

ORDINANCE NO. 14947

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

06 WHEREAS, Jack L. and Mary Lou Irwin, owners of a tract of land
07 legally described as:

08 Lots 13 and 14, Block 2, Eastgate Industrial Park Addition
09 to Lincoln in the West Half of Section Four (4), Township
10 Ten North (T10N), Range Seven East (R7E) of the Sixth
11 Principle Meridian in Lancaster County, Nebraska, de-
12 scribed as follows:

13 Beginning at the northwest corner of Lot 13 and the
14 northeast corner of Lot 12, Block 2, of the said Eastgate
15 Industrial Park as now platted and recorded. Said corner
16 being 600 feet east of and 22.00 feet north of the west
17 quarter corner of said Section 4; thence in a line paral-
18 lel with and 22.00 feet northerly from the east-west
19 center section line on an assumed bearing of north 90
20 degrees 00 minutes 00 seconds east, a distance of 553.73
21 feet to the northeast corner of said Lot 13; thence with
22 the east line of said Lot 13 and the west line of Lot 97
23 I.T. south 00 degrees 27 minutes 30 seconds east, a
24 distance of 609.15 feet to the southwesterly corner of Lot
25 97 I.T. as platted, said corner being the northwesterly
26 corner of U.S. Highway 6 right-of-way; thence with the
27 east line of said Lots 13 and 14 and said right-of-way
28 line south 00 degrees 27 minutes 30 seconds east, a
29 distance of 384.68 feet; thence with said right-of-way
30 line south 24 degrees 52 minutes 25 seconds west, a
31 distance of 202.96 feet; thence with said right-of-way
32 line south 63 degrees 12 minutes 33 seconds west, a
33 distance of 56.93 feet to a point in the northerly right-
34 of-way line of Russell Drive; thence with said right-of-
35 way line north 89 degrees 25 minutes 52 seconds west, a
36 distance of 75.98 feet to the southeast corner of Lot 110
37 I.T.; thence with the east line of Lot 110 I.T. north 00
38 degrees 27 minutes 30 seconds west, a distance of 638.31
39 feet to the northeast corner of Lot 110 I.T.; thence with
40 the north line of Lot 110 I.T. and 115 I.T. which is
41 perpendicular to the said west line of the Southwest
42 Quarter, North 89 degrees 23 minutes 55 seconds west, a
43 distance of 350.25 feet to a point in the east line of Lot
44 7, Block 2 of said Eastgate Industrial Park; thence in a
45 line parallel with and 600.00 feet easterly from the said
46 west line north 00 degrees 35 minutes 43 seconds east, a
47 distance of 560.90 feet to the point of beginning, con-
48 taining an area of 10.12 acres more or less.

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

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

X

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

03 Section 1. That the plat of EASTGATE INDUSTRIAL PARK FIRST
04 ADDITION as an addition to the City of Lincoln, Nebraska, filed in the office
05 of the Planning Department of said City by Jack L. and Mary Lou Irwin as
06 owners is hereby accepted and approved, and said owners are given the right to
07 plat said EASTGATE INDUSTRIAL PARK FIRST ADDITION as an addition to said City
08 in accordance therewith. Such acceptance and approval are conditioned upon
09 the following:

10 First: That said owners shall at their own cost and expense pay
11 for all labor, material, engineering, and inspection costs in connection with
12 the construction of street improvements, including the grading, paving, and
13 installation of curb and gutter, curb inlets, and storm drain laterals. The
14 construction shall be completed within two years following City Council
15 approval of this final plat.

16 Second: That said owners shall at their own cost expense pay for
17 all labor, material, engineering, and inspection costs in connection with the
18 construction of a public water distribution system as shown on the approved
19 preliminary plat. The construction shall be completed within two years
20 following City Council approval of this final plat.

21 Third: That said owners shall at their own cost and expense pay
22 for all labor, material, engineering, and inspection costs in connection with
23 the construction of a public wastewater collection system as shown on the
24 approved preliminary plat. The construction shall be completed within two
25 years following City Council approval of this final plat.

26 Fourth: That said owners shall at their own cost and expense pay
27 for all labor, material, engineering, and inspection costs in connection with
28 the construction of drainage facilities as shown on the approved drainage
29 study. The construction shall be completed within two years following City
30 Council approval of this final plat.

31 Fifth: That said owners shall at their own cost and expense pay
32 for all labor, material, engineering, and inspection costs in connection with
33 the installation of an ornamental street lighting system on Russell Circle as
34 shown on this final plat. The construction shall be completed within two
35 years following City Council approval of this final plat.

36 Sixth: That said owners shall at their own cost and expense pay
37 for all labor, material, and related costs in connection with the installation

01 of street trees as shown on the preliminary plat. The planting shall be
02 completed within four years following City Council approval of this final
03 plat.

04 Seventh: That said owners shall at their own cost and expense pay
05 for all labor, material, and related costs in connection with the installation
06 of street name signs as approved by the Department of Transportation. This
07 installation shall be completed within two years following City Council
08 approval of this final plat.

09 Eighth: That said owners shall at their own cost and expense pay
10 for all labor, material, engineering, and inspection costs in connection with
11 the placing of permanent lot stakes at all corners of all lots and blocks of
12 this final plat. The permanent lot staking shall be completed before con-
13 struction on or conveyance of any lot shown in this final plat.

14 Section 2. That prior to the passage of this ordinance, said
15 owners shall enter into a written agreement with the City which shall provide
16 as follows:

17 The owner, their successors and assigns agree:

18 1. To submit to the Director of Public Works before grading a plan
19 showing proposed measures to control sedimentation and erosion and proposed
20 method to temporarily stabilize any segment of disturbed land.

