

ORDINANCE NO. 2318

AN ORDINANCE TO VACATE THAT PORTION OF 4th STREET LYING BETWEEN THE EAST RIGHT-OF WAY LINE OF WASHINGTON STREET AND A POINT WHICH IS 176 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF WASHINGTON STREET; TO PROVIDE FOR REVERSION OF THE VACATED STREET TO ADJOINING PROPERTY OWNERS; TO RETAIN EASEMENT FOR PUBLIC UTILITIES; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:

Section 1. That it is in the best interest of the municipality that a portion of 4th Street lying between the East Right-of-Way line of Washington Street and a point which is 176 feet East of the East Right-of-Way line of Washington Street, be privately owned and maintained by the adjoining owners, and that such portion of street should be vacated.

Section 2. That the City of Lexington, Nebraska hereby vacates that portion of 4th Street lying between the East Right-of-Way line of Washington Street and a point which is 176 feet East of the East Right-of-Way line of Washington Street,.

Section 3. That the vacated street right-of-way shall revert to the owners of adjoining real estate in Block 54 and Block 63 in the Original Town of Lexington, Dawson County, Nebraska.

Section 4. All presently existing water and wastewater lines and facilities, electric transmission and distribution lines and facilities, gas lines and facilities, communication lines and facilities, or any other public utility lines and facilities, if any, may remain in place despite this Ordinance and may continue to be used, repaired, enlarged, and maintained in the ordinary course of business. Any person wanting removal of an existing utility line or facility must negotiate separately with the pertinent utility. After the date of this Ordinance, no utility may add additional utility lines or facilities in the Right-of-Way Segment based on a claim that the Right-of-Way Segment is public right of way. This closure does not give up any right arising other

than from the plat or other instrument creating the public street or alley right-of-way. Neither does this Ordinance create new easement rights.

Section 5. That this ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

CITY OF LEXINGTON, NEBRASKA

By: _____
Mayor

ATTEST:

City Clerk