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CERTIFIED ORDINANCE NO. 2023-01
CITY OF PERU, NEMAHA COUNTY, NEBRASKA
Passed and Approved February 24, 2023

ORDINANCE NO. 2023- 01

OF THE CITY OF PERU, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE AUTHORIZING SUSPENSION OF RULES; VACATING THE PLATTED ALLEYWAYS RUNNING NORTH/SOUTH BLOCK 204 AND 205, PERU NEALS ADDITION TO PERU, NEMAHA COUNTY, NEBRASKA; AND VACATING THE PLATTED 4TH STREET RUNNING NORTH/SOUTH BETWEEN BLOCKS 204 AND 205 IN THE PERU NEALS ADDITION TO PERU, NEMAHA COUNTY, NEBRASKA; TO AUTHORIZE AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY TO SHOW THE AFOREMENTIONED ALLEYWAYS AND PART OF 4TH 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 (3/4th) 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 platted alleyways running North/South in Block 204 and 205, Peru Neals Addition to Peru, Nemaha County, NE, shall be and are 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 4th street running North/South between Block 204 and 205, Peru Neals Addition to Peru, Nemaha County, NE, shall be and is hereby vacated, with the title of said vacated property to be transferred to the adjacent landowner pursuant to Neb. Rev. Stat. §17-558(2).

SECTION 4. That the adjacent landowner(s) to the platted alleyways running North/South in Block 204 and 205, Peru Neals Addition to Peru, Nemaha County, NE, and the adjacent landowner(s) to 4th street running North/South between Blk 204 and 205, Peru Neals Addition to Peru, Nemaha County, NE, shall pay the cost incurred for a new survey and filing fees thereof, pursuant to this request; showing said alleyways within Blk 204 and 205, Peru Neals Addition to Peru, NE, and portion of 4th Street, in between Block 204 and 205, Peru Neals Addition to 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 5. The Governing Body hereby finds and determines that vacating the above identified platted alleyways and portion of 4th street, is beneficial to the public good and in the best interests of the municipality and its residents.

SECTION 6. 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 7. 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 8. That all Ordinances and Resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

SECTION 9. That the official zoning map shall be changed/amended to the show the platted alleyways vacated as provided for within this Ordinance.

SECTION 10. 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 27th day of February 2023, by the following votes.

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|--|--|-------------------------------|---|-----------------------------------|
| Cate Wyckoff | Aye: <input checked="" type="checkbox"/> | Nay: <input type="checkbox"/> | Absent: <input type="checkbox"/> | Abstain: <input type="checkbox"/> |
| Spencer Vogt | Aye: <input checked="" type="checkbox"/> | Nay: <input type="checkbox"/> | Absent: <input type="checkbox"/> | Abstain: <input type="checkbox"/> |
| Quentin Kieler | Aye: <input type="checkbox"/> | Nay: <input type="checkbox"/> | Absent: <input checked="" type="checkbox"/> | Abstain: <input type="checkbox"/> |
| Marty Peregoy | Aye: <input checked="" type="checkbox"/> | Nay: <input type="checkbox"/> | Absent: <input type="checkbox"/> | Abstain: <input type="checkbox"/> |
| Dave Pease (Mayor) (on tie breaker) | Aye: <input type="checkbox"/> | Nay: <input type="checkbox"/> | Absent: <input type="checkbox"/> | Abstain: <input type="checkbox"/> |

{Signatures on the following page}

Dave Pease, Mayor of the City
of Peru, Nebraska

ATTEST:

Angela Allgood, Deputy City Clerk
of the City of Peru, Nebraska

(Seal)

Approved as to Form & Legality:

/s/ Morgan Ritchie
City Attorney

(signed and approved on _____)