

31857

452.00

ORDINANCE NO. 12140

01 AN ORDINANCE accepting and approving the plat designated
02 as KIMCO INDUSTRIAL PARK 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, CLAUDE RILEY SMITH, Partner of Smitty's Golf
08 Park owner of a tract of land legally described as:

09 a subdivision of Lot 123 Irregular Tract located in the
10 Southeast Quarter of the Northeast Quarter of Section
11 13, Township 10 North, Range 6 East of the Sixth Principal
12 Meridian, Lancaster County, Nebraska, more fully described
13 as follows: (For purpose of this description, the east
14 line of the Northeast Quarter of Section 13 was assumed
15 to have a bearing of north 0 degrees 00 minutes 00
16 seconds east).

17 Beginning at the East Quarter corner of Section
18 13, Township 10 North, Range 6 East; thence on a
19 bearing of north 0 degrees 00 minutes 00 seconds
20 east along the east line of the Northeast Quarter
21 of Section 13, a distance of 888.10 feet; thence
22 on a bearing of north 90 degrees 00 minutes 00
23 seconds west, a distance of 33.00 feet to the
24 point of beginning; thence on a bearing of north
25 89 degrees 56 minutes 51.8 seconds west, a distance
26 of 300.00 feet; thence on a bearing of south 0
27 degrees 00 minutes 04.4 seconds east, a distance
28 of 4.70 feet; thence on a bearing of north 89
29 degrees 58 minutes 40.5 seconds west, a distance
30 of 571.00 feet; thence on a bearing of south 0
31 degrees 00 minutes 52.5 seconds east, a distance
32 of 665.77 feet; thence on a bearing of south
33 42 degrees 22 minutes 28.1 seconds east, a distance
34 of 233.06 feet; thence on a bearing of north 55
35 degrees 01 minutes 22.3 seconds east, a distance
36 of 871.09 feet; thence on a bearing of north 0
37 degrees 00 minutes 00 seconds east, a distance of
38 342.79 feet to the point of beginning and containing
39 a calculated area of 12.35 acres,

40 has filed said plat in the office of the Planning Department of
41 the City of Lincoln, Nebraska, with a request for approval and
42 acceptance thereof, in the manner and form as by ordinance
43 required; and

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

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

03 Section 1. That the plat of KIMCO INDUSTRIAL PARK,
04 as an addition to the City of Lincoln, Nebraska, filed in the
05 office of the Planning Department of said City by CLAUDE RILEY
06 SMITH, Partner of Smitty's Golf Park as owner, is hereby accepted
07 and approved, and said owner is hereby given the right to plat
08 said KIMCO INDUSTRIAL PARK as an addition to said City in accordance
09 therewith. Such acceptance and approval are conditioned upon the
10 following:

11 First: That said owner shall at his own cost and
12 expense pay for all labor, material, engineering, and inspections
13 costs in connection with the construction of sidewalks to be
14 constructed in the sidewalk space along both sides of all interior
15 streets within this final plat and along the west side of 27th
16 Street adjacent to this final plat. The construction of said
17 sidewalks shall be completed not later than August 1, 1981.

18 Second: That said owner shall at his own cost and
19 expense pay for all labor, material, engineering, and inspection
20 costs in connection with the construction of a system of storm
21 sewerage and drainage to serve said final plat as shown on the
22 drainage study submitted with the preliminary plat and received
23 by the Planning Department May 11, 1977, provided the ditch along
24 the west property line of this final plat is regraded with the
25 construction of this final plat. The pipe sizes used in the
26 system may change slightly at the time of final design when more
27 data is available. The street grades shall be revised so that the
28 minimum slope is 0.005 feet. The construction of said storm
29 sewerage and drainage shall be completed not later than August 1,
30 1979.

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

Amended 11-7-77

Amended 11-7-77

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Fourth: 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 agrees that the installation of permanent monuments shall be installed prior to the construction on or the conveyance of any lot shown on this final plat.~~

b. That said owner agrees to pay the equivalent cost of local street paving installation in 27th Street where said street abuts this subdivision. There are three alternative methods, as follows, any of which shall be accomplished at such time as the City Council approves and accepts the final plat abutting said street: a) posting of a bond; 2) Creation of an assessment district (only if the street is within the City limits); and, 3) payment now based on current cost (\$10,300).

c. That said owner, his successors and assigns agree to relinquish to the City of Lincoln the right of direct vehicular access to 27th Street from the lots which abut said street, at such time as work starts on the 27th Street improvement.

d. That said owner agrees to prepare and submit to the Director of Public Works a plan showing erosion control on graded land. The plan shall be reviewed by the Director of Public Works prior to any grading. Said plan shall include a seeding and maintenance schedule listing: 1) type of seed to be used and seeding rate; 2) time of seeding; 3) type of mulch to be used if seeding is not feasible; 4) type of fertilizer and application rate; 5) excepted maintenance, including frequency of mowing, fertilizing and other maintenance requirements.

e. That said owner agrees to have this proposed subdivision included within an assessment district, only at the City's option, or the owner shall furnish a bond or an escrow or security agreement to guarantee construction of the street improvements, including the grading, paving and installation of curb and gutter, and the installation of public water mains and fire hydrants; public sanitary sewers and manholes; and ornamental street lights, as approved within the preliminary plat all in accordance with the design standards approved by the City of Lincoln and those design standards recommended by the Public Works Department.

