

ORDINANCE NO. 7028

AN ORDINANCE vacating a part of Kessler Boulevard and a part of 27th Street; establishing the official grades of certain streets in Bishop Heights, an addition in the City of Lincoln, Nebraska, with reference to a datum plane herein described, including said addition within the corporate limits of the City of Lincoln, Nebraska, and accepting and approving the plat of Bishop Heights, an addition in the City of Lincoln, Nebraska, filed in the office of the City Clerk of the City of Lincoln, Nebraska, on October 8, 1959, upon certain conditions herein specified and providing for a bond conditioned upon the strict compliance with such conditions.

WHEREAS, The Catholic Bishop of Lincoln, a corporation, owner of vacated 27th Street and vacated Kessler Boulevard and Lots 1, 2, 3 and 6, Bishop's Heights, Lot 67, all in the Southwest Quarter of Section 6, Township 9 North, Range 7 East, and Outlot A and B and Lot 1, Block 3, Fiene Heights First Addition in the South Half of Section 1, Township 9 North, Range 6 East of the 6th P. M., Lancaster County, Nebraska, having platted said real estate under the designation of Bishop Heights, and having filed said plat on October 8, 1959, with the City Clerk of the City of Lincoln, Nebraska, with a request for approval and acceptance thereof, in the manner and form as by ordinance required, and

WHEREAS, it is for the convenience of the inhabitants of said City of Lincoln, Nebraska, and for the public that said plat be approved and accepted as filed.

NOW, THEREFORE, Be it Ordained by the City Council of the City of Lincoln, Nebraska:

Section 1. That from and after the effective date of this ordinance, the lands included within Bishop Heights shall be and hereby are included within the corporate limits of the City of Lincoln, Nebraska.

Section 2. That that part of Kessler Boulevard described as beginning at the Southeast Corner of Outlot A, Fiene Heights First Addition as a point of beginning, thence west along the south line of Outlot A a distance of 95.4 feet to the Southwest corner of Outlot A, thence in a southwesterly direction on a curve whose radius is 310.76 feet to the Northwest corner of Lot 1, Block 3, Fiene Heights First Addition, thence in an easterly direction along the north

line of said Lot 1 and Outlot B a distance of 130.5 feet to the Northeast corner of Outlot B, thence north along the west line of old 27th Street a distance of 60 feet to the place of beginning, be and it hereby is vacated.

Section 3. That that part of 27th Street described as beginning at a point on the east line of old 27th Street 448.5 feet north of the north line of Pioneers Boulevard, thence in a southwesterly direction on a curve whose radius is 390.78 feet to intersect the west line of old 27th Street, said point being 294.55 feet north of the north line of Pioneers Boulevard, continuing thence south along the west line of old 27th Street 294.55 feet to intersect the north line of Pioneers Boulevard, thence east along the north line of Pioneers Boulevard a distance of 66 feet, thence north along the east line of Old 27th Street a distance of 448.5 feet to the place of beginning, be and it hereby is vacated.

Section 4. That the grades of certain streets in Bishop Heights, an addition in the City of Lincoln, Nebraska, be and they are hereby established with reference to a datum plane, which is located as follows: Bench mark cut in water table at the northeast corner of the City Hall building is 79.74 feet above said datum plane, said datum plane being coincident with the datum plane of what is known as the Harvey Grade.

The grades hereby established shall be uniform straight lines between adjacent points hereinafter specified in said streets and between the grade points heretofore established by ordinance in adjacent streets.

Section 5. Grade at the intersection of 27th Street and Bonacum Drive: Northeast corner 154.59; Southeast corner 154.01.

Section 6. Grade at a point in Bonacum Drive 490 feet east of 27th Street: North side 174.00; South side 174.00; provided however, that the grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 200 feet long.

Section 7. Grade at the intersection of 30th Street and Bonacum Drive: Northeast corner 150.14; Northwest corner 150.72.

