo Parkway; thence S06°35'47"E 241.24 feet; thence southwesterly on a 125.00 foot radius curve to the right, chord bearing S20°09'59"W, chord distance 112.57 feet, an arc distance of 116.77 feet; thence S46°55'45"W 29.91 feet to a point on the east line of 204th Street, said point being 147.56 feet east of the west line of said northwest 1/4; thence N06°08'00"W 257.95 feet; thence north 109.26 feet on a line 120.00 feet east of and parallel with the west line of said northwest 1/4 to the point of beginning, containing 23,359 square feet, and providing the effective date hereof.

1163Bhra

92 ✓

PUBLICATIONS

PUBLICATION OF HEARING

Date _____

PUBLICATION OF ORDINANCE

Date _____

PRESENTED TO COUNCIL

1st Reading SEP 13 2016 - Hearing
9/20/16

Hearing SEP 20 2016 - Div 1 to
9/20/16

Final Reading SEP 27 2016

Passed 7-0

BUSTER BROWN
City Clerk