

ORDINANCE RECORD

No. 72 B—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1225

AN ORDINANCE AMENDING ORDINANCE NO. 1213 AND LEGAL DESCRIPTION FOR THE PORTION OF SOUTH 107TH STREET RIGHT-OF-WAY FOR VACATION, RESERVATION, SALE AND CONVEYANCE, TO PROVIDE FOR REPEAL OF SECTIONS 1 AND 2 OF ORDINANCE NO. 1213 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 on March 4, 2014 adopted Ordinance No. 1213 including Sections 1 and 2 depicting and describing in Exhibits A and B property to be vacated, reserved, sold and conveyed; which Ordinance No. 1213 and specifically sections 1 and 2, upon advice of the City Engineer, are hereby amended as follows to correctly set forth in Exhibits A and B the legal description of said property. The depiction of the property set forth in Exhibit A of Ordinance No. 1213 remain as originally adopted and unchanged by this Ordinance.

Section 2. Sections 1 and 2 of Ordinance No. 1213 are hereby amended effective as of March 4, 2014 as follows:

Section 1. It is hereby declared necessary, expedient, proper and for the public good to vacate, and for the City to reserve and retain title to (for sale and conveyance of), a part of the South 107th Street right-of-way located in the NW $\frac{1}{4}$ of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described or depicted in Exhibit A, attached hereto and incorporated herein by this reference, ("Property"), and said Property is hereby vacated and City reserves and retains title thereto for sale and conveyance thereof as directed in Section 2 below.

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 the Property, and the City shall provide a quitclaim deed selling and conveying the Property to Rotella's Italian Bakery Inc. ("Rotella's"), subject to the rights, conditions and limitations set forth in this Section 2 below and Rotella's recording with the Sarpy County Register of Deeds an administrative plat of the Property in form and content satisfactory to the City Engineer, and in accordance with the manner and terms of conveyance specified in Exhibit B attached hereto and incorporated herein by this reference, which rights, conditions, limitations, manner and terms are hereby deemed to be in the best interests of the City; and all of which rights, conditions, limitations, manner and terms shall continue in perpetuity and be binding on Rotella's and all successors or assigns of Rotella's or the Property:

- a. In addition to any reserved rights provided elsewhere in this Ordinance, any instrument of conveyance, other document or applicable law, the following rights, conditions and limitations shall be reserved in perpetuity to the City of La Vista with respect to the Property:
 - i. the right to maintain, operate, repair, replace, extend and renew sewers and other improvements now existing in, on, over, under or across the Property;
 - ii. the right to authorize public utilities, cable television companies and other persons, systems or services to construct, maintain, repair, replace, renew, extend and operate now or hereafter installed water mains and gas mains, poles, lines, conduits, equipment and appurtenances above, in, on, over, across or below the surface of the ground for the purpose of serving the general public or abutting property;
 - iii. the right to authorize such connections or branch lines as may be ordered, desired or permitted by the City or such other utility, person, system or service; and

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No. 728-REDFIELD & COMPANY INC., OMAHA

- iv. the right to enter upon the Property to accomplish the above and any related or similar purposes at any and all times.
- b. 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.

Such conveyance shall be executed by the Mayor and City Clerk, who are hereby authorized to take such action. Prior to such conveyance, Rotella's shall execute and deliver to the City an Easement and Maintenance Agreement in form and content acceptable to the City Engineer."

Section 2. Sections 1 and 2 of Ordinance No. 1213 as previously enacted are hereby repealed.

Section 3. 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 2ND DAY OF SEPTEMBER, 2014.



ATTEST

Pamela A. Buethe
Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA

Douglas Kindig
Douglas Kindig, Mayor