

24398

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ORDINANCE NO. 11790

01 AN ORDINANCE accepting and approving the plat designated
 02 as BUCKINGHAM SOUTH 2ND ADDITION as an addition to the City
 03 of Lincoln, Nebraska, filed in the office of the Planning Department
 04 of the City of Lincoln, Nebraska, upon certain conditions herein
 05 specified and providing for sureties conditioned upon the strict
 06 compliance with such conditions.

07 WHEREAS, BUCKINGHAM DEVELOPMENT COMPANY, a Nebraska corporation,
 08 owner of a tract of land legally described as:

09 All of Lots 14 through 18 of the remaining portion
 10 of the south addition to College View, the remaining
 11 portion of Lee and Hawthorne Streets of said
 12 subdivision; all of Outlot "C", Block 2 of Buckingham
 13 South First Addition; and a part of Lot 33 Irregular
 14 Tract; all in the Northeast Quarter of Section
 15 17, Township 9 North, Range 7 East of the Sixth
 16 Principal Meridian, Lincoln, Lancaster County,
 17 Nebraska, more particularly described as follows:
 18 Beginning at the southwest corner of the Northeast
 19 Quarter of said Section 17; thence north along
 20 the west line of said Northeast Quarter, a distance
 21 of 1779.95 feet; thence right 90 degrees 01
 22 minutes 55 seconds from the last described course,
 23 a distance of 643.87 feet; thence right 89 degrees
 24 52 minutes 33 seconds from the last described
 25 course, a distance of 170.03 feet; thence right
 26 90 degrees 00 minutes 01 seconds from the last
 27 described course, a distance of 10.00 feet;
 28 thence left 90 degrees 00 minutes 01 seconds
 29 from the last described course, a distance of
 30 375.00 feet; thence left 30 degrees 50 minutes
 31 55 seconds from the last described course, a
 32 distance of 226.57 feet; thence left 110 degrees
 33 48 minutes 57 seconds from the last described
 34 course, a distance of 53.02 feet; thence right
 35 75 degrees 59 minutes 11 seconds from the last
 36 described course, a distance of 76.64 feet;
 37 thence left 03 degrees 14 minutes 55 seconds
 38 from the last described course, a distance of
 39 75.24 feet; thence right 28 degrees 41 minutes
 40 04 seconds from the last described course, a
 41 distance of 69.11 feet; thence right 66 degrees
 42 12 minutes 26 seconds from the last described
 43 course, a distance of 173.32 feet; thence left
 44 78 degrees 45 minutes 27 seconds from the last
 45 described course, a distance of 120.00 feet;
 46 thence right 90 degrees 00 minutes 00 seconds
 47 to the initial tangent of a circular curve whose
 48 central angle is 09 degrees 01 minutes 42 seconds
 49 and whose radius is 720.00 feet; thence along
 50 said circular curve an arc distance of 113.45
 51 feet; thence left 90 degrees 00 minutes 00 seconds
 52 from the final tangent of said circular curve,
 53 a distance of 235.51 feet; thence right 39 degrees
 54 20 minutes 19 seconds from the last described

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course, a distance of 247.30 feet; thence left 45 degrees 43 minutes 34 seconds from the last described course, a distance of 200.00 feet; thence right 89 degrees 57 minutes 28 seconds from the last described course, a distance of 105.00 feet; thence left 89 degrees 57 minutes 28 seconds from the last described course, a distance of 110.00 feet to a point on the south line of the Northeast Quarter of said Section 17; thence left 89 degrees 57 minutes 28 seconds along said south line, a distance of 796.87 feet to the point of beginning; containing a calculated area of 33.385 acres, more or less

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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

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

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

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Section 1. That the plat of BUCKINGHAM SOUTH 2ND ADDITION, as an addition to the City of Lincoln, Nebraska, filed in the office of the Planning Department of said City by BUCKINGHAM DEVELOPMENT COMPANY, as owner, is hereby accepted and approved, and said owner is hereby given the right to plat said BUCKINGHAM SOUTH 2ND ADDITION as an addition to said City in accordance therewith. Such acceptance and approval are conditioned upon the following:

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FIRST: That said owner 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 streets within this subdivision. The construction of said sidewalks shall be completed not later than July 1, 1980.

