

ORDINANCE NO. 15977

1 AN ORDINANCE accepting and approving the plat designated as REGENT
2 HEIGHTS 2ND ADDITION as an addition to the City of Lincoln, filed in the office
3 of the Planning Department of the City of Lincoln, Nebraska, upon certain
4 conditions herein specified and providing for sureties conditioned upon the
5 strict compliance with such conditions.

6 WHEREAS, Regent Heights Limited Partnership, a Nebraska Limited
7 Partnership, owner of a tract of land legally described as:

8 A subdivision composed of Outlot "B", Regent Heights 1st
9 Addition, all located in the Northwest Quarter of Section
10 15, Township 10 North, Range 7 East of the 6th Principal
11 Meridian, Lincoln, Lancaster County, Nebraska, and more
12 particularly described as follows:

13 Commencing from the southeast corner of the Northeast
14 Quarter of the Northwest Quarter of said Section 15, said
15 point also being the true point of beginning, thence
16 south 0 degrees 00 minutes 35 seconds west, along the east
17 line of Outlot "B", Regent Heights 1st Addition, a
18 distance of 30.00 feet to the southeast corner of said
19 Outlot "B", thence south 89 degrees 30 minutes 05 seconds
20 west, along the south line of said Outlot "B", a distance
21 of 110.00 feet to the southeast corner of Baldwin Avenue
22 right-of-way, thence north 0 degrees 01 minutes 23 seconds
23 east, along the south line of said Outlot "B", a distance
24 of 60.00 feet to the northeast corner of Baldwin Avenue,
25 thence south 89 degrees 30 minutes 05 seconds west, along
26 the south line of said Outlot "B", a distance of 269.59
27 feet to the southeast corner of Lot 11, Regent Heights
28 Addition, thence north 0 degrees 29 minutes 55 seconds
29 west, along the south line of said Outlot "B", a distance
30 of 105.00 feet to the northeast corner of said Lot 11,
31 thence south 89 degrees 30 minutes 05 seconds west, along
32 the south line of said Outlot "B", a distance of 525.00
33 feet to the southeast corner of Lot 10, Block 5, Regent
34 Heights 1st Addition, thence north 0 degrees 29 minutes 55
35 seconds west, along the west line of said Outlot "B", a
36 distance of 105.00 feet to the northeast corner of said
37 Lot 10, thence north 89 degrees 30 minutes 05 seconds
38 east, along the west line of said Outlot "B" a distance of

1 30.95 feet to the southeast corner of Rutledge Avenue
 2 right-of-way, thence north 0 degrees 29 minutes 55 seconds
 3 west, along the west line of said Outlot "B", a distance
 4 of 60.00 feet to the northeast corner of Rutledge Avenue
 5 right-of-way, thence south 89 degrees 30 minutes 05
 6 seconds west, along the west line of said Outlot "B", a
 7 distance of 10.00 feet to the southeast corner of Lot 29,
 8 Block 4, Regent Heights 1st Addition, thence north 0
 9 degrees 29 minutes 55 seconds west, along the west line of
 10 said Outlot "B", a distance of 105.00 feet to the
 11 northeast corner of said Lot 29, thence north 89 degrees
 12 30 minutes 05 seconds east, along the north line of said
 13 Outlot "B", a distance of 607.05 feet to the southeast
 14 corner of Lot 15, Block 4, Regent Heights 1st Addition,
 15 thence south 0 degrees 01 minutes 23 seconds west, along
 16 the north line of said Outlot "B", a distance of 24.00
 17 feet to a point, thence south 89 degrees 58 minutes 37
 18 seconds east, along the north line of said Outlot "B", a
 19 distance of 110.00 feet to a point, thence north 80
 20 degrees 03 minutes 47 seconds east, along the north line
 21 of said Outlot "B", a distance of 60.92 feet to a point,
 22 thence south 89 degrees 58 minutes 37 second east, along
 23 the north line of said Outlot "B", a distance of 109.99
 24 feet to the northeast corner of said Outlot "B", thence
 25 south 0 degrees 01 minutes 23 seconds west, along the east
 26 line of said Outlot "B", a distance of 389.00 feet to the
 27 point of beginning, said tract containing a calculated area
 28 of 6.47 acres, more or less,

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

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

34 NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of
 35 Lincoln, Nebraska:

36 Section 1. That the plat of REGENT HEIGHTS 2ND ADDITION as an
 37 addition to the City of Lincoln, Nebraska, filed in the office of the Planning
 38 Department of said City by Regent Heights Limited Partnership, a Nebraska
 39 Limited Partnership, as owner is hereby accepted and approved, and said owner
 40 is given the right to plat said REGENT HEIGHTS 2ND ADDITION as an addition to

1 said City in accordance therewith. Such acceptance and approval are
2 conditioned upon the following:

3 First: That said owner shall at its own cost and expense pay for
4 all labor, material, engineering, and inspection costs in connection with the
5 construction of street improvements, including the grading, paving, and
6 installation of curb and gutter, curb inlets, and storm drain laterals for all
7 streets as shown on the approved final plat. The construction shall be
8 completed within two years following City Council approval of this final plat.

