

ORDINANCE NO. 12594

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

07 WHEREAS, CONRAD ENTERPRISES, INC., a Nebraska corporation,  
08 by Harold Heiser, President, owner of a tract of land legally  
09 described as:

10 A subdivision of Blocks 3 and 4, all but Lots 13 through  
11 18 of Block 5, the vacated alleys of said Blocks 3 and 4,  
12 the vacated portion of SW 25th Street which lies south  
13 of the south line of West "L" Street to the north right-  
14 of-way line of the Burlington Northern Railroad and the  
15 vacated portion of SW 27th Street which lies from the  
16 north right-of-way of the Burlington Northern Railroad  
17 to a point 262 feet north of the southwest corner of  
18 Lot 89 Irregular Tract all located in Burlington Heights  
19 Addition and portions of Lots 56 and 89 Irregular Tracts  
20 all located within the Northwest Quarter of Section 28,  
21 Township 10 North, Range 6 East of the Sixth Principal  
22 Meridian, Lancaster County, Nebraska, and more particularly  
23 described as follows: Commencing at the northwest corner  
24 of said Section 28; thence south 833.00 feet along the  
25 west line of said Section 28; thence east 33.00 feet to  
26 the point of beginning; thence on an assumed bearing of  
27 north 89 degrees 01 minutes 50 seconds east, a distance of  
28 669.26 feet to the southeast corner of Lot 13, said Block  
29 5; thence north 0 degrees 14 minutes 53 seconds west along the  
30 west line of SW 25th Street, a distance of 103.00 feet; thence  
31 north 89 degrees 01 minutes 50 seconds east along the south  
32 line of West "M" Street, a distance of 300.00 feet; thence  
33 south 0 degrees 14 minutes 53 seconds east, a distance of  
34 663.22 feet to a point on the north right-of-way of the  
35 Burlington Northern Railroad; thence south 82 degrees 18  
36 minutes 09 seconds west along said north line, a distance  
37 of 634.55 feet to a point of curvature; thence on a curve  
38 to the right whose radius is 5,679.58 feet, an arc distance  
39 of 333.73 feet; thence south 85 degrees 40 minutes 09 seconds  
40 west, a distance of 44.00 feet to the point of intersection  
41 of the centerline of SW 27th Street with said north right-of-  
42 way; thence north 0 degrees 00 minutes 00 seconds east along  
43 said centerline a distance of 264.49 feet; thence north  
44 90 degrees 00 minutes 00 seconds east, a distance of 33.00  
45 feet to a point on the east line of SW 27th Street; thence  
46 north 0 degrees 00 minutes 00 seconds east along said east  
47 line a distance of 402.00 feet to the point of beginning,  
48 said tract containing 14.64 acres.

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

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

04 NOW, THEREFORE, BE IT ORDAINED by the City Council of  
05 the City of Lincoln, Nebraska:

06 Section 1. That the plat of WESTERN STATE INDUSTRIAL  
07 TRACT, as an addition in the City of Lincoln, Nebraska, filed in  
08 the office of the Planning Department of said City by CONRAD  
09 ENTERPRISES, INC., a Nebraska corporation by Harold Heiser,  
10 President, as owner, is hereby accepted and approved, and said  
11 owner is hereby given the right to plat said WESTERN STATE INDUSTRIAL  
12 TRACT as an addition to said City in accordance therewith. Such  
13 acceptance and approval are conditioned upon the following:

14 First: That said owner shall at its own cost and  
15 expense pay for all labor, material, engineering, and inspection  
16 costs in connection with the construction of sidewalks to be  
17 constructed on the east side of SW 27th Street adjacent to this  
18 final plat, the north side of West "L" Street within this final  
19 plat, the west side of SW 25th Street within this final plat, as  
20 approved by the Planning Director on May 12, 1977. The construction  
21 of said sidewalks shall be completed not later than ~~August 1, 1981.~~ <sup>July 1, 1983.</sup>  
22 Said time limits may be extended by resolution of the City Council.

