

ORDINANCE NO. 12550

Amended 4/2/79

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

07 WHEREAS, COLE INVESTMENT COMPANY, owner of a tract of land
 08 legally described as:

09 Commencing at the southeast corner of the Southwest
 10 Quarter of Section 33, Township 11 North, Range 7 East
 11 of the 6th Principal Meridian, Lancaster County,
 12 Nebraska; thence north 33.0 feet; thence west on a
 13 line parallel to and 33.0 feet north of the south
 14 line of said Southwest Quarter, a distance of 130.00
 15 feet to the point of beginning, said point also the
 16 Southeast corner of Lot 24 located in said Southwest
 17 Quarter; thence on an assumed bearing north 90 degrees,
 18 00 minutes, 00 seconds west on a line parallel to
 19 and 33.0 feet north of the south line of said Southwest
 20 Quarter, a distance of 47.32 feet; thence north 0 degrees,
 21 00 minutes, 00 seconds east, a distance of 2.00 feet;
 22 thence north 90 degrees 00 minutes 00 seconds west
 23 on a line parallel to and 35.0 feet north of the south
 24 line of said Southwest Quarter, a distance of 1,165.47
 25 feet; thence south 0 degrees 00 minutes 00 seconds west,
 26 a distance of 2.00 feet; thence north 90 degrees 00
 27 minutes, 00 seconds west on a line parallel to and 33.0
 28 feet north of the south line of said Southwest Quarter
 29 a distance of 228.95 feet to the Southeast corner of
 30 Lot 11 located in said Southwest Quarter; thence north
 31 0 degrees 24 minutes 57 seconds west along the east line
 32 of said Lot 11, a distance of 267.01 feet to the North-
 33 east corner of said Lot 11; thence south 89 degrees
 34 58 minutes 01 seconds west along the north line of said
 35 Lot 11, a distance of 200.13 feet to a point on the east
 36 line of Lot 12 located in said Southwest Quarter; thence
 37 north 0 degrees 25 minutes 01 seconds west along the
 38 east line of said Lot 12, a distance of 200.36 feet
 39 to the northeast corner of said Lot 12; thence south
 40 89 degrees 56 minutes 57 seconds west along the north
 41 line of said Lot 12, a distance of 460.30 feet to the
 42 northwest corner of said Lot 12; thence north 0 degrees
 43 24 minutes 50 seconds west, a distance of 300.04 feet
 44 to a corner on the south line of Lot 31 located in
 45 said Southwest Quarter; thence south 89 degrees 57 minutes
 46 57 seconds east, a distance of 464.16 feet to the southeast
 47 corner on the most easterly line of said Lot 31; thence
 48 north 0 degrees 05 minutes 29 seconds west along the
 49 most easterly line of said Lot 31, a distance of 600.43
 50 feet to the most northeasterly corner of said Lot 31; ..
 51 thence south 89 degrees 57 minutes 49 seconds west
 52 along the most northerly line of said Lot 31, a distance
 53 of 467.45 feet to a point on the east line of Holland's
 54 Highway Subdivision located in said Southwest Quarter;
 55 thence north 0 degrees 24 minutes 23 seconds west along
 56 the east line of said Holland's Highway Subdivision,
 57 a distance of 1,235.43 feet to a point on the north

8376

01 line of said Southwest Quarter, said point also the
02 northwest corner of said Lot 24; thence north 89 degrees
03 53 minutes 07 seconds east along the north line of
04 said Southwest Quarter, a distance of 2,107.38 feet to
05 a point 130.00 feet west of the center of said Section
06 33, said point also the northeast corner of said Lot 24;
07 thence south 0 degrees 17 minutes 38 seconds east along
08 a line parallel to and 130.00 feet west of the east line
09 of said Southwest Quarter, a distance of 2,606.38 feet
10 to the point of beginning. Said tract contains 113.2 acres
11 more or less.

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

15 WHEREAS, it is for the convenience of the inhabitants of
16 said City and for the public that said plat be approved and
17 accepted as filed.

