

41324

RESOLUTION NO. PC- 00171

1 A RESOLUTION accepting and approving the plat designated as FAIRFIELD  
2 CENTRE ADDITION as an addition to the City of Lincoln, filed in the office of the  
3 Planning Department of the City of Lincoln, Nebraska, upon certain conditions  
4 herein specified and providing for sureties conditioned upon the strict  
5 compliance with such conditions.

6 WHEREAS, John Bordogna and Stonegate Manor, Inc., owners of a tract  
7 of land legally described as:

8 A Subdivision of Outlot A and B, J.B.'s 1st Addition  
9 located in the Southeast Quarter of Section 12, Township  
10 10 North, Range 6 East of the 6th Principal Meridian,  
11 Lancaster County, Nebraska further described as follows:

12 Commencing at the East Quarter corner of said Section 12  
13 and extending north 88 degrees 44 minutes 51 seconds  
14 west 791.60 feet along the north line of said Section  
15 12, thence south 01 degrees 15 minutes 09 seconds west  
16 40.00 feet to the point of beginning; thence south 01  
17 degrees 15 minutes 09 seconds west, 180.00 feet; thence  
18 south 30 degrees 06 minutes 00 seconds east, 383.49  
19 feet; thence south 42 degrees 06 minutes 04 seconds  
20 west, 155.00 feet; thence south 44 degrees 47 minutes 34  
21 seconds west, 323.75 feet; thence south 24 degrees 25  
22 minutes 21 seconds west, 604.72 feet; thence north 86  
23 degrees 29 minutes 36 seconds west, 186.98 feet; thence  
24 north 02 degrees 12 minutes 11 seconds west, 22.20 feet;  
25 thence north 40 degrees 09 minutes 24 seconds east,  
26 301.92 feet; thence north 22 degrees 46 minutes 31  
27 seconds west, 169.95 feet; thence south 66 degrees 00  
28 minutes 52 seconds west, 379.89 feet; thence north 66  
29 degrees 53 minutes 32 seconds west, 350.17 feet; thence  
30 north 00 degrees 19 minutes 36 seconds west, 600.27  
31 feet; thence north 36 degrees 14 minutes 40 seconds  
32 east, 299.77 feet; thence north 08 degrees 05 minutes 23  
33 seconds west, 184.12 feet; thence south 88 degrees 44  
34 minutes 51 seconds east, 973.71 feet to the point of  
35 beginning, containing an area of 27.82 acres;

36 have filed said plat in the office of the Planning Department of the City of  
37 Lincoln, Nebraska, with a request for approval and acceptance thereof; and

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

3           NOW, THEREFORE, BE IT RESOLVED by the Lincoln City - Lancaster County  
4 Planning Commission:

5           1. That the plat of **FAIRFIELD CENTRE ADDITION** as an addition to the  
6 City of Lincoln, Nebraska, filed in the office of the Planning Department of said  
7 City by **John Bordogna and Stonegate Manor, Inc.** as owners is hereby accepted and  
8 approved, and said owners are given the right to plat said **FAIRFIELD CENTRE**  
9 **ADDITION** as an addition to said City in accordance therewith. Such acceptance  
10 and approval are conditioned upon the following:

11           First: That said owners shall at their own cost and expense pay for  
12 all labor, material, engineering, and inspection costs in connection with the  
13 construction of street improvements, including the grading, paving, and  
14 installation of curb and gutter, curb inlets, and storm drain laterals for all  
15 streets as shown on the approved final plat. The construction shall be completed  
16 within two years following Planning Commission approval of this final plat.

17           Second: That said owners shall at their own cost and expense pay for  
18 all labor, material, engineering, and inspection costs in connection with the  
19 construction of sidewalks as shown on the final plat. The construction shall be  
20 completed within four years following Planning Commission approval of this final  
21 plat.

22           Third: That said owners shall at their own cost and expense pay for  
23 all labor, material, engineering, and inspection costs in connection with the  
24 construction of a public water distribution system as shown on the approved

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1 preliminary plat. The construction shall be completed within two years following  
2 Planning Commission approval of this final plat.

3 Fourth: That said owners shall at their own cost and expense pay for  
4 all labor, material, engineering, and inspection costs in connection with the  
5 installation of an ornamental street lighting system as required by the  
6 preliminary plat for all streets shown on this final plat. The construction  
7 shall be completed within two years following Planning Commission approval of  
8 this final plat.

9 Fifth: That said owners shall at their own cost and expense pay for  
10 all labor, material, and related costs in connection with the installation of  
11 street trees as shown on the approved landscape plan. The planting shall be  
12 completed within four years following Planning Commission approval of this final  
13 plat.

14 Sixth: That said owners shall at their own cost and expense pay for  
15 all labor, material, and related costs in connection with the installation of  
16 street name signs as approved by the Department of Transportation. This  
17 installation shall be completed within two years following Planning Commission  
18 approval of this final plat.

19 Seventh: That said owners shall at their own cost and expense pay  
20 for all labor, material, engineering, and inspection costs in connection with the  
21 placing of permanent lot stakes at all corners of all lots and blocks of this  
22 final plat. The permanent lot staking shall be completed before construction on  
23 or conveyance of any lot shown in this final plat.

24 2. That prior to adoption of this resolution, said owners shall  
25 enter into a written agreement with the City which shall provide as follows:

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1 The owners, their successors and assigns agree:

2 a. To submit to the Director of Public Works for review and  
3 approval, a plan showing proposed measures to control sedimentation and erosion,  
4 and the proposed method to temporarily stabilize all graded land.