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SECOND: That said owner shall at its own cost and expense pay for all labor, material, engineering, and inspection costs in connection with the construction of private roadways and parking areas in Outlot "C". The construction of said private roadways and parking areas shall be completed prior to the issuance of occupancy permits to Lots 1, 2, 3, and 4, Block 7.

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

06 a. An 18-inch R.C.P. in London Road and South 48th Street from
07 the lot line extended of Lots 26 and 27 of Block 3 to Chiswick
08 Drive.

09 b. A 24-inch R.C.P. in South 48th Street from Chiswick Drive
10 north 210 feet.

11 c. A 30-inch R.C.P. from the north end of the 24-inch R.C.P.
12 described in "b" above to Duxhall Drive, thence in Duxhall Drive to the
13 west limits of the plat.

14 d. A 15-Inch R.C.P. between Lots 12 and 13 of Block 5 from
15 Chelsea Court to an open channel in Buckingham South First Addition.

16 e. A 36-inch R.C.P. in Duxhall Drive from the east limits of
17 the plat to Princess Margaret Drive, thence north in Princess
18 Margaret Drive to the north limits of the plat.

19 f. A 15-inch R.C.P. in Princess Margaret Drive from Duxhall
20 Drive south 230 feet.

21 The aforesaid system of storm sewerage and drainage shall
22 be designed and constructed in conformance with "Storm Sewer Design
23 Criteria" published by the Department of Public Works for the City
24 of Lincoln in June, 1974, filed in the office of the City Engineer.
25 Construction of said system of storm sewerage and drainage shall be
26 completed not later than July 1, 1978.

27 FOURTH: That said owner shall at its own cost and expense
28 pay for all labor, material, and related costs in connection with
29 the construction of the landscape plan in Outlot "C". Said construction
30 shall be completed within two planting seasons following the issuance
31 of occupancy permits to 60 percent of the total number of dwelling
32 units located within Lots 1, 2, 3, and 4, Block 7.

33 FIFTH: That said owner shall at its own cost and expense
34 pay for all labor, material, engineering, and inspection costs in
35 connection with the construction of a private ornamental street
36 lighting system along the private roadways of Outlot "C". Said
37 construction shall be completed prior to the issuance of
38 occupancy permits to Lots 1, 2, 3, and 4, Block 7.

July 11/6

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SIXTH: That said owner shall at its own cost and expense pay for all labor, material, and related costs in connection with the construction of the recreational facilities in this subdivision. Said construction shall be completed prior to the issuance of occupancy permits to 60 percent of the dwelling units in Lots 1, 2, 3, and 4, Block 7.

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

(a) That said owner shall develop all of the outlots with trees, shrubs and grasses and agrees to maintain the common open areas designated as outlots, including the trees, shrubs and grasses, the recreational facilities, the private roadways and parking areas, private sanitary sewers, private ornamental street lights, and the concrete ditch liners, on a permanent and continuous basis. However, the owner may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The document creating said property owners association will have no force and effect until it has been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

(b) That said owner agrees that any cut, fill and compaction of land within and adjacent to this subdivision shall be accomplished to control erosion and sedimentation during and after land preparation by 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. The ground, as land preparation is completed, shall be permanently stabilized with perennial vegetation and structural measures, diversion dikes and sediment basins leveled and perennial vegetation established on those areas subject to the approval of the Department of Public Works.

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01 (c) That said owner agrees to have this proposed subdivision
02 included within an assessment district, only at the City's option,
03 or furnish a bond or escrow or security agreement, if the creation
04 of an assessment district would not be feasible or desirable to
05 guarantee construction of the public street improvements including
06 grading, paving and installation of curb and gutter, and the
07 installation of public water mains and fire hydrants, public
08 sanitary sewers and public ornamental street lights.

09 (d) That said owner agrees to bring the streets to the
10 grade as established by the Director of Public Works and on file
11 with the Department of Public Works at his own cost and expense.

