

11779

ORDINANCE NO. \_\_\_\_\_

01 AN ORDINANCE accepting and approving the plat designated  
02 as FOX HOLLOW ADDITION as an addition to the City of Lincoln,  
03 Nebraska, filed in the office of the Planning Department of  
04 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, ROBERT W. REEVES and LOUISE E. REEVES, husband  
08 and wife, owners of a tract of land legally described as:

09 a subdivision of Lot 2, Irregular Tracts, all  
10 of the Southeast Quarter of the Northwest  
11 Quarter of Section 3, and a part of Lot  
12 30, Irregular Tracts, all located in the  
13 North One-half of Section 3, Township 9 North,  
14 Range 7 East of the Sixth Principal Meridian,  
15 Lancaster County, Nebraska, and more particularly  
16 described as follows: Beginning at a point  
17 33.0 feet south of the North Quarter corner  
18 of said section; thence south 0 degrees 59  
19 minutes west along the north-south centerline  
20 of said Section 3, a distance of 762.95 feet;  
21 thence south 42 degrees 49 minutes east, a  
22 distance of 330.0 feet; thence south 47 degrees  
23 11 minutes west, a distance of 316.53 feet;  
24 thence south 0 degrees 59 minutes west, a  
25 distance of 1402.85 feet to the center of  
26 said Section 3; thence north 89 degrees 46  
27 minutes west along the east-west centerline  
28 of said Section 3, a distance of 1324.6 feet;  
29 thence north 1 degree 01 minute east, a distance  
30 of 2323.65 feet; thence south 89 degrees  
31 26 minutes east, a distance of 150.0 feet;  
32 thence north 1 degree 01 minute east, a distance  
33 of 307.0 feet; thence south 89 degrees 26  
34 minutes east, a distance of 1172.96 feet  
35 to the point of beginning, containing 79.97  
36 acres, more or less

37 have filed said plat in the office of the Planning Department  
38 of the City of Lincoln, Nebraska, with a request for approval and  
39 acceptance thereof, in the manner and form as by ordinance required;  
40 and

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

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

03 Section 1. That the plat of FOX HOLLOW ADDITION, as an  
04 addition to the City of Lincoln, Nebraska, filed in the office  
05 of the Planning Department of said City by ROBERT W. REEVES and  
06 LOUISE E. REEVES, husband and wife, as owners, are hereby accepted  
07 and approved, and said owners are hereby given the right to plat  
08 said FOX HOLLOW ADDITION as an addition to said City in accordance  
09 therewith. Such acceptance and approval are conditioned upon  
10 the following:

11 FIRST: That said owners shall at their own cost and  
12 expense pay for all labor, material, engineering, and inspection  
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 subdivision and along the south side of Van  
16 Dorn Street adjacent to this subdivision and in the pedestrian  
17 way easement located in Lot 11, Block 3, Outlot "A", Lot 15,  
18 Block 4, and in lots 19 and 34, Block 5. The construction  
19 of said sidewalks shall be completed not later than October 1, 1980.

20 SECOND: That said owners shall at their own cost and  
21 expense pay for all labor, material, engineering, and inspection  
22 costs in connection with removal of temporary turn-arounds at the  
23 end of all dead end streets. Said removal is to be accomplished at  
24 such time as said street is extended beyond the limits of this  
25 subdivision.

26 THIRD: That said owners shall at their own cost and expense  
27 pay for all labor, material, engineering, and inspection costs  
28 in connection with the construction of a system of storm sewerage  
29 and drainage to serve said plat. Said system of storm sewerage  
30 and drainage shall be constructed as follows:

- 31 a. An 18-inch RCP in South 75th Street from Hillside Street  
32 south approximately 100 feet.
- 33 b. An 18-inch RCP in South 75th Street from Hillside Street  
34 approximately 100 feet north.
- 35 c. A 24-inch RCP in Hillside Street from South 75th Street to  
36 Fox Hollow Road, unless the final design shows that a grade  
37 adequate to allow the use of a 21-inch RCP can be obtained.
- 38 d. A 30-inch RCP in Fox Hollow Road from Hillside Street to a  
39 point 150 feet north of Sherman Street.

