

ORDINANCE NO. 10751

AN ORDINANCE accepting and approving the plat designated as BUCKINGHAM SOUTH ADDITION, as an addition within the City of Lincoln, Nebraska, filed in the office of the Planning Department of the City of Lincoln, Nebraska, upon certain conditions herein specified and providing for sureties conditioned upon the strict compliance with such conditions.

WHEREAS, Midwest Mobile Home Communities, Inc., a corporation, owner of a replat of Lots 1 through 12, and 19 through 22, inclusive, including vacated Donaldson Street and a part of vacated Hawthorne Street and Lee Street in South Addition to College View, a platted and recorded subdivision in Lincoln, Lancaster County, Nebraska, and also a part of the Southwest Quarter of the Northeast Quarter of Section 17, Township 9 North, Range 7 East of the 6th Principal Meridian, Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the north quarter corner of Section 17, Township 9 North, Range 7 East of the Sixth Principal Meridian, thence easterly along the north line of said Section 17 a distance of 1,312.19 feet more or less to the north sixteenth corner of the Northeast Quarter of said section; thence southerly along a straight line making an angle of $89^{\circ}43'22''$ to the right from the last above described course a distance of 33.00 feet to a point of beginning on the southerly right of way line of Old Cheney Road. From the point of beginning thence southerly along the last described course and the east line of the West Half of the Northeast Quarter of said Section 17 a distance of 1,794.02 feet more or less; thence southwesterly along a straight line making an angle of $36^{\circ}58'59''$ to the right from the last described course a distance of 397.43 feet; thence northwesterly along a straight line making an angle of $99^{\circ}15'10''$ to the right from the last above described course a distance of 235.51 feet to a point intersecting a 720.00 feet radius curve; thence northeasterly along the above said 720.00 feet radius curve to the left a distance of 59.45 feet, said

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curve having a chord along a straight line making an angle of 87°38'05" to the right from the last above described course, a distance of 59.43 feet; thence northwesterly along a straight line making an angle of 74°43'09" to the left from the chord of the last described curve a distance of 622.51 feet; thence northerly along a straight line making an angle of 30°50'55" to the right from the last above described course a distance of 375.00 feet; thence easterly along a straight line making an angle of 90°00'00" to the right from the last above described course a distance of 10.00 feet; thence northerly along a straight line making an angle of 90°00'00" to the left from the last above described course a distance of 170.03 feet to a point on the south line of Lot 13 of said South Addition to College View; thence easterly along a straight line at an angle of 90°07'27" to the right from the last above described course a distance of 13.25 feet more or less to a point, said point being the southeast corner of said Lot 13; thence northerly along a straight line making an angle of 90°04'48" to the left from the last above described course, said line being the west line of the East Half of the Northwest Quarter of the Northeast Quarter of said Section 17, a distance of 822.29 feet more or less; to a point on the southerly right of way of Old Cheney Road; thence easterly along a straight line and the southerly right of way of Old Cheney Road making an angle of 90°13'59" to the right from the last above described course a distance of 656.12 feet more or less to the point of beginning, has filed said plat in the office of the Planning Department of the City of Lincoln, Nebraska, with a request for approval and acceptance thereof, in the manner and form as by ordinance required; and

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

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

Section 1. That the plat of Buckingham South Addition, as an addition within the City of Lincoln, Nebraska, filed in the

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office of the Planning Department of the City of Lincoln, Nebraska, by Midwest Mobile Home Communities, Inc., a corporation, as owner, be and it hereby is accepted and approved, and the said owner be and it hereby is given the right to plat said Buckingham South Addition, as an addition within the City of Lincoln, Nebraska, in accordance therewith. Such acceptance and approval are conditioned upon the following conditions:

First: That the owner above set forth shall at its own cost and expense pay for all labor, material, engineering and inspection costs in connection with bringing all the streets and public ways within said plat to such grades as shall be officially established, in writing, by the Director of Public Works and maintained with the official records of the Department of Public Works of the City of Lincoln, Nebraska.

Second: That the owner above set forth shall at its own cost and expense pay for all labor, material, engineering and inspection costs in connection with the construction of sidewalks to be constructed in the sidewalk space along both sides of all interior streets included within said plat and along the south side of Old Cheney Road adjacent to this plat. The construction of said sidewalks shall be completed not later than May 1, 1977.

Third: That the owner above set forth 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 all public streets within said plat, except along the south side of Old Cheney Road adjacent to said plat, all of which construction shall be equivalent to standards and specifications for residential street lighting for the City of Lincoln. As an alternative, the above named owner may petition the City for the creation of an ornamental street lighting district to accomplish the construction of said ornamental street lighting system. The construction of said ornamental street lighting system shall be completed not later than May 1, 1975.

