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20230408

State of Nebraska ) No. \_\_\_\_\_  
County of Nemaha ) § Fees 28.00

I hereby certify that this instrument was entered on  
numerical index and filed for record this 18<sup>th</sup> day  
of April 2023 at 12:55 o'clock P.m. and  
recorded in Book No. 166 of MISC at  
page 374-377

*Crista R. Janner*  
County Clerk or Deputy

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Prepared by: Morgan T. Ritchie, Attorney at Law.  
After recording return to: Morgan T. Ritchie, P.O. Box 99, Auburn, NE 68305;  
E-mail at: morganritchie41@gmail.com

**CERTIFIED ORDINANCE NO. 2023-05**  
**CITY OF PERU, NEMAHA COUNTY, NEBRASKA**  
**Passed and Approved April 17, 2023**

**ORDINANCE NO.2023-05**

**OF THE CITY OF PERU, NEMAHA COUNTY, NEBRASKA**

**AN ORDINANCE AUTHORIZING SUSPENSION OF RULES; VACATING THE PLATTED PORTION OF 6<sup>TH</sup> STREET RUNNING NORTH/SOUTH BETWEEN BLOCK 88 AND 89, SOUTH OF MULBERRY STREET, NORTH OF OLIVE STREET, IN THE ORIGINAL TOWN ADDITION OF PERU, NEMAHA COUNTY, NEBRASKA; TO AUTHORIZE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF PERU, NEBRASKA, TO SHOW THE AFOREMENTIONED PORTION OF 6<sup>TH</sup> STREET VACATED; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS THEREOF; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PERU, NEBRASKA;**

SECTION 1. The City Council by three-fourths (3/4<sup>th</sup>) vote of the majority or greater hereby suspends the rules to allow this Ordinance to be read aloud and moved for final passage at the same meeting.

SECTION 2. That the portion of 6<sup>th</sup> Street, as platted, running South of Mulberry Street, North of Olive Street in between Blk 88 and 89, in the Original Town Addition of Peru, Nemaha County, NE, shall be and is hereby vacated, with the title of said vacated property to be transferred to the adjacent landowner(s) pursuant to Neb. Rev. Stat. §17-558(2).

SECTION 3. That the adjacent landowner(s) to 6<sup>th</sup> street, as platted running South of Mulberry Street, North of Olive Street in between Blk 88 and 89, all in the Original Town Addition of Peru, Nemaha County, NE shall pay the cost incurred for a new survey and filing fees thereof, pursuant to this request; showing said 6<sup>th</sup> Street, South of Mulberry Street, North of Olive Street, in between Block 88 and 89, all in the Original Town Addition of Peru, NE, vacated and the title of said property transferred to the adjacent landowner, pursuant to this Ordinance and Neb. Rev. Stat. §17-558(5)(a)&(b).

SECTION 4. The Governing Body hereby finds and determines that vacating the above portion of 6<sup>th</sup> Street is beneficial to the public good and in the best interests of the municipality and its residents.

SECTION 5. Pursuant to Neb. Rev. Stat. § 17-558(5)(a)&(b), the City pursuant to this Ordinance perpetually reserves the right to maintain, operate, repair, and renew public utilities existing at the time title to the property is vacated; and, further reserves to the City, any public

utilities, any cable television systems, telephone and or fiber optic provider, 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 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.

SECTION 6. That the City Clerk is hereby authorized to file a certified copy of this Ordinance with the County Clerk, ex-officio Register of Deeds, within 30 days after the effective date of this Ordinance to be indexed against all affected lots.

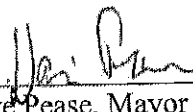
SECTION 7. That all Ordinances and Resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

SECTION 8. That the official zoning map shall be changed/amended to show the platted alleyway vacated as provided for within this Ordinance.

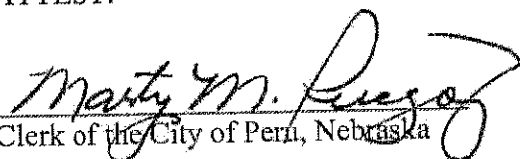
SECTION 9. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Passed and approved this 17 day of April 2023, by the following votes.

Cate Wyckoff	Aye: <u>X</u>	Nay: _____	Absent: _____	Abstain: _____
Spencer Vogt	Aye: _____	Nay: _____	Absent: <u>X</u>	Abstain: _____
Quentin Kieler	Aye: <u>X</u>	Nay: _____	Absent: _____	Abstain: _____
Marty Peregoy	Aye: <u>X</u>	Nay: _____	Absent: _____	Abstain: _____
Dave Pease (Mayor) (on tie breaker)	Aye: _____	Nay: _____	Absent: _____	Abstain: _____

  
 \_\_\_\_\_  
 Dave Pease, Mayor of the City  
 of Peru, Nebraska

ATTEST:

  
 Clerk of the City of Peru, Nebraska



(Seal)

Approved as to Form & Legality:

Isiah Moya Ritchie  
City Attorney



(Signed and approved on 4/17/23)