

10344

**11953**

ORDINANCE NO. \_\_\_\_\_

01 AN ORDINANCE accepting and approving the plat  
 02 designated as EASTGATE INDUSTRIAL PARK as an addition to the  
 03 City of Lincoln, Nebraska, filed in the office of the Planning  
 04 Department of the City of Lincoln, Nebraska, upon certain  
 05 conditions herein specified and providing for sureties  
 06 conditioned upon the strict compliance with such conditions.

07 WHEREAS, TOM WHITE and KAREN WHITE, husband and wife,  
 08 ALLEN DAYTON, VIRGINIA RELLER MEGA I PARTNERSHIP, a limited  
 09 partnership and THE MEGA CORPORATION, PARTNER, a general  
 10 partnership owners of a tract of land legally described as:

11 a part of the West One-Half of Section  
 12 4, Township 10 North, Range 7 East of  
 13 the Sixth Principal Meridian, Lancaster  
 14 County, Nebraska, and more particularly  
 15 described as follows:

16 (For the purpose of this survey, the north  
 17 line of the Southwest Quarter of said Section  
 18 4 has an assumed bearing of north 90 degrees  
 19 00 minutes 00 seconds east.)

20 Commencing at the Northwest corner of said  
 21 Southwest Quarter; thence north 90 degrees  
 22 00 minutes 00 seconds east along said  
 23 north line of said Southwest Quarter, a  
 24 distance of 137.05 feet to the point of  
 25 beginning; thence north 0 degrees 18  
 26 minutes 01 seconds west, a distance of  
 27 30.00 feet; thence north 90 degrees 00  
 28 minutes 00 seconds east, a distance of  
 29 248.58 feet; thence south 0 degrees 34  
 30 minutes 03 seconds west, a distance of  
 31 8.00 feet; thence north 90 degrees 00  
 32 minutes 00 seconds east, a distance of  
 33 768.75 feet; thence south 0 degrees 28  
 34 minutes 35 seconds east, a distance of  
 35 993.70 feet; thence south 24 degrees 51  
 36 minutes 25 seconds west, a distance of  
 37 202.95 feet; thence south 62 degrees 50  
 38 minutes 25 seconds west, a distance of  
 39 56.96 feet; thence north 89 degrees 13  
 40 minutes 35 seconds west, a distance of  
 41 76.07 feet; thence north 0 degrees 28  
 42 minutes 35 seconds west, a distance of  
 43 638.29 feet; thence north 89 degrees 25  
 44 minutes 59 seconds west, a distance of  
 45 350.22 feet; thence south 0 degrees 34  
 46 minutes 01 seconds west, a distance of  
 47 645.16 feet; thence south 80 degrees 42

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01 minutes 39 seconds west, a distance of  
02 308.70 feet; thence south 76 degrees 58  
03 minutes 18 seconds west, a distance of  
04 115.10 feet to the point of curvature of  
05 a circular curve whose initial tangent  
06 has a bearing of north 25 degrees 18  
07 minutes 17 seconds west and whose central  
08 angle is 26 degrees 02 minutes 56 seconds  
09 and whose radius is 1073.92 feet; thence  
10 along said circular curve bearing to the  
11 right an arc distance of 488.24 feet;  
12 thence north 3 degrees 52 minutes 37  
13 seconds east, a distance of 788.80 feet;  
14 thence north 90 degrees 00 minutes 00  
15 seconds east, a distance of 15.00 feet  
16 to the point of beginning, containing a  
17 calculated area of 24.434 acres more or  
18 less.

19 have filed said plat in the office of the Planning Department  
20 of the City of Lincoln, Nebraska, with a request for approval  
21 and acceptance thereof, in the manner and form as by ordinance  
22 required; and

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

26 NOW, THEREFORE, BE IT ORDAINED by the City Council  
27 of the City of Lincoln, Nebraska:

28 Section 1. That the plat of EASTGATE INDUSTRIAL  
29 PARK, as an addition to the City of Lincoln, Nebraska, filed  
30 in the office of the Planning Department of said City by TOM  
31 WHITE and KAREN WHITE, husband and wife, ALLEN DAYTON, VIRGINIA  
32 RELLER, MEGA I PARTNERSHIP, a limited partnership and THE  
33 MEGA CORPORATION, partner, a general partnership as owners, is hereby  
34 accepted and approved, and said owners are hereby given the  
35 right to plat said EASTGATE INDUSTRIAL PARK as an addition  
36 to said City in accordance therewith. Such acceptance and  
37 approval are conditioned upon the following:

38 First: That said owners shall at their own cost  
39 and expense pay for all labor, material, engineering, and  
40 inspections costs in connection with the construction of  
41 sidewalks to be constructed in the sidewalk space along the  
42 west side of North 57th Street, within the limits of this  
43 final plat. The construction of said sidewalks shall be  
44 completed not later than March 1, 1981.

