



MISC Inst. # 2017105227, Pg: 1 of 10 Rec Date: 12/29/2017 14:47:50.707
Fee Received: \$64.00 By: SN
Douglas County, NE Assessor/Register of Deeds DIANE L. BATTIATO

<u>FEE</u>	<u>FB</u>
<u>BKP</u>	<u>EXAM</u>
<u>IND</u>	<u>SCAN</u>
	<u>PRF</u>

THE ABOVE SPACE IS FOR THE REGISTER OF DEEDS RECORDING INFORMATION

RETURN TO: City - 3 (LC-1) City Clerk's Office
June Garcia
x5553

CHECK NUMBER _____



City of Omaha
Jean Stothert, Mayor

Public Works Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 601
Omaha, Nebraska 68183-0601
(402) 444-5220
Fax (402) 444-5248

Robert G. Stubbe, P.E.
Public Works Director

RECEIVED

November 21, 2017 2017 NOV 13 AM 9:16

CITY CLERK
OMAHA, NEBRASKA

Honorable President
and Members of the City Council,

Transmitted herewith is a proposed Ordinance to vacate the following:

A portion of the North 102nd Frontage Road between Nicholas Street and the intersection with 102nd Street, shown and legally described in the attached Exhibits "A" & "B"

The approval of the Planning Board at their meeting of July 5, 2017 is attached. A petition was not required since Section 14-375 Reissue, Revised Statutes of Nebraska, provides, "Upon the recommendation of the City Planning Board, the City Council may, by Ordinance or Resolution, vacate any street or alley within any such City without any petition being filed therefore", also "Before any such street or alley shall 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 owners and parties interested in the property affected by such vacation, assess damages, if any, to such owners and parties affected".

On September 26, 2017, the Committee of Appraisers held a meeting at 8:30 a.m. in the Council Conference Room of the City of Omaha and found no cause for any damages as a result of the vacation.

This vacation is being requested by the City of Omaha, Planning Department. Title will be passed to Westroads Investors, LLC & TMARK Real Estate LLC, if approved.

The form of the attached documents has been approved by the City Law Department.

The Public Works Department recommends approval of the proposed Ordinance.

Respectfully submitted,

This action has been reviewed and found to be in conformance with the Master Plan.

Robert G. Stubbe 10-2-17 Date
Robert G. Stubbe, P.E.
Public Works Director

David K. Fanslau 10-4-2017 Date
David K. Fanslau
Planning Director

Referred to City Council for Consideration:

Jean Stothert 10/19/17 Date
Mayor's Office

ORDINANCE NO. 41319

AN ORDINANCE vacating a portion of the North 102nd Frontage Road between Nicholas Street and the intersection with 102nd Street, shown and legally described in the attached Exhibits "A" and "B"; providing for the reversion or transfer of the same; and providing the effective date hereof.

WHEREAS, Neb. Rev. Stat. Section 14-375 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. 781 adopted June 13, 2017, appointed Chris Jerram, Aimee Melton, and Vinny Palermo members of the City Council, to assess damages to all property affected by the vacation; and,

WHEREAS, on September 26, 2017, the Committee of Appraisers held a meeting at 8:30 a.m. in the City Council Office, Omaha/Douglas Civic Center, 1819 Farnam Street, Omaha, Nebraska, at which meeting no cause for any damages was found as a result of the vacation; and,

WHEREAS, the City Council finds there are no damages as a result of this vacation, and that such vacation should be approved.

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

Section 1. That a portion of the North 102nd Frontage Road between Nicholas Street and the intersection with 102nd Street, shown and legally described in the attached Exhibits "A" and "B":

be, and hereby is, vacated and without further act of the City, the vacating of the property herein described, and the reversion or transfer thereof under this ordinance, 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

ORDINANCE NO. 41349
PAGE 2

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. No buildings, improvements, or other structures shall be placed in, on, over, or across said vacated right-of-way without express written approval of the City. 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 City hereby conveys and transfers the aforesaid vacated property delineated in the attached Exhibit "A" and Exhibit "B" as Segment 1 and Segment 2 to Westroads Investors, LLC, subject to the rights and duties specified in this Ordinance.

Section 3. That the City hereby conveys and transfers the aforesaid vacated property delineated in the attached Exhibit "A" and Exhibit "B" as Segment 3 to TMARK Real Estate LLC, subject to the rights and duties specified in this Ordinance.

Section 3. That Westroads Investors, LLC and TMARK Real Estate LLC must dedicate a permanent public access easement throughout the vacated area and must abide by the conditions of the subdivision agreement for this area, referred to as PUTT' N PLACE.

