

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THAT PORTION OF 12th STREET LYING BETWEEN THE EAST RIGHT-OF WAY LINE OF WASHINGTON STREET AND THE WEST RIGHT-OF-WAY LINE OF GRANT STREET, TOGETHER WITH THE SOUTH 285 FEET OF THE PLATTED ALLEY IN BLOCK B, MACCOLL AND LEFLANG'S ADDITION TO THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA; TO PROVIDE FOR REVERSION OF THE VACATED STREET AND ALLEY 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 12th Street lying between the East Right-of-Way line of Washington Street and the West Right-of-Way line of Grant Street, together with the South 285 feet of the platted alley in Block B, MacColl and Leflaang's Addition to the City of Lexington, Dawson County, Nebraska, 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 12th Street lying between the East Right-of-Way line of Washington Street and the West Right-of-Way line of Grant Street, and further vacates the platted alley in Block B, MacColl and leflaang's Addition to the City of Lexington, Dawson County, Nebraska.

Section 3. That the vacated street and alley right-of-way shall revert to the owners of adjoining real estate in Block B and Block G in MacColl's and Leflang's Addition to the City of Lexington, Dawson County, Nebraska.

Section 4. All presently existing 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