- 23712
- 01 e. A 36-inch RCP in Fox Hollow Road from the north end of the  
02 30-inch RCP described in "c" above to South 74th Street.
- 03 f. A 15-inch RCP in Ringneck Drive from 76th Street east  
04 approximately 175 feet.
- 05 g. An 18-inch RCP in South 76th Street from Ringneck Drive  
06 south approximately 230 feet.
- 07 h. A 24-inch RCP in Ringneck Drive from South 76th Street south-  
08 west to a point 120 feet northeast of Willow Wood Lane, thence  
09 a 30-inch RCP to Willow Wood Lane. The exact location of the  
10 change in pipe size shall be made at the time of final design.
- 11 i. A 30-inch RCP in Willow Wood Lane from Ringneck Drive to Fox  
12 Hollow Road.
- 13 j. A 36-inch RCP in Fox Hollow Road from Willow Wood Lane to  
14 South 74th Street. A 30-inch RCP may be used if an adequate  
15 grade can be obtained.
- 16 k. A 42-inch RCP in South 74th Street from Fox Hollow Road  
17 northwest approximately 250 feet. A 36-inch RCP may be used if an  
18 adequate grade can be obtained.
- 19 l. A 21-inch RCP in South 74th Street from a point 250 feet  
20 northwest of Fox Hollow Road to a point 230 feet south of  
21 Otoe Street. This size may be reduced if an adequate grade  
22 can be obtained at the time of final design.
- 23 m. A 15-inch RCP from the east end of Wren Circle to the open  
24 channel.
- 25 n. A 15-inch RCP from the east end of Otoe Court to the open  
26 channel.
- 27 o. A 15-inch RCP from the west end of Possum Circle to the open  
28 channel.
- 29 p. A 15-inch RCP from the west end of Cardinal Circle to the open  
30 channel.
- 31 q. A 21-inch RCP from the west end of Otoe Place to the open  
32 channel.
- 33 r. A 60-inch easement between Lots 2 and 3 of Block 4, in Wren  
34 Court from Fox Hollow Road to the east end of Wren Court,  
35 then in the easement between Lots 4 and 5 of Block 5. Grassed  
36 swales of sufficient capacity to carry the excess flow from  
37 a 50-year storm shall be provided in the easements, and in  
38 the easement from Otoe Place to the major drainageway.  
39 A minimum floor elevation shall be specified for the houses  
40 on Wren Court, Lots 2 and 3 of Block 4, and the houses on Otoe  
41 Place to assure that they are not flooded. The elevation  
42 shall be at least 2 feet above the 50-year flood level.
- 43 s. Twin 66-inch RCP's under South 74th Street in the major  
44 drainageway.
- 45 t. Gabion low flow lining shall be required in the open channel.  
46 A bottom width of 6 feet and sideslopes of 3 horizontal to 1  
47 vertical shall be required, except that the section from Van  
48 Dorn Street 200 feet south need only be 3 feet wide.
- 49 u. An 18-inch RCP shall be provided between Lots 5 and 6 of  
50 Block 9 to provide an outlet from future development to the  
51 east.

01           The aforesaid system of storm sewerage and drainage shall  
02 be designed and constructed in conformance with "Storm Sewer Design  
03 Criteria" published by the Department of Public Works for the City  
04 of Lincoln in June, 1974, filed in the office of the City Engineer.  
05 Construction of said system of storm sewerage and drainage shall be  
06 completed not later than October 1, 1978.

07           FOURTH: That said owners shall at their own cost and expense  
08 pay for all labor, material, and related costs in connection  
09 with the installation of a landscape planting screen along the  
10 lots which abut Van Dorn Street. Said landscape screen to be installed  
11 within two planting seasons following the issuance of building permits  
12 to each individual lot.

13           FIFTH: That prior to the effective date of this ordinance,  
14 said owners shall enter into a written agreement with City which  
15 shall provide as follows:

16           1. Agree to pay the equivalent cost of local street paving  
17 installation in Van Dorn Street where Van Dorn Street abuts this  
18 subdivision. There are three alternative methods which are to be  
19 accomplished at such time as the City approves and accepts this final  
20 plat:

- 21           a. post a bond
- 22           b. assessment district
- 23           c. payment now based on current costs

24           The Department of Public Works indicates that the cost of such  
25 paving would be approximately \$30,000. The City has created an assess-  
26 ment district for the paving of Van Dorn Street from 70th to the east  
27 line of Fox Hollow <sup>Addition</sup> ~~Road~~.