01 f. That said owner agrees that any cut, fill and
 02 compaction of land within and, if applicable, adjacent to this
 03 final plat, shall be accomplished in accordance with the Land
 04 Subdivision Ordinance. To control erosion and sedimentation
 05 during and after land preparation, the owner, his successors and
 06 assigns shall provide for disturbing only the areas needed for
 07 construction; removing only those trees, shrubs and grasses that
 08 must be removed by construction; installing required sediment
 09 basins and diversion dikes before disturbing the land that drains
 10 into them; and temporarily stabilizing each segment of graded or
 11 otherwise disturbed land by seeding and mulching or by other
 12 approved methods. As land preparation is completed, the owner,
 13 his successors and assigns shall permanently stabilize each
 14 segment with perennial vegetation and structural measures.
 15 Diversion dikes and sediment basins shall be leveled after areas
 16 that drain into them are stabilized, and permanent vegetation
 17 shall be established on those areas. Sediment basins that are to
 18 be retained for storm water retention shall be seeded to permanent
 19 vegetation no later than nine (9) months after completion of the
 20 sediment basins and shall be permanently maintained by the owner
 21 or his successors and assigns.

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

25 a. A bond in the sum of \$16,000.00 conditioned upon
 26 the strict compliance by said owner with the conditions contained
 27 in paragraph designated "First" of the next preceding section of
 28 this ordinance;

29 b. A bond in the sum of \$14,000.00 conditioned upon
 30 the strict compliance by said owner with the conditions contained
 31 in paragraph designated "Second" of the next preceding section of
 32 this ordinance; and

33 ~~c. A bond in the sum of \$900.00 conditioned upon the~~
 34 ~~strict compliance by said owner with the conditions contained in~~
 35 ~~paragraph designated "Third" of the next preceding section of~~
 36 ~~this ordinance.~~

37 The bonds required above shall be subject to approval
 38 by the City Attorney. In the event that said owner or his surety

Amended 11-7-77

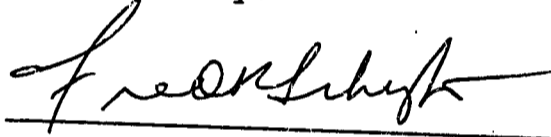
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01 shall fail to satisfy the conditions herein set forth within the
02 time specified in this ordinance, the City Council may order the
03 required work to be performed by the City and recover the cost
04 thereof from said owner and his surety. Such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

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

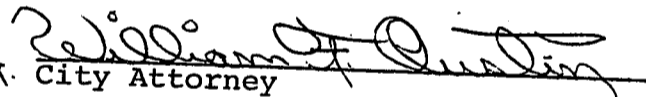
14 Section 4. That this ordinance shall take effect
15 and be in force from and after its passage and publication
16 according to law.

Introduced by:



Approved as to Form and Legality:

ALL PRESENT; ALL AYES.


City Attorney

PASSED

Staff Review Completed:

NOV 7 1977


Administrative Director

BY CITY COUNCIL

APPROVED

NOV 15 1977


MAYOR

31857

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between KIMCO ADDITION, INC. 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 KIMCO 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 KIMCO INDUSTRIAL PARK, it is agreed by and between Subdivider and City as follows:

1. That Subdivider agrees that the installation of permanent monuments shall be installed prior to the construction on or the conveyance of any lot shown on this final plat.
2. That Subdivider agrees to pay the equivalent cost of local street paving installation in 27th Street where said street abuts this subdivision. There are three alternative methods, as follows, any of which shall be accomplished at such time as the City Council approves and accepts the final plat abutting said street: a) posting of a bond; b) creation of an assessment district (only if the street is within the City limits); and, c) payment now based on current cost (\$10,300).
3. That Subdivider, its successors and assigns agree to relinquish to the City of Lincoln the right of direct vehicular access to 27th Street from the lots which abut said street, at such time as work starts on the 27th Street improvement.
4. That Subdivider agrees to prepare and submit to the Director of Public Works a plan showing erosion control on graded land. The plan shall be reviewed by the Director of Public Works prior to any grading. Said plan shall include a seeding and maintenance schedule listing: a) type of seed to be used and seeding rate; b) time of seeding; c) type of mulch to be used if seeding is not feasible; d) type of fertilizer and application rate; e) expected maintenance, including frequency of mowing, fertilizing and other maintenance requirements.
5. That Subdivider agrees to have this proposed subdivision included within an assessment district, only at the City's option, or Subdivider shall furnish a bond or an escrow or security agreement to guarantee construction of the street improvements, including the grading, paving and installation of curb and gutter, and the installation of public water mains and fire hydrants; public sanitary sewers and manholes; and ornamental street lights, as approved within the preliminary plat all in accordance with the design standards approved by the City of Lincoln and those design standards recommended by the Public Works Department.
6. 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 Land Subdivision Ordinance. 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 grasses that must be removed by construction; installing required sediment

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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, 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 (9) months after completion of the sediment basins and shall be permanently maintained by the Subdivider or its successors and assigns.

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

Dated this 31 day of October, 1977.

KIMCO ADDITION, INC.

Ronald C. Ross
Witness

Don M. Muen
President

ATTEST:

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

M. E. Spauld
City Clerk

Henry B. Brooks
Mayor

Approved as to Form and Legality:

William J. Quinter
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. 12140, AGREEMENT, AND PLAT

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held NOVEMBER 7, 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 30th day of November, 1977.

INDEXED *6-731*
MICRO-FILED *ms*
GENERAL

LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1977 NOV 30 PM 1:39

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 77- 31857

Paul A. Malzer
Deputy City Clerk


\$28.00

*Steve Miers
403 St. Saunders*