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ORDINANCE NO. _____

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

07 WHEREAS, TOM WHITE and KAREN WHITE, husband and wife,
 08 ALLEN DAYTON, VIRGINIA RELLER MEGA I PARTNERSHIP, a limited
 09 partnership and THE MEGA CORPORATION, PARTNER, a general
 10 partnership owners of a tract of land legally described as:

11 a part of the West One-Half of Section
 12 4, Township 10 North, Range 7 East of
 13 the Sixth Principal Meridian, Lancaster
 14 County, Nebraska, and more particularly
 15 described as follows:

16 (For the purpose of this survey, the north
 17 line of the Southwest Quarter of said Section
 18 4 has an assumed bearing of north 90 degrees
 19 00 minutes 00 seconds east.)

20 Commencing at the Northwest corner of said
 21 Southwest Quarter; thence north 90 degrees
 22 00 minutes 00 seconds east along said
 23 north line of said Southwest Quarter, a
 24 distance of 137.05 feet to the point of
 25 beginning; thence north 0 degrees 18
 26 minutes 01 seconds west, a distance of
 27 30.00 feet; thence north 90 degrees 00
 28 minutes 00 seconds east, a distance of
 29 248.58 feet; thence south 0 degrees 34
 30 minutes 03 seconds west, a distance of
 31 8.00 feet; thence north 90 degrees 00
 32 minutes 00 seconds east, a distance of
 33 768.75 feet; thence south 0 degrees 28
 34 minutes 35 seconds east, a distance of
 35 993.70 feet; thence south 24 degrees 51
 36 minutes 25 seconds west, a distance of
 37 202.95 feet; thence south 62 degrees 50
 38 minutes 25 seconds west, a distance of
 39 56.96 feet; thence north 89 degrees 13
 40 minutes 35 seconds west, a distance of
 41 76.07 feet; thence north 0 degrees 28
 42 minutes 35 seconds west, a distance of
 43 638.29 feet; thence north 89 degrees 25
 44 minutes 59 seconds west, a distance of
 45 350.22 feet; thence south 0 degrees 34
 46 minutes 01 seconds west, a distance of
 47 645.16 feet; thence south 80 degrees 42

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01 minutes 39 seconds west, a distance of
02 308.70 feet; thence south 76 degrees 58
03 minutes 18 seconds west, a distance of
04 115.10 feet to the point of curvature of
05 a circular curve whose initial tangent
06 has a bearing of north 25 degrees 18
07 minutes 17 seconds west and whose central
08 angle is 26 degrees 02 minutes 56 seconds
09 and whose radius is 1073.92 feet; thence
10 along said circular curve bearing to the
11 right an arc distance of 488.24 feet;
12 thence north 3 degrees 52 minutes 37
13 seconds east, a distance of 788.80 feet;
14 thence north 90 degrees 00 minutes 00
15 seconds east, a distance of 15.00 feet
16 to the point of beginning, containing a
17 calculated area of 24.434 acres more or
18 less.

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

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

26 NOW, THEREFORE, BE IT ORDAINED by the City Council
27 of the City of Lincoln, Nebraska:

28 Section 1. That the plat of EASTGATE INDUSTRIAL
29 PARK, as an addition to the City of Lincoln, Nebraska, filed
30 in the office of the Planning Department of said City by TOM
31 WHITE and KAREN WHITE, husband and wife, ALLEN DAYTON, VIRGINIA
32 RELLER, MEGA I PARTNERSHIP, a limited partnership and THE
33 MEGA CORPORATION, partner, a general partnership as owners, is hereby
34 accepted and approved, and said owners are hereby given the
35 right to plat said EASTGATE INDUSTRIAL PARK as an addition
36 to said City in accordance therewith. Such acceptance and
37 approval are conditioned upon the following:

38 First: That said owners shall at their own cost
39 and expense pay for all labor, material, engineering, and
40 inspections costs in connection with the construction of
41 sidewalks to be constructed in the sidewalk space along the
42 west side of North 57th Street, within the limits of this
43 final plat. The construction of said sidewalks shall be
44 completed not later than March 1, 1981.

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01 Second: That said owners shall at their own cost
02 and expense pay for all labor, material, engineering, and
03 inspection costs in connection with the construction of a
04 system of storm sewerage and drainage to serve said plat.
05 Said system of storm sewerage and drainage shall be constructed
06 as follows:

- 07 a. A 30-inch R.C.P. between Lots 8 and 9 of
08 Block 2 from North 57th Street to the rear
09 lot line of Lots 8 and 9 of Block 2. The
10 outlet of this pipe shall be protected from
11 erosion.
- 12 b. A system of storm sewers in Lot 13 of Block 2
13 when a building permit on Lot 13 is issued.
- 14 c. Low flow lining shall be provided in the
15 channel immediately west of Lot 7 through 12
16 of Block 2. The channel shall have sideslopes
17 of three or more horizontal to one vertical.
- 18 d. The channel shall be graded from the northern
19 limits of this final plat northerly, approximately
20 800 feet, to the point where it discharges
21 into a larger channel.
- 22 e. All channels shall be promptly seeded with
23 reed canary grass after grading is finished.
24 The grass seeding shall be maintained until
25 it is established.

