

47254

RESOLUTION NO. PC- 00111

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

6 WHEREAS, Phillip R. Stettinger and Virginia J. Stettinger, Husband
7 and Wife, owners of a tract of land legally described as:

8 The remaining portion of Lot 37, Irregular Tract,
9 located in the Southwest Quarter of Section 1, Township
10 10 North, Range 6 East of the 6th P.M., Lincoln,
11 Lancaster County, Nebraska, and more particularly
12 described as follows:

13 Commencing at the southwest corner of said remaining
14 portion of Lot 37, I.T., said corner being the southeast
15 corner of the remaining portion of Lot 36, I.T., said
16 corner being on the north right-of-way line of Superior
17 Street, said corner also being the true point of
18 beginning, thence north 1 degrees 22 minutes 20 seconds
19 west along the west line of said remaining portion of
20 Lot 37, I.T., a distance of 607.41 feet to the northwest
21 corner of said remaining portion of Lot 37, I.T., thence
22 south 89 degrees 55 minutes 21 seconds east along the
23 north line of said remaining portion of Lot 37, I.T., a
24 distance of 417.91 feet to the northeast corner of said
25 remaining portion of Lot 37, I.T., thence south 1 degree
26 21 minutes 31 seconds east along the east line of said
27 remaining portion of Lot 37, I.T., a distance of 606.85
28 feet to the southeast corner of said remaining portion
29 of Lot 37, I.T., said corner also being the southwest
30 corner of Lots 9 and 10, Block 1, Hartland Homes North
31 Addition, said corner being on the north right-of-way
32 line of Superior Street, thence north 89 degrees 59
33 minutes 56 seconds west along the south line of said
34 remaining portion of Lot 37, I.T., a distance of 268.45
35 feet to the east right-of-way corner of Superior Street
36 and Bel-Ridge Drive, thence north 0 degrees 00 minutes
37 04 seconds east along the east right-of-way line of said
38 Bel-Ridge Drive, a distance of 50.00 feet to the
39 northeast right-of-way corner of said Bel-Ridge Drive,
40 thence north 89 degrees 59 minutes 56 seconds west along
41 the north right-of-way line of said Bel-Ridge Drive, a
42 distance of 60.00 feet to the northwest right-of-way
43 corner of said Bel-Ridge Drive, thence south 0 degrees
44 00 minutes 04 seconds west along the west right-of-way
45 line of said Bel-Ridge Drive, a distance of 50.00 feet

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1 to the intersection of the right-of-way lines of Bel-
2 Ridge Drive and Superior Street, thence north 89 degrees
3 59 minutes 56 seconds west along the south line of said
4 remaining portion of Lot 37, I.T., a distance of 89.30
5 feet to the point of beginning, and containing a
6 calculated area of 5.75 acres, more or less,

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

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

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

13 1. That the plat of CEDAR CREST as an addition to the City of
14 Lincoln, Nebraska, filed in the office of the Planning Department of said City
15 by Phillip R. Stettinger and Virginia J. Stettinger, Husband and Wife, as owners
16 is hereby accepted and approved, and said owners are given the right to plat said
17 CEDAR CREST as an addition to said City in accordance therewith. Such acceptance
18 and approval are conditioned upon the following:

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

25 Second: That said owners shall at their own cost and expense pay for
26 all labor, material, engineering, and inspection costs in connection with the
27 construction of sidewalks on both sides of Old Glory Road and Bel-Ridge Drive.
28 The construction shall be completed within four years following Planning
29 Commission approval of this final plat.

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1 Third: That said owners shall at their own cost and expense pay for
2 all labor, material, engineering, and inspection costs in connection with the
3 construction of the sidewalk on the south side of the private roadway, Cedar
4 Crest Drive. The construction shall be completed at the same time as Bel-Ridge
5 Drive is completed.

6 Fourth: That said owners shall at their own cost and expense pay for
7 all labor, material, engineering, and inspection costs in connection with the
8 construction of a public water distribution system as shown on the approved
9 preliminary plat. The construction shall be completed within two years following
10 Planning Commission approval of this final plat.

11 Fifth: 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 a public wastewater collection system as shown on the approved
14 preliminary plat. The construction shall be completed within two years following
15 Planning Commission approval of this final plat.

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

21 Seventh: That said owners shall at their own cost and expense pay
22 for all labor, material, engineering, and inspection costs in connection with the
23 installation of an ornamental street lighting system as required by the
24 preliminary plat for all streets shown on this final plat. The construction
25 shall be completed within two years following Planning Commission approval of
26 this final plat.

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1 Eighth: That said owners shall at their own cost and expense pay for
2 all labor, material, and related costs in connection with the installation of a
3 landscape screen as shown on the approved landscape plan. The installation shall
4 be completed within two years of Planning Commission approval of the plat.

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

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

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

- 17 The owners, their successors and assigns agree:
- 18 a. To submit to the Director of Public Works an erosion control
19 plan.
 - 20 b. To protect the remaining trees on the site during construction
21 and development.
 - 22 c. To pay all improvement costs.
 - 23 d. To submit to lot buyers and home builders a copy of the soil
24 analysis.
 - 25 e. To continuously and regularly maintain street trees and
26 landscape screens.

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1 f. To complete the private improvements shown on the preliminary
2 plat and community unit plan.

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

11 h. To relinquish the right of direct vehicular access to Superior
12 Street from those lots abutting Superior Street.