23 Second: That said owner shall at its own cost and  
24 expense pay for all labor, material, engineering, and inspection  
25 costs in connection with the construction of a system of storm  
26 sewerage and drainage to serve said final plat. Said system of  
27 storm sewerage and drainage shall be constructed as follows:

- 28 a. Approximately 150 feet of 18-inch RCP storm sewer  
29 in West "L" Street easterly from Southwest 27th  
30 Street.
- 31 b. A 21-inch RCP storm sewer in West "L" Street from  
32 the proposed 18-inch RCP storm sewer described in  
33 subparagraph "a" above, to a point located approximately  
34 370 feet east of Southwest 27th Street.
- 35 c. A 24-inch RCP storm sewer in West "L" Street from  
36 the proposed 21-inch RCP storm sewer described in  
37 subparagraph "b" above, to a point located approximately  
38 150 feet east of Southwest 25th Street.

Amended 6/4/79

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- 01 d. A 30-inch RCP storm sewer in West "L" Street from
- 02 the proposed 24-inch RCP storm sewer required in
- 03 subparagraph "c" above, to Southwest 25th Street.
  
- 04 e. Approximately 90 feet of 30-inch RCP storm sewer
- 05 along the common lot line of Lots 2 and 3, Block
- 06 3, south from West "L" Street.
  
- 07 f. Approximately 290 feet of low flow concrete lined
- 08 open channel along the common lot line of Lots 2
- 09 and 3, Block 3, from the proposed 30-inch RCP
- 10 storm sewer required in subparagraph "e" above, to
- 11 the developer's south property line. This low
- 12 flow lining shall have a minimum 5-foot wide
- 13 bottom, 3 horizontal to 1 vertical sideslopes and
- 14 paving to a vertical depth of one foot.

Amended 6/4/79

15 The aforesaid system of storm sewerage and drainage

16 shall be designed and constructed in conformance with the official

17 design standards for storm sewers of the City of Lincoln, Nebraska,

18 adopted by Resolution No. A-63122 on September 20, 1976. Construction

19 of said system of storm sewerage and drainage shall be completed

20 not later than ~~August 17, 1979~~ July 1, 1981.

Amended 6/4/79

21 Third: That said owner shall at its own cost and

22 expense pay for all labor, material, engineering, and inspection

23 costs in connection with the construction of an ornamental street

24 lighting system along Southwest 27th Street, West "L" Street, and

25 Southwest 25th Street adjacent to this final plat. The construction

26 of said ornamental street lighting system shall be completed not

27 later than ~~August 17, 1979~~ August 1, 1981.

28 Fourth: That said owner shall at its own cost and

29 expense pay for all labor, material, engineering, and inspection

30 costs in connection with the removal of the temporary turnaround

31 at the eastern end of West "L" Street, at such time as said street

32 is extended beyond the limits of this final plat.

33 Fifth: That prior to the passage of this ordinance said

34 owner shall enter into a written agreement with City which shall

35 provide as follows:

36 a. Said owner agrees to construct a temporary turnaround

37 at the eastern end of West "L" Street, and further agrees to

38 remove said temporary turnaround at such time as said street is

39 extended beyond the limits of this final plat.

40 b. Said owner agrees that an eight-inch water main

41 shall be extended in Southwest 27th Street and Southwest 25th

42 Street to West "L" Street and in West "L" Street from the western

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01 to the eastern limits of this final plat. After the accomplishment  
02 of the foregoing, an existing six-inch water main in Southwest  
03 27th Street shall be abandoned.

04 c. That said owner, its successors and assigns,  
05 agrees to pave Southwest 27th Street south to the south line of  
06 the intersection of West "L" Street; said owner, its successors  
07 and assigns shall enter into an agreement stating that they will  
08 not oppose any future assessments for a paving district or the  
09 creation of a paving district or oppose any benefits received  
10 from that paving district in Southwest 27th Street south from  
11 West "L" Street, and that the building line shown on the final  
12 plat shall restrict the construction of any buildings or parking  
13 areas in order that if the need for the cul-de-sac arises in the  
14 future, that its construction would not be prevented by the  
15 existence of buildings or parking areas.

16 Section 2. That said owner shall, prior to final  
17 passage of this ordinance, execute and deliver to the City of  
18 Lincoln:

19 a. A bond in the sum of \$13,000 conditioned upon the  
20 strict compliance by said owner with the conditions contained in  
21 paragraph designated "First" of the next preceding section of  
22 this ordinance;

23 b. A bond in the sum of \$14,000 conditioned upon the  
24 strict compliance by said owner with the conditions contained in  
25 paragraph designated "Second" of the next preceding section of  
26 this ordinance;

27 c. A bond in the sum of \$6,500 conditioned upon the  
28 strict compliance by said owner with the conditions contained in  
29 paragraph designated "Third" of the next preceding section of  
30 this ordinance; and

31 d. A bond in the sum of \$600 conditioned upon the  
32 strict compliance by said owner with the conditions contained in  
33 paragraph designated "Fourth" of the next preceding section of  
34 this ordinance.

