

ORDINANCE NO. 11910

01 2369
02
03 AN ORDINANCE accepting and approving the plat designated
04 as WESTGATE PARK FOR BUSINESS AND INDUSTRY, as an addition in the
05 City of Lincoln, Nebraska, filed in the office of the Planning
06 Department of the City of Lincoln, Nebraska, upon certain conditions
07 herein specified and providing for sureties conditioned upon the
08 strict compliance with such conditions.

09 WHEREAS, West Gate, Inc., a Nebraska corporation, owner of
10 a subdivision of Lot 140 Irregular Tracts and Lot 143 Irregular
11 Tracts located in the east one-half of Section 22, Township 10
12 North, Range 6 East of the Sixth Principal Meridian, Lincoln, Lan-
13 caster County, Nebraska, more particularly described as: Beginning
14 at the southwest corner of the Northeast Quarter of the Southeast
15 Quarter of said Section 22 and extending thence north 0°00' east
16 for a distance of 1338.8 feet; thence south 89°13' west for a
17 distance of 686.8 feet to the east right-of-way line of the Burling-
18 ton Northern Railroad; thence north 26°15' east for a distance of
19 296.7 feet to the point of curvature of a circular curve to the
20 right having a central angle of 86°26' a radius of 719.02 feet and
21 a chord length of 984.71 feet; thence along the arc of said curve
22 for a distance of 1084.67 feet to the point of tangency; thence south
23 67°19' east for a distance of 1040.8 feet; thence south 0°04' west
24 for a distance of 61.2 feet; thence south 26°48' west for a distance
25 of 1649.2 feet; thence south 89°26' west for a distance of 583.3
26 feet to the point of beginning, has filed said plat in the office
27 of the Planning Department of the City of Lincoln, Nebraska, with
28 a request for approval and acceptance thereof, in the manner and
29 form as by ordinance required; and

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

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

35 Section 1. That the plat of WESTGATE PARK FOR BUSINESS AND
36 INDUSTRY, as an addition in the City of Lincoln, Nebraska, filed
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2369

01 in the office of the Planning Department of the City of Lincoln,
02 Nebraska, by West Gate Inc., a Nebraska corporation, as owner,
03 be and it is accepted and approved, and the said owner, be and it
04 is hereby given the right to plat said WESTGATE PARK FOR BUSINESS
05 AND INDUSTRY, as an addition in the City of Lincoln, Nebraska, in
06 accordance therewith. Such acceptance and approval are conditioned
07 upon the following conditions:

08 First: That the owner above set forth shall at its own
09 cost and expense pay for all labor, material, engineering, and
10 inspection costs in connection with bringing all the streets and
11 public ways within said plat to such grades as shall be officially
12 established in writing, by the Director of Public Works and maintained
13 with the official records of the Department of Public Works.

14 Second: That the owner above set forth shall at its own
15 cost and expense pay for all labor, material, engineering, and
16 inspection costs in connection with the construction of an ornamental
17 street lighting system along all interior streets within said
18 WESTGATE PARK FOR BUSINESS AND INDUSTRY, all of which construction
19 shall be equivalent to standards and specifications for residential
20 street lighting for the City of Lincoln. As an alternative, the
21 above named owner may petition the City for the creation of an
22 ornamental street lighting district to accomplish the construction
23 of said ornamental street lighting system. The construction of said
24 ornamental street lighting system shall be completed not later than
25 March 1, 1976.

26 Third: That the owner above set forth shall at its own
27 cost and expense pay for all labor, material, engineering and
28 inspection costs in connection with the construction of a system
29 of storm sewerage and drainage to serve said plat. Said system of
30 storm sewerage and drainage shall be constructed as follows:

31 (a) An open channel along the rear of Lots 1, 2, 3, and
32 4, Block 1.

33 (b) A concrete paved open channel along the rear of Lots
34 5 through 18, Block 1.

35 (c) An open drainage channel along the rear of Lots 19
36 through 21, Block 1.

37

2369

01 (d) An open drainage channel along the rear of Lots 4 through
02 8, Block 5.

03 (e) An open drainage channel along the rear of Lots 1 through
04 3, Block 2.

05 (f) A concrete paved open channel along the rear of Lots 1,
06 5, 6, and 7, Block 3.

07 (g) A concrete paved open channel along the north side of
08 Lot 1, Block 4 and along the north side of Lot 8, Block 3.

09 (h) A concrete paved open channel along the north side of
10 Lots 22 and 23, Block 1.

11 (i) Pipe storm sewer in West Industrial Lake Drive from
12 Westgate Boulevard to the point approximately 450 feet west of
13 Westgate Boulevard.

14 (j) Pipe storm sewer in West Industrial Lake Drive from
15 Westgate Boulevard east approximately 240 feet.

