

4-7-65/hms

ORDINANCE NO. 8683

AN ORDINANCE vacating 72nd Street, 73rd Street and 74th Street from the north line of Leighton Avenue to the south line of Baldwin Avenue, 71st Street from the north line of Huntington Avenue to the south line of Baldwin Avenue, Huntington Avenue from the east line of 71st Street to the east line of 74th Street, Leighton Avenue from the west line of Dorothy Drive to the west line of 76th Street, and Dorothy Drive from the north line extended of Lot 7, Block 1 Rosemont First Addition to the north line of Leighton Avenue; establishing the official grades of certain streets in Rosemont, Third Addition, an addition in the City of Lincoln, Nebraska, with reference to a datum plane herein described; and accepting and approving the plat of ROSEMONT, THIRD ADDITION, an addition in the City of Lincoln, Nebraska, filed in the office of the City Clerk of the City of Lincoln, Nebraska, upon certain conditions herein specified and providing for bonds conditioned upon the strict compliance with such conditions.

WHEREAS, A & H Realty Co., Inc., a corporation; The School District of the City of Lincoln in the County of Lancaster in the State of Nebraska, a political subdivision; Sylvester S. Schutte and Hilda J. Schutte, husband and wife; and Carl W. Dill and Vera M. Dill, husband and wife, owners of Lot 8, Block 1 and Lots 1 and 2, Block 2, and Outlot "A", Rosemont First Addition, and Outlot "B" Rosemont Second Addition; and vacated Leighton Avenue between the east line Dorothy Drive and the west line of 76th Street; also a portion of Blocks 9, 10, 11, 13 and 16, and all of Blocks 14 and 15, S. L. Wrights Addition to Bethany Heights; also a portion of Lots 18 and 19 and all of Lots 28, 29 and 30, Castleton; together with all streets vacated by the ordinance accepting this plat, all located in the West Half of Section 15, Township 10 North, Range 7 East of the 6th P.M., Lancaster

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County, Nebraska having platted said real estate under the designation of ROSEMONT, THIRD ADDITION, and having filed said plat with the City Clerk of the City of Lincoln, Nebraska, with a request for approval and acceptance thereof, in the manner and form as by ordinance required, and

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

NOW, THEREFORE, Be it Ordained by the City Council of the City of Lincoln, Nebraska:

Section 1. That 72nd Street, 73rd Street and 74th Street from the north line of Leighton Avenue to the south line of Baldwin Avenue, 71st Street from the north line of Huntington Avenue to the south line of Baldwin Avenue, Huntington Avenue from the east line of 71st Street to the east line of 74th Street, Leighton Avenue from the west line of Dorothy Drive to the west line of 76th Street, and Dorothy Drive from the north line extended of Lot 7, Block 1, Rosemont First Addition to the north line of Leighton Avenue, be and they hereby are vacated.

Section 2. That the grades of certain streets in Rosemont, Third Addition, an addition in the City of Lincoln Nebraska, be and they are hereby established with reference to a datum plane, which is located as follows: Bench mark cut in water table at the northeast corner of the City Hall Building is 79.74 feet above said datum plane, said datum plane being coincident with the datum plane of what is known as the Harvey Grade.

The grades hereby established shall be uniform straight lines between adjacent points hereinafter specified in said streets and between the grade points heretofore established by ordinance in adjacent streets.

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Section 3. Grade at the intersection of Ammon Avenue and Leighton Avenue: Northeast corner 130.50; Northwest corner 130.50.

Section 4. Grade at the intersection of Ammon Avenue and Walker Avenue: Northeast corner 123.30; Southwest corner 123.85.

Section 5. Grade at a point in Ammon Avenue 500 feet north of the center line of Leighton Avenue: East side 120.30; West side 120.30.

Section 6. Grade at a point in 74th <sup>Street</sup>~~Ammon~~ ~~xxxxxxx~~ 150 feet north of the center line of Leighton Avenue: East side 148.00; West side 147.50; provided, however, that the grades established in this section shall be considered as points of intersection of tangents to vertical curves 200 feet long.

Section 7. Grade at the intersection of 74th <sup>Street</sup>~~Ammon~~ ~~xxxxxxx~~ and Walker Avenue: Northeast corner 131.10; Northwest corner 131.00; Southwest corner 131.40; Southeast corner 131.50.