5 b. To protect the remaining trees on the site during construction  
6 and development.

7 c. To pay all improvement costs.

8 d. To complete the private improvements shown on the preliminary  
9 plat.

10 e. To maintain the outlots and private improvements on a permanent  
11 and continuous basis. However, the owners may be relieved and discharged of this  
12 maintenance obligation upon creating in writing a permanent and continuous  
13 association of property owners who would be responsible for said permanent and  
14 continuous maintenance. The owners shall not be relieved of such maintenance  
15 obligation until the document or documents creating said property owners  
16 association have been reviewed and approved by the City Attorney and filed of  
17 record with the Register of Deeds.

18 f. To relinquish the right of direct vehicular access to Fairfield  
19 Street except at the joint access easements.

20 g. To comply with the provisions of the Land Subdivision Ordinance  
21 regarding land preparation.

22 3. That said owners shall, prior to adoption of this resolution,  
23 execute and deliver to the City of Lincoln:

24 a. A bond or an approved escrow or security agreement in the  
25 sum of \$15,000.00 conditioned upon the strict compliance by said owners with the

1 5 conditions contained in paragraph designated "First" of Paragraph 1 of this  
2 resolution.

3 b. A bond or an approved escrow or security agreement in the  
4 sum of \$5,375.00 conditioned upon the strict compliance by said owners with the  
5 conditions contained in paragraph designated "Second" of Paragraph 1 of this  
6 resolution.

7 c. A bond or an approved escrow or security agreement in the  
8 sum of \$6,000.00 conditioned upon the strict compliance by said owners with the  
9 conditions contained in paragraph designated "Third" of Paragraph 1 of this  
10 resolution.

11 d. A bond or an approved escrow or security agreement in the  
12 sum of \$1,500.00 conditioned upon the strict compliance by said owners with the  
13 conditions contained in paragraph designated "Fourth" of Paragraph 1 of this  
14 resolution.

15 e. A bond or an approved escrow or security agreement in the  
16 sum of \$1,838.00 conditioned upon the strict compliance by said owners with the  
17 conditions contained in paragraph designated "Fifth" of Paragraph 1 of this  
18 resolution.

19 f. A bond or an approved escrow or security agreement in the  
20 sum of \$230.00 conditioned upon the strict compliance by said owners with the  
21 conditions contained in paragraph designated "Sixth" of Paragraph 1 of this  
22 resolution.

23 The bonds required above shall be subject to approval by the City  
24 Attorney. In the event that said owners or their surety shall fail to satisfy  
25 the conditions herein set forth within the time specified in this resolution, the

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1 City may cause the required work to be performed and recover the cost thereof  
2 from said owners and their surety.

3 4. Immediately upon the adoption of this resolution, the City Clerk  
4 shall cause the final plat and a certified copy of this resolution together with  
5 the written agreement required herein to be filed in the office of the Register  
6 of Deeds of Lancaster County, Nebraska. Filing fees shall be paid by said  
7 owners.

8 The foregoing Resolution was approved by the Lincoln City - Lancaster  
9 County Planning Commission on this 31st day of August, 1994.

10 Dated this 31 day of August, 1994.

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ATTEST:

Ann Salomone Bleed  
Chairman

Approved as to Form & Legality:

Asst Richard  
City Attorney

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## A G R E E M E N T

THIS AGREEMENT is made and entered into by and between John Bordogna and Stonegate Manor, Inc., hereinafter called "~~Subdivider~~", whether one or more, and the CITY OF LINCOLN, NEBRASKA, a municipal corporation, hereinafter called "City."

WHEREAS, Subdivider has made application to City for permission to subdivide and for approval of the subdivision plat of FAIRFIELD CENTRE ADDITION; and

WHEREAS, the resolution 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 FAIRFIELD CENTRE ADDITION, it is agreed by and between Subdivider and City as follows:

1. The Subdivider agrees to submit to the Director of Public Works for review and approval, a plan showing proposed measures to control sedimentation and erosion, and the proposed method to temporarily stabilize all graded land.
2. The Subdivider agrees to protect the remaining trees on the site during construction and development.
3. The Subdivider agrees to pay all improvement costs.
4. The Subdivider agrees to complete the private improvements shown on the preliminary plat.

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5. The Subdivider agrees to maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

6. The Subdivider agrees to relinquish the right of direct vehicular access to Fairfield Street except at the joint access easements.

7. The Subdivider agrees to comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

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

Dated this 24<sup>th</sup> day of August, 1994.

ATTEST:

Kelly Erickson  
Witness

John Bordogna  
John Bordogna

ATTEST:

STONEGATE MANOR, INC.

Marilyn Dorf, Witness  
Secretary

Donald A. Dibern  
Donald A. Dibern, President





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C E R T I F I C A T E

STATE OF NEBRASKA )  
COUNTY OF LANCASTER ) ss:  
STATE OF NEBRASKA )

I, Joan E. Ross, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of the plat designated as FAIRFIELD CENTRE ADDITION and the AGREEMENT in connection with said plat as passed and approved by the Lincoln City-Lancaster County Planning Commission on the 31st day of AUGUST, 1994, as the original appears of record in my office, and is now in my charge remaining as Deputy City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 19TH day of AUGUST, 1994

*Joan E. Ross*  
Joan E. Ross, Deputy City Clerk

LANCASTER COUNTY, NEB  
*Don M. [unclear]*  
REGISTER OF DEEDS

SEP 19 3 00 PM '94

INST. NO. 94— 41324

\$ 51.00

*Return to City Clerk*

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