18 NOW, THEREFORE, BE IT ORDAINED by the City Council of the
19 City of Lincoln, Nebraska:

20 Section 1. That the plat of COLE INDUSTRIAL PARK, as an
21 addition to the City of Lincoln, Nebraska, filed in the office of
22 the Planning Department of said City by COLE INVESTMENT COMPANY
23 as owner, is hereby accepted and approved, and said owner is hereby
24 given the right to plat said COLE INDUSTRIAL PARK as an addition
25 to said City in accordance therewith. Such acceptance and approval
26 are conditioned upon the following:

27 ~~FIRST: That said owner shall at its own cost and expense~~
28 ~~pay for all labor, material, engineering, and inspection costs in~~
29 ~~connection with the construction of sidewalks to be constructed~~
30 ~~in the sidewalk space along the north and east sides of all streets~~
31 ~~with the exception of 63rd Street, where the sidewalk shall be~~
32 ~~constructed on the west side of the street, and along the north~~
33 ~~side of Fletcher Street adjacent to this subdivision. The~~
34 ~~construction of said sidewalks shall be completed not later than~~
35 ~~September 4, 1982.~~

36 FIRST:
37 SECOND: That said owner shall at its own cost and expense
38 pay for all labor, material, engineering, and inspection costs
39 in connection with the construction of a system of storm sewerage
40 and drainage to serve said plat.

41 The aforesaid system of storm sewerage and drainage shall
42 be designed and constructed in conformance with the official design
standards for storm sewers of the City of Lincoln, Nebraska, adopted

Amended 4/2/79.

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Amended 4/23/78.

by Resolution No. A-63122 on September 20, 1976. Construction of said system of storm sewerage and drainage shall be completed not later than September 1, 1980.

SECOND:

THIRD: That prior to the passage of this ordinance, said owner shall enter into a written agreement with City which shall provide as follows:

1. That owner agrees to have this proposed subdivision included within an assessment district, only at the City's option; or the owner shall furnish a bond or an approved escrow or security agreement to guarantee construction of the street improvements, including the 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 this preliminary plat, all in accordance with the design standards approved by the City of Lincoln and those design standards recommended by the Public Works Department.

2. That the owner agrees that any cut, fill, and compaction of land within, and if applicable, adjacent to the subdivision shall be accomplished in accordance with the Land Subdivision Ordinance. To control erosion and sedimentation during and after land preparation, the owner, its successors and assigns, shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporarily stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods. As land preparation is completed, the owner, its successors and assigns, shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established on those areas. Sediment basins that are to be retained for storm water detention shall be seeded to permanent vegetation no later than nine months after completion of the sediment basins and shall be permanently maintained by the owner or its successors and assigns.

8376

01 3. No lots will be buildable for areas proposed to be served
02 by the northeast interceptor sewer until such time as the northeast
03 treatment plant and interceptor sewer are completed and in operation.

04 4. That owner agrees that the entire cost of the proposed
05 sanitary sewer system within this proposed plat, including any
06 oversized sanitary sewer desired by the owner, shall be borne by
07 the owner.

08 5. That the existing individual water well system shall be
09 abandoned as provided on pages 16 and 17 of "The Minimum Standards
10 for a Private Water Well in Nebraska, 1972," pursuant to Section
11 26.27.030(a) of the Lincoln Municipal Code.

12 6. That the existing individual sewage disposal systems shall
13 be properly abandoned as provided in Section 24.38.080(d) of the
14 Lincoln Municipal Code, and pursuant to Section 26.27.040(a) of
15 the Lincoln Municipal Code.

16 7. That any approved new open drainage ditches shall be lined,
17 pursuant to Sections 26.11.090 and 26.27.050 of the Lincoln Municipal
18 Code.

19 8. That the owner prepare and submit to the Director of Public
20 Works a plan showing erosion control on graded land, pursuant to
21 Section 26.27.060 of the Lincoln Municipal Code. The plan shall
22 be reviewed by the Director of Public Works prior to any grading.
23 The plan shall include a seeding and maintenance schedule listing:

- 24 a. Type of seed to be used and seeding rate;
- 25 b. Time of seeding;
- 26 c. Type of mulch to be used if seeding is not feasible;
- 27 d. Type of fertilizer and application rate;
- 28 e. Expected maintenance, including frequency of mowing,
29 fertilizing, etc.

30 9. That if the owner desires modifications to the general
31 requirements and minimum standards adopted by the City Council
32 requiring enclosed storm drainage, provision shall be made for
33 the perpetual maintenance of the proposed drainage ditches and low-
34 flow liners by the future owners.

8376

Amended 4/29/79.

01 10. That owner, its successors or assigns, shall agree that any
02 future spur tracks crossing any city street right-of-way shall be
03 submitted to and receive approval from the City prior to any
04 construction.