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01 Second: That said owners shall at their own cost  
02 and expense pay for all labor, material, engineering, and  
03 inspection costs in connection with the construction of a  
04 system of storm sewerage and drainage to serve said plat.  
05 Said system of storm sewerage and drainage shall be constructed  
06 as follows:

- 07 a. A 30-inch R.C.P. between Lots 8 and 9 of  
08 Block 2 from North 57th Street to the rear  
09 lot line of Lots 8 and 9 of Block 2. The  
10 outlet of this pipe shall be protected from  
11 erosion.
- 12 b. A system of storm sewers in Lot 13 of Block 2  
13 when a building permit on Lot 13 is issued.
- 14 c. Low flow lining shall be provided in the  
15 channel immediately west of Lot 7 through 12  
16 of Block 2. The channel shall have sideslopes  
17 of three or more horizontal to one vertical.
- 18 d. The channel shall be graded from the northern  
19 limits of this final plat northerly, approximately  
20 800 feet, to the point where it discharges  
21 into a larger channel.
- 22 e. All channels shall be promptly seeded with  
23 reed canary grass after grading is finished.  
24 The grass seeding shall be maintained until  
25 it is established.

26 The aforesaid system of storm sewerage and drainage  
27 shall be designed and constructed in conformance with the  
28 official Design Standard for storm sewers of the City of  
29 Lincoln adopted by Resolution No. A-63122 on September 20,  
30 1976. Construction of said system of storm sewerage and  
31 drainage shall be completed not later than March 1, 1979.

32 Third: That said owners shall at their own cost  
33 and expense pay for all labor, material, engineering, and  
34 inspection costs in connection with the placing of permanent  
35 monuments at all corners of all lots and blocks of the final  
36 plat of EASTGATE INDUSTRIAL PARK. The above-required lot  
37 staking shall be completed prior to the construction on or  
38 the conveyance of any lot shown in this final plat.

39 Fourth: That prior to the passage of this ordinance,  
40 said owners shall enter into a written agreement with City  
41 which shall provide as follows:

01 344 a. That said owners, their successors and assigns  
02 10 to those lots which abut Highway No. 77 agree to relinquish  
03 direct vehicular access from the individual lots to Highway  
04 No. 77. This does not, however, prohibit the use of the  
05 existing driveway which serves Lots 9 and 10, Block 1.

06 b. That said owners agree to provide an easement  
07 which will allow joint use of the existing driveway to both  
08 Lots 9 and 10, Block 1 from Highway No. 77. Said easement  
09 shall be reviewed and approved by the City Attorney's Office  
10 and filed of record in the Office of the Register of Deeds  
11 for Lancaster County.

12 c. That said owners agree that the existing  
13 water well shall be abandoned as provided on pages 16 and 17  
14 of the Minimum Standards for a Private Water Well in Nebraska,  
15 1972.

16 d. That said owners agree that the existing  
17 individual sewage system serving the existing building shall  
18 be properly abandoned as provided by Section 24.38.080 (d)  
19 of the Lincoln Municipal Code.

20 e. That said owners agree that any cut, fill and  
21 compaction of land within and, if applicable, adjacent to  
22 this final plat shall be accomplished in accordance with the  
23 design standards of the City and subject to the approval of  
24 the Department of Public Works. To control erosion and  
25 sedimentation during and after land preparation, the owners,  
26 their successors and assigns shall provide for disturbing  
27 only the areas needed for construction; removing only those  
28 trees, shrubs and grass that must be removed by construction;  
29 installing required sediment basins and diversion dikes  
30 before disturbing the land that drains into them; and temporarily  
31 stabilizing each segment of graded or otherwise disturbed  
32 land by seeding and mulching or by other approved methods.  
33 As land preparation is completed, the owners, their successors  
34 and assigns shall permanently stabilize each segment with  
35 perennial vegetation and structural measures. Diversion  
36 dikes and sediment basins shall be leveled after areas that

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01 drain into them are stabilized and permanent vegetation  
02 shall be established on those areas. Sediment basins that  
03 are to be retained for storm water retention shall be seeded  
04 to permanent vegetation no later than nine months after  
05 completion of the sediment basins and shall be permanently  
06 maintained by said owners, their successors and assigns.