26 The aforesaid system of storm sewerage and drainage
27 shall be designed and constructed in conformance with the
28 official Design Standard for storm sewers of the City of
29 Lincoln adopted by Resolution No. A-63122 on September 20,
30 1976. Construction of said system of storm sewerage and
31 drainage shall be completed not later than March 1, 1979.

32 Third: That said owners shall at their own cost
33 and expense pay for all labor, material, engineering, and
34 inspection costs in connection with the placing of permanent
35 monuments at all corners of all lots and blocks of the final
36 plat of EASTGATE INDUSTRIAL PARK. The above-required lot
37 staking shall be completed prior to the construction on or
38 the conveyance of any lot shown in this final plat.

39 Fourth: That prior to the passage of this ordinance,
40 said owners shall enter into a written agreement with City
41 which shall provide as follows:

01 16 944 a. That said owners, their successors and assigns
02 to those lots which abut Highway No. 77 agree to relinquish
03 direct vehicular access from the individual lots to Highway
04 No. 77. This does not, however, prohibit the use of the
05 existing driveway which serves Lots 9 and 10, Block 1.

06 b. That said owners agree to provide an easement
07 which will allow joint use of the existing driveway to both
08 Lots 9 and 10, Block 1 from Highway No. 77. Said easement
09 shall be reviewed and approved by the City Attorney's Office
10 and filed of record in the Office of the Register of Deeds
11 for Lancaster County.

12 c. That said owners agree that the existing
13 water well shall be abandoned as provided on pages 16 and 17
14 of the Minimum Standards for a Private Water Well in Nebraska,
15 1972.

16 d. That said owners agree that the existing
17 individual sewage system serving the existing building shall
18 be properly abandoned as provided by Section 24.38.080 (d)
19 of the Lincoln Municipal Code.

20 e. That said owners agree that any cut, fill and
21 compaction of land within and, if applicable, adjacent to
22 this final plat shall be accomplished in accordance with the
23 design standards of the City and subject to the approval of
24 the Department of Public Works. To control erosion and
25 sedimentation during and after land preparation, the owners,
26 their successors and assigns shall provide for disturbing
27 only the areas needed for construction; removing only those
28 trees, shrubs and grass that must be removed by construction;
29 installing required sediment basins and diversion dikes
30 before disturbing the land that drains into them; and temporarily
31 stabilizing each segment of graded or otherwise disturbed
32 land by seeding and mulching or by other approved methods.
33 As land preparation is completed, the owners, their successors
34 and assigns shall permanently stabilize each segment with
35 perennial vegetation and structural measures. Diversion
36 dikes and sediment basins shall be leveled after areas that

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01 drain into them are stabilized and permanent vegetation
02 shall be established on those areas. Sediment basins that
03 are to be retained for storm water retention shall be seeded
04 to permanent vegetation no later than nine months after
05 completion of the sediment basins and shall be permanently
06 maintained by said owners, their successors and assigns.

07 f. That said owners agree to have this proposed
08 subdivision included within an assessment district, only at
09 the City's option, or furnish a bond or escrow or security
10 agreement, if the creation of assessment district would not be
11 feasible or desirable, to guarantee construction of the
12 street improvement, including the grading, paving, and
13 installation of curb and gutter; installation of public
14 water mains and fire hydrants; public sanitary sewers and
15 manholes; and public ornamental street lights, all in accordance
16 with the design standards approved by the City of Lincoln
17 and as recommended by the Public Works Department and as
18 shown on the approved preliminary plat.

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

22 a. A bond in the sum of \$7,500.00 conditioned
23 upon the strict compliance by said owners with the conditions
24 contained in paragraph designated "First" of the next preceding
25 section of this ordinance;

26 b. A bond in the sum of \$15,000 conditioned upon
27 the strict compliance by said owners with the conditions
28 contained in paragraph designated "Second" of the next
29 preceding section of this ordinance; and

30 c. A bond in the amount of \$1,500.00 conditioned
31 upon the strict compliance by said owners with the conditions
32 contained in paragraph designated "Third" of the next preceding
33 section of this ordinance.


