

COUNCIL CHAMBER

Omaha, Nebr. November 13, 19 84

SOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, Adam A. Kirchofer is developing the Southwest corner of 84th and "Q" Streets; and,

WHEREAS, said development will create additional traffic on "Q" Street requiring modifications to the street; and,

WHEREAS, the State Department of Roads Safety Task Force has notified the City of Omaha the 84th and "Q" Street intersection is eligible for Federal aid safety funds; and,

WHEREAS, the Public Works Department will prepare plans to improve the 84th and "Q" Street intersection with an anticipated bid date of August, 1985; and,

WHEREAS, Adam A. Kirchofer and the City of Omaha wish to enter an Agreement to improve the 84th and "Q" Street intersection; and,

WHEREAS, Mr. Kirchofer agrees to pay \$40,000.00 toward the improvement project in lieu of widening "Q" Street in a temporary manner to alleviate the increased traffic caused by the development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

THAT, the Mayor is authorized to sign and the City Clerk is authorized to attest the Agreement between the City of Omaha and Adam A. Kirchofer providing for a reimbursement of \$40,000.00 from Mr. Kirchofer to the City of Omaha as his share of the intersection improvement of 84th and "Q" Streets.

APPROVED AS TO FORM:

*John Homan*  
CITY ATTORNEY

7C3:16

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's office.

*Bernie Simon*  
Councilman

*Mary Garry*  
CITY CLERK  
BY

opted NOV 13 1984 6-0

*Mary Garry*  
City Clerk

Approved *Michael Doyle*  
Mayor



A G R E E M E N T

CITY OF OMAHA, A MUNICIPAL CORPORATION  
KIRCHOFER PROPERTY  
PROPOSED CONSTRUCTION OF TRAFFIC RELATED IMPROVEMENTS  
RE: KIRKHAM-MICHAEL & ASSOCIATES PROJECT # B831137

THIS AGREEMENT dated this 13 day of November, 1984,  
by and between Adam A. Kirchofer (hereinafter referred to as  
"Kirchofer"), and the City of Omaha, a Municipal Corporation  
(hereinafter referred to as "City").

WHEREAS, Kirchofer has entered into a contract to purchase  
the property described as Parcel A on Exhibit "A" attached hereto  
and is the owner of the properties described as Parcels B and C  
on Exhibit "A" attached hereto, all of which constitute approxi-  
mately 8.2 acres of undeveloped land located on the Southwest  
corner of 84th Street and "Q" Street, all of which is herein-  
after referred to as the "Subject Property", and

WHEREAS, Kirchofer has caused a request to be filed with the  
City Planning Board to have the Subject Property rezoned to  
First Commercial District (C-1) with a surrounding Parking One  
District (P-1) buffer, which request has been approved by the  
Planning Board pending an agreement between Kirchofer and the City  
of Omaha Public Works Department, and

WHEREAS, a traffic impact study entitled "Traffic Impact  
Analysis Study for Proposed Shopping Center" prepared by Kirkham-  
Michael & Associates and dated December 28, 1983, supplemented by  
a supplementary report dated February 1984 has indicated that cer-  
tain traffic related improvements in the vicinity of the Subject  
Property are already needed and will be needed whether or not the  
Subject Property is developed. The portion of these traffic  
related improvements necessary to maintain the present level of  
service after development of the Subject Property has been illus-  
trated on a schematic plan contained in the supplementary report,  
and

WHEREAS, the City has proposed the complete redesign and con-  
struction of "Q" Street from 84th Street to 120th Streets, which  
improvements would be placed into service between the present time  
and 1989, and



Public Works

WHEREAS, the parties understand and agree that contingent upon the rezoning and actual development of the Subject Property traffic related improvements will be required to maintain the present level of service, and

WHEREAS, in lieu of constructing the improvements described on the schematic plan referred to above, the City will agree to commence complete redesign and construction of "Q" Street from 84th to 86th Plaza as the initial phase of its development of "Q" Street and to incorporate the improvements shown on such plan, in exchange for which Kirchofer will agree to contribute to the cost thereof under the terms of this agreement.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the parties agree as follows:

1. The City agrees that as a part of its improvement of "Q" Street from 84th Street to 120th Street, the City will commence the construction of such improvements from 84th Street to 86th Plaza, and will incorporate in such improvements the improvements contained and illustrated in the schematic plan contained in the supplementary report of Kirkham-Michael & Associates referred to above. The City agrees to use its best efforts to commence such construction during the construction period 1984 to 1985 and to diligently pursue such construction to its conclusion. Kirchofer shall grant to the City such temporary easements as may be reasonably required with respect to property adjacent to the improvements to allow the City to complete the improvements.

2. Kirchofer agrees to pay to the City toward the cost of such improvements the sum of \$40,000, which sum the parties agree represents a reasonable estimate of the cost of improvements illustrated in the schematic plan.

