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2/10/52

36.75

80-234

Introduce: 9-15-80

13001

ORDINANCE NO. _____

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

07 WHEREAS, C. & D. Incorporated, a Nebraska corporation
08 by Earl L. Lampshire, President, owner of a tract of land legally
09 described as:

10 Parcel No. 1 of Lot 145 I.T. in the Northeast Quarter of
11 Section 34, Township 10 North, Range 6 East, more particu-
12 larly described as follows: Referring to the northwest
13 corner of said Northeast Quarter, said point being the
14 intersection of centerlines of South Folsom Street and
15 West "A" Street; thence south along the centerline of
16 South Folsom Street, a distance of 951.85 feet; thence
17 east a distance of 50.0 feet to the point of beginning;
18 thence north (assume bearing) a distance of 618.85 feet;
19 thence north 89 degrees 48 minutes east, a distance of
20 154.0 feet; thence south a distance of 619.7 feet; thence
21 north 89 degrees 54 minutes west, a distance of 154.0 feet
22 to the point of beginning, containing 2.19 acres more or less

23 has filed said plat in the office of the Planning Department of
24 the City of Lincoln, Nebraska, with a request for approval and
25 acceptance thereof, in the manner and form as by ordinance
26 required; and

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

30 NOW, THEREFORE, BE IT ORDAINED by the City Council of
31 the City of Lincoln, Nebraska:

32 Section 1. That the plat of VILLAGE SQUARE SUBDIVISION,
33 as an addition in the City of Lincoln, Nebraska, filed in the
34 office of the Planning Department of said City by C. & D. INCORPORATED,
35 a Nebraska corporation by Earl L. Lampshire, President, as owner,
36 is hereby accepted and approved, and said owner is hereby given
37 the right to plat said VILLAGE SQUARE SUBDIVISION as an addition
38 in said City in accordance therewith. Such acceptance and approval
39 are conditioned upon the following:

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Amended 9/29/80.

01 First: That said owner shall at its own cost and
 02 expense pay for all labor, material, engineering, and inspection
 03 costs in connection with the construction of sidewalks to be
 04 constructed in the sidewalk space along the east side of South
 05 Folsom Street adjacent to this final plat. The construction of
 06 said sidewalks shall be completed not later than May 1, ¹⁹⁸⁴~~1983~~.
 07 Said time limit may be extended by resolution of the City Council.

Amended 9/29/80.

08 Second: That said owner shall at its own cost and
 09 expense pay for all labor, material, and related costs in connection
 10 with the installation of a landscape screen along the north and
 11 east limits of this final plat. Said landscape screen shall be
 12 installed within two planting seasons following the issuance of
 13 occupancy permits to 60 percent of the lots in which said landscape
 14 screen is required.

Amended 9/29/80.

15 Third: That said owner shall at its own cost and
 16 expense pay for all labor, material, and related costs in connection
 17 with the installation of an access roadway, including grading,
 18 paving and curb and gutters. The foregoing construction shall be
 19 completed not later than May 1, ¹⁹⁸²~~1981~~.

Amended 9/29/80.

20 Fourth: That said owner shall at its own cost and
 21 expense pay for all labor, material, engineering, and inspection
 22 costs in connection with the construction of an ornamental street
 23 lighting system along the interior roadway within this final
 24 plat. The construction of said ornamental street lights shall be
 25 completed not later than May 1, ¹⁹⁸²~~1981~~.

26 Fifth: That prior to the passage of this ordinance,
 27 said owner shall enter into a written agreement with City which
 28 shall provide as follows:

29 a. Said owner agrees to have this proposed final
 30 plat included within an assessment district, only at the City's
 31 option, or said owner shall furnish a bond or an approved escrow
 32 or security agreement to guarantee construction of the public
 33 sanitary sewers and manholes, as approved within the preliminary
 34 plat for this final plat, all in accordance with the design
 35 standards approved by the City of Lincoln.

36 b. Said owner agrees to develop and maintain the
 37 private roadway in the access easement on a permanent and continuing
 38 basis. However, said owner may be relieved and discharged of
 39 such maintenance obligations upon the creation in writing of a

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01 permanent and continuing agency of property owners within this
02 plat, which agency shall assume such maintenance obligation. The
03 instrument creating any such permanent and continuing agency
04 shall have no force and effect until the same shall have been
05 approved by the City Attorney and filed of record in the office
06 of the Register of Deeds for Lancaster County, Nebraska, pursuant
07 to Section 26.23.170 of the Lincoln Municipal Code.