28           2. Agree that a 12-inch water main shall be constructed in  
29 Fox Hollow Road from Van Dorn Street southerly to Willow Wood Lane  
30 and in Willow Wood Lane southerly to Ringneck Drive and continuing  
31 southerly in Ringneck Drive and South 75th Street to the south  
32 limits of this subdivision, and a 16-inch water main in Van Dorn  
33 Street from 70th Street to 84th Street and a 24-inch water feeder  
34 main in 84th Street from Van Dorn Street to the southeast pumping  
35 station. The standard cost to be assessed to the benefited property.

01           3. That owners, their successors and assigns to Lots 19 and  
02 34, Block 5, Lot 15, Block 4, Outlot "A", and Lot 11, Block 3,  
03 shall be responsible for the perpetual maintenance of the pedestrian  
04 way and the sidewalk therein, the same as if the sidewalk was located  
05 in front of their lot in the street right-of-way.

06           4. That owners, their successors and assigns to those lots  
07 which abut Van Dorn Street shall relinquish to the City of Lincoln  
08 the right of direct vehicular access to Van Dorn Street.

09           5. Agree to develop the common open areas designated as Outlots  
10 "A" and "B" with trees, shrubs and grasses, and maintain the common  
11 open areas including the landscaping, the sidewalks and the open  
12 drainage channels on a permanent and continuous basis. However, the  
13 owners may be relieved and discharged of such maintenance oblig-  
14 ations upon the creation in writing of a permanent and continuous  
15 agency of property owners within said plat, which agency shall assume  
16 such maintenance obligation. The instrument creating any such permanent  
17 and continuing agency shall have no force and effect until the same  
18 shall have been approved by the City Attorney, and filed of record  
19 in the office of the Register of Deeds for Lancaster County, Nebraska.

20           6. That said owners agree that any cut, fill, and compaction of  
21 land within and, if applicable, adjacent to this subdivision shall be  
22 accomplished in accordance with the design standards of the City and  
23 subject to the approval of the Director of Public Works. To control  
24 erosion and sedimentation during and after land preparation, said  
25 owners, their successors and assigns shall provide for disturbing  
26 only the areas needed for construction; removing only those trees,  
27 shrubs and grasses that must be removed by construction; installing  
28 required sediment basins and diversion dikes before disturbing the  
29 land that drains into them; and temporarily stabilizing each segment  
30 of graded or otherwise disturbed land by seeding and mulching or by  
31 other approved methods. As land preparation is completed, the owners,  
32 their successors and assigns shall permanently stabilize each segment  
33 with perennial vegetation and structural measures. Diversion dikes  
34 and sediment basins shall be leveled after areas that drain into them

01 are stabilized and permanent vegetation shall be established on those  
02 areas. Sediment basins that are to be retained for storm water  
03 retention shall be seeded to permanent vegetation no later than nine  
04 months after completion of the sediment basins and shall be permanently  
05 maintained by the owners or their successors and assigns.

06 7. That said owners agree to have this proposed subdivision  
07 included within an assessment district, only at the City's option;  
08 however, if the creation of an assessment district would not be feasible  
09 or desirable, the owners shall furnish a bond or escrow or security  
10 agreement to guarantee construction of the street improvements  
11 including the grading, paving and installation of curb and gutter,  
12 the installation of public water mains and fire hydrants, public  
13 sanitary sewers and man holes, and ornamental street lights, as  
14 required in the approved preliminary plat on file with the City  
15 Clerk and all in accordance with the design standards approved by  
16 the City of Lincoln and those design standards proposed by the  
17 Department of Public Works.

