

ORDINANCE NO. 14281

01 AN ORDINANCE accepting and approving the plat designated  
02 as CAPITOL BEACH WEST ADDITION as an addition to 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, the Nebraska Department of Banking and Finance,  
08 receiver of Commonwealth Savings Company, Capitol Beach, Inc., Lake  
09 Management, Inc., and First National Bank & Trust Company, National  
10 Bank of Commerce, and State Securities Savings Company, by Perry R.  
11 Myers, Trustee, owners of a tract of land legally described as:

12 A subdivision of Lots 72 and 73 in Section 15-10-6, Lots  
13 61, 62, 65, and part of Lots 60, 63, and 64, in Section  
14 16-10-6, Lots 89, 90, and 91, and part of Lot 88, in  
15 Section 21-10-6, all in the City of Lincoln, Lancaster  
16 County, Nebraska, and described as follows:

17 Beginning at the northernmost corner of Lot 44, Block 1,  
18 Capitol Beach Manor 2nd Addition to the City of Lincoln,  
19 Nebraska and extending thence south 47 degrees 41 minutes  
20 02 seconds east, a distance of 90.0 feet along the north-  
21 east line of said Lot 44 to the easternmost corner of said  
22 Lot 44; thence north 53 degrees 16 minutes 00 seconds east,  
23 a distance of 79.37 feet; thence north 70 degrees 27 minutes  
24 00 seconds east, a distance of 59.85 feet; thence north 30  
25 degrees 16 minutes 00 seconds east, a distance of 23.20  
26 feet; thence north 13 degrees 56 minutes 50 seconds east,  
27 a distance of 119.0 feet; thence north 18 degrees 59 minutes  
28 20 seconds east, a distance of 160.06 feet; thence north 2  
29 degrees 57 minutes 00 seconds east, a distance of 128.48  
30 feet; thence north 26 degrees 48 minutes 00 seconds east,  
31 a distance of 64.93 feet; thence north 25 degrees 36 minutes  
32 02 seconds east, a distance of 204.79 feet; thence south  
33 65 degrees 15 minutes 58 seconds east, a distance of 25.00  
34 feet; thence north 25 degrees 36 minutes 02 seconds east,  
35 a distance of 111.29 feet; thence north 64 degrees 55 min-  
36 utes 58 seconds west, a distance of 25.00 feet; thence  
37 north 25 degrees 36 minutes 02 seconds east, a distance of  
38 120.15 feet; thence south 64 degrees 23 minutes 58 seconds  
39 east, a distance of 18.30 feet; thence north 25 degrees 36  
40 minutes 02 seconds east, a distance of 298.98 feet; thence  
41 north 64 degrees 55 minutes 58 seconds west, a distance of  
42 18.30 feet; thence north 25 degrees 36 minutes 02 seconds  
43 east, a distance of 1380.12 feet; thence south 63 degrees  
44 59 minutes 58 seconds east, a distance of 16.83 feet; thence  
45 north 25 degrees 36 minutes 02 seconds east, a distance of  
46 60.39 feet; thence north 64 degrees 11 minutes 58 seconds  
47 west, a distance of 16.83 feet; thence north 25 degrees 36  
48 minutes 02 seconds east, a distance of 419.19 feet; thence  
49 north 28 degrees 32 minutes 29 seconds east, a distance  
50 of 56.67 feet; thence north 25 degrees 11 minutes 27 seconds  
51 east, a distance of 50.53 feet; thence south 70 degrees 27  
52 minutes 34 seconds east, a distance of 93.81 feet; thence  
53 south 32 degrees 05 minutes 01 second east, a distance of