08 c. Said owner agrees that if any site grading is
09 proposed it shall prepare and submit to the Director of Public
10 Works a plan showing erosion control on graded land, pursuant to
11 Section 26.27.060 of the Lincoln Municipal Code. Said plan shall
12 be reviewed by the Director of Public Works prior to any grading.
13 Said plan shall include a seeding and maintenance schedule listing:

- 14 1. Type of seed to be used and seeding
- 15 rate;
- 16 2. time of seeding;
- 17 3. type of mulch to be used if seeding is
- 18 not feasible;
- 19 4. type of fertilizer and application rate;
- 20 5. expected maintenance, including frequency
- 21 of mowing, fertilizing, and other maintenance
- 22 requirements.

23 d. Said owner agrees that the landscape screen
24 required herein shall be permanently maintained to the satisfaction
25 of the Planning Director, pursuant to Section 26.27.080 of the
26 Lincoln Municipal Code.

27 e. Said owner agrees that any cut, fill, and
28 compaction of land within and if applicable, adjacent to this
29 final plat, shall be accomplished in accordance with the Land
30 Subdivision Ordinance. To control erosion and sedimentation
31 during and after land preparation, said owners, its successors
32 and assigns shall provide for disturbing only the areas needed
33 for construction; removing only those trees, shrubs and grasses
34 that must be removed by construction; installing required sediment
35 basins and diversion dikes before disturbing the land that drains
36 into them; and temporarily stabilizing each segment of graded or
37 otherwise disturbed land by seeding and mulching or by other
38 approved methods. As land preparation is completed, said owner,
39 its successors and assigns shall permanently stabilize each
40 segment with perennial vegetation and structural measures.

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01 Diversion dikes and sediment basins shall be leveled after areas
02 that drain into them are stabilized and permanent vegetation
03 shall be established on those areas. Sediment basins that are to
04 be retained for storm water retention shall be seeded to permanent
05 vegetation no later than nine (9) months after completion of the
06 sediment basins and shall be permanently maintained by the owner
07 or its successors and assigns.

08 Section 2. That said owner shall, prior to final
09 passage of this ordinance, execute and deliver to the City of
10 Lincoln:

11 a. A bond in the sum of \$3,700 conditioned upon the
12 strict compliance by said owner with the conditions contained in
13 paragraph designated "First" of the next preceding section of
14 this ordinance;

15 b. A bond in the sum of \$2,200 conditioned upon the
16 strict compliance by said owner with the conditions contained in
17 paragraph designated "Second" of the next preceding section of
18 this ordinance;

19 c. A bond in the sum of \$38,000 conditioned upon the
20 strict compliance by said owner with the conditions contained
21 in paragraph designated "Third" of the next preceding section of
22 this ordinance; and

23 d. A bond in the sum of \$3,300 conditioned upon the
24 strict compliance by said owner with the conditions contained in
25 paragraph designated "Fourth" of the next preceding section of
26 this ordinance.

27 The bonds required above shall be subject to approval
28 by the City Attorney. In the event that said owner or its surety
29 shall fail to satisfy the conditions herein set forth within the
30 time specified in this ordinance, the City Council may order the
31 required work to be performed by the City and recover the cost
32 thereof from said owner and its surety.

33 Section 3. Immediately upon the taking effect of
34 this ordinance, the City shall cause the final plat and a certified
35 copy of this ordinance together with the written agreement required
36 herein to be filed in the office of the Register of Deeds of
37 Lancaster County, Nebraska. Filing fees shall be paid by said
38 owner.

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01 Section 4. That this ordinance shall take effect
02 and be in force from and after its passage and publication
03 according to law.

Introduced by:

Eric C. Youngberg
AYES: Ahlschwede, Frohardt, Hampton,
Robinson, Scherer, Steinman,
Youngberg;
NAYS: None.

Approved as to Form and Legality:

William J. Ouden
City Attorney

Staff Review Completed:

[Signature]
Administrative Director

PASSED

SEP 29 1980

BY CITY COUNCIL

APPROVED

OCT 7 - 1980

[Signature]
MAYOR

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A G R E E M E N T

THIS AGREEMENT is made and entered into by and between C. & D. INCORPORATED, a Nebraska corporation by Earl L. Lampshire, President, 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 VILLAGE SQUARE SUBDIVISION; 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 VILLAGE SQUARE SUBDIVISION, it is agreed by and between Subdivider and City as follows:

1. Subdivider agrees to have this proposed final plat included within an assessment district, only at the City's option, or Subdivider shall furnish a bond or an approved escrow or security agreement to guarantee construction of the public sanitary sewers and manholes, as approved within the preliminary plat for this final plat, all in accordance with the design standards approved by the City of Lincoln.

