

ORDINANCE NO. 695

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEEPING WATER, CASS COUNTY NEBRASKA TO VACATE THE EAST-WEST ALLEY LYING BETWEEN LOTS 5 AND 7, BLOCK 4 AND BETWEEN AND LOTS 6 AND AND 7, BLOCK 4, PARK'S ADDITION TO THE CITY OF WEEPING WATER, CASS COUNTY, NEBRASKA SUBJECT TO A UTILITY EASEMENT; PROVIDING FOR OWNERSHIP OF THE SAME TO REVERT ONE-HALF EACH TO THE ADJACENT PROPERTY OWNERS; TO REPEAL ALL ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith; ARE REPEALED; TO PROVIDE FOR ADOPTION AND PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE AFTER PASSAGE, APPROVAL, AND PUBLICATION OR POSTING AS REQUIRED BY LAW.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WEEPING WATER, CASS COUNTY, NEBRASKA:

Section 1. The City Council of the City of Weeping Water, Cass County, Nebraska hereby vacates that portion of the east-west alley Lying Between Lots 5 and 7, Block 4 and Between and Lots 6 and and 7, Block 4, Park's Addition which is described as follows:

From the Point of Beginning at the Southwest Corner of Lot 6, Block 4; Thence South to the Northwest Corner of Lot 7, Block 4; Thence Easterly a Distance of 92.49 Feet along the North Property Line of Lo7, Block 4; Thence North to a Point on the South Property Line of Lot 5, Block 4 Which Is 93.21 Feet Easterly of the Southwest Corner of Lot 6, Block 4; Thence Westerly to the Point of Beginning, all located in Park's Addition to the City of Weeping Water, Cass County Nebraska.

Section 2. Subject to the utility easement, ownership of the same shall revert one-half each to the adjacent property owners. The vacated portion of the east-west alley is generally shown on the attached Exhibit A.

Section 3. The City retains the following utility easement on the same:

A permanent utility easement for the benefit of all utilities, including but not limited to the City of Weeping Water, Omaha Public Power District, Windstream Communications, Black Hills Energy and Zito Media, and all the successors and assigns of such utilities and services, for the purposes of, but not limited to, constructing, reconstructing, locating, relocating, altering, inspecting, repairing, replacing, maintaining, installing, and otherwise operating various utilities such as electric service,

water service, sewer service, telephone service, cable television service, and natural gas service, as is necessary and convenient for all such services provided to the residents and businesses of the City of Weeping Water, Cass County, Nebraska.

This easement is subject to the condition that any use of the easement property shall be done in a good and workmanlike manner by the utility provider, with all such work done by the utility provider at that provider's expense. In no event, other than for use made at the property owner's request for the property owner's benefit, shall the property owner have liability for any expense related to the use of the easement area by such a utility.

The property owner shall not construct any building, structure or other improvement on the surface of the Easement area; provided, however, that property owner may construct a fence with City's prior written consent, and may utilize the same for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the uses of the utilities. The utility will be obligated to restore the basic topography and soil if disturbed, to a natural grade, but the utility will not be obligated to restore improvements such as fences, gardens, shrubs, landscaping or other improvements, after utilizing the easement area.

The utility, as it relates to its use of the easement area, will hold the property owner harmless from any claim by any person regarding the utility's use of the easement area. The property owner, as it relates to the property owner's use of the easement area, will hold all utilities with services located in easement area harmless from any claim by any person regarding the easement area or the property owner's use of the same, or in any manner asserting right, title or interest contrary to the utilities' easement rights.

Section 4. All previous ordinances, or parts thereof, in conflict herewith are repealed.

Section 5. This ordinance is adopted and published in pamphlet form, and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 5th day of February 2025.


Michael Barrett, Mayor

ATTEST:


Linda Sheehan, City Clerk

Publication Date: February 5, 2025.

Exhibit A

Weeping Water Park's Addition Block 4 (Portion of alley to be vacated)

