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LANCASTER COUNTY NEB  
Dan Nette  
RECORDS & CLERK

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REC. 9/16/96  
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KIMPA DAD, 17092  
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PETITION TO VACATE PUBLIC WAY  
with  
RELEASE AND WAIVER OF RIGHTS AND TITLE,  
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.)

A portion of North 26th Street Right-of-Way as shown on the attached legal description and exhibit.

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (Legal description from deed or abstract)

~~X A X P O R T I O N O F X N O R T H X 2 6 T H X S T R E E T X R I G H T X O F X W A Y X A S X S H O W N X O N X T H E X A T T A C H E D X L E G A L X D E S C R I P T I O N~~  
~~X A N D X E X H I B I T X~~ Lots 1 and 21, KIMCO Industrial Park, located in the NE 1/4 of Sec. 13,

T10N, R6E of the 6th P.M., City of Lincoln, Lancaster County, Nebraska. Owned by KIMCO Commercial Company.

DATED this 6th day of August, 1996.

X: Gerald L. Schleich  
KIMCO Commercial Company  
Gerald L. Schleich, Corporate Secretary

(ALL TITLEHOLDERS OF THE ABOVE DESCRIBED REAL ESTATE MUST SIGN THIS PETITION)

(Individual(s) Acknowledgment):

STATE OF Nebraska )  
 ) ss.  
Lancaster COUNTY )

The foregoing instrument was acknowledged before me on this 6th day of August, 1996, by Gerald L. Schleich, Corporate Secretary of KIMCO Commercial Company, on behalf of the corporation/partnership.

(Seal)



Barbara J. Fisher  
Notary Public

(Corporate/Partnership Acknowledgment):

STATE OF \_\_\_\_\_ )  
 ) ss.  
\_\_\_\_\_ COUNTY )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_, president/general partner of \_\_\_\_\_, on behalf of the corporation/partnership.

(Seal)

City Clerk  
(Joan) m

VACATION OF PUBLIC WAYS  
**LEGAL DESCRIPTION**  
NORTH 26TH STREET

A LEGAL DESCRIPTION FOR VACATION OF PUBLIC WAYS PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF NORTH 26TH STREET RIGHT-OF-WAY, LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 KIMCO INDUSTRIAL PARK, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF NORTH 90 DEGREES 00 MINUTES WEST ALONG THE SOUTH LINE OF SAID NORTH 26TH STREET RIGHT-OF-WAY, SAID LINE BEING THE NORTH LINE OF KIMCO DRIVE AND KIMCO COURT RIGHT-OF-WAY, A DISTANCE OF 80.17 FEET TO THE SOUTHEAST CORNER OF LOT 21 KIMCO INDUSTRIAL PARK, THENCE NORTH 1 DEGREES 53 MINUTES 00 SECONDS EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NORTH 26TH STREET, SAID LINE BEING THE EAST LINE OF SAID LOT 21, A DISTANCE OF 110.07 FEET TO A POINT OF DEFLECTION, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NORTH 26TH STREET, SAID LINE BEING THE EAST LINE OF SAID LOT 21, A DISTANCE OF 15.02 FEET TO THE NORTHEAST CORNER OF SAID LOT 21, THENCE SOUTH 89 DEGREES 58 MINUTES 40 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTH 26TH STREET RIGHT-OF-WAY, A DISTANCE OF 80.00 FEET TO THE NORTHEAST RIGHT-OF-WAY CORNER OF SAID NORTH 26TH STREET, SAID POINT BEING ON THE WEST LINE OF SAID LOT 1, THENCE SOUTH 0 DEGREES 00 MINUTES 04 SECONDS EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID NORTH 26TH STREET, SAID LINE BEING THE WEST LINE OF SAID LOT 1, A DISTANCE OF 15.01 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 1 DEGREES 47 MINUTES 50 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID NORTH 26TH STREET, SAID LINE BEING THE WEST LINE OF SAID LOT 1, A DISTANCE OF 110.05 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 0.2298 ACRES MORE OR LESS.

AUGUST 6, 1996  
Y:MIKEJNDWG\KIMCO.DOC