

# ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1015

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 995 TO REVISE EASEMENTS AND RIGHTS RETAINED WITH RESPECT TO A PART OF 120<sup>TH</sup> STREET RIGHT-OF-WAY TO BE SOLD AND CONVEYED THAT IS LOCATED IN THE SE  $\frac{1}{4}$  OF THE SE  $\frac{1}{4}$  OF SECTION 18; AND ALSO THE SW  $\frac{1}{4}$  OF SECTION 17; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; TO REPEAL SECTION 2 OF ORDINANCE NO. 995 AS PREVIOUSLY ENACTED; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. The Mayor and City Council, upon advice of the City Engineer, find and determine that there is no foreseeable need of the City to reserve easements or other rights for future additional improvements with respect to the Property to be sold and conveyed pursuant to Ordinance No. 995, as originally enacted. Consequently, the Mayor and City Council, desire to eliminate (from the conveyance of the Property) the reservation of rights for future additional improvements with respect to the Property. The authorization, direction, manner and terms of sale and other actions previously approved in Ordinance No. 995 are unaffected by the action taken in this ordinance.

Section 2. Section 2 of Ordinance No. 995 is hereby amended as follows:

"Section 2. Upon request and payment of adequate consideration and such administrative costs and fees incurred by the City in connection with the vacation, sale and conveyance of a part of 120<sup>th</sup> Street right-of-way located in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 18; and also the SW  $\frac{1}{4}$  of Section 17; all located in Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, more particularly described in Exhibit A of Ordinance No. 995 ("Property"), the City shall provide a quitclaim deed, selling and conveying the Property to Ronald E. Smith, subject to the rights, conditions and limitations set forth in this Section 2 below, and in accordance with the manner and terms of conveyance specified in Exhibit B attached to Ordinance No. 995 as originally enacted, and incorporated herein by this reference, which manner and terms were and still are deemed to be in the best interests of the City. Such conveyance shall be executed by the Mayor and City Clerk, who are hereby authorized to take such action. In addition to any reserved rights provided by applicable law, the following rights, conditions and limitations shall be reserved in perpetuity to the City of La Vista with respect to the Property:

- a. the right to maintain, operate, repair, replace, extend and renew sewers and other improvements now existing in, on, over, under or across the Property;
- b. the right to authorize public utilities, cable television companies and other persons, systems or services to maintain, repair, replace, renew, extend and operate water mains and gas mains, poles, lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, in, on, over, across or below the Property that are now existing for the purpose of serving the general public or abutting property; and
- c. the right to enter upon the Property to accomplish the above and any related or similar purposes at any and all times.

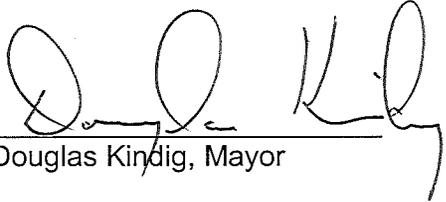
All or any vegetation now or hereafter upon the Property, including, but not limited to, trees, shrubs and crops, and all or any improvements and structures now or hereafter upon the Property, including, but not limited to, buildings, walls, fences, drives, paving and walks, may be damaged or removed by or as authorized by the City as necessary or appropriate in the exercise of the rights herein reserved without any requirement of restoration or compensation to any person."

Section 3. Section 2 of Ordinance No. 995 as previously enacted is hereby repealed.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 21<sup>ST</sup> DAY OF NOVEMBER, 2006.

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Mary C. Lupomech  
Deputy City Clerk