

ORDINANCE NO. 12324

01 AN ORDINANCE accepting and approving the plat designated
02 as OLYMPIC HEIGHTS ADDITION 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, SUMNER E. COPPLE and TEKLA R. COPPLE, husband
08 and wife owners of a tract of land legally described as:

09 a subdivision of a part of Lot 5, a part of
10 Lot 6 and a part of the Southwest Quarter of
11 the Northwest Quarter all located in the
12 Northwest Quarter of Section 18, Township
13 10 North, Range 6 East of the Sixth Principal
14 Meridian, Lancaster County, Nebraska, and more
15 particularly described as follows:

16 Beginning at a point on the east-west centerline
17 of said section, point being 83.4 feet west
18 of the center of said section and extending
19 south 89 degrees 30 minutes 00 seconds west
20 1337.70 feet; thence north 0 degrees 30
21 minutes 00 seconds west 349.43 feet; thence
22 north 35 degrees 58 minutes 35 seconds east
23 476.18 feet; thence north 13 degrees 29
24 minutes 20 seconds east 763.75 feet; thence
25 north 0 degrees 30 minutes 40 seconds west
26 320.03 feet; thence north 89 degrees 29
27 minutes 20 seconds east 577.60 feet; thence
28 north 0 degrees 30 minutes 40 seconds west
29 140.37 feet; thence north 89 degrees 26
30 minutes 00 seconds east 324.25 feet; thence
31 south 0 degrees 27 minutes 00 seconds west
32 21.00 feet; thence south 89 degrees 33
33 minutes 00 seconds east 28.00 feet; thence
34 south 0 degrees 27 minutes 00 seconds west
35 100.00 feet; thence north 89 degrees 33
36 minutes 00 seconds west 28.00 feet; thence
37 south 0 degrees 27 minutes 00 seconds west
38 1813.35 feet to the point of beginning, containing
39 an area of 45.72 acres

40 have 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.

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

03 Section 1. That the plat of OLYMPIC HEIGHTS ADDITION,
04 as an addition to the City of Lincoln, Nebraska, filed in the
05 office of the Planning Department of said City by Sumner E. Copple
06 and Tekla R. Copple, husband and wife as owners, is hereby accepted
07 and approved, and said owners are hereby given the right to plat
08 said OLYMPIC HEIGHTS ADDITION as an addition to said City in
09 accordance therewith. Such acceptance and approval are conditioned
10 upon the following:

11 First: That said owners shall at their own cost and
12 expense pay for all labor, material, engineering, and inspection
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, in all the pedestrian-way easements as shown on the
16 approved preliminary plat for this final plat, and along the west
17 side of N.W. 48th Street adjacent to this final plat. The construction
18 of said sidewalks shall be completed not later than February 1,
19 1982.

20 Second: That said owners shall at their own cost and
21 expense pay for all labor, material, engineering, and inspection
22 costs in connection with the construction of a system of storm
23 sewerage and drainage to serve this final plat. Said system of
24 storm sewerage and drainage shall be constructed as follows:

- 25 1. A 30-inch RCP in N.W. 49th Street from the southern
26 limits of this final plat to the lot line extended
27 between Lots 6 and 7, Block 7.
- 28 2. A 36-inch RCP between Lots 6 and 7 of Block 7 from
29 N.W. 49th Street to the east side of N.W. 48th
30 Street.
- 31 3. A 15-inch RCP in the west ditch of N.W. 48th
32 Street at the lot line extended between Lots 6 and
33 7 of Block 7 to pick up the ditch drainage and
34 discharge it into the RCP described in "2" above.
- 35 4. An 18-inch RCP in N.W. 50th Street from West
36 Huntington Avenue south approximately 250 feet,
37 and a 15-inch RCP south approximately an additional
38 280 feet.

- 01 5. An 18-inch RCP in West Huntington Avenue from N.W.
02 50th Street to N.W. 49th Street.
- 03 6. A 30-inch RCP in N.W. 49th Street from West Huntington
04 Avenue north to the north lot line of Lot 3, Block
05 2; thence east between Lots 2 and 3, Block 2 to
06 connect to the existing 36-inch culvert. Provisions
07 shall be made to pick up the flow in the west
08 ditch of N.W. 48th Street at that connection.

09 The storm sewers listed are only an estimate of required
10 size and location. The actual storm sewer system required cannot
11 be determined until the time of final design and the owners shall
12 construct said storm sewers in accordance with the actual requirements
13 as finally determined. A grassed swale with sufficient capacity
14 to carry the excess flow from a 50-year storm shall be provided
15 on every storm sewer easement.