3. Such payment by Kirchofer shall be made by a certified check, \$20,000 at such time as on-site construction of the improvement has been commenced by the City and \$20,000 upon completion (open to through traffic) of construction of the improvements from 84th Street and "Q" to 86th Plaza and "Q" Street.

4. The obligation of Kirchofer hereunder is conditioned upon his completion of the purchase of the property described as Parcel A





## EXHIBIT "A"

Parcel A

Commencing at the Northeast Corner of Section 10, Township 14 North, Range 12 East of the 6th P.M.; thence north  $90^{\circ}00'00''$  West (assumed bearing) along the North section line of said Section 10 (A.K.A. centerline of "Q" Street) a distance of 215.00 feet; thence South  $00^{\circ}00'00''$  East a distance of 95.00 feet to the point of beginning; thence continuing South a distance of 478.08 feet; thence North  $89^{\circ}48'00''$  East a distance of 154.15 feet to a point on the Westerly right-of-way line of 84th Street; thence south  $03^{\circ}28'40''$  East along said right-of-way line a distance of 106.38 feet; thence south  $89^{\circ}48'00''$  West a distance of 586.60 feet to a point on the West line of the East half of the East half of the Northeast Quarter of said Section 10; thence North along the said West line of the East half of the East half of the Northeast Quarter of Section 10, a distance of 643.15 feet to a point on the southerly right-of-way line of "Q" Street thence Easterly along the said Southerly right-of-way line of "Q" Street a distance of 147.46 feet (said point begin 40.00 feet South of and 500.00 feet West of said Northeast Corner of Section 10, Township 14 North, Range 12 East of the 6th P.M.); thence South  $84^{\circ}59'00''$  East along the Southerly right-of-way line of "Q" Street a distance of 45.20 feet; thence South along the West line of the dedicated right-of-way of "Q" Street a distance of 30.00 feet; thence South  $84^{\circ}59'00''$  East along the Southerly line of the said dedicated right-of-way of "Q" Street a distance of 240.92 feet to the point of beginning.

Parcel B

Commencing at the Northeast corner of Section Ten (10), Township Fourteen (14), North, Range Twelve (12) East of the Sixth (6th) Principal Meridian, Douglas County, Nebraska; thence running south along the east line of said Section 10 for a distance of four hundred ten and three-tenths (410.3) feet, thence turning an angle of eighty-nine degrees forty-eight minutes and fifty seconds ( $89^{\circ}48'50''$ ) to the right and running westerly to the westerly right of way line of State Highway 31 and 50, a distance of seventy and one-tenth (70.1) feet, which is the place of beginning, thence continuing westerly on the above tangent for a distance of one hundred forty-five (145) feet, thence turning an angle of eighty-nine degrees forty-eight minutes ( $89^{\circ}48'$ ) to the left and running southerly a distance of one hundred sixty (160) feet, thence turning an angle of ninety degrees and twelve minutes ( $90^{\circ}12'$ ) to the left and running easterly to the westerly right of way line of said Highway 31 and 50 a distance of one hundred fifty and seventy-two one hundredths (150.72) feet, thence turning an angle of ninety-three degrees sixteen minutes and forty seconds ( $93^{\circ}16'40''$ ) to the left and running northwesterly along said westerly right of way line a distance of ninety-three and fifty-six one-hundredths (93.56) feet, thence turning an angle of three degrees and twenty-six minutes ( $3^{\circ}26'$ ) to the right and running northerly along said right of way line a distance of sixty-six and six-tenths (66.6) feet to the place of beginning, containing 0.539 acres more or less.

Parcel C

The North 411.0 feet of the East 215.0 feet of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 10, T14N, R12 E of the 6th P.M., Douglas County, Nebraska, except for that part taken for Highway purposes, more particularly described as follows: Commencing at the NE corner of said NE $\frac{1}{4}$ ;

thence N 8°26'40" W (Assumed bearing) on the North line of said NE¼, 215.00 feet; thence South on a line 215.00 feet West of and parallel to the East line of said NE¼, 65.00 feet to the point of beginning; said point being on the southerly R.O.W. line of Q Street; thence South on a line 215.00 feet West of and parallel to the East line of said NE¼, 346.00 feet; thence S 89°26'40" E on a line 411.00 feet South of and parallel to the North line of said NE¼, 144.80 feet; thence N 0°1'48" E on the West R.O.W. line of 84 Street, 190.70 feet to point 70.10 feet West of the East line of said NE¼; thence on the West R.O.W. line of 84 Street Northwesterly on a curve to the left (radius being 200.00 feet, chord bearing N 24°7'43" W chord distance 166.25 feet) an arc distance of 170.1 feet; thence N 86°17'0" W on the South R.O.W. line of Q Street, 77.00 feet to the point of beginning (containing 1.067 Acres more or less).

16 Miss B

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GEORGE J. BUGLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

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