

12631

ORDINANCE NO.

01 AN ORDINANCE accepting and approving the plat designated
02 as CAPITOL BEACH EAST ADDITION as an addition in the City of
03 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, CAPITOL BEACH, INC., a Nebraska corporation by
08 S. E. Copple, Sr. owner of a tract of land legally described as:

09 a subdivision of a portion of Lot 195, I.T., a portion of
10 Lot 109, I.T., a portion of Lot 104, I.T., a portion
11 of Lot 105, I.T., and a portion of the West One-Half of
12 the Northwest Quarter, all located in Section 22, Township
13 10 North, Range 6 East of the Sixth Principal Meridian,
14 Lancaster County, Nebraska, and more particularly described
15 as follows: Beginning at the northeast corner of Lot 1,
16 Block 4, Lamont 3rd Addition, and extending thence north
17 26 degrees 39 minutes east 1186.96 feet to the point of
18 curvature of a circular curve to the right having a central
19 angle of 1 degree 52 minutes 13 seconds a radius of 919.02
20 feet, and an arc length of 30.01 feet; thence north 27 degrees
21 35 minutes east, a chord length of 30.00 feet to the point
22 of tangency; thence north 63 degrees 21 minutes west, 320.29
23 feet; thence south 26 degrees 39 minutes west, 240.65 feet;
24 thence north 63 degrees 21 minutes west, 20.00 feet; thence
25 south 26 degrees 39 minutes west, 90.00 feet; thence south
26 0 degrees 05 minutes west, 67.08 feet; thence south 26 degrees
27 39 minutes west, 110.00 feet; thence north 63 degrees 21
28 minutes west, 840.00 feet; thence north 35 degrees 40 minutes
29 west, 87.05 feet; thence north 29 degrees 21 minutes west,
30 205.00 feet; thence north 2 degrees 47 minutes west, 67.08
31 feet; thence north 29 degrees 21 minutes west, 100.00 feet;
32 thence south 60 degrees 39 minutes west, 60.00 feet; thence
33 north 29 degrees 21 minutes west, 25.00 feet; thence north
34 58 degrees 16 minutes west, 80.27 feet; thence north 66
35 degrees 12 minutes west, 68.07 feet; thence north 71 degrees
36 36 minutes west, 300.00 feet; thence north 63 degrees 28
37 minutes west, 56.57 feet; thence north 52 degrees 27 minutes west
38 65.00 feet; thence north 83 degrees 36 minutes west, 95.07
39 feet; thence south 61 degrees 50 minutes west, 95.07 feet;
40 thence south 27 degrees 16 minutes west, 95.07 feet; thence
41 south 7 degrees 18 minutes east, 95.07 feet; thence south
42 41 degrees 52 minutes east, 95.07 feet; thence south 84 degrees
43 56 minutes east, 113.69 feet; thence south 71 degrees 36
44 minutes east, 403.73 feet; thence south 29 degrees 21 minutes
45 east, 128.73 feet; thence south 60 degrees 39 minutes west,
46 50.00 feet; thence south 81 degrees 00 minutes west, 70.78
47 feet; thence south 62 degrees 59 minutes west, 80.94 feet;
48 thence south 23 degrees 45 minutes west, 108.24 feet;
49 thence south 15 degrees 47 minutes east, 108.24 feet; thence
50 south 55 degrees 20 minutes east, 108.24 feet;
51 thence north 85 degrees 08 minutes east, 108.24 feet;

thence north 41 degrees 57 minutes east, 10.83 feet;
thence north 47 degrees 13 minutes east, 75.83 feet; thence
north 60 degrees 39 minutes east, 25.00 feet; thence south
37 degrees 06 minutes east, 75.48 feet; thence south 52
degrees 30 minutes east, 74.67 feet; thence south 62 degrees
59 minutes east, 66.70 feet; thence south 63 degrees 21
minutes east, 720.00 feet; thence south 67 degrees 53
minutes east, 63.20 feet; thence south 63 degrees 21 minutes
east, 20.00 feet; thence south 26 degrees 39 minutes west,
76.00 feet; thence north 63 degrees 21 minutes west, 20.00
feet; thence north 58 degrees 49 minutes west, 63.20 feet;
thence north 63 degrees 21 minutes west, 123.73 feet;
thence north 70 degrees 38 minutes west, 75.99 feet; thence
north 74 degrees 21 minutes west, 360.00 feet; thence north
56 degrees 25 minutes west, 63.73 feet; thence north 65 degrees
41 minutes west, 65.25 feet; thence south 81 degrees 09
minutes west, 108.35 feet; thence south 41 degrees 34 minutes
west, 108.35 feet; thence south 1 degree 59 minutes west,
108.35 feet; thence south 37 degrees 36 minutes east, 108.35
feet; thence south 76 degrees 47 minutes east, 80.52 feet;
thence north 88 degrees 10 minutes east, 65.26 feet; thence
south 74 degrees 21 minutes east, 360.00 feet; thence south
71 degrees 47 minutes east, 55.17 feet; thence south 63 degrees
11 minutes east, 59.63 feet; thence south 63 degrees 21 minutes
east, 104.00 feet; thence north 75 degrees 08 minutes east,
26.71 feet; thence south 26 degrees 39 minutes west, 90.00
feet; thence south 22 degrees 02 minutes west, 62.03 feet;
thence south 62 degrees 44 minutes east, 95.00 feet; thence
south 76 degrees 15 minutes east, 61.52 feet; thence south
63 degrees 39 minutes east, 159.80 feet to the point of
beginning, containing 28.49 acres, more or less