01 97.38 feet; thence south 67 degrees 33 minutes 14 seconds  
02 east, a distance of 74.39 feet; thence south 89 degrees  
03 40 minutes 04 seconds east, a distance of 21.40 feet;  
04 thence north 73 degrees 54 minutes 26 seconds east, a dis-  
05 tance of 235.48 feet; thence north 72 degrees 31 minutes  
06 23 seconds east, a distance of 80.07 feet; thence north  
07 54 degrees 47 minutes 07 seconds east, a distance of 83.52  
08 feet; thence north 23 degrees 57 minutes 05 seconds east,  
09 a distance of 40.80 feet; thence north 10 degrees 35 minutes  
10 40 seconds west, a distance of 80.61 feet; thence north 23  
11 degrees 28 minutes 09 seconds west, a distance of 87.77  
12 feet; thence north 39 degrees 41 minutes 11 seconds west,  
13 a distance of 94.44 feet; thence north 74 degrees 37 minutes  
14 51 seconds west, a distance of 250.44 feet; thence north  
15 42 degrees 34 minutes 03 seconds west, a distance of 54.96  
16 feet; thence north 07 degrees 01 minute 47 seconds east, a  
17 distance of 60.01 feet; thence north 19 degrees 47 minutes  
18 25 seconds east, a distance of 54.75 feet; thence north  
19 61 degrees 18 minutes 05 seconds east, a distance of 37.91  
20 feet; thence south 79 degrees 10 minutes 09 seconds east, a  
21 distance of 241.74 feet; thence south 76 degrees 09 minutes  
22 19 seconds east, a distance of 261.56 feet; thence south 15  
23 degrees 57 minutes 49 seconds east, a distance of 92.92 feet;  
24 thence south 02 degrees 58 minutes 50 seconds west, a dis-  
25 tance of 50.13 feet; thence south 41 degrees 32 minutes 21  
26 seconds east, a distance of 90.44 feet; thence south 84  
27 degrees 09 minutes 37 seconds east, a distance of 110.21  
28 feet; thence north 74 degrees 28 minutes 04 seconds east, a  
29 distance of 123.28 feet; thence north 65 degrees 04 minutes  
30 55 seconds east, a distance of 97.63 feet; thence north 68  
31 degrees 22 minutes 07 seconds east, a distance of 100.08  
32 feet; thence north 74 degrees 32 minutes 59 seconds east,  
33 a distance of 63.88 feet; thence south 85 degrees 20 minutes  
34 50 seconds east, a distance of 150.41 feet; thence north 86  
35 degrees 14 minutes 21 seconds east, a distance of 161.81  
36 feet; thence south 65 degrees 18 minutes 43 seconds east, a  
37 distance of 45.86 feet; thence south 82 degrees 00 minutes  
38 20 seconds east, a distance of 155.10 feet; thence south  
39 84 degrees 17 minutes 13 seconds east, a distance of 276.04  
40 feet; thence south 89 degrees 25 minutes 53 seconds east, a  
41 distance of 285.28 feet; thence north 03 degrees 35 minutes  
42 21 seconds west, a distance of 335.12 feet to the centerline  
43 of Oak Creek; thence north 84 degrees 01 minute 01 second  
44 west, a distance of 1502.11 feet along said centerline to  
45 the point of curvature of a circular curve to the right  
46 having a central angle of 13 degrees 06 minutes 50 seconds,  
47 a radius of 1909.86 feet and a tangent length of 219.52  
48 feet; thence along the arc of said circular curve, 437.13  
49 feet, to the point of tangency; thence north 70 degrees 54  
50 minutes 11 seconds west, a distance of 181.21 feet; thence  
51 north 01 degree 57 minutes 58 seconds west, a distance of  
52 329.70 feet to the easterly right-of-way line of Interstate  
53 Highway 80; thence south 25 degrees 36 minutes 02 seconds  
54 west, a distance of 4,432.06 feet along said right-of-way  
55 line; thence south 64 degrees 23 minutes 58 seconds east,  
56 a distance of 198.05 feet to the point of curvature of a  
57 circular curve to the right having a central angle of 16  
58 degrees 45 minutes 21 seconds, a radius of 154.15 feet;  
59 a tangent length of 22.70 feet; and whose long chord bears  
60 south 33 degrees 58 minutes 43 seconds west; thence along  
61 the arc of said circular curve 45.08 feet to the point of  
62 beginning, containing 50.09 acres, more or less,

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

67 WHEREAS, it is for the convenience of the inhabitants of

01 said City and for the public that said plat be approved and accepted  
02 as filed.

