

*John Meredith*  
Register of Deeds.

Ordinance No. 1140.

ORDINANCE NO. 1140

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, appropriating and condemning private property for the use of said City in laying out, constructing, improving and opening to public travel, a street and highway extending from a point on the south line of South Street southwesterly on a curved line to a point on the west line of Section 17, Township 7, Range 9 West of the 6th P.M., Adams County, Nebraska, and passing through, across, upon and over pieces and parcels of land, the fee titles to which appear in the names of Sadie E. Litchenburg, John F. Ziemer, Hubert C. Wheeler, Cloyd P. Fergus and Irene I. Fergus, husband and wife, and Theodore De Witt, and all of which pieces and parcels of land are located near the northwest corner of the Northwest Quarter of said Section 17, Township 7, Range 9 West of the 6th P.M. in Adams County, Nebraska, and providing for the procedure of appropriating and condemning such private property and rights therein for said purposes.

WHEREAS the Mayor and City Council of Hastings, Nebraska, find that it is necessary that various pieces, parts and portions of private property consisting of tracts and pieces and parcels of land and easements and rights therein, within the boundaries hereinafter more definitely described, all within said city, be appropriated and condemned for public street and highway purposes,

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY  
OF HASTINGS, NEBRASKA:

Section 1. That the following described real estate, consisting of pieces and parcels of land, and easements and rights therein as hereinafter designated, be and the same is hereby appropriated for the use of the City of Hastings, Nebraska, for public streets and highway purposes under and by virtue of the power vested in said City by Sections 601, 602, 603 and 604, Chapter 16, Article 6, Compiled Statutes of Nebraska for 1929, dealing with the subject of public works and improvements in cities of the first class of 5000 to 25000.

A piece or parcel of land, commencing at a point in the south line of South Street 827.4 feet east of the west line of Section 17, Township 7, Range 9, and running thence westerly by a curve, radius 786.02, about 57.4 feet to a point which is 770 feet east of the west line of said section and 1.76 feet south of the south line of South Street; thence north to the south line of South Street to a point 770 feet east of the said west line of said section, thence east along the south line of South Street to the point of beginning, containing approximately 40 square feet, the fee title to which appears in the name of Sadie E. Lichtenburg.

A piece or parcel of land commencing at a point in the south line of South Street 770 feet east of the west line of Section 17 Township 7, Range 9, and running south 1.76 feet to a point which is 770 feet east of the west line of said section; thence by a curve, radius 786.02 feet to a point 14.88 feet south of the south line of South Street and 670 feet east of the west line of said section, thence north 14.88 feet to a point in the south line of South Street 670 feet east of the west line of said section, thence east along the south line of said South Street to the point of beginning, containing approximately 830 square feet, the fee title to which appears in the name of John F. Ziemer.

A piece or parcel of land commencing at a point in the south line of South Street 760 feet east of the west line of Section 17, Township 7, Range 9, thence south 14.88 feet to a point 670 feet east of the west line of said section, thence southwesterly by a curve, radius 786.02 feet to a

point 129.36 feet south of the south line of South Street, and 390 feet east of the west line of said section; thence north 77.48 feet to a point which is 51.88 feet south of the south line of South Street and 390 feet east of the west line of said section; thence in a northeasterly direction by a curve, radius 852.02 feet, to a point in the south line of South Street, and 490.22 feet east of the west line of said section, containing approximately .298 acre, the fee title to which appears in the name of Sadie E. Lichtenburg.

A piece or parcel of land commencing at a point 90.69 feet south of the south line of South Street and 330 feet east of the west line of said Section 17, Township 7, Range 9, and running south 82.66 feet to a point 173.35 feet south of the south line of South Street and 330 feet east of the west line of said section, thence southwesterly by a curve, radius 786.02 feet, to a point 200 feet south of the south line of South Street and 299.71 feet east of the west line of said section, thence west to a point 200 feet south of the south line of South Street and 230 feet east of the west line of said section; thence north about 26.35 feet to a point which is 173.65 feet south of the south line of South Street and 230 feet east of the west line of said section; thence northeasterly by a curve, radius 852.02 feet, to the place of beginning, containing approximately .14 acres, the fee title to which appears in the name of Hubert C. Wheeler.

A piece or parcel of land commencing at a point 200 feet south of the south line of South Street and 299.71 feet east of the west line of Section 17, Township 7, Range 9, and running in a southwesterly direction by a curve, radius 786.02 feet, to a point which is 686 feet south of the south line of South Street, and 35.6 feet east of the west line of said section, thence west to the east line of Elm Avenue 2.6 feet, thence north along the east line of Elm Avenue about 232.32 feet to a point which is 486.68 feet south of the south line of South Street, thence by a curve in a northeasterly direction, radius 852.02 feet, to a point 230 feet east of the west line of said section and 173.65 feet south of the south line of South Street, containing approximately .65 acres the fee title to which appears in the name of Cloyd P. and Irene I. Fergus.