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

14 a. A bond in the sum of \$47,400.00 conditioned upon the
15 strict compliance by said owner with the conditions contained
16 in paragraph designated "FIRST" of the next preceding section
17 of this ordinance;

18 b. A bond in the sum of \$12,000.00 conditioned upon the
19 strict compliance by said owner with the conditions contained
20 in paragraph designated "SECOND" of the next preceding section
21 of this ordinance;

22 c. A bond in the sum of \$40,000.00 conditioned upon
23 the strict compliance by said owner with the conditions contained
24 in paragraph designated "THIRD" of the next preceding section
25 of this ordinance;

26 d. A bond in the sum of \$1,555.00 conditioned upon the
27 strict compliance by said owner with the conditions contained
28 in paragraph designated "FOURTH" of the next preceding section
29 of this ordinance;

30 e. A bond in the sum of \$1,800.00 conditioned upon the
31 strict compliance by said owner with the conditions contained
32 in paragraph designated "FIFTH" of the next preceding section
33 of this ordinance;

34 f. A bond in the sum of \$3,200.00 conditioned upon the
35 strict compliance by said owner with the conditions contained
36 in paragraph designated "SIXTH" of the next preceding section
37 of this ordinance;

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The bonds required above shall be subject to approval by the City Attorney. In the event said owner or its surety shall fail to satisfy the conditions herein set forth within the time specified in this ordinance, the City Council may order the required work to be performed by the City and recover the cost thereof from said owner and its 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 City shall cause the final plat and a certified copy of this ordinance together with the written agreement required herein to be filed in the office of the Register of Deeds of Lancaster County, Nebraska. Filing fees shall be paid by said owner.

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

Introduced by:

R.W. Jambury

Approved as to Form and Legality:

Charles D. Humble
City Attorney

Staff Review Completed:
[Signature]
Administrative Director

All AYES - Baker absent
Cook absent

PASSED

APPROVED

OCT 12 1976

BY CITY COUNCIL

OCT 12 1976

[Signature]
MAYOR

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between BUCKINGHAM DEVELOPMENT COMPANY, a Nebraska corporation, 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 BUCKINGHAM SOUTH 2ND 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 BUCKINGHAM SOUTH 2ND ADDITION, it is agreed by and between Subdivider and City as follows:

1. That said Subdivider shall develop all of the outlots with trees, shrubs and grasses and agrees to maintain the common open areas designated as outlots, including the trees, shrubs and grasses, the recreational facilities, the private roadways and parking areas, private sanitary sewers, private ornamental street lights, and the concrete ditch liners, on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The document creating said property owners association will have no force and effect until it has been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
2. That said Subdivider agrees that any cut, fill and compaction of land within and adjacent to this subdivision shall be accomplished to control erosion and sedimentation during and after land preparation by 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. The ground, as land preparation is completed, shall be permanently stabilized with perennial vegetation and structural measures, diversion dikes and sediment basins leveled and perennial vegetation established on those areas subject to the approval of the Department of Public Works.
3. That said 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 public street improvements including grading, paving and installation of curb and gutter, and the installation of public water mains and fire hydrants, public sanitary sewers and public ornamental street lights.
4. That said Subdivider agrees to bring the streets to the grade as established by the Director of Public Works and on file with the Department of Public Works at its own cost and expense.

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5. 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 4th day of October, 1976.

BUCKINGHAM DEVELOPMENT COMPANY,
a Nebraska corporation,

M E Spurst
Witness

Robert M. Wolf
Vice President

ATTEST:

CITY OF LINCOLN, NEBRASKA.

Paul A. Mahys
City Clerk - DEPUTY

Wm. E. Swanson
Mayor

Approved as to Form and Legality:

Charles D. 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. 11790, Agreement, and Linen

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held October 4, 1976

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 19th day of October, 1976.

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INDEXED 7-588
MICRO-FILED *Moo*
GENERAL

LANCASTER COUNTY NEBR.
Kenneth L. Fryerson
REGISTER OF DEEDS
1976 OCT 19 AM 8:49

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 76- 24398

✓
Paul A. Malzer
Deputy City Clerk


\$ 27⁷⁵

Shack April 3