18 Section 2. That said owners shall, prior to final passage  
19 of this ordinance, execute and deliver to the City of Lincoln:

20 a. A bond in the sum of \$120,000 conditioned upon the strict  
21 compliance by said owners with the conditions contained in paragraph  
22 designated "FIRST" of the next preceding section of this ordinance;

23 b. A bond in the sum of \$1,500 conditioned upon the strict  
24 compliance by said owners with the conditions contained in paragraph  
25 designated "SECOND" of the next preceding section of this ordinance;

26 c. A bond in the sum of \$140,000 conditioned upon the strict  
27 compliance by said owners with the conditions contained in paragraph  
28 designated "THIRD" of the next preceding section of this ordinance;

29 d. A bond in the sum of \$4,600 conditioned upon the strict  
30 compliance by said owners with the conditions contained in paragraph  
31 designated "FOURTH" of the next preceding section of this ordinance.

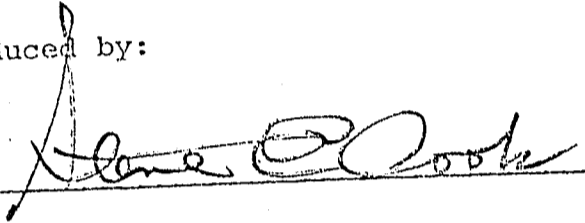
32 The bonds required above shall be subject to approval by  
33 the City Attorney. In the event said owners or their surety shall  
34 fail to satisfy the conditions herein set forth within the  
35 time specified in this ordinance, the City Council may order the

01 required work to be performed by the City and recover the cost  
02 thereof from said owners and their surety. Such work shall be  
03 performed in the manner set forth in Title 26 of the Lincoln  
04 Municipal Code known as the Land Subdivision Ordinance as now  
05 existing or as may hereafter be amended.

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

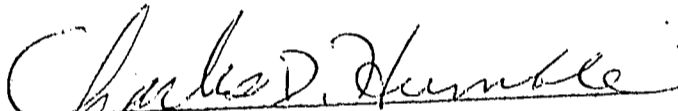
12 Section 4. That this ordinance shall take effect and be  
13 in force from and after its passage and publication according to  
14 law.

Introduced by:

  
\_\_\_\_\_

Approved as to Form and Legality:

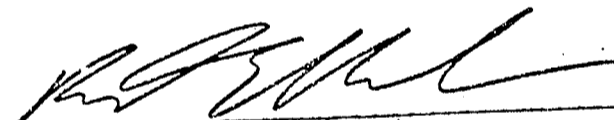
All AYES - Baker absent

  
City Attorney

PASSED

Staff Review Completed:

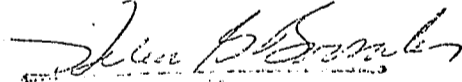
SEP 20 1976

  
Administrative Director

BY CITY COUNCIL

APPROVED

CLERK

  
\_\_\_\_\_

23212

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between MARVIN COPPLE of Lincoln, Nebraska, *M.C.* 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 FOX HOLLOW ADDITION; 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 FOX HOLLOW ADDITION, it is agreed by and between Subdivider and City as follows:

1. That Subdivider agrees to pay the equivalent cost of local street paving installation in Van Dorn Street where Van Dorn Street abuts this subdivision. There are three alternative methods which are to be accomplished at such time as the City approves and accepts this final plat:

- a. post a bond
- b. assessment district
- c. payment now based on current costs

The Department of Public Works indicates that the cost of such paving would be approximately \$30,000. The City has created an assessment district for the paving of Van Dorn Street from 70th to the east line of Fox Hollow Road.

2. That Subdivider agrees that a 12-inch water main shall be constructed in Fox Hollow Road from Van Dorn Street southerly to Willow Wood Lane and in Willow Wood Lane southerly to Ringneck Drive and continuing southerly in Ringneck Drive and South 75th Street to the south limits of this subdivision, and a 16-inch water main in Van Dorn Street from 70th Street to 84th Street and a 24-inch water feeder main in 84th Street from Van Dorn Street to the southeast pumping station. The standard cost to be assessed to the benefited property.

3. That Subdivider, its successors and assigns to Lots 19 and 34, Block 5, Lot 15, Block 4, Outlot "A", and Lot 11, Block 3, shall be responsible for the perpetual maintenance of the pedestrian way and the sidewalk therein, the same as if the sidewalk was located in front of their lot in the street right-of-way.