16 The aforesaid system of storm sewerage and drainage
17 shall be designed and constructed in conformance with the official
18 design standards for storm sewers of the City of Lincoln, Nebraska,
19 adopted by Resolution No. A-63122 on September 20, 1976. Construction
20 of said system of storm sewers and drainage shall be completed not
21 later than February 1, 1980.

22 Third: That said owners shall at their own cost and
23 expense pay for all labor, material, and related costs in connection
24 with the installation of a landscape screen along those lots
25 which abut N.W. 48th Street. The construction of said landscape
26 screen shall be completed within two planting seasons following
27 the issuance of occupancy permits to 60 percent of those lots
28 which abut said street.

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

32 a. Said owners agree to have this final plat included
33 within an assessment district, only at the City's option; however,
34 if the creation of an assessment district would not be feasible
35 or desirable, the owners shall furnish a bond or an escrow or
36 security agreement to guarantee the construction of street improvements,
37 including the grading, paving, and installation of curb and
38 gutter in all public streets within the limits of this final plat
39 and West Madison Avenue from N.W. 48th Street to N.W. 49th Street,

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01 construction and removal of temporary turn arounds at the western
02 end of West St. Paul Avenue and at the southern end of N.W. 49th
03 Street, and the equivalent cost of local street paving installation
04 in N.W. 48th Street adjacent to this final plat, and public water
05 mains and fire hydrants as shown on the approved preliminary plat
06 for this final plat plus water mains in West Madison Avenue north
07 of the preliminary plat to provide sufficient volume and pressure
08 for this final plat, sanitary sewers and manholes in all interior
09 streets within this final plat and in West Madison Avenue, adjacent
10 to this final plat, and in all the pedestrian-way easements, all
11 improvements to be designed and constructed in accordance with
12 the design standards of the City of Lincoln and those design
13 standards as recommended by the Department of Public Works.

14 b. Said owners agree that Outlot "A" shall remain a
15 nonbuildable lot until said lot is replatted.

16 c. Said owners, their successors and assigns to those
17 lots which abut N.W. 48th Street shall relinquish the right of
18 direct vehicular access to said street.

19 d. Said owners agree to pay the equivalent cost of
20 local street paving installation in N.W. 48th Street where said
21 street abuts this final plat. There are two alternative methods,
22 either of which shall be accomplished at such time as the City
23 Council approves and accepts this final plat as follows:

24 1) post a bond or an approved escrow or security
25 agreement conditioned upon payment of the equiv-
26 alent cost of local street paving in NW 48th
27 Street at the time said street is paved; or

28 2) payment now based on current cost.

29 e. Said owners agree that the existing individual
30 water well system shall be abandoned as provided on pages 16 and
31 17 of "The Minimum Standards for a Private Water Well in Nebraska,
32 1972".

33 f. Said owners agree that the individual sewage
34 disposal system serving the existing building shall be properly
35 abandoned as provided in Section 24.38.080 (d) of the Lincoln
36 Municipal Code.

01 1057 g. Said owners, their successors and assigns agree
02 to permanently maintain the landscape screen to the satisfaction
03 of the Planning Director.

04 h. Said owners, their successors and assigns agree
05 that the houses adjacent to any open drainage shall have a floor
06 elevation of at least two feet above the top of grassed swales.

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

- 30 1) Submittal of a grading plan to the Director
31 of Public Works and Utilities complying with
32 the conditions of the drainage study;
- 33 2) a seeding and mulching schedule including
34 types of cover intended to be planted, seeding
35 rate, fertilizer application rates, and
36 maintenance schedule. If this final plat
37 cannot be seeded immediately after grading,
38 an acceptable mulch must be applied;
- 39 3) any changes in the grading plan shall be
40 approved by the City prior to the start of
41 grading.

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01 j. Said owners, their successors and assigns to those
02 lots on which a pedestrian-way easement is located, shall maintain
03 the pedestrian-way easement and the sidewalk therein, the same as
04 if said sidewalk was located within the street right-of-way in
05 front of their lot.

06 k. Said owners agree that the building setback from
07 any pedestrian-way easement shall be five (5) feet.

08 Section 2. That said owners 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 \$73,500 conditioned upon the
12 strict compliance by said owners 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 \$65,000 conditioned upon the
16 strict compliance by said owners with the conditions contained in
17 paragraph designated "Second" of the next preceding section of
18 this ordinance; and

19 c. A bond in the sum of \$3,900 conditioned upon the
20 strict compliance by said owners with the conditions contained in
21 paragraph designated "Third" of the next preceding section of
22 this ordinance.