Fourth: That the owner above set forth shall at its own cost and expense pay for all labor, material, engineering and inspection costs in connection with the construction of a system

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of storm sewerage and drainage to serve said plat. Said system of storm sewerage and drainage shall be constructed as follows:

- (a) Pipe storm sewer in Old Cheney Road from the east side of South 50th Street to the westerly limits of the plat.
- (b) Pipe storm sewer in Old Cheney Road from the west side of Queens Drive to the easterly limits of the plat.
- (c) Pipe storm sewer in Queens Drive from Old Cheney Road south approximately 200 feet.
- (d) Pipe storm sewer outlet in Queens Drive approximately 300 feet north of Prince Road.
- (e) Paved channel lining from the aforesaid outlet across Block 2 to near the intersection of Duxhall Drive and South 50th Street.
- (f) Pipe storm sewer from the aforesaid paved channel lining to the intersection of South 50th Street and Duxhall Drive.
- (g) Pipe storm sewer in South 50th Street from Duxhall Drive to approximately 100 feet north.
- (h) Pipe storm sewer in Duxhall Drive from South 50th Street to the westerly limits of the plat.
- (i) Pipe storm sewer in Duxhall Drive projected westerly approximately 150 feet, thence northerly from Duxhall Drive approximately 150 feet.
- (j) Paved channel lining through Outlot C in Block 5 from approximately 150 feet west of Queens Drive to Duxhall Drive.

The aforesaid system of storm sewerage and drainage shall be designed and constructed in conformance with "Storm Sewer Design Criteria" published by the Department of Public Works for the City of Lincoln in January, 1970, and filed in the office of the City Engineer. Construction of said system of storm sewerage and drainage shall be completed not later than May 1, 1975.

Fifth: That the owner above set forth shall at its own cost and expense pay for all labor, material, engineering and inspection costs in connection with the placing of permanent monuments at all corners of all lots, streets, avenues, angle points and ends of all curves of the final plat of Buckingham South Addition. The above required lot staking shall be completed

not later than May 1, 1975.

Sixth: That prior to the effective date of this ordinance, the above named owner shall enter into a written agreement with the City of Lincoln which shall provide that the above named owner shall provide for the maintenance of all common open areas including landscaping, recreational facilities, swimming pool and common parking areas, all of which maintenance shall be performed on a permanent and continuing basis by said owner; provided, however, that said owner may be relieved and discharged from such maintenance obligations upon the creation in writing of a permanent and continuing agency of property owners within said plat, which agency shall assume such maintenance obligations. The instrument creating any such permanent and continuing agency shall have no force and effect until the same shall have been approved by the City Attorney.

Section 2. That the owner above set forth shall, prior to final passage of this ordinance, execute and deliver to the City of Lincoln:

(a) a bond in the sum of \$26,900.00 conditioned upon the strict compliance by the above named owner with the conditions contained in paragraph designated "Second" of the next preceding section of this ordinance;

(b) a bond in the sum of \$12,500.00 conditioned upon the strict compliance by the above named owner with the conditions contained in paragraph designated "Third" of the next preceding section of this ordinance;

(c) a bond in the sum of \$30,600.00 conditioned upon the strict compliance by the above named owner with the conditions contained in paragraph designated "Fourth" of the next preceding section of this ordinance;

(d) a bond in the sum of \$3,500.00 conditioned upon the strict compliance by the above named owner with the conditions contained in paragraph designated "Fifth" of the next preceding section of this ordinance;

(e) the bonds required above shall be subject to the approval of the City of Lincoln, Nebraska, and shall be further

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conditioned that in the event the above named owner fails to comply with the conditions herein set forth within the time specified in this ordinance, the City Council shall proceed to fulfill said conditions, the cost thereof, to be paid by the surety. Such work shall be performed in the manner set forth in Title 26 of the Lincoln Municipal Code, known as the Land Subdivision Ordinance, as now existing or as may hereafter be amended.

Section 3. Immediately upon the taking effect of this ordinance, the owner shall file a certified copy of this ordinance, together with the written agreement required herein in the office of the Register of Deeds of Lancaster County, Nebraska.

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

Introduced by

Maria Mitala

Approved as to Form:

Richard R. Wood
City Attorney

ADOPTED

APR 16 1973

By City Council

APPROVED

APR 24 1973

Sam Williams
MAYOR

C E R T I F I C A T E

STATE OF NEBRASKA)
)
COURTY OF LANCASTER) SS.
)
CITY OF LINCOLN)

I, Harold W. Springer, 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. 10751 and Agreement

as passed and approved by the City Council of the City of Lincoln, Ne-
braska, this April 16, 1973

and no objection appears of record on my said office, and in testimony
whereof remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand and official
seal at the seat of the City of Lincoln, Nebraska, this 2nd

May 1973



Harold W. Springer

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LANCASTER COUNTY NEBR.
Harold W. Springer
REGISTER OF DEEDS
1973 MAY -2 PM 12:00
ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:
INST. NO. 73- 8225

2350
Hilb Hall