

**ORDINANCE NO. 2020-1149**

**AN ORDINANCE OF THE CITY OF WISNER, NEBRASKA, VACATING THE FOLLOWING PORTION OF THE FOLLOWING STREET, TO WIT: THAT PART OF AVENUE "I" AS PLATTED IN THE TOWN OF WISNER, CUMING COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 56, FOURTH ADDITION TO THE TOWN OF WISNER; THENCE SOUTHEASTERLY ON THE SOUTHERLY LINE OF SAID LOT 7, A DISTANCE OF 140 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE SOUTHWESTERLY ON THE SOUTHWESTERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 7, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF BLOCK 6, FIRST ADDITION TO THE TOWN OF WISNER; THENCE NORTHWESTERLY ON SAID NORTHERLY LINE, A DISTANCE OF 140 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID BLOCK 6; THENCE NORTHEASTERLY, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; PROVIDING SAID PORTION OF SAID STREET SHALL REVERT TO THE OWNER OF THE ABUTTING REAL ESTATE AND BECOME A PART OF SUCH PROPERTY; REPEALING CONFLICTING ORDINANCES, RESOLUTIONS, SECTIONS, AND ACTIONS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS the sole abutting property owner has requested that the City vacate the following portion of the following street, to wit: THAT PART OF AVENUE "I" AS PLATTED IN THE TOWN OF WISNER, CUMING COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 56, FOURTH ADDITION TO THE TOWN OF WISNER; THENCE SOUTHEASTERLY ON THE SOUTHERLY LINE OF SAID LOT 7, A DISTANCE OF 140 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE SOUTHWESTERLY ON THE SOUTHWESTERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 7, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF BLOCK 6, FIRST ADDITION TO THE TOWN OF WISNER; THENCE NORTHWESTERLY ON SAID NORTHERLY LINE, A DISTANCE OF 140 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID BLOCK 6; THENCE NORTHEASTERLY, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE POINT OF BEGINNING; and

WHEREAS the vacation of said portion of Avenue "I" will have no impact on other property owners, and the vacation will promote development of the adjacent area and is in the best interests of the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WISNER, NEBRASKA:**

**Section 1.** The following portion of the following street shall be and hereby is vacated, to wit:

THAT PART OF AVENUE "I" AS PLATTED IN THE TOWN OF WISNER, CUMING COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 56, FOURTH ADDITION TO THE TOWN OF WISNER; THENCE SOUTHEASTERLY ON THE SOUTHERLY LINE OF SAID LOT 7, A DISTANCE OF 140 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE SOUTHWESTERLY ON THE SOUTHWESTERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 7, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF BLOCK 6, FIRST ADDITION TO THE TOWN OF WISNER; THENCE NORTHWESTERLY ON SAID NORTHERLY LINE, A DISTANCE OF 140 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID BLOCK 6; THENCE NORTHEASTERLY, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

**Section 2.** Title to the foregoing portion of said street shall revert to the owner of the abutting real estate, one-half on each side thereof, and become a part of such property.

**Section 3.** No method or procedure for ascertaining special damages to abutting property owners due to the vacating of the foregoing portion of said street is established, as the sole abutting property owner has requested the vacation and acknowledges it suffers no damages due to the vacating of the foregoing portion of said street. The owner of each side of the vacated portion of the street is identical.

**Section 4.** Notwithstanding the terms and provisions of this Ordinance, the City shall retain the right to maintain, operate, repair, and renew public utilities existing at the time title to the property is vacated, and there is reserved to the City, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole 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, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times. See Neb. Rev. Stat. § 17-558 (Cum. Supp. 2018).

**Section 5.** Any other ordinance, resolution, section, or action passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict with its provisions is hereby repealed.

**Section 6.** This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

**Section 7.** Within thirty (30) days after the effective date of this Ordinance, the City Clerk shall cause a certified copy of it to be filed with the Register of Deeds of Cuming County, Nebraska, to be indexed against all affected lots, to wit: All Lots within

Block 6, First Addition, City of Wisner, Cuming County, Nebraska; and Lot 7, Block 56, Fourth Addition, City of Wisner, Cuming County, Nebraska.

Passed and approved this 18 day of February, 2020.

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Chad E. Dixon, Mayor

ATTEST:

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Clerk/Treasurer