9 Second: That said owner shall at its own cost and expense pay for
10 all labor, material, engineering, and inspection costs in connection with the
11 construction of sidewalks as shown on the approved preliminary plat. The
12 construction shall be completed within four years following City Council
13 approval of this final plat.

14 Third: That said owner shall at its own cost expense pay for all
15 labor, material, engineering, and inspection costs in connection with the
16 construction of a public water distribution system as shown on the approved
17 preliminary plat. The construction shall be completed within two years
18 following City Council approval of this final plat.

19 Fourth: That said owner shall at its own cost and expense pay for
20 all labor, material, engineering, and inspection costs in connection with the
21 construction of a public wastewater collection system as shown on the approved
22 preliminary plat. The construction shall be completed within two years
23 following City Council approval of this final plat.

24 Fifth: That said owner shall at its own cost and expense pay for
25 all labor, material, engineering, and inspection costs in connection with the
26 construction of drainage facilities as shown on the approved drainage study.

1 The construction shall be completed within two years following City Council
2 approval of this final plat.

3 Sixth: That said owner shall at its own cost and expense pay for
4 all labor, material, engineering, and inspection costs in connection with the
5 installation of an ornamental street lighting system as required by the
6 preliminary plat for all streets shown on this final plat. The construction
7 shall be completed within two years following City Council approval of this
8 final plat.

9 Seventh: That said owner shall at its own cost and expense pay for
10 all labor, material, and related costs in connection with the installation of
11 street trees as shown on the approved landscape plan. The planting shall be
12 completed within four years following City Council approval of this final
13 plat.

14 Eighth: That said owner shall at its own cost and expense pay for
15 all labor, material, and related costs in connection with the installation of
16 street name signs as approved by the Department of Transportation. This
17 installation shall be completed within two years following City Council
18 approval of this final plat.

19 Ninth: That said owner shall at its own cost and expense pay for
20 all labor, material, engineering, and inspection costs in connection with the
21 placing of permanent lot stakes at all corners of all lots and blocks of this
22 final plat. The permanent lot staking shall be completed before construction
23 on or conveyance of any lot shown in this final plat.

24 Section 2. That prior to the passage of this ordinance, said
25 owner shall enter into a written agreement with the City which shall provide
26 as follows:

- 5
- 1 The owner, its successors and assigns agree:
- 2 a. To submit to the Director of Public Works an erosion control
- 3 plan.
- 4 b. To protect the remaining trees on the site during construction
- 5 and development.
- 6 c. To pay all improvement costs.
- 7 d. To submit to the lot buyers and homebuilders a copy of the soil
- 8 analysis.

9 Section 3. That said owner shall, prior to final passage of this

10 ordinance, execute and deliver to the City of Lincoln:

11 a. A bond or an approved escrow or security agreement in the sum

12 of \$23,000 conditioned upon the strict compliance by said owner with the

13 conditions contained in paragraph designated "First" of Section 1 of this

14 ordinance.

15 b. A bond or an approved escrow or security agreement in the sum

16 of \$17,000 conditioned upon the strict compliance by said owner with the

17 conditions contained in paragraph designated "Second" of Section 1 of this

18 ordinance.

19 c. A bond or an approved escrow or security agreement in the sum

20 of \$6,300 conditioned upon the strict compliance by said owner with the

21 conditions contained in paragraph designated "Third" of Section 1 of this

22 ordinance.

23 d. A bond or an approved escrow or security agreement in the sum

24 of \$5,500 conditioned upon the strict compliance by said owner with the

25 conditions contained in paragraph designated "Fourth" of Section 1 of this

26 ordinance.

1 e. A bond or an approved escrow or security agreement in the sum
2 of \$1,500 conditioned upon the strict compliance by said owner with the
3 conditions contained in paragraph designated "Sixth" of Section 1 of this
4 ordinance.

5 f. A bond or an approved escrow or security agreement in the sum
6 of \$6,000 conditioned upon the strict compliance by said owner with the
7 conditions contained in paragraph designated "Seventh" of Section 1 of this
8 ordinance.

9 g. A bond or an approved escrow or security agreement in the sum
10 of \$115 conditioned upon the strict compliance by said owner with the
11 conditions contained in paragraph designated "Eighth" of Section 1 of this
12 ordinance.

