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\$30.75

79- 22

Introduce: 1-15-79

ORDINANCE NO. 12493

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

07 WHEREAS, ROBERT W. YORK and JOY E. YORK, husband and
08 wife, owners of a tract of land legally described as:

09 a subdivision of Lot 68 of Irregular Tracts in the Northeast
10 Quarter of Section 28, Township 10 North, Range 7 East of
11 the Sixth Principal Meridian, Lancaster County, Nebraska,
12 more particularly described as follows: Beginning at the
13 southeast corner of said Lot 68 Irregular Tracts; thence
14 northerly along an assumed bearing of north 00 degrees
15 00 minutes 00 seconds east, and along the westerly 58.0
16 foot right-of-way line of platted 70th Street, a distance
17 of 422.3 feet to the northeast corner of said Lot 68
18 Irregular Tracts; thence westerly along a bearing of north
19 89 degrees 49 minutes 35 seconds west and along the north
20 line of said Lot 68 Irregular Tracts, a distance of 276.93
21 feet to the northwest corner of said Lot 68 Irregular Tracts;
22 thence southerly along a bearing of south 00 degrees 00
23 minutes 29 seconds west along the west line of said Lot 68
24 Irregular Tracts, a distance of 422.48 feet to the southwest
25 corner of said Lot 68 Irregular Tracts, also being on the
26 northerly 30.0 foot right-of-way line of platted "L" Street;
27 thence easterly along a bearing of south 89 degrees 51
28 minutes 11 seconds east, along the south line of said Lot
29 68 Irregular Tracts, and along the northerly right-of-way
30 line of said "L" Street, a distance of 276.99 feet to
31 the point of beginning and containing a calculated area of
32 2.69 acres more or less

33 have filed said plat in the office of the Planning Department of
34 the City of Lincoln, Nebraska, with a request for approval and
35 acceptance thereof, in the manner and form as by ordinance
36 required; and

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

40 NOW, THEREFORE, BE IT ORDAINED by the City Council of
41 the City of Lincoln, Nebraska:

42 Section 1. That the plat of YORK'S SUBDIVISION, as
43 an addition in the City of Lincoln, Nebraska, filed in the office
44 of the Planning Department of said City by ROBERT W. YORK and JOY

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01 E. YORK, husband and wife as owners, is hereby accepted and
02 approved, and said owners are hereby given the right to plat said
03 YORK'S SUBDIVISION as an addition in said City in accordance
04 therewith. Such acceptance and approval are conditioned upon the
05 following:

06 First: That said owners shall at their own cost and
07 expense pay for all labor, material, engineering, and inspection
08 costs in connection with the construction of sidewalks to be
09 constructed in the sidewalk space along the north side of "L"
10 Street and along the west side of 70th Street adjacent to this
11 final plat. The construction of said sidewalks shall be completed
12 not later than January 1, 1983.

13 Second: That prior to the passage of this ordinance,
14 said owners shall enter into a written agreement with City which
15 shall provide as follows:

16 a. Said owners shall at their own cost and
17 expense pay for all labor, material, engineering, and inspection
18 costs in connection with the construction of an ornamental street
19 lighting system along the north side of "L" Street adjacent to
20 this final plat, all of which construction shall be equivalent to
21 standards and specifications for residential street lighting for
22 the City of Lincoln, and said owners agree to post a bond in the
23 amount of \$1,750 to guarantee the construction of said ornamental
24 street lighting system. The construction of said ornamental
25 street lighting system shall be completed not later than January
26 1, 1981. As an alternative, said owners may petition the City
27 of Lincoln for an assessment district to guarantee the construction
28 of the aforesaid ornamental street lighting system.

29 b. Said owners agree to provide an access easement
30 to allow movement between the lots to existing curb cuts to
31 provide physical access to a public street from all lots within
32 this final plat.

33 Section 2. That said owners shall, prior to final
34 passage of this ordinance, execute and deliver to the City of
35 Lincoln: A bond in the sum of \$4,200.00 conditioned upon the
36 strict compliance by said owners with the conditions contained in
37 paragraph designated "First" of the next preceding section of
38 this ordinance.

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01 The bond required above shall be subject to approval by
02 the City Attorney. In the event that said owners or their 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 owners and their surety.

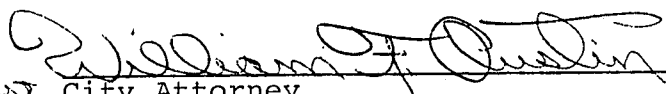
07 Section 3. Immediately upon the taking effect of
08 this ordinance, the City shall cause the final plat and a certified
09 copy of this ordinance together with the written agreement required
10 herein to be filed in the office of the Register of Deeds of
11 Lancaster County, Nebraska. Filing fees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

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:



Approved as to Form and Legality: AYES: Brown, Cook, Hampton, Jeanbey,
Robinson, Scherer;
NAYS: None. **PASSED**


City Attorney

JAN 22 1979

Staff Review Completed:

BY CITY COUNCIL


Administrative Director

APPROVED

JAN 30 1979


MAYOR

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A G R E E M E N T

THIS AGREEMENT is made and entered into by and between ROBERT W. YORK and JOY E. YORK, husband and wife, 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 YORK'S SUBDIVISION; 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 YORK'S SUBDIVISION it is agreed by and between Subdivider and City as follows:

1. Subdivider shall at its own cost and expense pay for all labor, material, engineering, and inspection costs in connection with the construction of an ornamental street lighting system along the north side of "L" Street adjacent to this final plat, all of which construction shall be equivalent to standards and specifications for residential street lighting for the City of Lincoln, and said Subdivider agrees to post a bond in the amount of \$1,750 to guarantee the construction of said ornamental street lighting system. The construction of said ornamental street lighting system shall be completed not later than January 1, 1981. As an alternative, Subdivider may petition the City of Lincoln for an assessment district to guarantee the construction of the aforesaid ornamental street lighting system.

2. Subdivider agrees to provide an access easement to allow movement between the lots to existing curb cuts to provide physical access to a public street from all lots within this final plat.

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

Dated this 5 day of January, 1979

Robert W. York
Robert W. York, husband

Joy E. York
Joy E. York, wife

ATTEST:

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

M. E. Spencer
City Clerk

Harold B. Wattle
Mayor

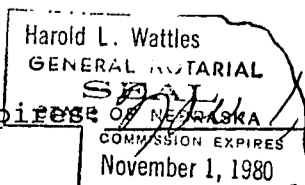
STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

On Jan 5, 1979, before me, the undersigned, a Notary Public, personally came ROBERT W. YORK and JOY E. YORK, husband and wife, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary acts and deeds.

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

Harold L. Wattle
Notary Public

My commission expires

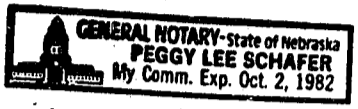


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STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

On January 30, 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.

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



Peggy Lee Schaffer
Notary Public

My commission expires; 10/2/82.

Approved as to Form and Legality:

William F. Quast
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. 12493, AGREEMENT, AND PLAT

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held JANUARY 22, 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 9th day of February, 1979.

INDEXED
MICRO-FILED
GENERAL
*7 1/2 - 269
misc*

LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1979 FEB -9 AM 9:08

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 79- 3495

18²⁵



*Robert H. ...
GB11*