A piece or parcel of land commencing at a point 35.6 feet east of the west line of Section 17, Township 7, Range 9, - thence southwesterly by a curve, radius 786.02 feet, about 738.9 feet south of the south line of South Street and 33 feet east of the west line of said section; thence north along the east line of Elm Avenue to a point 686 feet south of the south line of South Street, thence east to the point of beginning. The above described land contains approximately 23 square feet, and the fee title appears in the name of Theodore Dewitt.

Section 2. That the following disinterested resident freeholders in the City of Hastings, Nebraska, are hereby appointed to assess the damages accruing to the owners of the realty and rights appropriated:-

William M. Lowman residing at 805 N. Lincoln Ave.-

R. R. Damerell residing at 831. N. Lexington Avenue,-

Earl L. Hunter residing at 908 W. 8th. St.

all in said city of Hastings, Nebraska, and who shall receive as compensation for their services, the sum of five dollars (\$5.00) per day for the time necessarily occupied. Said assessors shall meet at the Council Chamber of the City Hall in said City of Hastings, Nebraska, on the 22nd. day of April, 1931, at the hour of two o'clock P.M., and after taking oath to discharge their duties faithfully and impartially, shall, on the same day, or as soon thereafter as practical, make, sign and return to the City Clerk in writing, a just and fair appraisal of the damages for each piece or lot of property, the whole or part of which, or rights in which are to be appropriated.

Section 3. If the damages so assessed by the board in this ordinance provided for be approved by the Council, the damages so assessed shall be paid to the parties owning and having interest in the property for which assessed, respectively as assessed, or if refused, the same shall be deposited with the City Treasurer, subject to the order of such owners and parties interested respectively, after which the City may actually take, occupy, possess for its own use, and open for the purpose of improvement and travel, the property appropriated by this ordinance.

Section 4. Payment of damages for the appropriation of such private property for the purposes in this ordinance mentioned, may be made out of the general fund or any surplus fund.

Section 5. The City Council may assess and levy the whole or part of the expense and damages incurred in the taking of such strips, pieces, parcels and tracts of land and the creation of said street and highway upon the real property fronting upon the same, and other property near by that may be benefited thereby in proportions according to benefits.

Section 6. That the City Engineer shall cause to be prepared and left with the City Clerk an accurate plat and clear and definite description of this property herein condemned and appropriated, and that said plat, together with a copy of this ordinance shall be filed in the office of the Register of Deeds of Adams County, Nebraska, within sixty (60) days after the other legal steps for the acquisition of the title to the real estate have been completed.

Section 7. This ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

Passed and approved this 19th, day of March, 1931.

J. M. Davis, Mayor.

Attest: A. T. Bratton, City Clerk.

S E A L

State of Nebraska :

County of Adams : S S

City of Hastings :

I, A. T. Bratton, City Clerk in and for said City of Hastings, Nebraska, hereby certify that the above and foregoing is a true and correct copy of the original ordinance on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 19th. day of March, A.D. 1931.

SEAL.

A. T. Bratton

City Clerk.

Hastings, Nebraska,

April 1st 1931

This day I served a copy of the HASTINGS DAILY TRIBUNE, dated Saturday, March 21st 1931, and containing publication of ORDINANCE No. 1140, On Hubert C. Wheeler, Cloyd P. Fergus, Irene I. Fergus, and Theodore DeWitt, named in said ordinance, by delivering a copy of said newspaper to each of said parties in person, at their respective residences, and at the same time especially called the attention of each of said persons to the publication of said ordinance appearing in said copy of said newspaper.

A. T. Bratton

A T Bratton City Clerk

Hastings, Nebraska, April 2nd 1931

On this day I mailed a copy of ORDINANCE No. 1140, to Sadie E. Lichtenberg and also a copy of said ORDINANCE No. 1140 to John F. Ziemer, addressed to them at Venango, Nebraska.

SEAL.

A. T. Bratton

A T Bratton City Clerk

Ordinance No.1140

STATE OF NEBRASKA  
COUNTY OF ADAMS ) ss  
CITY OF HASTINGS

I, Edward L. Dier, City Clerk of the City of Hastings, Adams County, Nebraska, do hereby certify that the foregoing is a true correct and complete copy of Ordinance No. 1140, the original of which is of record and on file in my office.

Dated at Hastings, Nebraska this 25<sup>th</sup> day of March, A.D. 1968.

*Deputy* Maurine Butterfield  
City Clerk, City of Hastings, Nebraska