13 h. A bond or an approved escrow or security agreement in the sum
14 of \$1,000 conditioned upon the strict compliance by said owner with the
15 conditions contained in paragraph designated "Ninth" of Section 1 of this
16 ordinance.

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

22 Section 4. Immediately upon the taking effect of this ordinance,
23 the City shall cause the final plat and a certified copy of this ordinance
24 together with the written agreement required herein to be filed in the office
25 of the Register of Deeds of Lancaster County, Nebraska. Filing fees shall be
26 paid by said owner.

7

1 Section 5. That this ordinance shall take effect and be in force
2 from and after its passage and publication according to law.

Introduced by:

U. Theodore Hempel

AYES: Haar, Hempel, Johnson,
Minnick, Seng, Wilson, Young;
NAYS: None.

Approved as to Form & Legality:

William H. Hunter
City Attorney

Staff Review Completed:

Mary G. Johnson
Administrative Assistant

APPROVED

SEP 19 1991

[Signature]
MAYOR

9/9/91 Council Proceedings:

JOHNSON Moved Bill No. 91-205 have
2nd & 3rd Reading on 9/16/91.
Seconded by Seng and carried
by the following vote: AYES: Haar,
Hempel, Johnson, Seng, Wilson, Young;
NAYS: None; ABSENT: Minnick.

PASSED

SEP 16 1991

BY CITY COUNCIL

8. —

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between REGENT HEIGHTS LIMITED PARTNERSHIP, a Nebraska limited partnership, hereinafter called "Subdivider", whether one or more, and the CITY OF LINCOLN, NEBRASKA, a municipal corporation, hereinafter called "City."

WHEREAS, Subdivider has made application to City for permission to subdivide and for approval of the subdivision plat of REGENT HEIGHTS 2ND 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 REGENT HEIGHTS 2ND ADDITION, it is agreed by and between Subdivider and City as follows:

1. The Subdivider agrees to submit to the Director of Public Works an erosion control plan.
2. The Subdivider agrees to protect the remaining trees on the site during construction and development.
3. The Subdivider agrees to pay all improvement costs.
4. The Subdivider agrees to submit to the lot buyers and homebuilders a copy of the soil analysis.
5. That the agreements contained herein shall be binding and obligatory upon the heirs, successors and assigns of Subdivider.

Dated this 26th day of AUGUST, 1991.

ATTEST:

REGENT HEIGHTS LIMITED PARTNERSHIP,
A Nebraska Limited Partnership

By: Thomas E. White
Partner

9

ATTEST:

CITY OF LINCOLN, NEBRASKA,
A Municipal Corporation

Paul H. Meyer
City Clerk

Mike Johanns
Mike Johanns, Mayor

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss.

The foregoing instrument was acknowledged before me this 26th day of August, 1991, by THOMAS E WHITE, as a general partner of Regent Heights Limited Partnership, a Nebraska Limited Partnership, on behalf of the partnership.

Thomas Bruggeman
Notary Public

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss.

GENERAL NOTARY-State of Nebraska
THOMAS BRUGGEMAN
My Comm. Exp. June 26, 1993

The foregoing instrument was acknowledged before me this 19th day of September, 1991, by Mike Johanns, Mayor of the City of Lincoln, Nebraska, a municipal corporation.

GENERAL NOTARY-State of Nebraska
JOAN V. RAY
My Comm. Exp. July 26, 1994

Joan V. Ray
Notary Public

Approved as to Form and Legality:

William H. Gardner
City Attorney

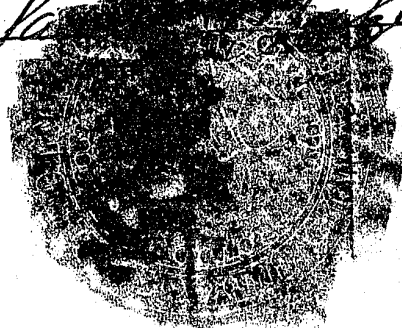
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C E R T I F I C A T E

I, Paul A. Malzer, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of ORDINANCE NO. 15977 (REGENT HEIGHTS 2ND ADDITION)

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held SEPTEMBER 16, 1991 as the original appears of record in my office, and is now in my charge remaining as 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 OCTOBER, 1991.

Paul A. Malzer


BLOCK
CODE REG-HE1
REG-HE2
CHECKED [initials]
ENTERED [initials]
EDITED
X

LANCASTER COUNTY, NEB
Dan Nette
REGISTER OF DEEDS

#5050

OCT 3 10 40 AM '91

INST. NO. 91 32832

*City Clerk
Pd C/K
Regent Hts*