

22518

RESOLUTION NO. PC- 00117

1 A RESOLUTION accepting and approving the plat designated as FOLSOM
2 RIDGE 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, DAUGHERTY CONSTRUCTION, INC., a Nebraska corporation, owner
7 of a tract of land legally described as:

8 Lots 64, 82, 173, 226, 227, and 228 of Irregular Tracts
9 in the Southeast Quarter of the Northwest Quarter of
10 Section 34, Township 10 North, Range 6 East of the 6th
11 P.M., Lincoln, Lancaster County, Nebraska, more particu-
12 larly described by metes and bounds as follows:

13 Referring to the southwest corner of the Southeast
14 Quarter of the Northwest Quarter of Section 34, Township
15 10 North, Range 6 East of the 6th P.M.; thence in a
16 northerly direction on the west line of the Southeast
17 Quarter of the Northwest Quarter of said Section 34, and
18 on an assumed bearing of north 00 degrees 02 minutes 59
19 seconds east, a distance of 40.00 feet; thence north 90
20 degrees 00 minutes 00 seconds east and 40.00 feet north
21 of and parallel to the south line of the Southeast
22 Quarter of the Northwest Quarter of said Section 34, a
23 distance of 30.00 feet, and said point being on the
24 northerly right-of-way line of West South Street and the
25 easterly right-of-way line of Southwest 9th Street, and
26 also the point of beginning; thence north 00 degrees 02
27 minutes 59 east, parallel to and 30.00 feet easterly of
28 the west line of the Southeast Quarter of the Northwest
29 Quarter of said Section 34, and being on the easterly
30 right-of-way line of said Southwest 9th Street and the
31 west line of Lots 173, 228, 227, and 226 of Irregular
32 Tracts, a distance of 1286.63 feet to the northwest
33 corner of said Lot 226, Irregular Tract and being on the
34 north line of the Southeast Quarter of the Northwest
35 Quarter of said Section 34; thence south 89 degrees 49
36 minutes 13 seconds east and on the north line of the
37 Southeast Quarter of the Northwest Quarter of said
38 Section 34, and also being on the north line of Lot 226,
39 Irregular Tract, a distance of 631.02 feet to the
40 northeast corner of Lot 226, Irregular Tract; thence
41 south 00 degrees 04 minutes 17 seconds east on the east
42 line of Lot 226, Irregular Tract and the west line of
43 Lot 136, Irregular Tract, a distance of 165.36 feet to
44 the northwest corner of said Lot 64, Irregular Tract;

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thence south 89 degrees 52 minutes 53 seconds east on the north line of Lot 64, Irregular Tract and the south line of Lots 136, and 138 Irregular Tracts, a distance of 621.08 feet, said point being the northeast corner of Lot 64, Irregular Tract and on the westerly right-of-way line of South Folsom Street; thence south 00 degrees 01 minutes 56 seconds west on the westerly right-of-way line of South Folsom Street and 40.00 feet west of and parallel to the east line of the Southeast Quarter of the Northwest Quarter of said Section 34, and the east line of Lot 64, Irregular Tract, a distance of 295.35 feet, said point being on the northerly right-of-way line of the Chicago Burlington and Quincy Railroad; thence south 40 degrees 16 minutes 51 seconds west on the northerly right-of-way line of said railroad and 100 feet northwesterly of and parallel to the centerline, a distance of 1078.34 feet and said point being on the northerly right-of-way line of West South Street; thence north 90 degrees 00 minutes 00 seconds west and on the northerly right-of-way line of West South Street and 40.00 feet northerly of and parallel to the south line of the Southeast Quarter of the Northwest Quarter of said Section 34, a distance of 556.06 feet to the point of beginning, and containing a calculated area of 28.01 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; 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 RESOLVED by the Lincoln City - Lancaster County Planning Commission:

1. That the plat of FOLSOM RIDGE as an addition to the City of Lincoln, Nebraska, filed in the office of the Planning Department of said City by DAUGHERTY CONSTRUCTION, INC., a Nebraska corporation, as owner is hereby accepted and approved, and said owner is given the right to plat said FOLSOM RIDGE as an addition to 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

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1 construction of street improvements, including the grading, paving, and
2 installation of curb and gutter, curb inlets, and storm drain laterals for all
3 streets as shown on the approved final plat. The construction shall be completed
4 within two years following Planning Commission approval of this final plat.

5 Second: That said owner shall at its own cost and expense pay for
6 all labor, material, engineering, and inspection costs in connection with the
7 construction of sidewalks on all interior streets, on the east side of SW 9th
8 Street and on the west side of South Folsom Street. The construction shall be
9 completed within four years following Planning Commission approval of this final
10 plat.

11 Third: That said owner shall at its own cost and expense pay for all
12 labor, material, engineering, and inspection costs in connection with the
13 construction of a public water distribution 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 Fourth: That said owner shall at its own cost and expense pay for
17 all labor, material, engineering, and inspection costs in connection with the
18 construction of a public wastewater collection system as shown on the approved
19 preliminary plat. The construction shall be completed within two years following
20 Planning Commission approval of this final plat.

21 Fifth: That said owner shall at its own cost and expense pay for all
22 labor, material, engineering, and inspection costs in connection with the
23 construction of drainage facilities, including the storm water detention
24 facility, as shown on the approved drainage study. The construction shall be
25 completed within two years following Planning Commission approval of this final
26 plat.

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

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

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

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

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

24 The owner, its successors and assigns agree:

25 a. To submit to the Director of Public Works for review and
26 approval a plan showing proposed measures to control sedimentation and erosion
27 and the proposed method to temporarily stabilize all graded land.