4. That Subdivider, its successors and assigns to those lots which abut Van Dorn Street shall relinquish to the City of Lincoln the right of direct vehicular access to Van Dorn Street.

5. That Subdivider agrees to develop the common open areas designated as Outlots "A" and "B" with trees, shrubs and grasses, and maintain the common open areas including the landscaping, the sidewalks and the open drainage channels on a permanent and continuous basis. However, the subdivider may be relieved and discharged of such maintenance obligations upon the creation in writing of a permanent and continuous agency of property owners within said 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.



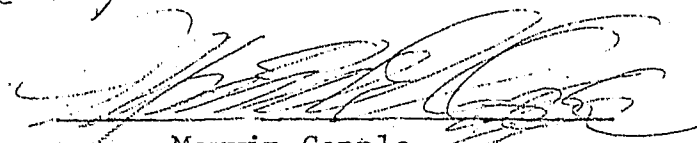
23212

6. That Subdivider agrees that any cut, fill, and compaction of land within and, if applicable, adjacent to this subdivision shall be accomplished in accordance with the design standards of the City and subject to the approval of the Director of Public Works. To control erosion and sedimentation during and after land preparation, said 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 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, the 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 months after completion of the sediment basins and shall be permanently maintained by the Subdivider or its successors and assigns.

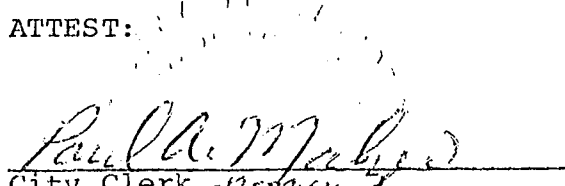
7. That Subdivider agrees to have this proposed subdivision included within an assessment district, only at the City's option; however, if the creation of an assessment district would not be feasible or desirable the Subdivider shall furnish a bond or escrow or security agreement to guarantee construction of the street improvements including the grading, paving and installation of curb and gutter, the installation of public water mains and fire hydrants, public sanitary sewers and man holes, and ornamental street lights, as required in the approved preliminary plat on file with the City Clerk and all in accordance with the design standards approved by the City of Lincoln and those design standards proposed by the Department of Public Works.

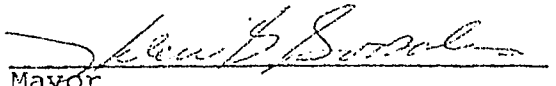
8. That the covenants and agreements contained herein shall run with the land in said plat and shall be binding and obligatory upon the heirs, successors, and assigns of Subdivider to all or any part of the real estate in said plat.

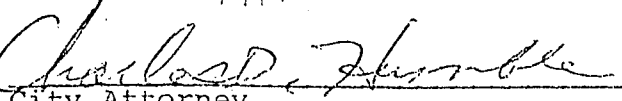
Dated this 20th day of September, 1976.

  
Marvin Copple

\_\_\_\_\_  
Witness

ATTEST:   
Paula Mahood  
City Clerk Deputy

\_\_\_\_\_  
CITY OF LINCOLN, NEBRASKA  
  
Mayor

Approved as to Form and Legality:  
  
Charles D. Humble  
City Attorney

C E R T I F I C A T E

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

I, ~~xxxxxx~~ <sup>Paul Malzer-Deputy</sup> 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. 11779, Agreement, and Plat  
Passed by City Council September 20, 1976.

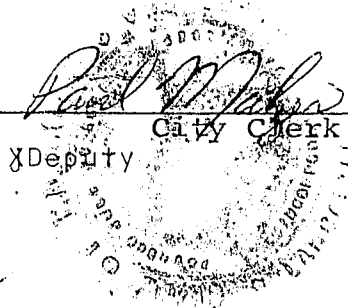
as the original appears of record in my said office and is now in  
my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially  
and affixed the seal of the City of Lincoln, Nebraska, this 5th  
day of ~~xxx~~ OCTOBER, A.D., 1976.

INDEXED 7-391  
MICRO-FILED *mrc*  
GENERAL

LANCASTER COUNTY  
REGISTER OF DEEDS  
1976 OCT -5 AM 10:11

FILED  
INST. NO. 76- 23212



\$ 30<sup>25</sup>

*1200 Lancaster*