23 The bonds required above shall be subject to approval
24 by the City Attorney. In the event that said owners or their
25 surety shall fail to satisfy the conditions herein set forth
26 within the time specified in this ordinance, the City Council may
27 order the required work to be performed by the City and recover
28 the cost thereof from said owners and their surety.

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

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:

Les Scherer

Approved as to Form and Legality: AYES: Baker, Cook, Hampton, Jeambey,
Robinson, Scherer, Sikyta;
NAYS: None.

William F. O'Brien
City Attorney

Staff Review Completed:

[Signature]
Administrative Director

PASSED

JUN 19 1978

BY CITY COUNCIL

APPROVED

JUN 27 1978

[Signature]
MAYOR

1057

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between SUMNER E. COPPLE and TEKLA R. COPPLE, husband and wife, 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 OLYMPIC HEIGHTS ADDITION; 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 OLYMPIC HEIGHTS, it is agreed by and between Subdivider and City as follows:

1. Subdivider agrees to have this final plat included within an assessment district, only at the City's option; however, if the creation of an assessment district would not be feasible or desirable, Subdivider shall furnish a bond or an escrow or security agreement to guarantee the construction of street improvements, including the grading, paving, and installation of curb and gutter in all public streets within the limits of this final plat and West Madison Avenue from N.W. 48th Street to N.W. 49th Street, construction and removal of temporary turn arounds at the western end of West St. Paul Avenue and at the southern end of N.W. 49th Street, and the equivalent cost of local street paving installation in N.W. 48th Street adjacent to this final plat, and public water mains and fire hydrants as shown on the approved preliminary plat for this final plat plus water mains in West Madison Avenue north of the preliminary plat to provide sufficient volume and pressure for this final plat, sanitary sewers and manholes in all interior streets within this final plat and in West Madison Avenue, adjacent to this final plat, and in all the pedestrian-way easements, all improvements to be designed and constructed in accordance with the design standards of the City of Lincoln and those design standards as recommended by the Department of Public Works.
2. Subdivider, agrees that Outlot "A" shall remain a nonbuildable lot until said lot is replatted.
3. Subdivider, its successors and assigns to those lots which abut N.W. 48th Street shall relinquish the right of direct vehicular access to said street.
4. Subdivider agrees to pay the equivalent cost of local street paving installation in N.W. 48th Street where said street abuts this final plat. There are two alternative methods, either of which shall be accomplished at such time as the City Council approves and accepts this final plat as follows:
 - a) post a bond or an approved escrow or security agreement conditioned upon payment of the equivalent cost of local street paving in NW 48th Street at the time said street is paved;
 - b) payment now based on current cost.
5. Subdivider agrees that the existing individual - water well system shall be abandoned as provided on pages 16 and 17 of "The Minimum Standards for a Private Water Well in Nebraska, 1972".

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

7. Subdivider, its successors and assigns agree to permanently maintain the landscape screen to the satisfaction of the Planning Director.

8. Subdivider, its successors and assigns agree that the houses adjacent to any open drainage shall have a floor elevation of at least two feet above the top of grassed swales.

9. 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 Director 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 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 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 (9) months after completion of the sediment basins and shall be permanently maintained by the Subdivider or its successors and assigns. Further, the following specific requirements shall be met:

- a) Submittal of a grading plan to the Director of Public Works and Utilities complying with the conditions of the drainage study;
- b) a seeding and mulching schedule including types of cover intended to be planted, seeding rate, fertilizer application rates, and maintenance schedule. If this final plat cannot be seeded immediately after grading, an acceptable mulch must be applied;
- c) any changes in the grading plan shall be approved by the City prior to the start of grading.

10. Subdivider, its successors and assigns to those lots on which a pedestrian-way easement is located, shall maintain the pedestrian-way easement and the sidewalk therein, the same as if said sidewalk was located within the street right-of-way in front of their lot.

11. Subdivider agrees that the building setback from any pedestrian-way easement shall be five (5) feet.

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

Dated this 12th day of May, 1978.

Sumner E. Copple
Sumner E. Copple, husband

Tekla R. Copple
Tekla R. Copple, wife

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. 12324, Agreement, and Plat

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held June 19, 1978

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 19th day of July, 1978.

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MICRO-FILED Mre
GENERAL

Paul A. Malzer
Deputy City Clerk

JUL 20 1978

INST. NO. 78- 18157

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