

15837

79- 152

Introduce: 5-29-79

12595

ORDINANCE NO. _____

01 AN ORDINANCE accepting and approving the plat designated
 02 as WESTERN STATE INDUSTRIAL TRACT 1ST ADDITION as an addition in
 03 the City of Lincoln, Nebraska, filed in the office of the Planning
 04 Department of the City of Lincoln, Nebraska, upon certain conditions
 05 herein specified and providing for sureties conditioned upon the
 06 strict 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 Lot 79 Irregular Tract, Block 6, Burlington
 11 Heights Addition and the remaining portions of Lot 89 Irregular
 12 Tract, and Lot 56 Irregular Tract, located in the Northwest
 13 Quarter of Section 28, Township 10 North, Range 6 East of the
 14 Sixth Principal Meridian, Lancaster County, Nebraska, and more
 15 particularly described as follows: Commencing at the northwest
 16 corner of said Section 28; thence south 60.00 feet; thence
 17 east 33.00 feet to the point of beginning, said point being
 18 the northwest corner of the remaining portion of Lot 89; thence
 19 on an assumed bearing of north 89 degrees 01 minutes 50 seconds
 20 east along the south line of West "O" Street, a distance of
 21 665.95 feet to a point on the west line of Southwest 25th Street;
 22 thence south 0 degrees 14 minutes 53 seconds east along said
 23 west line, a distance of 472.98 feet to the northeast corner
 24 of Lot 18, Block 5, Burlington Heights Addition; thence south
 25 89 degrees 01 minutes 50 seconds west along the north line
 26 of said Lot 18, a distance of 144.40 feet to the northwest
 27 corner of said Lot 18; thence south 0 degrees 16 minutes 06
 28 seconds east along the east line of said Block 5, a distance
 29 of 300.00 feet to the southwest corner of Lot 13, said Block
 30 5; thence south 89 degrees 01 minutes 50 seconds west along
 31 the south line of said remaining portion of Lot 89, a distance
 32 of 525.00 feet to a point on the east line of Southwest 27th
 33 Street; thence north 0 degrees east along said east line,
 34 a distance of 773.03 feet to the point of beginning, said tract
 35 containing 10.85 acres.

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

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

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

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

12 First: That said owner shall at its own cost and
13 expense pay for all labor, material, engineering, and inspection
14 costs in connection with the construction of sidewalks to be
15 constructed in the sidewalk space along the east side of SW 27th
16 Street, the south side of West "O" Street, the west side of SW
17 25th Street and the north and east sides of West "M" Street
18 Court, all as approved by the Planning Director on May 12, 1977.
19 The construction of said sidewalks shall be completed not later
20 than February 1, 1983. Said time limit may be extended by resolution
21 of the City Council.

22 Second: That said owner shall at its own cost and
23 expense pay for all labor, material, engineering, and inspection
24 costs in connection with the construction of a system of storm
25 sewerage and drainage to serve this final plat, as required in
26 the drainage study received by the City on December 21, 1973.

27 The aforesaid system of storm sewerage and drainage
28 shall be designed and constructed in conformance with the official
29 design standards for storm sewers of the City of Lincoln, Nebraska,
30 adopted by Resolution No. A-63122 on September 20, 1976. Construction
31 of said system of storm sewerage and drainage shall be completed
32 not later than February 1, 1981.

33 Third: That prior to the passage of this ordinance,
34 said owners shall enter into a written agreement with City which
35 shall provide as follows:

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01 a. Said owner agrees to have this proposed subdivision
02 included within as assessment district, only at the City's option,
03 or said owner shall furnish a bond or an approved escrow agreement
04 to guarantee construction of the street improvements, including
05 grading, paving, and installation of curb and gutter, and the
06 installation of public water mains and fire hydrants; public
07 sanitary sewers and manholes; and ornamental street lights, as
08 approved within the preliminary plat for this final plat, all in
09 accordance with the design standards approved by the City of
10 Lincoln.

11 b. Said owner agrees to accept all liabilities for
12 damages caused by storm water that may discharge onto property
13 east of SW 25th Street. Further, said owner shall agree to save
14 and hold harmless the City of Lincoln from any and all damages
15 arising from the discharge of any storm water, said agreement to
16 be in a form satisfactory to the City Attorney.

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

20 a. A bond in the sum of \$10,500 conditioned upon the
21 strict compliance by said owner with the conditions contained in
22 paragraph designated "First" of the next preceding section of
23 this ordinance, and

24 b. A bond in the sum of \$50,000 conditioned upon the
25 strict compliance by said owner with the conditions contained in
26 paragraph designated "Second" of the next preceding section of
27 this ordinance.

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

34 Section 3. Immediately upon the taking effect of
35 this ordinance, the City shall cause the final plat and a certified
36 copy of this ordinance together with the written agreement required
37 herein to be filed in the office of the Register of Deeds of
38 Lancaster County, Nebraska. Filing fees shall be paid by said
39 owner.

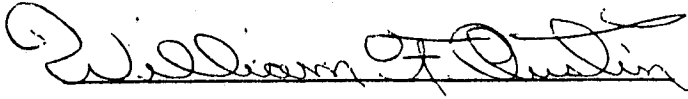
5837
01 Section 4. That this ordinance shall take effect
02 and be in force from and after its passage and publication
03 according to law.

Introduced by:



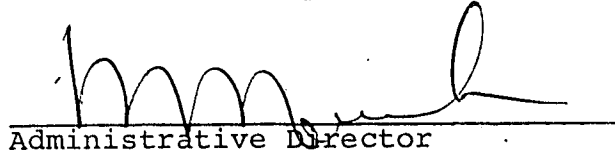
Approved as to Form and Legality:

AYES: Ahlschwede, Frohardt,
Hampton, Robinson, Scherer,
Steinman, Youngberg;
NAYS: None.



City Attorney

Staff Review Completed:


Administrative Director

APPROVED

JUN 19 1979


MAYOR

PASSED

JUN 11 1979

BY CITY COUNCIL

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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 1ST 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 WESTERN STATE INDUSTRIAL TRACT, it is agreed by and between Subdivider and City as follows:

1. Subdivider agrees to have this proposed subdivision included within as assessment district, only at the City's option, or Subdivider shall furnish a bond or an approved escrow agreement to guarantee construction of the street improvements, including grading, paving, and installation of curb and gutter, and the installation of public water mains and fire hydrants; public sanitary sewers and manholes; and ornamental street lights, as approved within the preliminary plat for this final plat, all in accordance with the design standards approved by the City of Lincoln.

2. Subdivider agrees to accept all liabilities for damages caused by storm water that may discharge onto property east of SW 25th Street. Further, Subdivider shall agree to save and hold harmless the City of Lincoln from any and all damages arising from the discharge of any storm water, said agreement to be in a form satisfactory to the City Attorney.

3. 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
Harold Heiser, President

ATTEST:

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

M E Spencer
City Clerk

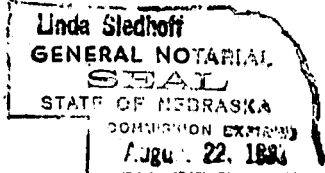
Walter B. ...
Mayor

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STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

On May 16, 1979, 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.



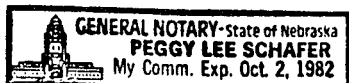
Linda Sledhoff
Notary Public

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. [Signature]
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 12595, 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
MICRO-FILED
GENERAL

6 1/2-657
12 1/2-81

LANCASTER COUNTY REC.

REGISTER OF DEEDS

1979 JUN 28 AM 8:34

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 79-15837

2150

Paul A. Malzer
Deputy City Clerk

30127145