



MISC 2007038239



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Received - DIANE L. BATTIATO
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RELEASE OF SEWER EASEMENTS

WHEREAS, the City of Omaha passed Ordinance No. 27503 on August 5, 1975 which vacated the north 132 feet of the north/south alley between 25th Avenue and 26th Street, from St. Mary's Avenue to Dewey Avenue, and was recorded in the Douglas County, Nebraska Register of Deeds Office in Miscellaneous Book 554, Page 333 on August 21, 1975; and,

WHEREAS, the City of Omaha passed Ordinance No. 29107 on April 8, 1980 which vacated the south 365 feet ± of the north/south alley between 25th Avenue and 26th Street, from St. Mary's Avenue to Dewey Avenue, and was recorded in the Douglas County, Nebraska Register of Deeds Office in Miscellaneous Book 632, Page 129 on April 24, 1980; and,

WHEREAS, in both vacating ordinances the City reserved permanent easements to maintain existing sewers and to install and maintain new sewers, and also the right to authorize public utilities and cable television systems to construct, maintain, and renew their facilities; and,

WHEREAS, the entire block between 25th Avenue and 26th Street, from St. Mary's Avenue to Dewey Avenue was subsequently replatted as Lots 1 through 3, Lutheran Place, an addition to the City of Omaha, Douglas County, Nebraska; and,

WHEREAS, Lutheran Home Foundation the property owner, has requested the release of the permanent sewer easements reserved in the vacating ordinances in order to clear title to the property; and also requests that the City release its right to authorize public utilities and cable television systems to place facilities within said reserved permanent easements; and,

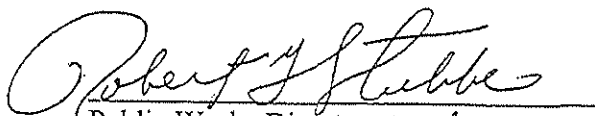
WHEREAS, the Public Works Department of the City of Omaha has investigated this request and has no objection to the release of the permanent sewer easements reserved in the vacating ordinances, and also has no objection to releasing its right to authorize public utilities and cable television systems to place facilities within said reserved permanent easements; and,

WHEREAS, the release of these easements will not adversely impact the City Master Plan.

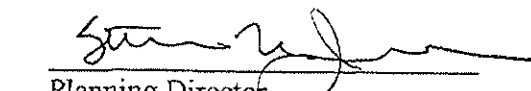
NOW, THEREFORE, IN ACCORD WITH THE PROVISIONS OF SECTION 27-1 OF THE OMAHA MUNICIPAL CODE:

The City hereby releases the sewer easements reserved by Ordinance No. 27503 and Ordinance No. 29107 which together vacated the north/south alley between 25th Avenue and 26th Street, from St. Mary's Avenue to Dewey Avenue, said area now known as Lots 1 thru 3, Lutheran Place, an addition to the City of Omaha, Douglas County, Nebraska. The City also releases its right to authorize public utilities and cable television systems to place facilities within said reserved permanent easements, but does not release any prior rights actually exercised by such utilities by the prior installation of such facilities.

APPROVED:


(Public Works Director *md*)

APPROVED


Planning Director

STATE OF NEBRASKA)
) ss.:
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 5th day of April, 2007, by Robert G. Stubbe, Public Works Director and by Steven N. Jensen, Planning Director of the City of Omaha, Municipal Corporation of the State of Nebraska.

NOTARY PUBLIC Susan C. Preiner

Public Works Department
Right-of-Way Section, Suite 604
Omaha/Douglas Civic Center
1819 Farnam Street
Omaha, Nebraska 68183

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