13 i. To perpetually maintain the sidewalk in the public access
14 easement at their own cost and expense.

15 j. To comply with the provisions of the Land Subdivision Ordinance
16 regarding land preparation.

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

19 a. A bond or an approved escrow or security agreement in the sum
20 of \$50,000 conditioned upon the strict compliance by said owners with the
21 conditions contained in paragraph designated "First" of Paragraph 1 of this
22 resolution.

23 b. A bond or an approved escrow or security agreement in the sum
24 of \$11,000 conditioned upon the strict compliance by said owners with the
25 conditions contained in paragraph designated "Second" of Paragraph 1 of this
26 resolution.

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1 c. A bond or an approved escrow or security agreement in the sum
2 of \$630 conditioned upon the strict compliance by said owners with the conditions
3 contained in paragraph designated "Third" of Paragraph 1 of this resolution.

4 d. A bond or an approved escrow or security agreement in the sum
5 of \$18,900 conditioned upon the strict compliance by said owners with the
6 conditions contained in paragraph designated "Fourth" of Paragraph 1 of this
7 resolution.

8 e. A bond or an approved escrow or security agreement in the sum
9 of \$20,000 conditioned upon the strict compliance by said owners with the
10 conditions contained in paragraph designated "Fifth" of Paragraph 1 of this
11 resolution.

12 f. A bond or an approved escrow or security agreement in the sum
13 of \$6,000 conditioned upon the strict compliance by said owners with the
14 conditions contained in paragraph designated "Sixth" of Paragraph 1 of this
15 resolution.

16 g. A bond or an approved escrow or security agreement in the sum
17 of \$5,000 conditioned upon the strict compliance by said owners with the
18 conditions contained in paragraph designated "Seventh" of Paragraph 1 of this
19 resolution.

20 h. A bond or an approved escrow or security agreement in the sum
21 of \$6,850 conditioned upon the strict compliance by said owners with the
22 conditions contained in paragraph designated "Eighth" of Paragraph 1 of this
23 resolution.

24 i. A bond or an approved escrow or security agreement in the sum
25 of \$5,127.50 conditioned upon the strict compliance by said owners with the
26 conditions contained in paragraph designated "Ninth" of Paragraph 1 of this
27 resolution.

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1 j. A bond or an approved escrow or security agreement in the sum
2 of \$345 conditioned upon the strict compliance by said owners with the conditions
3 contained in paragraph designated "Tenth" of Paragraph 1 of this resolution.


4 The bonds required above shall be subject to approval by the City
5 Attorney. In the event that said owners or their surety shall fail to satisfy
6 the conditions herein set forth within the time specified in this resolution, the
1 City may cause the required work to be performed by 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.

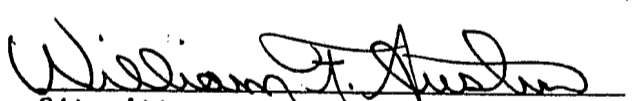
8 The foregoing Resolution was approved by the Lincoln City - Lancaster
9 County Planning Commission on this 1st day of September, 1993.

10

ATTEST:


Chairman

Approved as to Form & Legality:


City Attorney

8

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between PHILLIP R. STETTINGER AND VIRGINIA J. STETTINGER, husband and wife, 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 CEDAR CREST; 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 CEDAR CREST, it is agreed by and between Subdivider and City as follows:

1. The Subdivider agrees to submit to the Director of Public Works an erosion control plan.
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 submit to lot buyers and home builders a copy of the soil analysis.
5. The Subdivider agrees to continuously and regularly maintain street trees and landscape screens.
6. The Subdivider agrees to complete the private improvements shown on the preliminary plat and community unit plan.

9

7. 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.


8. The Subdivider agrees to relinquish the right of direct vehicular access to Superior Street from those lots abutting Superior Street.


9. The Subdivider agrees to perpetually maintain the sidewalk in the public access easement at their own cost and expense.

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

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

Dated this 7th day of October, 1993.


PHILLIP R. STETTINGER


VIRGINIA J. STETTINGER

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ATTEST:

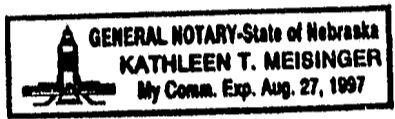
CITY OF LINCOLN, NEBRASKA,
A Municipal Corporation

[Signature]
City Clerk

[Signature]
Mayor

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 7th day of October, 1993, by Phillip R. Stettinger and Virginia J. Stettinger, husband and wife.



[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 18th day of October, 1993, by Mike Johanns, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



[Signature]
Notary Public

Approved as to Form and Legality:

[Signature]
City Attorney

11

CERTIFICATE

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

I Paul A. Malzer, Jr. City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of RESOLUTION NO. PC-00111 (CEDAR CREST ADD) AGREEMENT, AND PLAT. APPROVED BY THE PLANNING COMMISSION ON SEPTEMBER 1, 1993.

as the original appears of record in my said office and is now in my charge remaining as 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, A.D., 1993.

Paul A. Malzer, Jr.
Paul Malzer, City Clerk

[Handwritten signature]
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LANCASTER COUNTY, NEB
D. Malzer
REGISTER OF DEEDS
OCT 19 1 42 PM '93
INST. NO 93 47254

\$ 55.50

Return to City Clerk