07 f. That said owners agree to have this proposed  
08 subdivision included within an assessment district, only at  
09 the City's option, or furnish a bond or escrow or security  
10 agreement, if the creation of assessment district would not be  
11 feasible or desirable, to guarantee construction of the  
12 street improvement, including the grading, paving, and  
13 installation of curb and gutter; installation of public  
14 water mains and fire hydrants; public sanitary sewers and  
15 manholes; and public ornamental street lights, all in accordance  
16 with the design standards approved by the City of Lincoln  
17 and as recommended by the Public Works Department and as  
18 shown on the approved preliminary plat.

19 Section 2. That said owner shall, prior to  
20 final passage of this ordinance, execute and deliver to the  
21 City of Lincoln:

22 a. A bond in the sum of \$7,500.00 conditioned  
23 upon the strict compliance by said owners with the conditions  
24 contained in paragraph designated "First" of the next preceding  
25 section of this ordinance;

26 b. A bond in the sum of \$15,000 conditioned upon  
27 the strict compliance by said owners with the conditions  
28 contained in paragraph designated "Second" of the next  
29 preceding section of this ordinance; and

30 c. A bond in the amount of \$1,500.00 conditioned  
31 upon the strict compliance by said owners with the conditions  
32 contained in paragraph designated "Third" of the next preceding  
33 section of this ordinance.

34 The bonds required above shall be subject to  
35 approval by the City Attorney. In the event that said owners  
36 or their surety shall fail to satisfy the conditions herein

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01 set forth within the time specified in this ordinance, the  
02 City Council may order the required work to be performed by  
03 the City and recover the cost thereof from said owners and their  
04 surety. Such work shall be performed in the manner set forth  
05 in Title 26 of the Lincoln Municipal Code known as the Land  
06 Subdivision Ordinance as now existing or as may hereafter be  
07 amended.

08 Section 3. Immediately upon the taking effect  
09 of this ordinance, the City shall cause the final plat and a  
10 certified copy of this ordinance together with the written  
11 agreement required herein to be filed in the office of the  
12 Register of Deeds of Lancaster County, Nebraska. Filing fees  
13 shall be paid by said owners.

14 Section 4. That this ordinance shall take  
15 effect and be in force from and after its passage and publication  
16 according to law.

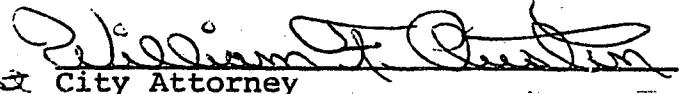
17

Introduced by:




Approved as to Form and Legality:

AYES: Bailey, Baker, Denney,  
Jeambey, Robinson, Sikyta;  
NAYS: None; ABSENT: Cook

  
City Attorney

Staff Review Completed:

  
Administrative Director

**APPROVED**

APR 26 1977

  
MAYOR

**PASSED**

APR 18 1977

**BY CITY COUNCIL**

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A G R E E M E N T

THIS AGREEMENT is made and entered into by and between TOM WHITE and KAREN WHITE, husband and wife, ALLEN DAYTON, VIRGINIA RELLER, MEGA I PARTNERSHIP, a limited partnership and THE MEGA CORPORATION, partner, a general partnership, hereinafter called "Subdivider," whether one or more, and the CITY OF LINCOLN, NEBRASKA, a municipal corporation, hereinafter called "City."

WITNESSETH:

WHEREAS, Subdivider has made application to City for permission to subdivide and for approval of the subdivision plat of EASTGATE INDUSTRIAL PARK; and

WHEREAS, the ordinance approving said plat contains certain provisions requiring an agreement between Subdivider and City relating to said plat and the development thereof.

