

AMENDMENTS TO LB 161

1 1. Insert the following new sections:

2 "Section 1. Section 16-611, Revised Statutes Supplement,
3 2004, is amended to read:

4 16-611. (1) Upon the vacation of any street or alley by
5 the city, the title to such property shall vest in the owners of
6 the abutting property and become a part of such property, one-half
7 on each side thereof, unless the city reserves title in the
8 ordinance vacating such street or alley. If title is retained by
9 the city, such property may be sold, conveyed, exchanged, or leased
10 upon such terms and conditions as shall be deemed in the best
11 interests of the city.

12 (2) ~~When an alley is vacated by the city, the title to~~
13 ~~such property shall vest in the owners of the abutting property and~~
14 ~~become a part of such property, one-half on each side thereof,~~
15 ~~unless the alley is taken wholly from one or more lots, in which~~
16 ~~case the title to such property shall vest in the owner of the~~
17 ~~abutting property and become a part of such property.~~

18 ~~(3)~~ When a portion of a street or alley is vacated only
19 on one side of the center thereof, the title to such property shall
20 vest in the owner of the abutting property and become part of such
21 property, unless the city reserves title in the ordinance vacating
22 a portion of such street or alley. If title is retained by the
23 city, such property may be sold, conveyed, exchanged, or leased
24 upon such terms and conditions as shall be deemed in the best

1 interests of the city.

2 ~~(4)~~ (3) When the city vacates all or any portion of a
3 street or alley, the city shall, within thirty days after the
4 effective date of the vacation, file a certified copy of the
5 vacating ordinance with the register of deeds for the county in
6 which the vacated property is located to be indexed against all
7 affected lots.

8 (4) The title to property vacated pursuant to this
9 section shall be subject to the following: (a) There is reserved
10 to the city the right to maintain, operate, repair, and renew
11 sewers now existing there and (b) there is reserved to the city,
12 any public utilities, and any cable television systems the right to
13 maintain, repair, renew, and operate installed water mains, gas
14 mains, pole lines, conduits, electrical transmission lines, sound
15 and signal transmission lines, and other similar services and
16 equipment and appurtenances above, on, and below the surface of the
17 ground for the purposes of serving the general public or the
18 abutting properties, including such lateral connections or branch
19 lines as may be ordered or permitted by the city or such public
20 utility or cable television system and to enter upon the premises
21 to accomplish such purposes at any and all reasonable times.

22 Sec. 4. Section 17-522, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 17-522. ~~Second-class cities and villages shall have the~~
25 ~~power to~~ (1) The mayor and city council or board of trustees may
26 construct and to repair sidewalks or cause the construction and
27 repair of sidewalks in such manner as the mayor and city council or

1 board of trustees deems necessary and assess the expense thereof on
2 the property in front of which such construction or repairs are
3 made, after having given notice ~~of their intention to do so~~ ~~(1)~~ (a)
4 by publication in one issue of a legal newspaper of general
5 circulation in such city or village, and ~~(2)~~ (b) by either causing
6 a written notice to be served upon the occupant in possession of
7 the property involved or to be posted upon such premises ten days
8 prior to the commencement of such construction or repair. The
9 powers conferred under this section are in addition to those
10 provided in sections 17-509 to 17-521~~7~~, and may be exercised without
11 creating an improvement district.

12 (2) If the owner of any property abutting any street or
13 avenue, or part thereof, fails to construct or repair any sidewalk
14 in front of the owner's property within the time and in the manner
15 as directed and requested by the mayor and council or board of
16 trustees, after having received due notice to do so, the mayor and
17 council or board of trustees may cause the sidewalk to be
18 constructed or repaired and may assess the cost thereof against the
19 property.

20 Sec. 5. Section 17-558, Revised Statutes Supplement,
21 2004, is amended to read:

22 17-558. ~~Second-class cities~~ (1) Cities of the second
23 class and villages shall have power to open, widen, or otherwise
24 improve or vacate any street, avenue, alley, or lane within the
25 limits of the city or village; and also to create, open, and
26 improve any new street, avenue, alley, or lane. All damages
27 sustained by the citizens of the city or village, or by the owners

1 of the property therein, shall be ascertained in such manner as
2 shall be provided by ordinance.

3 (2) Whenever any street, avenue, alley, or lane shall be
4 vacated, the same shall revert to the owners of the abutting real
5 estate, one-half on each side thereof and become a part of such
6 property, unless the city or village reserves title in the
7 ordinance vacating such street or alley. If title is retained by
8 the city or village, such property may be sold, conveyed,
9 exchanged, or leased upon such terms and conditions as shall be
10 deemed in the best interests of the city or village.

11 (3) When a portion of a street, avenue, alley, or lane is
12 vacated only on one side of the center thereof, the title to such
13 land shall vest in the owner of the abutting property and become a
14 part of such property, unless the city or village reserves title in
15 the ordinance vacating a portion of such street or alley. If title
16 is retained by the city or village, such property may be sold,
17 conveyed, exchanged, or leased upon such terms and conditions as
18 shall be deemed in the best interests of the city or village.

19 (4) When the city or village vacates all or any portion
20 of a street, avenue, alley, or lane, the city or village shall,
21 within thirty days after the effective date of the vacation, file a
22 certified copy of the vacating ordinance or resolution with the
23 register of deeds for the county in which the vacated property is
24 located to be indexed against all affected lots.

25 (5) The title to property vacated pursuant to this
26 section shall be subject to the following: (a) There is reserved
27 to the city or village the right to maintain, operate, repair, and

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1 renew sewers now existing there and (b) there is reserved to the
2 city or village, any public utilities, and any cable television
3 systems the right to maintain, repair, renew, and operate installed
4 water mains, gas mains, pole lines, conduits, electrical
5 transmission lines, sound and signal transmission lines, and other
6 similar services and equipment and appurtenances above, on, and
7 below the surface of the ground for the purposes of serving the
8 general public or the abutting properties, including such lateral
9 connections or branch lines as may be ordered or permitted by the
10 city of village or such public utility or cable television system
11 and to enter upon the premises to accomplish such purposes at any
12 and all reasonable times."

13 2. Renumber the remaining sections and correct the
14 repealer accordingly.