03 NOW, THEREFORE, BE IT ORDAINED by the City Council of the  
04 City of Lincoln, Nebraska:

05 Section 1. That the plat of CAPITOL BEACH WEST ADDITION  
06 as an addition to the City of Lincoln, Nebraska, filed in the  
07 office of the Planning Department of said City by the Nebraska  
08 Department of Banking and Finance, receiver of Commonwealth Savings  
09 Company, Capitol Beach, Inc., Lake Management, Inc., and First  
10 National Bank & Trust Company, National Bank of Commerce, and State  
11 Securities Savings Company, by Perry R. Myers, Trustee, as owners  
12 is hereby accepted and approved, and said owners are given the  
13 right to plat said CAPITOL BEACH WEST ADDITION as an addition to  
14 said City in accordance therewith. Such acceptance and approval  
15 are conditioned upon the following:

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

19 The owners, their successors and assigns agree:

- 20 a. To pay all improvement costs.
- 21 b. To develop the outlots in accordance with the approved  
22 community unit plan and to maintain the outlots including the land-  
23 scaping, the private roadway signs, and the private roadways on a  
24 permanent and continuous basis. The maintenance obligation may be  
25 passed to others upon creating in writing a permanent and continuous  
26 association of property owners who would be responsible for this  
27 permanent and continuous maintenance. This document shall be  
28 approved by the City Attorney and be recorded with the Register of  
29 Deeds.
- 30 c. To protect the remaining trees on the site during  
31 construction and development.
- 32 d. To file a public access easement over Lot 92, Irregular  
33 Tract, in the Register of Deeds Office at the time or prior to the  
34 filing of this final plat.
- 35 e. To notify prospective purchasers that the property  
36 is located in Airport Environs District #1 and to disclose to the  
37 purchaser the airport noise and over flight impact. The covenant,

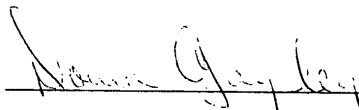
01 notice, and acknowledgement is to conform to the provisions in the  
02 model covenant, a copy of which is available at the Lincoln Airport  
03 Authority Executive Director's Office and the Lincoln City Clerk's  
04 Office.

05 f. Any enlargement, extension, conversion, reconstruction,  
06 or structural alteration to an existing building or any new con-  
07 struction is to conform to the Airport Environs District regulations  
08 (Chapter 27.58 of the Lincoln Municipal Code) and the flood plain  
09 district regulations (Chapter 27.55 of the Lincoln Municipal Code).

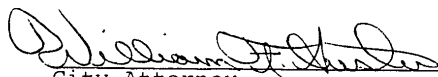
10 Section 3. Immediately upon the taking effect of this  
11 ordinance, the City shall cause the final plat and a certified copy  
12 of this ordinance together with the written agreement required  
13 herein to be filed in the office of the Register of Deeds of Lancaster  
14 County, Nebraska. Filing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

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

Introduced by:

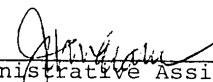
  
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Approved as to Form and Legality: AYES: Ahlschwede, Danley, Gayley,  
Hampton, Hoffman, Johnson,  
Shackelford;  
NAYS: None.

  
\_\_\_\_\_  
City Attorney

Staff Review Completed:

APPROVED

  
\_\_\_\_\_  
Administrative Assistant

NOV 19 1985 11:25 AM

5  
1:00 pm

  
\_\_\_\_\_  
MAYOR

PASSED

NOV 12 1985

BY CITY COUNCIL

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between the NEBRASKA DEPARTMENT OF BANKING AND FINANCE, receiver of Commonwealth Savings Company, and FIRST NATIONAL BANK & TRUST COMPANY, NATIONAL BANK OF COMMERCE, and STATE SECURITIES SAVINGS COMPANY, by PERRY R. MYERS, TRUSTEE, 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 CAPITOL BEACH WEST 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 CAPITOL BEACH WEST ADDITION, it is agreed by and between Subdivider and City as follows:

