

31851

77-249

\$152.00

Introduce: 7-25-77

ORDINANCE NO. 12140

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

07 WHEREAS, CLAUDE RILEY SMITH, Partner of Smitty's Golf  
 08 Park owner of a tract of land legally described as:

09 a subdivision of Lot 123 Irregular Tract located in the  
 10 Southeast Quarter of the Northeast Quarter of Section  
 11 13, Township 10 North, Range 6 East of the Sixth Principal  
 12 Meridian, Lancaster County, Nebraska, more fully described  
 13 as follows: (For purpose of this description, the east  
 14 line of the Northeast Quarter of Section 13 was assumed  
 15 to have a bearing of north 0 degrees 00 minutes 00  
 16 seconds east).

17 Beginning at the East Quarter corner of Section  
 18 13, Township 10 North, Range 6 East; thence on a  
 19 bearing of north 0 degrees 00 minutes 00 seconds  
 20 east along the east line of the Northeast Quarter  
 21 of Section 13, a distance of 888.10 feet; thence  
 22 on a bearing of north 90 degrees 00 minutes 00  
 23 seconds west, a distance of 33.00 feet to the  
 24 point of beginning; thence on a bearing of north  
 25 89 degrees 56 minutes 51.8 seconds west, a distance  
 26 of 300.00 feet; thence on a bearing of south 0  
 27 degrees 00 minutes 04.4 seconds east, a distance  
 28 of 4.70 feet; thence on a bearing of north 89  
 29 degrees 58 minutes 40.5 seconds west, a distance  
 30 of 571.00 feet; thence on a bearing of south 0  
 31 degrees 00 minutes 52.5 seconds east, a distance  
 32 of 665.77 feet; thence on a bearing of south  
 33 42 degrees 22 minutes 28.1 seconds east, a distance  
 34 of 233.06 feet; thence on a bearing of north 55  
 35 degrees 01 minutes 22.3 seconds east, a distance  
 36 of 871.09 feet; thence on a bearing of north 0  
 37 degrees 00 minutes 00 seconds east, a distance of  
 38 342.79 feet to the point of beginning and containing  
 39 a calculated area of 12.35 acres,

40 has filed said plat in the office of the Planning Department of  
 41 the City of Lincoln, Nebraska, with a request for approval and  
 42 acceptance thereof, in the manner and form as by ordinance  
 43 required; and

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

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01 NOW, THEREFORE, BE IT ORDAINED by the City Council of  
02 the City of Lincoln, Nebraska:

03 Section 1. That the plat of KIMCO INDUSTRIAL PARK,  
04 as an addition to the City of Lincoln, Nebraska, filed in the  
05 office of the Planning Department of said City by CLAUDE RILEY  
06 SMITH, Partner of Smitty's Golf Park as owner, is hereby accepted  
07 and approved, and said owner is hereby given the right to plat  
08 said KIMCO INDUSTRIAL PARK as an addition to said City in accordance  
09 therewith. Such acceptance and approval are conditioned upon the  
10 following:

11 First: That said owner shall at his own cost and  
12 expense pay for all labor, material, engineering, and inspections  
13 costs in connection with the construction of sidewalks to be  
14 constructed in the sidewalk space along both sides of all interior  
15 streets within this final plat and along the west side of 27th  
16 Street adjacent to this final plat. The construction of said  
17 sidewalks shall be completed not later than August 1, 1981.

18 Second: That said owner shall at his own cost and  
19 expense pay for all labor, material, engineering, and inspection  
20 costs in connection with the construction of a system of storm  
21 sewerage and drainage to serve said final plat as shown on the  
22 drainage study submitted with the preliminary plat and received  
23 by the Planning Department May 11, 1977, provided the ditch along  
24 the west property line of this final plat is regraded with the  
25 construction of this final plat. The pipe sizes used in the  
26 system may change slightly at the time of final design when more  
27 data is available. The street grades shall be revised so that the  
28 minimum slope is 0.005 feet. The construction of said storm  
29 sewerage and drainage shall be completed not later than August 1,  
30 1979.