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 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 CAPITOL BEACH EAST
ADDITION, as an addition in the City of Lincoln, Nebraska, filed
in the office of the Planning Department of said City by CAPITOL
BEACH, INC., a Nebraska corporation by S. E. Copple, Sr. as owner
is hereby accepted and approved, and said owner is hereby given
the right to plat said CAPITOL BEACH EAST ADDITION as an addition
in said City in accordance therewith. Such acceptance and approval
are conditioned upon the following:

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

1 within this final plat. The construction of said sidewalks shall
2 be completed not later than March 1, 1983. Said time limit may
3 be extended by resolution of the City Council.

4 Second: That said owner shall at its own cost and
5 expense pay for all labor, material, engineering, and inspection
6 costs in connection with the construction of an ornamental street
7 lighting system along all streets within this final plat or as an
8 alternative, said owner may petition the City of Lincoln to
9 create an assessment district for the purpose of constructing
10 said ornamental street lighting system. Either method the owner
11 chooses to guarantee construction of said street lighting shall
12 be implemented upon approval and acceptance by the City of this
13 final plat. The construction of said street lighting system
14 shall be equivalent to standards and specifications for residential
15 street lighting for the City of Lincoln.

16 Third: That said owner shall at its own cost and
17 expense pay for all labor, material, engineering, and inspection
18 costs in connection with the construction of a system of storm
19 sewers and drainage flumes in accordance with the drainage study
20 received April 2, 1979. The system of storm sewerage and drainage
21 shall be designed and constructed in conformance with the official
22 design standards for storm sewers of the City of Lincoln, Nebraska,
23 adopted by Resolution No. A-63122 on September 20, 1976. Construction
24 of said system of storm sewerage and drainage shall be completed
25 not later than March 1, 1981.

26 Fourth: That said owner shall at its own cost and
27 expense pay for all labor, material, and related costs in connection
28 with the installation of a landscape screen along the Burlington
29 Northern Railroad right-of-way. The construction of said landscape
30 screen shall be completed within two planting seasons following
31 the issuance of occupancy permits to 60 percent of the lots
32 abutting the railroad right-of-way.

33 Fifth: That said owner shall at its own cost and
34 expense pay for all labor, material, engineering, and inspection
35 costs in connection with the placing of permanent metal stakes at
36 all lot and block corners. The installation of said permanent
37 metal stakes shall be completed prior to construction on or the
38 conveyance of any lot shown on this final plat.

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

04 a. Said owner agrees that the installation of permanent
05 metal stakes at all lot and block corners shall be accomplished
06 prior to construction on or the conveyance of any lot within this
07 final plat.

08 b. Said owner agrees to have this final plat included
09 within an assessment district, only at the City's option, or said
10 owner shall furnish a bond or an approved escrow or security
11 agreement to guarantee construction of the street improvements,
12 including grading, paving and installation of curb and gutter,
13 and the installation of public water mains and fire hydrants;
14 public sanitary sewers and manholes; and ornamental streets
15 lights, as approved within the preliminary plat for this final
16 plat, all in accordance with the design standards approved by the
17 City of Lincoln.

18 c. Said owner agrees to be responsible for the maintenance
19 of Outlot "A", the planting screen, and the lake; provided,
20 however, said owner may be relieved and discharged from said
21 maintenance obligation upon the creation in writing of a permanent
22 and continuing agency of property owners within this final plat,
23 which agency shall assume such maintenance obligation. The
24 instrument creating any such permanent and continuing agency
25 shall have no force and effect until the same shall have been
26 approved by the City Attorney and filed of record in the Office
27 of the Register of Deeds for Lancaster County, Nebraska.