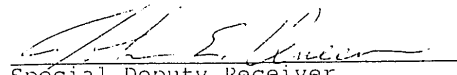
1. The Subdivider agrees to pay all improvement costs.
2. The Subdivider agrees to develop the outlots, including landscaping, the private roadway signs, and the private roadways on a permanent and continuous basis. The maintenance obligation may be passed to others upon creating in writing a permanent and continuous association of property owners who would be responsible for this permanent and continuous maintenance. This document shall be approved by the City Attorney and be recorded with the Register of Deeds.
3. The Subdivider agrees to protect the remaining trees on the site during construction and development.
4. The Subdivider agrees to file a public access easement over Lot 92, Irregular Tract, in the Register of Deeds Office at the time or prior to the filing of this final plat.
5. The Subdivider agrees to notify prospective purchasers that the property is located in Airport Environs District #1 and to disclose to the purchaser the airport noise and over flight impact. The covenant, notice, and acknowledgement is to conform to the provisions in the model covenant, a copy of which is available at the Lincoln Airport Authority Executive Director's Office and the Lincoln City Clerk's Office.
6. The Subdivider agrees that any enlargement, extension, conversion, reconstruction, or structural alteration to an existing building or any new construction is to conform to the Airport Environs District regulations (Chapter 27.58 of the Lincoln Municipal Code) and the flood plain district regulations (Chapter 27.55 of the Lincoln Municipal Code).
7. That the agreements contained herein shall be binding and obligatory upon the heirs, successors, and assigns of Subdivider.

Dated this 24 day of OCTOBER, 1985.

ATTEST:

NEBRASKA DEPARTMENT OF BANKING  
AND FINANCE, RECEIVER OF COMMON-  
WEALTH SAVINGS COMPANY,

  
Witness

  
Special Deputy Receiver

ATTEST:

FIRST NATIONAL BANK & TRUST CO.  
OF LINCOLN, NATIONAL BANK OF  
COMMERCE, AND STATE SECURITIES  
SAVINGS COMPANY,

Juice E. Berry  
Witness

Curry A. Myers  
Trustee

ATTEST:

CITY OF LINCOLN, NEBRASKA,  
a municipal corporation

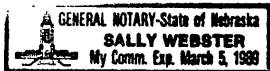
Paul A. Mufus  
City Clerk

[Signature]  
Mayor

STATE OF NEBRASKA )  
  ) ss:  
COUNTY OF LANCASTER )

On this 24 day of October, 1985, before me, the undersigned, a Notary Public, personally came John E. Queen to me known to be the Special Deputy Receiver for the Nebraska Department of Banking and Finance, receiver of Commonwealth Saving Company, and whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed as such officer and the voluntary act and deed of said State agency.

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

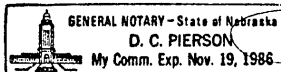


Sally Webster  
Notary Public

STATE OF NEBRASKA )  
  ) ss:  
COUNTY OF LANCASTER )

On this 24 day of OCTOBER, 1985, before me, the undersigned, a Notary Public, personally came Perry R. Myers, Trustee for First National Bank and Trust Company, National Bank of Commerce, and State Securities Savings Company, and whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said corporation.

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

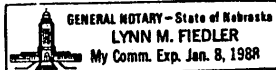


[Signature]  
Notary Public

STATE OF NEBRASKA )  
  ) ss:  
COUNTY OF LANCASTER )

On this 19TH day of NOVEMBER, 1985, before me, the undersigned, a Notary Public, personally came Roland A. Luedtke, 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 his voluntary act and deed and the voluntary act and deed of said City.

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



Lynn M. Fiedler  
Notary Public

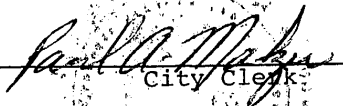
Approved as to Form and Legality:

[Signature]  
City Attorney

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. 14261 accepting and approving the plat of Capitol Beach West 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 November 12, 1985, 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 4th day of December, 1985.

  
\_\_\_\_\_  
City Clerk



6-734 + 702  
612-668  
misc

INDEXED  
MICRO-FILED  
GENERAL

LANDAUER COUNTY CENTER

*San Julo*  
REGISTER OF DEEDS

1985 DEC -4 AM 10:20

FILED IN RE...

INST. NO. 85 32500

*City Clerk*  
50  
#36