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

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

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

Introduced by:

Michael Kline

Approved as to Form and Legality:

William F. Duda  
City Attorney

Staff Review Completed:

M. M. K.  
Administrative Director

APPROVED

JUN 19 1979

Walter Sobal  
MAYOR

PASSED

JUN 11 1979

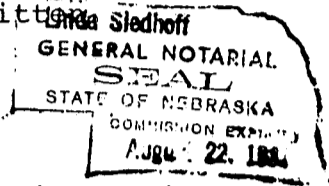
BY CITY COUNCIL

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STATE OF NEBRASKA )  
 ) ss:  
COUNTY OF LANCASTER )

On May 16, 1979, before me, the undersigned, a Notary Public, personally came Harold Heiser, to me known to be the President of CONRAD ENTERPRISES, INC., a Nebraska corporation, and the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said corporation.

Witness my hand and notarial seal the day and year last above written.



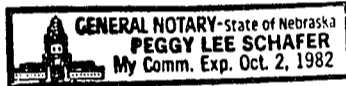
Linda Siedhoff  
Notary Public

My commission expires: \_\_\_\_\_.

STATE OF NEBRASKA )  
 ) ss:  
COUNTY OF LANCASTER )

On June 19, 1979, before me, the undersigned, a Notary Public, personally came Helen G. Boosalis, to me known to be the Mayor of the CITY OF LINCOLN, NEBRASKA, a municipal corporation, and the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be her voluntary act and deed and the voluntary act and deed of said City.

Witness my hand and notarial seal the day and year last above written.



Peggy Lee Schaffer  
Notary Public

My commission expires: \_\_\_\_\_.

Approved as to Form and Legality:

William J. O'Connell  
City Attorney

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. 12594, AGREEMENT, AND PLAT

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held JUNE 11, 1979

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 28th day of June, 19 79.

INDEXED 6 1/2-657  
MICRO-FILMED 12 1/2-77,77,79  
GENERAL *mc*  
LANCASTER COUNTY  
REGISTER OF DEEDS  
1979 JUN 28 AM 8:34  
FILED FOR RECORD AS:  
INST. NO. 79- 15835

*Paul A. Malzer*  
Deputy City Clerk

\$25<sup>00</sup>

*7-1-80 2102*

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A G R E E M E N T

THIS AGREEMENT is made and entered into by and between CONRAD ENTERPRISES, INC., a Nebraska corporation, by Harold Heiser, President, 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 WESTERN STATE INDUSTRIAL TRACT; 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 WESTERN STATE INDUSTRIAL TRACT, it is agreed by and between Subdivider and City as follows:

1. Subdivider agrees to construct a temporary turnaround at the eastern end of West "L" Street, and further agrees to remove said temporary turnaround at such time as said street is extended beyond the limits of this final plat.

2. Subdivider agrees that an eight-inch water main shall be extended in Southwest 27th Street and Southwest 25th Street to West "L" Street and in West "L" Street from the western to the eastern limits of this final plat. After the accomplishment of the foregoing an existing six-inch water main in Southwest 27th Street shall be abandoned.

3. Subdivider, its successors and assigns, agrees to pave Southwest 27th Street south to the south line of the intersection of West "L" Street; Subdivider, its successors and assigns further agree that they will not oppose any future assessments for a paving district or the creation of a paving district or oppose any benefits received from that paving district in Southwest 27th Street south from West "L" Street, and that the building line shown on the final plat shall restrict the construction of any buildings or parking areas in order that if the need for the cul-de-sac arises in the future, that its construction would not be prevented by the existence of buildings or parking areas.

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

Dated this 16 day of May, 1979.

CONRAD ENTERPRISES, INC.,  
a Nebraska corporation

By: Harold Heiser, Pres.  
Harold Heiser, President

ATTEST:

CITY OF LINCOLN, NEBRASKA,  
a municipal corporation

M. E. Speed  
City Clerk

Alan Bussale  
Mayor