Section 8. Grade at a point in Bonacum Drive 1130 feet east of 27th Street: North side 144.80; South side 144.80; provided, however, that the grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 150 feet long.

Section 9. Grade at the intersection of Tihen Circle and Bonacum Drive: Northeast corner 140.96; Northwest corner 141.37.

Section 10. Grade at a point in Tihen Circle 110 feet east of Bonacum Drive 146.00.

Section 11. Grade at a point in 30th Street 40 feet south of Calvert Street: East side 159.53; West side 159.79; provided, however, that the grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 50 feet long.

Section 12. Grade at a point in 30th Street 145 feet south of Calvert Street: East side 151.50; West side 152.00; provided, however, that the grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 150 feet long.

Section 13. Grade at a point in 30th Street 3 feet north of Bonacum Drive: East side 150.41; West side 150.91.

Section 14. Grade at the intersection of 27th Street and O'Reilly Drive: Northeast corner 154.17; Southeast corner 154.59.

Section 15. Grade at a point in O'Reilly Drive 210 feet east of 27th Street: North side 165.00; South side 165.00; provided, however, that the grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 150 feet long.

Section 16. Grade at a point in O'Reilly Drive 930 feet east of 27th Street: North side 161.00; South side 161.00; provided, however, that the grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 400 feet long.

Section 17. Grade at the intersection of 27th Street and Kucera Drive: Northeast corner 147.01; Southeast corner 146.27.

Section 18. Grade at a point in Kucera Drive at the east line of 27th Street: North side 147.10; South side 146.60.

Section 19. Grade at the intersection of Beckman Circle and Kucera Drive: Northeast corner 148.48; Northwest corner 148.39.

Section 20. Grade at a point in Beckman Circle 140 feet north of Kucera Drive 152.70.

Section 21. Grade at a point in Kucera Drive 595 feet east of 27th Street: North side 149.20; South side 149.20; provided, however, that the

grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 150 feet long.

Section 22. Grade at a point in Kucera Drive 920 feet east of 27th Street: North side 160.00; South side 160.00; provided, however, that the grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 150 feet long.

Section 23. Grade at a point in Kucera Drive 1165 feet east of 27th Street: North side 151.50; South side 151.50; provided, however, that the grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 150 feet long.

Section 24. Grade at a point in Kucera Drive 30 feet south of O'Reilly Drive: East side 149.30; West side 149.30; provided, however, that the grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 150 feet long.

Section 25. Grade at the intersection of O'Reilly Drive and Kucera Drive: Northwest corner 146.32; Southwest corner 147.30.

Section 26. Grade at a point in O'Reilly Drive 3 feet west of Kucera Drive: North side 147.76; South side 148.28.

Section 27. Grade at a point in Kucera Drive 185 feet north of O'Reilly Drive: East side 138.10; West side 138.10; provided, however, that the grades to be established in this section shall be considered as the points of intersection of tangents to vertical curves 150 feet long.

Section 28. Grade at the intersection of 27th Street and Woods Boulevard: Northeast corner 132.60; Southeast corner 131.43.

Section 29. That the plat of Bishop Heights, filed in the office of the City Clerk of the City of Lincoln, Nebraska, by The Catholic Bishop of Lincoln, as owner, on October 8, 1959, be and it hereby is approved and accepted and said owner be and it is hereby given the right to plat said Bishop Heights as an addition in the City of Lincoln, Nebraska, in accordance therewith. Such acceptance and approval is conditioned upon the following conditions:

First: That the owner above set forth shall, at its own cost and expense, construct sidewalks in the sidewalk space on the south side of Calvert Street between 27th Street and the east line of the plat; on both sides of 30th Street between Calvert Street and Bonacum Drive; on both sides of Bonacum Drive

between 27th Street and Tihen Circle; on both sides of Tihen Circle; on both sides of O'Reilly Drive between 27th Street and Kucera Drive; on both sides of Kucera Drive between 27th Street and Tihen Circle; on both sides of Beckman Circle; on both sides of Woods Boulevard between 27th Street and east line of Lot 1, Block 5 extended; and on both sides of Kessler Boulevard between the east line of Lot 6, Block 5 and Lot 1, Block 6 extended; and keep such sidewalks in repair all in accordance with the ordinances of the City of Lincoln, Nebraska, relating to sidewalks. The construction of said sidewalks shall be completed not later than November 1, 1961.