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

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

~~a. That said owner agrees that the installation of permanent monuments shall be installed prior to the construction on or the conveyance of any lot shown on this final plat.~~

b. That said owner agrees to pay the equivalent cost of local street paving installation in 27th Street where said street abuts this subdivision. There are three alternative methods, as follows, any of which shall be accomplished at such time as the City Council approves and accepts the final plat abutting said street: a) posting of a bond; 2) Creation of an assessment district (only if the street is within the City limits); and, 3) payment now based on current cost (\$10,300).

c. That said owner, his successors and assigns agree to relinquish to the City of Lincoln the right of direct vehicular access to 27th Street from the lots which abut said street, at such time as work starts on the 27th Street improvement.

d. That said owner agrees to prepare and submit to the Director of Public Works a plan showing erosion control on graded land. The plan shall be reviewed by the Director of Public Works prior to any grading. Said plan shall include a seeding and maintenance schedule listing: 1) type of seed to be used and seeding rate; 2) time of seeding; 3) type of mulch to be used if seeding is not feasible; 4) type of fertilizer and application rate; 5) excepted maintenance, including frequency of mowing, fertilizing and other maintenance requirements.

e. That said owner agrees to have this proposed subdivision included within an assessment district, only at the City's option, or the owner shall furnish a bond or an escrow or security agreement to guarantee construction of the street improvements, including the grading, paving and installation of curb and gutter, and the installation of public water mains and fire hydrants; public sanitary sewers and manholes; and ornamental street lights, as approved within the preliminary plat all in accordance with the design standards approved by the City of Lincoln and those design standards recommended by the Public Works Department.

01 f. That said owner agrees that any cut, fill and  
 02 compaction of land within and, if applicable, adjacent to this  
 03 final plat, shall be accomplished in accordance with the Land  
 04 Subdivision Ordinance. To control erosion and sedimentation  
 05 during and after land preparation, the owner, his successors and  
 06 assigns shall provide for disturbing only the areas needed for  
 07 construction; removing only those trees, shrubs and grasses that  
 08 must be removed by construction; installing required sediment  
 09 basins and diversion dikes before disturbing the land that drains  
 10 into them; and temporarily stabilizing each segment of graded or  
 11 otherwise disturbed land by seeding and mulching or by other  
 12 approved methods. As land preparation is completed, the owner,  
 13 his successors and assigns shall permanently stabilize each  
 14 segment with perennial vegetation and structural measures.  
 15 Diversion dikes and sediment basins shall be leveled after areas  
 16 that drain into them are stabilized, and permanent vegetation  
 17 shall be established on those areas. Sediment basins that are to  
 18 be retained for storm water retention shall be seeded to permanent  
 19 vegetation no later than nine (9) months after completion of the  
 20 sediment basins and shall be permanently maintained by the owner  
 21 or his successors and assigns.

22 Section 2. That said owner shall, prior to final  
 23 passage of this ordinance, execute and deliver to the City of  
 24 Lincoln:

25 a. A bond in the sum of \$16,000.00 conditioned upon  
 26 the strict compliance by said owner with the conditions contained  
 27 in paragraph designated "First" of the next preceding section of  
 28 this ordinance;

29 b. A bond in the sum of \$14,000.00 conditioned upon  
 30 the strict compliance by said owner with the conditions contained  
 31 in paragraph designated "Second" of the next preceding section of  
 32 this ordinance; and

33 ~~c. A bond in the sum of \$900.00 conditioned upon the~~  
 34 ~~strict compliance by said owner with the conditions contained in~~  
 35 ~~paragraph designated "Third" of the next preceding section of~~  
 36 ~~this ordinance.~~

37 The bonds required above shall be subject to approval  
 38 by the City Attorney. In the event that said owner or his surety

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

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

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

Introduced by:

*[Handwritten Signature]*

Approved as to Form and Legality:

ALL PRESENT; ALL AYES.

*[Handwritten Signature]*  
City Attorney

Staff Review Completed:

*[Handwritten Signature]*  
Administrative Director

PASSED

NOV 7 1977

BY CITY COUNCIL

APPROVED

NOV 15 1977

*[Handwritten Signature]*  
MAYOR