Section 8. Grade at a point in 74th <sup>Street</sup>~~Ammon~~ ~~xxxxxxx~~, 90 feet north of the center line of Walker Avenue: East side 129.00; West side 129.00; provided, however, that the grades established in this section shall be considered as the points of intersection of tangents to vertical curves 100 feet long.

Section 9. Grade at a point in 74th <sup>Street</sup>~~Ammon~~ ~~xxxxxxx~~, 390 feet north of the center line of Walker Avenue: East side 128.00; West side 128.00.

Section 10. Grade at a point in Dorothy Drive, 150 feet north of the center line of Leighton Avenue: East side 155.00; West side 155.00; provided, however, that the grades established in this section shall be considered as points

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of intersection of tangents to vertical curves 200 feet long.

Section 11. Grade at the intersection of Dorothy Drive and Willard Avenue: Northeast corner 137.50; Southeast corner 138.50.

Section 12. Grade at a point in Dorothy Drive, 600 feet north of the center line of Leighton Avenue: East side 131.00; West side 131.00; provided, however, that the grades established in this section shall be considered as points of intersection of tangents to vertical curves 300 feet long.

Section 13. Grade at the intersection of Dorothy Drive and Walker Avenue: Northwest corner 132.50; Southwest corner 132.50.

Section 14. Grade at a point in Dorothy Drive, 900 feet north of the center line of Leighton Avenue: East side 134.70; West side 134.70.

Section 15. Grade at the intersection of 76th Street ~~Avenue~~ and Leighton Avenue: Northeast corner 157.00; Northwest corner 157.00.

Section 16. Grade at a point in 76th ~~Avenue~~ <sup>Street</sup>, 350 feet north of the center line of Leighton Avenue: East side 144.00; West side 144.00; provided, however, that the grades established in this section shall be considered as points of intersection of tangents to vertical curves 200 feet long.

Section 17. Grade at a point in 76th ~~Avenue~~ <sup>Street</sup>, 33 feet south of the center line of Willard Avenue: West side 141.2.

Section 18. Grade at the intersection of 76th Street ~~Avenue~~ and Willard Avenue: Northeast corner 141.60; Northwest corner 140.80; Southwest corner 140.80; Southeast corner 141.60.

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Section 19. Grade at a point in 76th ~~Avenue~~ <sup>Street</sup>, 33 feet north of the center line of Willard Avenue: West side 141.00.

Section 20. Grade at a point in 76th ~~Avenue~~ <sup>Street</sup>, 310 feet north of the center line of Willard Avenue: East side 142.50; West side 142.00.

Section 21. Grade at the intersection of 78th Street and Leighton Avenue: Northwest corner 174.00.

Section 22. Grade at a point in 78th Street, 350 feet north of the center line of Leighton Avenue: West side 160.00; provided, however, that the grades established in this section shall be considered as points of intersection of tangents to vertical curves 200 feet long.

Section 23. Grade at the intersection of 78th Street and Willard Avenue: Northwest corner 154.50; Southwest corner 155.00.

Section 24. Grade at a point in Walker Avenue, 200 feet east of the center line of Ammon Avenue: North side 130.50; South side 131.00; provided, however, that the grades established in this section shall be considered as points of intersection of tangents to vertical curves 200 feet long.

Section 25. Grade at a point in Willard Avenue, 200 feet east of the center line of Dorothy Drive: North side 140.00; South side 140.00; provided, however, that the grades established in this section shall be considered as points of intersection of tangents to vertical curves 200 feet long.

Section 26. Grade at a point in Willard Avenue, 500 feet east of the center line of 76th ~~Avenue~~ <sup>Street</sup>: North side 168.00; South side 168.00; provided, however, that the grades established in this section shall be considered as

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points of intersection of tangents to vertical curves 400 feet long.