Section 4. That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCIL MEMBER
Ben S. Burg

APPROVED BY:

Tom Sto Hart 12-14-17
MAYOR OF THE CITY OF OMAHA DATE

PASSED DEC 12 2017 7-0

ATTEST:
[Signature] 12-14-17
CITY CLERK OF THE CITY OF OMAHA



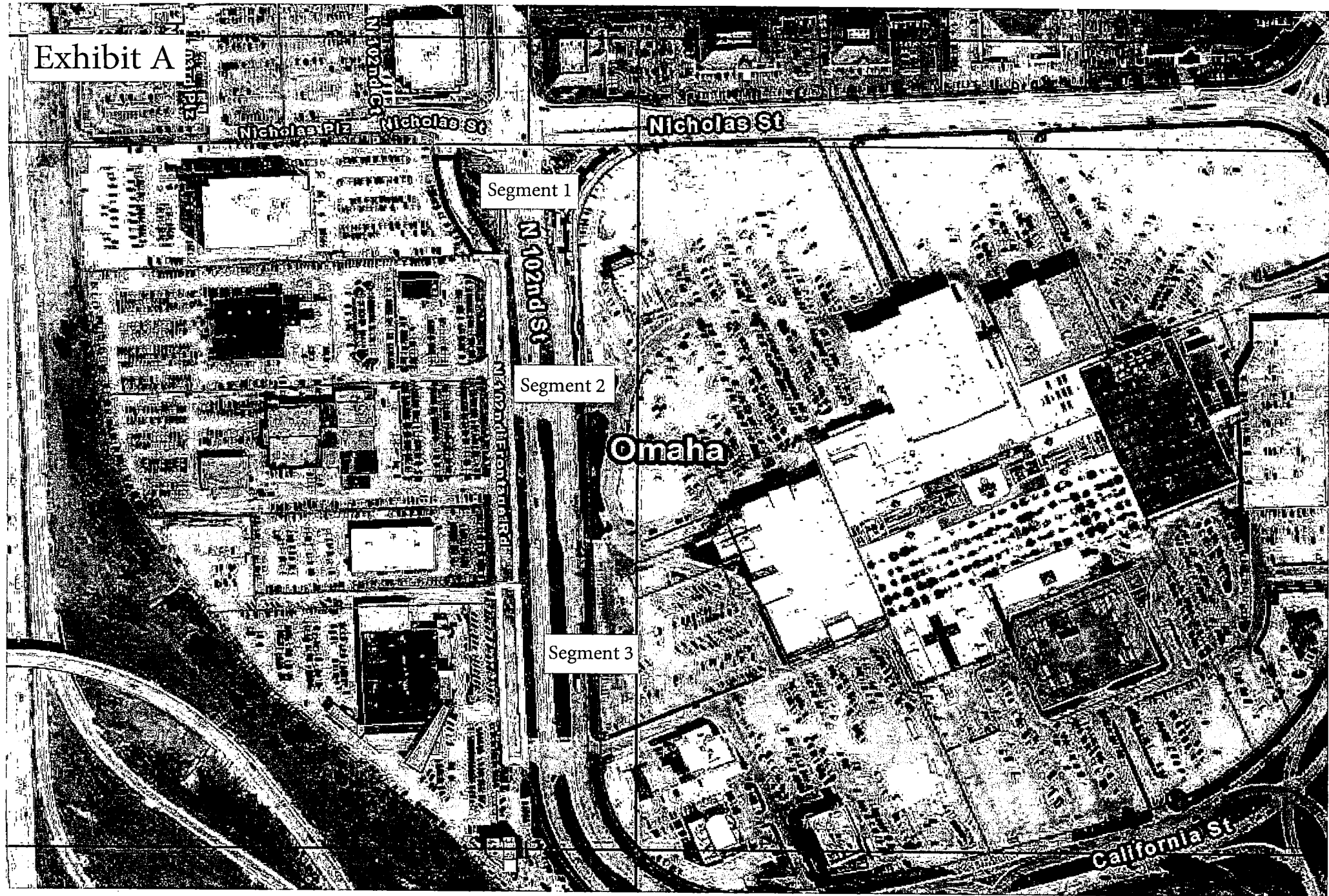
APPROVED AS TO FORM:
[Signature] 10/03/2017
Asst. CITY ATTORNEY DATE

Printed Seal

I hereby certify that this is a true and correct copy of the original and now on file in the City Clerk's office.
1198hra

[Signature]
Elizabeth Butler, City Clerk

Exhibit A



Nicholas St
Nicholas St

Nicholas St

Segment 1

N 102nd St

Segment 2

Omaha

Segment 3

California St

Exhibit B

SEGMENT 1:

THAT PART OF THE 102ND STREET RIGHT-OF-WAY LYING WITHIN THE EAST ½ OF THE SW ¼ OF SECTION 16, T15N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA DESCRIBED AS FOLLOWS, BEGINNING AT THE SE CORNER OF LOT 5 WESTPLEX, A SUBDIVISION IN SAID DOUGLAS COUNTY;