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

07 a. ~~A bond in the sum of \$43,000.00 conditioned upon the~~
08 ~~strict compliance by said owner with the conditions contained in~~
09 ~~paragraph designated "FIRST" of the next preceding section of this~~
10 ~~ordinance;~~

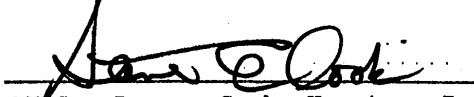
11 ~~B:~~ A bond in the sum of \$130,000.00 conditioned upon the
12 strict compliance by said owner with the conditions contained in
13 paragraph designated "~~SECOND~~^{FIRST}" of the next preceding section of this
14 ordinance.

15 The bonds required above shall be subject to approval by
16 the City Attorney. In the event said owner or its surety shall fail
17 to satisfy the conditions herein set forth within the time specified
18 in this ordinance, the City Council may order the required work to
19 be performed by the City and recover the cost thereof from said owner
20 and its surety.

21 Section 3. Immediately upon the taking effect of this
22 ordinance, the City shall cause the final plat and a certified
23 copy of this ordinance, together with the written agreement
24 required herein, to be filed in the office of the Register of Deeds
25 of Lancaster County, Nebraska. Filing fees shall be paid by said
26 owner.

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

Introduced by:

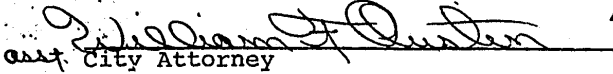


Approved as to Form and Legality:

AYES: Brown, Cook, Hampton, Jeambey,
Robinson, Scherer, Sikyta;
NAYS: None.

APPROVED

PASSED


City Attorney

APR 10 1979

APR - 2 1979

Staff Review Completed:


Administrative Director


MAYOR

BY CITY COUNCIL

8376

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between COLE INVESTMENT COMPANY, 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 COLE INDUSTRIAL PARK; 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 COLE INDUSTRIAL PARK, it is agreed by and between Subdivider and City as follows:

1. Subdivider agrees to have this proposed subdivision included within an assessment district, only at the City's option; or the Subdivider shall furnish a bond or an approved escrow or security agreement to guarantee construction of the street improvements, including the 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 this preliminary plat, all in accordance with the design standards approved by the City of Lincoln and those design standards recommended by the Public Works Department.

2. Subdivider agrees that any cut, fill, and compaction of land within, and if applicable, adjacent to the subdivision shall be accomplished in accordance with the Land Subdivision Ordinance. To control erosion and sedimentation during and after land preparation, Subdivider, its successors and assigns, shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporarily stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods. As land preparation is completed, Subdivider, its successors and assigns, shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established on those areas. Sediment basins that are to be retained for storm water detention shall be seeded to permanent vegetation no later than nine months after completion of the sediment basins and shall be permanently maintained by Subdivider or its successors and assigns.

3. Subdivider agrees that lots shall not be buildable for areas proposed to be served by the northeast interceptor sewer until such time as the northeast treatment plant and interceptor sewer are completed and in operation.

4. Subdivider agrees that the entire cost of the proposed sanitary sewer system within this proposed plat, including any oversized sanitary sewer desired by Subdivider, shall be borne by Subdivider

5. Subdivider agrees the existing individual water well system shall be abandoned as provided on pages 16 and 17 of "The Minimum Standards for a Private Water Well in Nebraska, 1972," pursuant to Section 26.27.030(a) of the Lincoln Municipal Code.

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. 12550, Agreement and Plat

(COLE INDUSTRIAL PARK)

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held APRIL 2, 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 11th day of April, 19 79.

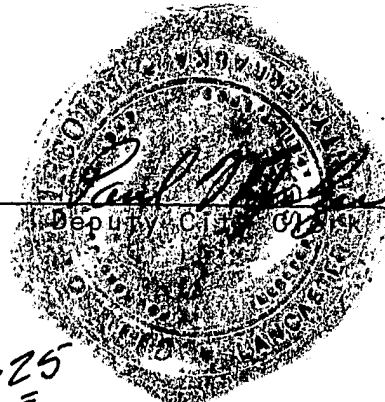
INDEXED 7 1/2-588
MICRO-FILED
GENERAL *Miso*

LANCASTER COUNTY NEBR.
Renneth L. Fargerson
REGISTER OF DEEDS

1979 APR 11 PM 12:48

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 79- 8376 # 2725



*Norman Cole
1910 of Lincoln*