

ORDINANCE NO. 12163

01 AN ORDINANCE amending Section 1 of Ordinance No.  
02 12140 passed November 7, 1977, relating to the final plat of  
03 Kimco Industrial Park, by altering the name of the owners of  
04 said final plat from Claude Riley Smith, Partner of Smitty's  
05 Golf Park to Kimco Addition, Inc., by Steve Miers, President,  
06 and repealing Section 1 of Ordinance No. 12140 passed November  
07 7, 1977, as hitherto existing.

08 BE IT ORDAINED by the City Council of the City of  
09 Lincoln, Nebraska:

10 Section 1. That Section 1 of Ordinance No.  
11 12140 passed November 7, 1977, be amended to read as follows:

12 "Section 1. That the plat of KIMCO INDUSTRIAL PARK,  
13 as an addition to the City of Lincoln, Nebraska, filed in  
14 the office of the Planning Department of said City by ~~CLAUDE~~  
15 ~~RILEY-SMITH, Partner of Smitty's Golf Park~~ KIMCO ADDITION, INC.,  
16 by Steve Miers President as owner, is hereby accepted and approved,  
17 and said owner is hereby given the right to plat said KIMCO  
18 INDUSTRIAL PARK as an addition to said City in accordance therewith.  
19 Such acceptance and approval are conditioned upon the following:

20 First: That said owner shall at ~~his~~ its own cost and  
21 expense pay for all labor, material, engineering, and inspections  
22 costs in connection with the construction of sidewalks to be  
23 constructed in the sidewalk space along both sides of all interior  
24 streets within this final plat and along the west side of 27th Street  
25 adjacent to this final plat. The construction of said sidewalks  
26 shall be completed not later than August 1, 1981.

27 Second: That said owner shall at ~~his~~ its own cost and  
28 expense pay for all labor, material, engineering, and inspection  
29 costs in connection with the construction of a system of storm

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01 sewerage and drainage to serve said final plat as shown on the  
02 drainage study submitted with the preliminary plat and received  
03 by the Planning Department May 11, 1977, provided the ditch along  
04 the west property line of this final plat is regraded with the  
05 construction of this final plat. The pipe sizes used in the  
06 system may change slightly at the time of final design when more  
07 data is available. The street grades shall be revised so that  
08 the minimum slope is 0.005 feet. The construction of said storm  
09 sewerage and drainage shall be completed not later than August 1,  
10 1979.

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

14 a. That said owner agrees to pay the equivalent cost of local  
15 street paving installation in 27th Street where said street abuts  
16 this subdivision. There are three alternative methods, as follows,  
17 any of which shall be accomplished at such time as the City  
18 Council approves and accepts the final plat abutting said street:  
19 a 1) posting of a bond; 2) creation of an assessment district  
20 (only if the street is within the City limits); and, 3) payment  
21 now based on current cost (\$10,300).

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

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

35 d. That said owner agrees to have this proposed  
36 subdivision included within an assessment district, only at the

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01 City's option, or the owner shall furnish a bond or an escrow or  
02 security agreement to guarantee construction of the street improvement  
03 including the grading, paving and installation of curb and gutter,  
04 and the installation of public water mains and fire hydrants;  
05 public sanitary sewers and manholes; and ornamental street lights,  
06 as approved within the preliminary plat all in accordance with  
07 the design standards approved by the City of Lincoln and those  
08 design standards recommended by the Public Works Department.

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

30 Section 2. That Section 1 of Ordinance No. 12140  
31 passed November 7, 1977, as hitherto existing is hereby repealed.

32 Section 3. That this ordinance shall take effect  
33 and be in force from and after its passage and publication according  
34 to law.

**APPROVED**

JAN - 3 1978

Approved as to form and legality:

*Asst* Wesley S. Kiser  
City Attorney

Introduced by:

R.W. [Signature]  
ALL PRESENT, ALL AYES.  
Staff Review Completed:  
[Signature]  
Administrative Director

**PASSED**

DEC 27 1977

**BY CITY COUNCIL**

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. 12163 (Amending Ord. 12140, Kimco Industrial Park Plat-altering name of owners)

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held DECEMBER 27, 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 11th day of January, 1978.

INDEXED 37-109  
MICRO-FILED 113  
GENERAL *mal*

LANCASTER COUNTY NEBR.  
*Kenneth L. Ferguson*  
REGISTER OF DEEDS

1978 JAN 11 PM 12:56

ENTERED ON  
NUMERICAL INDEX  
FILED FOR RECORD AS:

INST. NO. 78- 881

\$ 12.50

*Paul A. Malzer*  
Deputy City Clerk

*City Clerk*  
*pd.*