- 1 5 b. To protect the remaining trees on the site during construction
2 and development.
- 3 c. To pay all improvement costs.
- 4 d. To submit to lot buyers and home builders a copy of the soil
5 analysis.
- 6 e. To continuously and regularly maintain street trees.
- 7 f. To complete the private improvements shown on the preliminary
8 plat and community unit plan.
- 9 g. To maintain the outlots and private improvements, including the
10 islands in the cul-de-sacs and the storm water detention facility, on a permanent
11 and continuous basis. However, the owner 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 owner 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 h. To relinquish the right of direct vehicular access to South
19 Folsom Street from Lot 12, Block 2, and Outlot "C".
- 20 i. To complete the permanent lot and block staking before
21 construction or conveyance of any lot shown on this final plat.
- 22 3. That said owner 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 sum
25 of \$132,000.00 conditioned upon the strict compliance by said owner with the
26 conditions contained in paragraph designated "First" of Paragraph 1 of this
27 resolution.

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1 b. A bond or an approved escrow or security agreement in the sum
2 of \$36,000.00 conditioned upon the strict compliance by said owner with the
3 conditions contained in paragraph designated "Second" of Paragraph 1 of this
4 resolution.

5 c. A bond or an approved escrow or security agreement in the sum
6 of \$58,000.00 conditioned upon the strict compliance by said owner with the
7 conditions contained in paragraph designated "Third" of Paragraph 1 of this
8 resolution.

9 d. A bond or an approved escrow or security agreement in the sum
10 of \$49,000.00 conditioned upon the strict compliance by said owner with the
11 conditions contained in paragraph designated "Fourth" of Paragraph 1 of this
12 resolution.

13 e. A bond or an approved escrow or security agreement in the sum
14 of \$12,000.00 conditioned upon the strict compliance by said owner with the
15 conditions contained in paragraph designated "Fifth" of Paragraph 1 of this
16 resolution.

17 f. A bond or an approved escrow or security agreement in the sum
18 of \$8,000.00 conditioned upon the strict compliance by said owner with the
19 conditions contained in paragraph designated "Sixth" of Paragraph 1 of this
20 resolution.

21 g. A bond or an approved escrow or security agreement in the sum
22 of \$10,622.50 conditioned upon the strict compliance by said owner with the
23 conditions contained in paragraph designated "Seventh" of Paragraph 1 of this
24 resolution.

25 h. A bond or an approved escrow or security agreement in the sum
26 of \$575.00 conditioned upon the strict compliance by said owner with the

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

3 1. A bond or an approved escrow or security agreement in the sum
4 of \$2,500.00 conditioned upon the strict compliance by said owner with the
5 conditions contained in paragraph designated "Ninth" of Paragraph 1 of this
6 resolution.

7 The bonds required above shall be subject to approval by the City
8 Attorney. In the event that said owner or its surety shall fail to satisfy the
9 conditions herein set forth within the time specified in this resolution, the
10 City may cause the required work to be performed and recover the cost thereof
from said owner and its surety.

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

8 The foregoing Resolution was approved by the Lincoln City - Lancaster
9 County Planning Commission on this 15th day of September, 1993.

10

ATTEST:

Lincoln Whiteman Blued
Chairman

Approved as to Form & Legality:

Art City Attorney

(FOLSOH, SUB)

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AGREEMENT

THIS AGREEMENT is made and entered into by and between DAUGHERTY CONSTRUCTION, INC., a Nebraska corporation, 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 FOLSOM RIDGE; 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 FOLSOM RIDGE, 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 submit to lot buyers and home builders a copy of the soil analysis.
5. The Subdivider agrees to continuously and regularly maintain street trees.
6. The Subdivider agrees to complete the private improvements shown on the preliminary plat and community unit plan.
7. The Subdivider agrees to maintain the outlots and private improvements, including the islands in the cul-de-sacs and the storm water

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detention facility, 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 South Folsom Street from Lot 12, Block 2, and Outlot "C".

9. The Subdivider agrees to complete the permanent lot and block staking before construction or conveyance of any lot shown on this final plat.

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

Dated this 6 day of May, 1994.

ATTEST:

Jennifer Hunkle
Secretary Office Manager

DAUGHERTY CONSTRUCTION, INC.,
A Nebraska Corporation

Rick Daugherty
President

ATTEST:

CITY OF LINCOLN, NEBRASKA,
A Municipal Corporation

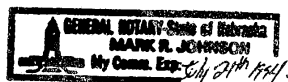
Paul H. Malzer
City Clerk

Mark Johnson
Mayor

STATE OF NEBRASKA }
COUNTY OF LANCASTER } ss.

The foregoing instrument was acknowledged before me this 19th day of October, 1993, by Rick G. Daugherty, President of Daugherty Construction, Inc., a Nebraska corporation, on behalf of the corporation.

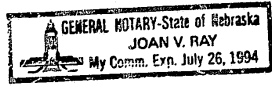
Mark R. Johnson
Notary Public



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STATE OF NEBRASKA }
COUNTY OF LANCASTER } ss.

The foregoing instrument was acknowledged before me this 6th day of May, 1994, by Mike Johanns, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



Joan V. Ray
Notary Public

Approved as to Form and Legality:

Mike Poo
Asst City Attorney

C E R T I F I C A T E

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

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 RESOLUTION NO. PC-00117
APPROVING FOLSOM RIDGE FINAL PLAT AND THE AGREEMENT FOR
SAME

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 6th day of May, 1994.

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

BLOCK

CODE

CHECKED

ENTERED

EDITED

LANCASTER COUNTY, NEB

REGISTER OF DEEDS

May 11 12 50 PM '94

INST. NO. 94- 22518

\$55

Return #20
for Daughter
to
City Clerk