34 The bonds required above shall be subject to
35 approval by the City Attorney. In the event that said owners
36 or their surety shall fail to satisfy the conditions herein

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01 set forth within the time specified in this ordinance, the
02 City Council may order the required work to be performed by
03 the City and recover the cost thereof from said owners and their
04 surety. Such work shall be performed in the manner set forth
05 in Title 26 of the Lincoln Municipal Code known as the Land
06 Subdivision Ordinance as now existing or as may hereafter be
07 amended.

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

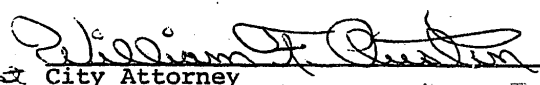
14 Section 4. That this ordinance shall take
15 effect and be in force from and after its passage and publication
16 according to law.

17 Introduced by:



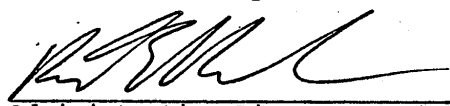
Approved as to Form and Legality:

AYES: Bailey, Baker, Denney,
Jeambey, Robinson, Sikyta;
NAYS: None; ABSENT: Cook



City Attorney

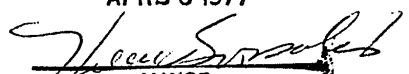
Staff Review Completed:



Administrative Director

APPROVED

APR 26 1977



MAYOR

PASSED

APR 18 1977

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 TOM WHITE and KAREN WHITE; husband and wife, ALLEN DAYTON, VIRGINIA RELLER, MEGA I PARTNERSHIP, a limited partnership and THE MEGA CORPORATION, partner, a general partnership, 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; 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, it is agreed by and between Subdivider and City as follows:

1. That Subdivider, its successors and assigns to those lots which abut Highway No. 77 agree to relinquish direct vehicular access from the individual lots to Highway No. 77. This does not, however, prohibit the use of the existing driveway which serves Lots 9 and 10, Block 1.
2. That Subdivider agrees to provide an easement which will allow joint use of the existing driveway to both Lots 9 and 10, Block 1 from Highway No. 77. Said easement shall be reviewed and approved by the City Attorney's Office and filed of record in the Office of the Register of Deeds for Lancaster County.
3. That Subdivider agrees that the existing water well shall be abandoned as provided on pages 16 and 17 of the Minimum Standards for a Private Water Well in Nebraska, 1972.
4. That Subdivider agrees that the existing individual sewage system serving the existing building shall be properly abandoned as provided by Section 24.38.080 (d) of the Lincoln Municipal Code.
5. That Subdivider agrees that any cut, fill and compaction of land within and, if applicable, adjacent to this final plat shall be accomplished in accordance with the design standards of the City and subject to the approval of the Department of Public Works. To control erosion and sedimentation during and after land preparation, the Subdivider, its successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grass 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 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 retention shall be seeded to permanent vegetation no later than nine months after completion of the sediment basins and shall be permanently maintained by Subdivider, its successors and assigns.

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6. That Subdivider agrees to have this proposed subdivision included within an assessment district, only at the City's option, or furnish a bond or escrow or security agreement, if the creation of an assessment district would not be feasible or desirable, to guarantee construction of the street improvement, including the grading, paving, and installation of curb and gutter; installation of public water mains and fire hydrants; public sanitary sewers and manholes; and public ornamental street lights, all in accordance with the design standards approved by the City of Lincoln and as recommended by the Public Works Department and as shown on the approved preliminary plat.

7. That the covenants and agreements contained herein shall run with the land in said plat and shall be binding and obligatory upon the heirs, successors, and assigns of Subdivider to all or any part of the real estate in said plat.

Dated this 18 day of April, 1977.

Tom White
Tom White

Karen White
Karen White

Allen Dayton
Allen Dayton

Virginia Reller
Virginia Reller

Quanita A. Zartman
witness

MEGA I PARTNERSHIP, a
limited partnership

THE MEGA CORPORATION, partner
a general partnership

Donald W. Linscott
President

Donald W. Linscott
President

Quanita A. Zartman
witness

ATTEST: ()

CITY OF LINCOLN, NEBRASKA

M. E. Spieker
City Clerk

John Brasel
Mayor

Approved as to Form and Legality:

Charles M. Humble
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. 11953, AGREEMENT, AND PLAT

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held APRIL 18, 1977

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 3rd day of May, 19 77.

INDEXED *7 1/2 - 21*
MICRO-FILED *sure*
GENERAL

LANCASTER COUNTY N.B.R.
Ronald St. Langness
REGISTER OF DEEDS

1977 MAY -3 AM 8:43

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 77-10344
27

Paul A. Malzer
Deputy City Clerk
25

Paul A. Malzer
25