Second: That the owner above set forth shall, at its own cost and expense, pay for all labor and material used in the construction of storm sewers within the drainage easement between Lots 16 and 17 in Block 1, between the right of way of the Chicago, Rock Island and Pacific Railroad and Kucera Drive, in Kucera Drive between the aforesaid drainage easement and O'Reilly Drive, and in Kucera Drive between the aforesaid drainage easement and Tihen Circle, in conformance with the alignment, grade and cross section as determined by the City, together with all other expense in connection therewith. Said storm sewers shall be constructed under the supervision of the City of Lincoln and title thereto shall be vested in the City of Lincoln. The construction of said storm sewers shall be completed not later than November 1, 1961.

Third: That the owner above set forth shall, prior to the passage of this ordinance, enter into a written agreement with the City of Lincoln, agreeing that the City of Lincoln shall bring the streets to the official established grades as hereinabove set forth, and construct the necessary sanitary sewers and water mains to serve the real estate in said addition, and assess the cost thereof against the real estate in said addition in accordance with benefits accruing thereto.

Section 30. That the owner above set forth shall, prior to the passage of this ordinance, execute and deliver to the City of Lincoln, Nebraska, a bond in the sum of \$22,500.00, which bond shall be approved by the City Council of the City of Lincoln, Nebraska, and shall be conditioned upon the strict compliance by the owner above named with the conditions contained in paragraphs designated "First" and "Second" of the next preceding section of this ordinance; and further conditioned that in the event the above named owner fails to comply

with the conditions herein set forth within the time specified in this ordinance, the City Council shall proceed to fulfill said conditions, the cost thereof to be paid by the surety on said bond. Such work shall be performed in the manner set forth in Ordinance No. 5284, passed July 21, 1952, known as the Land Subdivision Ordinance, as now existing or as may hereafter be amended.

Section 31. This ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by

W. T. ...

Approved as to Form

City Attorney

Approved

Carl L. Fisher
City Engineer

ADOPTED

OCT 26 1953

BY CITY COUNCIL

Approved

W. K. ...
Director of Public Works and Utilities

Conditions Precedent to Final Passage Complied With

D. E. ...
City Planning Director

Attest: Harold W. ...
City Clerk

Arthur ...
MAYOR

C E R T I F I C A T E

STATE OF NEBRASKA)
COUNTY OF MORGAN)
CITY OF LINCOLN)

I, Harold W. Springer, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above annexed is a true and correct copy of Ordinance No. 7028, as adopted by the City Council of the City of Lincoln at a meeting held on **Oct 26, 1959**, at the said meeting of records on pages **91, 92 and 93** of Ordinance Book No 3 and was in my charge remaining as City Clerk aforesaid.

A FURTHER CERTIFY THAT said Ordinance was published as provided by law, in the Lincoln Star, on the **30th** day of **October, 1959**.

MY WITNESS WHEREOF I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this **13th** day of **January** A.D., **1960**.



Harold W. Springer
Harold W. Springer, City Clerk.

INDEXED 24-413-417-421
GENERAL x -423-427-430
COMPILED x 433-436-439
PAGED

4

STATE OF NEBRASKA } ss.
Lancaster County }

Entered on numerical index and
filed for record in the Register of
Deeds Office of said County the
21 day of Jan. 19 60
at 9 o'clock and 30
minutes a.m. and recorded in
Book of

of page
Herbert L. Ferguson
Deputy

#640