16 (k) Pipe storm sewer in West Industrial Lake Drive from a
17 point approximately 240 feet east of Westgate Boulevard to a point
18 approximately 440 feet east of Westgate Boulevard.

19 (l) Pipe storm sewer in the 20-foot wide drainage easement
20 between Lots 11 and 12, Block 3 from Westgate Boulevard easterly
21 approximately 250 feet to the paved open channel.

22 (m) Pipe storm sewer on the 20-foot wide drainage easement
23 between Lots 18 and 19, Block 1 from Oakcreek Drive to Sunvalley
24 Boulevard.

25 (n) Pipe storm sewer north in Oakcreek Drive from the
26 previously described storm sewer north approximately 225 feet.

27 (o) Twin pipe storm sewer under Westgate Boulevard at a
28 point approximately 190 feet north of Oakcreek Drive.

29 (p) Twin pipe storm sewer under Oakcreek Drive at a point
30 approximately 250 feet northeasterly of Westgate Boulevard.

31 (q) Pipe storm sewer under Sunvalley Boulevard at a point
32 approximately 350 feet north of Westgate Boulevard.

33 The aforesaid system of storm sewerage and drainage shall
34 be designed and constructed in conformance with "Storm Sewer Design
35 Criteria" published by the Department of Public Works for the City
36 of Lincoln in January, 1970, filed in the office of the City Engineer.

2369

01 Construction of said system of storm sewerage and drainage shall
02 be completed not later than March 1, 1976.

03 Fourth: That the owner above set forth shall at its own
04 cost and expense pay for all labor, material, engineering and
05 inspection costs in connection with the placing of permanent monu-
06 ments at all corners of all lots, streets, avenues, angle points
07 and ends of all curves of the final plat of WESTGATE PARK FOR
08 BUSINESS AND INDUSTRY. The above required lot staking shall be
09 completed not later than August 1, 1974.

10 Fifth: That prior to the effective date of this ordinance,
11 the above named owner shall enter into a written agreement with
12 the City of Lincoln which shall provide as follows:

13 (a) That there shall be a permanent prohibition of vehicular
14 access to and from Sunvalley Boulevard and Lots 13 through 22, Block
15 1; and Lot 1, Block 2 in said addition.

16 (b) That all open drainage channels requiring low flow
17 concrete lining shall be constructed with a minimum radius of
18 curvature of 50 feet at all required changes in horizontal alignment.

19 (c) That the owner of any lot which shall be traversed by
20 an open drainage channel shall have the permanent and continuing
21 responsibility for maintenance for the portion of such channel
22 located on such lot.

23 (d) That no building permits shall be issued upon those
24 lots in said addition which are traversed by an existing 34.5 KV
25 electric transmission line until such time as said transmission
26 line has been relocated by the above named owner.

27 (e) That the sanitary sewer outlet for said addition shall
28 be provided by means of a municipal trunk sanitary sewer to be
29 located generally west of said addition which shall connect with
30 the existing Air Base trunk sanitary sewer.

31 (f) That the entire addition be site graded to elevations
32 set forth in a site grading plan approved by the Department of
33 Public Works.

34 Section 2. That the owner above set forth shall, prior
35 to final passage of this ordinance, execute and deliver to the
36 City of Lincoln:

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2369

01 (a) a bond in the sum of \$20,000.00 conditioned upon the
02 strict compliance by the above named owner with the conditions
03 contained in paragraph designated "Second" of the next preceding
04 section of this ordinance;

05 (b) a bond in the sum of \$53,700.00 conditioned upon the
06 strict compliance by the above named owner with the conditions
07 contained in paragraph designated "Third" of the next preceding
08 section of this ordinance;

09 (c) a bond in the sum of \$1,500.00 conditioned upon the
10 strict compliance by the above named owner with the conditions
11 contained in paragraph designated "Fourth" of the next preceding
12 section of this ordinance;

13 The bonds required above shall be subject to the approval
14 of the City of Lincoln, Nebraska, and shall be further conditioned
15 that in the event the above named owner fails to comply with the
16 conditions herein set forth within the time specified in this
17 ordinance, the City Council shall proceed to fulfill said conditions,
18 the cost thereof to be paid by the surety. Such work shall be
19 performed in the manner set forth in Title 26 of the Lincoln
20 Municipal Code known as the Land Subdivision Ordinance, as now
21 existing or as may hereafter be amended.

22 Section 3. Immediately upon the taking effect of this
23 ordinance, the owner shall file a certified copy of this ordinance,
24 together with the written agreement required herein in the office
25 of the Register of Deeds for Lancaster County, Nebraska.

26 Section 4. That this ordinance shall take effect and
27 be in force from and after its passage and publication according
28 to law.