2. Subdivider agrees to develop and maintain the private roadway in the access easement on a permanent and continuing basis. However, Subdivider may be relieved and discharged of such maintenance obligations upon the creation in writing of a permanent and continuing agency of property owners within this plat, which agency shall assume such maintenance obligation. The instrument creating any such permanent and continuing agency shall have no force and effect until the same shall have been approved by the City Attorney and filed of record in the office of the Register of Deeds for Lancaster County, Nebraska, pursuant to Section 26.23.170 of the Lincoln Municipal Code.

3. Subdivider agrees that if any site grading is proposed it shall prepare and submit to the Director of Public Works a plan showing erosion control on graded land, pursuant to Section 26.27.060 of the Lincoln Municipal Code. Said plan shall be reviewed by the Director of Public Works prior to any grading. Said plan shall include a seeding and maintenance schedule listing:

- a. type of seed to be used and seeding rate;
- b. time of seeding;
- c. type of mulch to be used if seeding is not feasible;
- d. type of fertilizer and application rate;
- e. expected maintenance, including frequency of mowing, fertilizing, and other maintenance requirements.

4. Subdivider agrees that the landscape screen required herein shall be permanently maintained to the satisfaction of the Planning Director, pursuant to Section 26.27.080 of the Lincoln Municipal Code.

5. 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 Land Subdivision Ordinance. To control erosion and sedimentation during and after land preparation, Subdivider, its successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grasses 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

2105²
 methods. As land preparation is completed, 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 (9) months after completion of the sediment basins and shall be permanently maintained by Subdivider or its successors and assigns.

6. That the agreements contained herein shall be binding and obligatory upon the heirs, successors, and assigns of Subdivider.

Dated this 20 day of March 1980, 1979.

ATTEST:

C. & D. INCORPORATED,
 a Nebraska corporation

Walter E. Nelson
 Secretary

Earl Lampshire
 President

ATTEST:

CITY OF LINCOLN, NEBRASKA,
 a municipal corporation

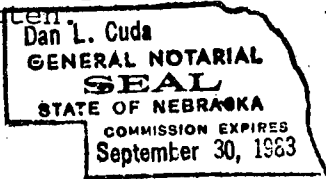
Paula Meyer
 City Clerk

Helen Boosalis
 Mayor

STATE OF NEBRASKA)
) ss:
 COUNTY OF LANCASTER)

On 3/20, 1979, before me, the undersigned, a Notary Public, personally came Earl L. Lampshire to me known to be the President of C. & D. INCORPORATED, a Nebraska corporation, and the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said City.

Witness my hand and notarial seal the day and year last above written.



Dan L. Cuda
 Notary Public

My commission expires: _____

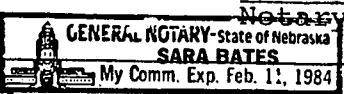
STATE OF NEBRASKA)
) ss:
 COUNTY OF LANCASTER)

On October 7⁸⁰, 1979, before me, the undersigned, a Notary Public, personally came Helen G. Boosalis, to me known to be the Mayor of the CITY OF LINCOLN, NEBRASKA, a municipal corporation and the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be her voluntary act and deed and the voluntary act and deed of said City.

Witness my hand and notarial seal the day and year last above written.

Sara Bates
 Notary Public

My commission expires: _____



Approved as to Form and Legality:

William J. Ouellet
 City Attorney

C E R T I F I C A T E

STATE OF NEBRASKA)
)
 COUNTY OF LANCASTER)
)
 CITY OF LINCOLN)

I, Paul A. Malzer, 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. 13001, AGREEMENT AND PLAT

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held SEPTEMBER 29, 1980

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 14th day of OCTOBER, 19 80.

INDEXED
 MICRO-FILED
 GENERAL

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 I.T.
 Mised.*

LANCASTER COUNTY
 REGISTER OF DEEDS
 1980 OCT 14 AM 11:43
 FILED FOR RECORD AS:

✓

INST. NO. 80. 21052

\$24.25-

Paul A. Malzer
 Paul A. Malzer City Clerk

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