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RICHARD W. TAKECHI
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ORDINANCE NO. 35008

AN ORDINANCE vacating Davenport Street from 12th Street to 13th Street and from 13th Street to 14th Street; and, the east/west alley between 12th Street to 13th Street between Davenport Street and Chicago Street, 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. 1755 adopted June 24, 1997 appointed Subby Anzaldo, Resolution No. 1756 adopted June 24, 1997 appointed Frank Brown, and Resolution No. 1757 adopted June 24, 1997 appointed Marc Kraft, respectively, members of the City Council, to assess damages to all property affected by the vacation; and,

WHEREAS, on July 20, 1999, the Committee of Appraisers held a meeting at 11:15 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 Davenport Street from 12th Street to 13th Street and from 13th Street to 14th Street and the east/west alley between 12th Street to 13th Street between Davenport Street and Chicago Street, abutted by 12th Street to 13th Street between Davenport Street and Chicago Street, abutted by Lots 5, 6 and part Lots 7, 8, Block 59, City Lots, Lots 1 and 2 and part Lots 3 and 4,

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Block 60, City Lots, Lots 1 through 4, Block 73, City Lots and Lots 1 through 4, Block 74, City Lots,
located in the NE 1/4 Section, 22-15-13

be, and hereby is, vacated and that without further act of the City, title to the vacated right-of-way shall pass to the abutting owners on either side of the Center Line thereof; 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. 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 this Ordinance shall take effect and be in force fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Paul A. Koneck

APPROVED BY: Hal Daub 8-26-99
MAYOR OF THE CITY OF OMAHA DATE

PASSED AUG 24 1999 6-0

ATTEST:

Sandra L. Masas 8-26-99
DEPUTY CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

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.

[Signature] 7-28-99
CITY ATTORNEY DATE

P:PW14634.P1M

BY

CITY CLERK

IMPRINTED SEAL
REGISTER OF DEEDS

(L)



OMAHA CITY COUNCIL
OMAHA/DOUGLAS CIVIC CENTER
OMAHA, NEBRASKA 68183
Telephone (402) 444-5520
Telefax (402) 444-5263

PAUL KONECK
PRESIDENT
MARC KRAFT
VICE PRESIDENT
SUBBY ANZALDO
FRANK BROWN
CLIFF HERD
LORMONG LO
JAMES H. MONAHAN

July 20, 1999

WHEREAS, the City Planning Board, at its meeting of June 2, 1999, recommended to the City Council that the following parcel of right-of-way be vacated, to wit:

Vacation of Davenport Street from 12th Street to 13th Street and from 13th Street to 14th Street; and the east/west alley from 12th Street to 13th Street between Davenport Street and Chicago Street

WHEREAS, Section 14-375, Reissue Revised Statutes of Nebraska, 1943, provides that: "Upon recommendation of the City Planning Board, the City may, by ordinance or resolution, vacate any street or alley within any such city without any petition being filed therefore." It further provides that: "Before any such street or alley 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 others and parties interested in the property affected by the vacation, assess damages, if any, to such owners and parties affected"; and,

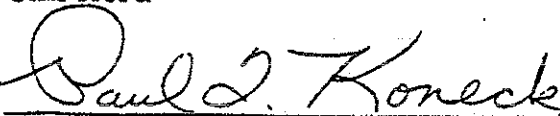
WHEREAS, on June 8, 1999, the City Council of the City of Omaha adopted Resolution Number 1458 appointing Cliff Herd, Paul Koneck, and James Monahan, respectively, members of the City Council, to assess damages, if any to such owners and parties affected by the vacation of the above said right-of-way; and,

WHEREAS, notice was given that a hearing was to be held on Tuesday, July 20, 1999, at 11:15 A.M. or immediately after the Staff Meeting in the City Council Conference Room, Omaha/Douglas Civic Center, 1819 Farnam Street, Omaha, Nebraska, to assess damages, if any, and such hearing was held.


NOW, THEREFORE, that Councilmembers Cliff Herd, Paul Koneck, and James Monahan report to the City Council that it assesses no damages in favor of the owners or parties affected.



Cliff Herd



Paul Koneck



James Monahan