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

31 a. A bond or an approved escrow or security agreement
32 in the sum of \$58,000 conditioned upon the strict compliance by
33 said owner with the conditions contained in paragraph designated
34 "First" of the next preceding section of this ordinance;

35 b. A bond or an approved escrow or security agreement
36 in the sum of \$22,000 conditioned upon the strict compliance by
37 said owner with the conditions contained in paragraph designated
38 "Second" of the next preceding section of this ordinance;

02 c. A bond or an approved escrow or security agreement
03 in the sum of \$8,500 conditioned upon the strict compliance by
04 said owner with the conditions contained in paragraph designated
05 "Third" of the next preceding section of this ordinance;

06 d. A bond or an approved escrow or security agreement
07 in the sum of \$2,700 conditioned upon the strict compliance by
08 said owner with the conditions contained in paragraph designated
09 "Fourth" of the next preceding section of this ordinance; and

10 e. A bond or an approved escrow or security agreement
11 in the sum of \$4,600 conditioned upon the strict compliance by
12 said owner with the conditions contained in paragraph designated
13 "Fifth" of the next preceding section of this ordinance.

14 The bonds required above shall be subject to approval
15 by the City Attorney. In the event that said owner or its surety
16 shall fail to satisfy the conditions herein set forth within the
17 time specified in this ordinance, the City Council may order the
18 required work to be performed by the City and recover the cost
19 thereof from said owner and its surety.

20 Section 3. Immediately upon the taking effect of
21 this ordinance, the City shall cause the final plat and a certified
22 copy of this ordinance together with the written agreement required
23 herein to be filed in the office of the Register of Deeds of
24 Lancaster County, Nebraska. Filing fees shall be paid by said
25 owner.

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

Introduced by:

Lescher

Approved as to Form and Legality: AYES: Ahlschwede, Frohardt, Hampton,
Robinson, Steinman, Youngberg;

NAYS: None.

EXCUSED: Scherer

William F. Austin
City Attorney

Staff Review Completed:

Merwin M
Administrative Director

APPROVED

JUL 17 1979

PASSED

JUL 9 1979

Mayor
MAYOR

BY CITY COUNCIL

18683

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between CAPITOL BEACH, INC., a Nebraska corporation by S. E. Copple, Sr., 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 EAST; 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 EAST, it is agreed by and between Subdivider and City as follows:

1. Subdivider agrees that the installation of permanent metal stakes at all lot and block corners shall be accomplished prior to construction on or the conveyance of any lot within this final plat.

2. Subdivider agrees to have this final plat included within an assessment district, only at the City's option, or Subdivider shall furnish a bond or an approved escrow or security agreement to guarantee construction of the 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 manholes; and ornamental streets lights, as approved within the preliminary plat for this final plat, all in accordance with the design standards approved by the City of Lincoln.

3. Subdivider agrees to be responsible for the maintenance of Outlot "A", the planting screen, and the lake; provided, however, Subdivider may be relieved and discharged from said maintenance obligation upon the creation in writing of a permanent and continuing agency of property owners within this final plat, which agency shall assume such maintenance obligation. 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 and filed of record in the Office of the Register of Deeds for Lancaster County, Nebraska.

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

Dated this 12th day of June, 1979.

ATTEST:

CAPITOL BEACH, INC.,
a Nebraska corporation

S. E. Copple
Secretary

S. E. Copple
President

ATTEST:

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

Paul A. Maher
City Clerk - Deputy

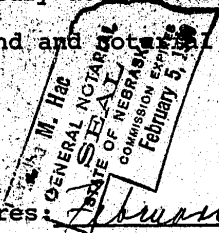
Delbert Bonaldi
Mayor

18683

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

On June 12, 1979, before me, the undersigned a Notary Public, personally came S. E. Copple, Sr., to me known to be the President of CAPITOL BEACH, INC., a Nebraska corporation and the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be her 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.



Melba M Hae
Notary Public

My commission expires: February 5, 1980.

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

On July 17, 1979, before me, the undersigned a Notary Public, personally came Helen G. Boosalis, 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 her 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.



Marguerite E. Spaedt
Notary Public

My commission expires: _____

Approved as to Form and Legality:

William F. O'Quinn
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. 12631, Agreement and Plat

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held July 17, 1979
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 26th day of July, 19 79.

INDEXED
MICRO-FILED
GENERAL

LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1979 JUL 26 AM 9:27

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 79- 18683

2425

Deputy City Clerk

Ed Copple
11-2-79