NOW, THEREFORE, IN CONSIDERATION of City granting permission to plat and approval of the plat of EASTGATE INDUSTRIAL PARK, it is agreed by and between Subdivider and City as follows:

1. That Subdivider, its successors and assigns to those lots which abut Highway No. 77 agree to relinquish direct vehicular access from the individual lots to Highway No. 77. This does not, however, prohibit the use of the existing driveway which serves Lots 9 and 10, Block 1.

2. That Subdivider agrees to provide an easement which will allow joint use of the existing driveway to both Lots 9 and 10, Block 1 from Highway No. 77. Said easement shall be reviewed and approved by the City Attorney's Office and filed of record in the Office of the Register of Deeds for Lancaster County.

3. That Subdivider agrees that the existing water well shall be abandoned as provided on pages 16 and 17 of the Minimum Standards for a Private Water Well in Nebraska, 1972.

4. That Subdivider agrees that the existing individual sewage system serving the existing building shall be properly abandoned as provided by Section 24.38.080 (d) of the Lincoln Municipal Code.

5. That Subdivider agrees that any cut, fill and compaction of land within and, if applicable, adjacent to this final plat shall be accomplished in accordance with the design standards of the City and subject to the approval of the Department of Public Works. To control erosion and sedimentation during and after land preparation, the Subdivider, its successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grass that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporarily stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods. As land preparation is completed, the Subdivider, its successors and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized and permanent vegetation shall be established on those areas. Sediment basins that are to be retained for storm water retention shall be seeded to permanent vegetation no later than nine months after completion of the sediment basins and shall be permanently maintained by Subdivider, its successors and assigns.

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6. That Subdivider agrees to have this proposed subdivision included within an assessment district, only at the City's option, or furnish a bond or escrow or security agreement, if the creation of an assessment district would not be feasible or desirable, to guarantee construction of the street improvement, including the grading, paving, and installation of curb and gutter; installation of public water mains and fire hydrants; public sanitary sewers and manholes; and public ornamental street lights, all in accordance with the design standards approved by the City of Lincoln and as recommended by the Public Works Department and as shown on the approved preliminary plat.

7. That the covenants and agreements contained herein shall run with the land in said plat and shall be binding and obligatory upon the heirs, successors, and assigns of Subdivider to all or any part of the real estate in said plat.

Dated this 18 day of April, 1977.

Tom White  
Tom White

Karen White  
Karen White

Allen Dayton  
Allen Dayton

Virginia Reller  
Virginia Reller

Quantal A. Zertman  
Witness

MEGA I PARTNERSHIP, a  
limited partnership

THE MEGA CORPORATION, partner  
a general partnership

Donald W. Lunscomb  
President

Donald W. Lunscomb  
President

Quantal A. Zertman  
Witness

ATTEST: ( )

CITY OF LINCOLN, NEBRASKA

M E Spieck  
City Clerk

Gene Brasel  
Mayor

Approved as to Form and Legality:

Charles D. Humble  
City Attorney



CERTIFICATE

STATE OF NEBRASKA :  
COUNTY OF LANCASTER :  
CITY OF LINCOLN :

I, Paul A. Malzer, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of ORDINANCE NO. 11953, AGREEMENT, AND PLAT

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held APRIL 18, 1977

as the original appears of record in my said office, and is now in my charge remaining as Deputy City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 3rd day of May, 19 77.

INDEXED  
MICRO-FILED  
GENERAL

*7 1/2 - 21  
misc*

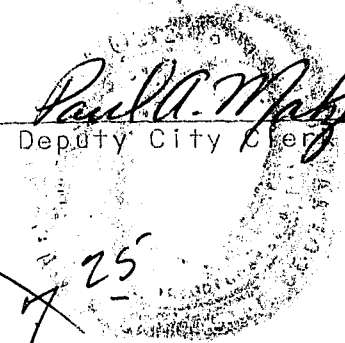
LANCASTER COUNTY REC'D.  
*Remitted to Registrar*  
REGISTER OF DEEDS

1977 MAY -3 AM 8:43

ENTERED ON  
NUMERICAL INDEX  
FILED FOR RECORD AS:

INST. NO. 77-10344  
*# 27*

*Paul A. Malzer*  
Deputy City Clerk



*Malzer Comp  
2/17/77*