Section 27. That the plat of Rosemont, Third Addition, filed in the office of the City Clerk of the City of Lincoln, Nebraska, by A & H Realty, Co. Inc., a corporation; The School District of the City of Lincoln in the County of Lancaster in the State of Nebraska, a political subdivision; Sylvester S. Schutte and Hilda J. Schutte, husband and wife; and Carl W. Dill and Vera M. Dill, husband and wife; as owners be and they are hereby given the right to plat said Rosemont, Third Addition as an addition in the City of Lincoln, Nebraska, in accordance therewith. Such acceptance and approval are conditioned upon the following conditions:

First: That the owners above set forth shall, at their own cost and expense, construct sidewalks in the sidewalk space along both sides of Ammon Avenue within the limits of the plat, on both sides of 74th ~~Avenue~~ <sup>Street</sup> within the limits of the plat, on both sides of Dorothy Drive within the limits of the plat; on both sides of 76th ~~Avenue~~ <sup>Street</sup> from Willard Avenue to the northerly limits of the plat; on the west side of 76th ~~Avenue~~ <sup>Street</sup> from Willard Avenue to the southerly limits of the plat; on both sides of Willard Avenue between Dorothy Drive and 76th ~~Avenue~~ <sup>Street</sup>, on the north side of Willard Avenue from 76th ~~Avenue~~ <sup>Street</sup> to the easterly limits of the plat, on the north side of Leighton Avenue from the westerly limits of the plat to 74th ~~Avenue~~ <sup>Street</sup>, on the north side of Leighton Avenue immediately adjacent to Lots 9 and 10, Block 5, on the south side of Leighton Avenue immediately adjacent to Lot 1, Block 9, and in the 20 foot dedicated walkway in Block 3, from Dorothy Drive to 76th ~~Avenue~~ <sup>Street</sup>, in accordance with the ordinances of the City of Lincoln, Nebraska, relating to sidewalks. The construction of said sidewalks shall be completed not later than June 1, 1967.

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Second: That the owners above set forth shall, at their own cost and expense, pay for all labor, material, engineering and inspections costs in connection with the construction of a storm sewer system in 76th ~~Avenue~~ <sup>Street</sup> from Leighton Avenue to Willard Avenue, in Willard Avenue from 76th ~~Avenue~~ <sup>Street</sup> to Dorothy Drive, in Dorothy Drive from Willard Avenue to Walker Avenue, in Walker Avenue from Dorothy Drive to Ammon Avenue, and in Ammon Avenue from Leighton Avenue to the northerly limits of the plat, all in conformance with the alignment, grade and cross section as determined by the City, together with all other expense in connection therewith. Said storm sewer system shall be constructed under the supervision of the City of Lincoln and title thereto shall be vested in the City of Lincoln. The construction of said storm sewer system shall be completed not later than June 1, 1967.

Third: That the owners above set forth shall, prior to the passage of this ordinance, enter into a written agreement with the City of Lincoln, agreeing that the City of Lincoln shall bring the streets to the official established grades as hereinabove set forth, and construct the necessary ornamental street lighting, sanitary sewers and water mains to serve the real estate in said addition, and assess the cost thereof against the real estate in said addition in accordance with benefits accruing thereto.

Section 28. That the owners above set forth shall, prior to the passage of this ordinance, execute and deliver to the City of Lincoln,

(a) a bond in the sum of \$14,200.00, conditioned upon the strict compliance by the owners above named with the conditions contained in paragraph designated "First" of the

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next preceding section of this ordinance;

(b) a bond in the sum of \$31,850.00, conditioned upon the strict compliance by the owners above named with the conditions contained in paragraph designated "Second" of the next preceding section of this ordinance;

which bonds shall be subject to the approval of the City of Lincoln, Nebraska, and shall be further conditioned that in the event the above-named owners fail to comply with the conditions herein set forth within the time specified in this ordinance, the City Council shall proceed to fulfill said conditions, the cost thereof to be paid by the surety on said bond. Such work shall be performed in the manner set forth in Title 26 of the Lincoln Municipal Code, known as the Land Subdivision Ordinance, as now existing or as may hereafter be amended.

Section 29. Immediately upon the taking effect of this ordinance, the owners shall file a certified copy of this ordinance in the office of the Register of Deeds of Lancaster County, Nebraska.

Section 30. This ordinance shall take effect and be in force from and after its passage and publication according to law.

PASSED

Introduced by

APR 10 1965

Ernest C. Johnson

Approved as to Form BY CITY COUNCIL

City Attorney

Approved

Richard A. Eiverson  
City Engineer

Robert W. Helinger  
Traffic Engineer

Robert E. ...  
Director of Public Works,  
Acting

Al Becker  
Director of Public Utilities,  
Acting

APPROVED

APR 23 1965

Ernest C. Johnson  
MAYOR

*noted*

Conditions Precedent to Final Passage Complied with

J. E. Brodeur  
Planning Director



