

ORDINANCE NO. 33115

AN ORDINANCE vacating the alley between Dodge Street and Douglas Street from 44th Street East 336.5+ feet abutting Lots 9 thru 22, Block 5, Briggs Place; providing for the filing of an easement to provide access for an adjacent property's interests; and providing the effective date hereof.

WHEREAS, under Section 14-375, Reissue, Revised Statutes of Nebraska, 1943, 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. 1481, adopted June 22, 1993, appointed Frank Christensen, and Resolution No. 1506, adopted June 25, 1991, appointed Joseph Friend, and Resolution No. 1507, adopted June 25, 1991, appointed Subby Anzaldo, respectively, members of the City Council, to assess damages to all property affected by the vacation; and,

WHEREAS, on August 31, 1993, the Committee of Appraisers held a meeting at 10:15 a.m., in the Council Conference Room; and,

WHEREAS, the Committee of Appraisers found no cause for any damages as a result of the vacation; and,

WHEREAS, the City Council finds there are no damages as a result of this vacation.

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

Section 1. That the alley between Dodge Street and Douglas Street from 44th Street East 336.5+ feet abutting Lots 9 thru 22, Block 5, Briggs Place, located in the Northwest Quarter Section 20-15-13

be, and hereby is, vacated and that without further act of the City, title to the vacated alley right-of-way shall pass to the abutting owners on the respective sides thereof; the vacating of

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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 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. 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 easement granted by Clarkson Hospital to Lots 7 and 8, Block 5, Briggs Place is received as a condition hereof and shall be filed in the Register of Deeds office as a condition of this Ordinance upon its effective date.

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

INTRODUCED BY COUNCILMEMBER

*Billy Ebb*

APPROVED BY:

*J.M. Morgan* 12/9/93  
MAYOR OF THE CITY OF OMAHA DATE

PASSED DEC -7 1993 6-0

ATTEST:

*Mary Young Peterson*  
CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

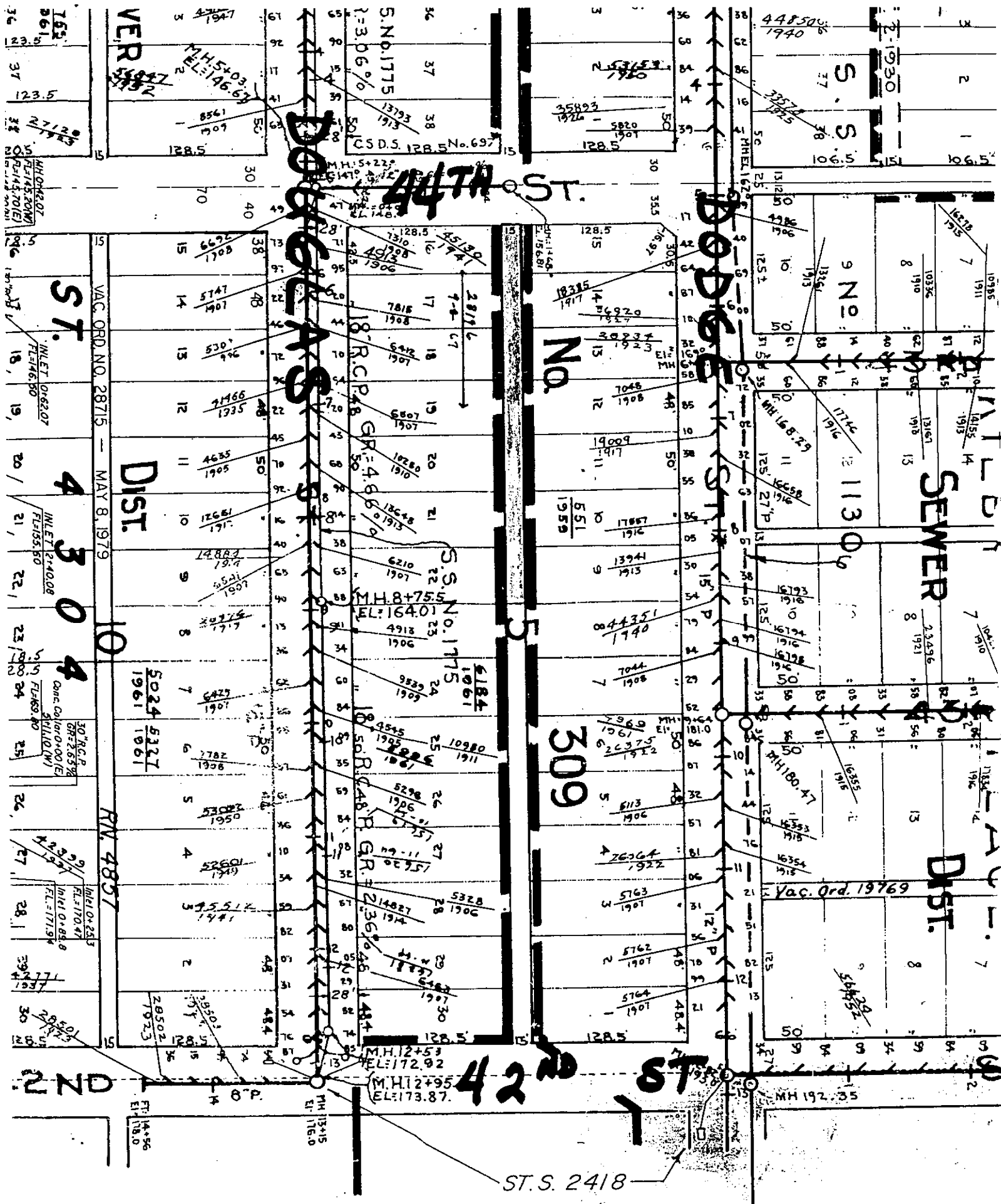
*John A. Thomas*  
ASSISTANT CITY ATTORNEY

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.

*Busta Brown*  
Deputy CITY CLERK  
BY \_\_\_\_\_

IMPRINTED SEAL  
REGISTER OF DEEDS





**ST.**

**DIST.**

**4304**

**5024 5127**

**28502**

**44th ST.**

**No.**

**309**

**42nd ST**

**ST.S. 2418**

**SEWER**

**DIST.**

**Vac. Ord. 19769**

UM 01020  
 CASH 1109 BK 1109 R        FB         
 TYPE misc PG 586-589 C/O        COMP ✓ SCAN MB  
 FEE 2700 OF misc LEGL PG        MC        FV       

GEORGE J. ...  
 REGISTER OF DEEDS  
 DOUGLAS COUNTY, NE

JUN 25 9 11 AM '94

RECEIVED

Return: City Clerk