21 2. To maintain the private improvements on a permanent and contin-
22 uous basis. However, the owners may be relieved and discharged of this
23 maintenance obligation upon creating in writing a permanent and continuous
24 association of property owners who would be responsible for said permanent and
25 continuous maintenance. The owners shall not be relieved of such maintenance
26 obligation until the document or documents creating said property owners
27 association have been reviewed and approved by the City Attorney and filed of
28 record with the Register of Deeds.

29 3. To pay all improvement costs.

30 4. To complete the permanent lot and block staking before con-
31 struction on or conveyance of any lot shown on this final plat.

32 Section 3. That said owners shall, prior to final passage of
33 this ordinance, execute and deliver to the City of Lincoln:

34 a. A bond or an approved escrow or security agreement in the sum
35 of \$42,000 conditioned upon the strict compliance by said owners with the
36 conditions contained in paragraph designated "First" of Section 1 of this
37 ordinance.

01 b. A bond or an approved escrow or security agreement in the sum
02 of \$19,000 conditioned upon the strict compliance by said owners with the
03 conditions contained in paragraph designated "Second" of Section 1 of this
04 ordinance.

05 c. A bond or an approved escrow or security agreement in the sum
06 of \$9,000 conditioned upon the strict compliance by said owners with the
07 conditions contained in paragraph designated "Third" of Section 1 of this
08 ordinance.

09 d. A bond or an approved escrow or security agreement in the sum
10 of \$17,000 conditioned upon the strict compliance by said owners with the
11 conditions contained in paragraph designated "Fourth" of Section 1 of this
12 ordinance.

13 e. A bond or an approved escrow or security agreement in the sum
14 of \$2,000 conditioned upon the strict compliance by said owners with the
15 conditions contained in paragraph designated "Fifth" of Section 1 of this
16 ordinance.

17 f. A bond or an approved escrow or security agreement in the sum
18 of \$1,330 conditioned upon the strict compliance by said owners with the
19 conditions contained in paragraph designated "Sixth" of Section 1 of this
20 ordinance.

21 g. A bond or an approved escrow or security agreement in the sum
22 of \$85 conditioned upon the strict compliance by said owners with the condi-
23 tions contained in paragraph designated "Seventh" of Section 1 of this ordi-
24 nance.

25 h. A bond or an approved escrow or security agreement in the sum
26 of \$200 conditioned upon the strict compliance by said owners with the condi-
27 tions contained in paragraph designated "Eighth" of Section 1 of this ordi-
28 nance.

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

34 Section 4. Pursuant to § 26.27.020 of the Lincoln Municipal
35 Code, the requirement that sidewalks be constructed is hereby waived, all lots
36 in said subdivision containing an area of 1 or more acres.

01 Section 5. Immediately upon the taking effect of this ordinance,
02 the City shall cause the final plat and a certified copy of this ordinance
03 together with the written agreement required herein to be filed in the office
04 of the Register of Deeds of Lancaster County, Nebraska. Filing fees shall be
05 paid by said owners.

06 Section 6. That this ordinance shall take effect and be in force
07 from and after its passage and publication according to law.

Introduced by:

Colleen Seng

Approved as to Form & Legality:

William H. Austin
City Attorney

Robert Butz

AYES: Danley, Gutgsell, Hempel,
Minnick, Wilson;

NAYS: None.

ABSENT: Hampton, Seng.

Staff Review Completed:

[Signature]
Administrative Assistant

PASSED

AUG 15 1988

BY CITY COUNCIL

APPROVED

AUG 18 1988

Bill Harris
MAYOR

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between Jack L. and Mary Lou Irwin, 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 EASTGATE INDUSTRIAL PARK 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 EASTGATE INDUSTRIAL PARK 1ST ADDITION, it is agreed by and between Subdivider and City as follows:

1. The Subdivider agrees to submit to the Director of Public Works before grading a plan showing proposed measures to control sedimentation and erosion and proposed method to temporarily stabilize any segment of disturbed land.

2. The Subdivider agrees to maintain the private improvements on a permanent and continuous basis. However, the owners may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The owners shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

3. The Subdivider agrees to pay all improvement costs.

4. The Subdivider agrees to complete the permanent lot and block staking before construction on or conveyance of any lot shown on this final plat.

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

Dated this 12th day of July, 1988.

Witness:

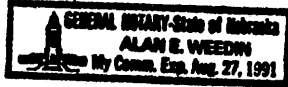
David Backus

JACK L. IRWIN

MARY LOU IRWIN

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 12th day of July, 1988, by Jack L. and Mary Lou Irwin.



Alan E. Weedon
Notary Public

ATTEST:

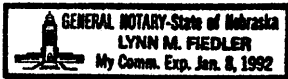
CITY OF LINCOLN, NEBRASKA,
a municipal corporation

Paul W. Malyer
City Clerk

Bill Harris
Mayor

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 18 day of Aug, 1988, by Bill Harris, Mayor of the City of Lincoln, Nebraska.




Lynn M. Fiedler
Notary Public

C E R T I F I C A T E

I, Paul A. Malzer, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of Ordinance No. 14947 accepting and approving the plat of Eastgate Industrial Park First Addition and the Agreement in connection with same as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held August 15, 1988 as the original appears of record in my 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 24th day of August, 19 88.


City Clerk

LINCOLN COUNTY, NEBR.

Dan Jals
REGISTER OF DEEDS

1988 AUG 31 AM 11:45

ENTERED IN
NUMERICAL INDEX
FILED FOR RECORD AS

INST. NO. 88- 26595

BLOCK
CODE
241111 PA
CHECKED
CS
ENTERED
EDITED

\$40.00

Return to City Clerk