THENCE NORTHWESTERLY ON THE EAST LINE OF SAID LOT 5 ON A 225.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N25°34'20"W (ASSUMING THE EAST LINE OF SAID EAST ½ TO BEAR NORTH AND SOUTH), CHORD DISTANCE 71.99 FEET, AN ARC DISTANCE OF 72.30 FEET;

THENCE NORTHWESTERLY ON THE EAST LINE OF SAID LOT 5 ON A 275.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N17°23'26"W, CHORD DISTANCE 164.32 FEET. AN ARC DISTANCE OF 166.87 FEET;

THENCE EAST 47.50 FEET TO THE EAST LINE OF THE 102ND STREET FRONTAGE ROAD;

THENCE SOUTHEASTERLY ON THE EAST LINE OF THE 102ND STREET FRONTAGE ROAD ON A 227.50 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S17°23'26"E, CHORD DISTANCE 135.93 FEET. AN ARC DISTANCE OF 138.04 FEET;

THENCE S34°46'00"E 86.52 FEET ON THE EAST LINE OF THE 102ND STREET FRONTAGE ROAD AND ITS EXTENSION;

THENCE S02°44'15"W 20.98 FEET: THENCE WEST 58.28 FEET TO THE POINT OF BEGINNING.

Exhibit B

SEGMENT 2:

THAT PART OF THE 102ND STREET RIGHT-OF-WAY LYING WITHIN THE EAST ½ OF THE SW ¼ OF SECTION 16, T15N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA DESCRIBED AS FOLLOWS, COMMENCING AT THE SE CORNER OF LOT 5, WESTPLEX, A SUBDIVISION IN SAID DOUGLAS COUNTY;

THENCE EAST 13.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING EAST 45.28 FEET TO THE EAST LINE OF 102ND STREET FRONTAGE ROAD;

THENCE S02°44'15"W 237.36 FEET TO A POINT 35.20 FEET WEST OF THE EAST LINE OF SAID EAST ½;

THENCE SOUTH 506.89 FEET ON A LINE 35.20 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID EAST ½;

THENCE WEST 48.00 FEET ON THE WEST LINE OF 102ND STREET;

THENCE NORTH 680.59 FEET ON THE WEST LINE OF 102ND STREET;

THENCE NORTHWESTERLY ON THE WEST LINE OF 102ND STREET ON A 237.50 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N07°44'36"W, CHORD DISTANCE 63.97 FEET, AN ARC DISTANCE OF 64.16 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 5, WESTPLEX TO THE POINT OF BEGINNING.

Exhibit B

SEGMENT 3:

THAT PART OF THE 102ND STREET RIGHT-OF-WAY LYING WITHIN THE EAST ½ OF THE SW ¼ OF SECTION 16, T15N, R12E OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA DESCRIBED AS FOLLOWS, COMMENCING AT THE SE CORNER OF LOT 5, WESTPLEX, A SUBDIVISION IN SAID DOUGLAS COUNTY;

THENCE EAST 58.28 FEET TO A POINT 46.54 FEET WEST OF THE EAST LINE OF SAID EAST ½;

THENCE S02°44'15"W 2.37.36 FEET TO A POINT 35.20 FEET WEST OF THE EAST LINE OF SAID EAST ½;

THENCE SOUTH 506.89 FEET ON A LINE 35.20 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID EAST ½ AND THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 453.83 FEET ON A LINE 35.20 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID EAST ½ TO A POINT ON THE WEST LINE OF 102ND STREET;

THENCE N17°47'29"W 48.44 FEET ON THE WEST LINE OF 102ND STREET;

THENCE WEST 33.20 FEET ON THE WEST LINE OF 102ND STREET;

THENCE NORTH 407.71 FEET ON THE WEST LINE OF 102ND STREET;

THENCE EAST 48.00 FEET TO THE POINT OF BEGINNING.



OMAHA CITY COUNCIL

Omaha/Douglas Civic Center
1819 Farnam Street - Suite LC-1
Omaha, NE 68183
Phone (402) 444-5520
Fax (402) 444-5263

Ben Gray
President
Chris Jerram
Vice President
Pete Festersen
Vinny Palermo
Rich Pahls
Brinker Harding
Aimee Melton

September 26, 2017

WHEREAS, the City Planning Board, at its meeting of July 5, 2017, recommended to the City Council that the following parcel of right-of-way be vacated, to wit:

Vacation of a portion of the North 102nd Frontage Road between Nicholas Street and the intersection with 102nd 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, the City Council of the City of Omaha adopted Resolution Number 781 on June 13, 2017, appointing Chris Jerram, Aimee Melton and Vinny Palermo; 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, September 26, 2017, at 8:30 a.m. in the City Council Office, Omaha/Douglas Civic Center, 1819 Farnam Street, Omaha, Nebraska, to assess damages, if any.

NOW, THEREFORE, that Councilmembers Chris Jerram and Vinny Palermo report to the City Council that it assesses no damages in favor of the owners or parties affected.


Chris Jerram, City Councilmember


Vinny Palermo, City Councilmember