PASSED

Introduced by

FEB 11 1974

BY CITY COUNCIL

Alan B. Bossard

Approved as to Form & Legality:

Richard R. Wood
City Attorney

APPROVED

FEB 19 1974

Donald Lewis
MAYOR

2369

AGREEMENT

THIS AGREEMENT made and entered into by and between WEST GATE INC., a Nebraska corporation, hereinafter referred to as "Subdivider" and the CITY OF LINCOLN, NEBRASKA, a municipal corporation, hereinafter referred to as "City".

WITNESSETH:

WHEREAS, Subdivider has made application to City for permission to subdivide and for approval of the subdivision plat of WESTGATE PARK FOR BUSINESS AND INDUSTRY; and

WHEREAS, the ordinance approving said plat contains certain provisions requiring an agreement between said Subdivider and the City relating to certain acts to be performed by said Subdivider; and

WHEREAS, said Subdivider desires to exercise and assert the option set forth in subparagraph (a) of Section 26.24.020 of the Lincoln Municipal Code;

NOW, THEREFORE, IN CONSIDERATION of the City granting permission to plat and approval of the plat of WESTGATE PARK FOR BUSINESS AND INDUSTRY, it is agreed by and between Subdivider and City as follows:

1. Subdivider, as owner of all the real estate within said WESTGATE PARK FOR BUSINESS AND INDUSTRY, as an addition in the City of Lincoln, Nebraska, hereby requests that the installation of ornamental street lighting required by the aforesaid ordinance be accomplished by the City in accordance with plans and specifications approved by the City and said Subdivider hereby covenants and agrees that any and all costs involved in the installation of said ornamental street lighting as aforesaid, shall be assessed against the real estate located in said addition in accordance with the benefits accruing thereto.
2. City covenants and agrees that it will install said ornamental street lighting as set out in said ordinance in accordance with plans and specifications approved by the City and that the City will assess the total cost thereof against the real estate located in said addition in accordance with the benefits accruing thereto.
3. Subdivider covenants and agrees that there shall be a permanent prohibition of vehicular access to and from Sunvalley Boulevard on Lots 13 through 22, Block 1; and Lot 1, Block 2 in said addition.
4. Subdivider covenants and agrees that all open drainage channels requiring low flow concrete lining shall be constructed with a minimum radius of curvature of 50 feet at all required changes in horizontal alignment.
5. Subdivider covenants and agrees that the owner of any lot which shall be traversed by an open drainage channel shall have the permanent and continuing responsibility for maintenance for the portion of such channel located on such lot.
6. Subdivider covenants and agrees that no building permits shall be issued upon those lots in said addition, which are traversed by an existing 34.5 KV electric transmission line until such time as said transmission line has been relocated by said Subdivider.

2369

7. Subdivider covenants and agrees that the sanitary sewer outlet for said addition shall be provided by means of a municipal trunk sanitary sewer to be located generally west of said addition which shall connect with the existing Air Base trunk sanitary sewer.

8. Subdivider covenants and agrees that the entire addition shall be site graded to elevations set forth in a site grading plan approved by the Department of Public Works.

9. The covenants and agreements contained herein shall run with the land in said plat of WESTGATE PARK FOR BUSINESS AND INDUSTRY and shall be binding and obligatory upon the heirs, successors, and assigns of the Subdivider to all or any part of the real estate in said plat of WESTGATE PARK FOR BUSINESS AND INDUSTRY.

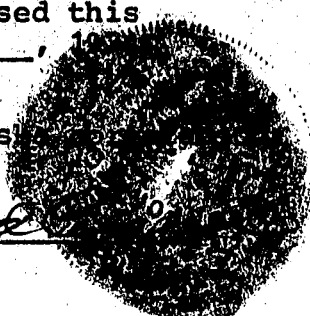
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 26th day of FEBRUARY, 1957

ATTEST:

WEST GATE INC., a Nebraska

Mary Helen Copple
Secretary

By: J. Edwards
President



CITY OF LINCOLN, NEBRASKA, a municipal corporation,

W. Springer

Sam Schwartzkopf
Mayor

Approved as to Form & Legality:

City Attorney

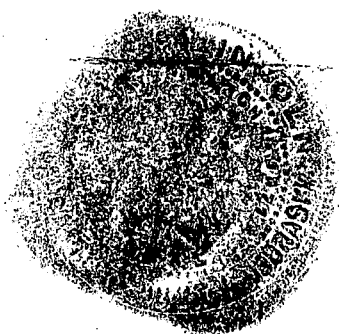
C E R T I F I C A T E

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER) SS.
)
CITY OF LINCOLN)

I, Harold W. Springer, 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. 11010 and agreement attached thereto.

as the original appears of record in my said 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 26th day of February A.D., 19 74.



Harold W. Springer
City Clerk

LANCASTER COUNTY NEBR.
Russell L. Ferguson
REGISTER OF DEEDS
1974 FEB 26 AM 10:48

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GENERAL
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ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 74- 2369

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Ed Lippold
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