

18593 79-150

\$76.50

Introduce: 5-29-79

ORDINANCE NO. 12593

01 AN ORDINANCE accepting and approving the plat designated
02 as HIGHLAND GLEN as an addition within three miles of the corporate
03 limits of the City of Lincoln, Nebraska, filed in the office of
04 the Planning Department of the City of Lincoln, Nebraska, upon
05 certain conditions herein specified and providing for sureties
06 conditioned upon the strict compliance with such conditions.

07 WHEREAS, HIGHLANDS DEVELOPMENT CORPORATION, a Nebraska
08 corporation by Joel M. Katleman, President and Gordon H. Miles,
09 Secretary, owners of a tract of land legally described as:

10 a replat of part of Lot 2, Block 2, Highland North, as
11 platted and recorded, Lancaster County, Nebraska, described
12 as follows: Beginning at the southwest corner of said
13 Lot 2, Block 2, Highland North; thence north 07 degrees
14 13 minutes 31 seconds west (assumed bearing) along the
15 west line of Lot 2, 944.82 feet; thence along a curve
16 to the left with a radius of 180.00 feet for 190.82 feet
17 with a chord bearing north 37 degrees 35 minutes 41
18 seconds west for 182.01 feet; thence north 67 degrees
19 57 minutes 50 seconds west 35.59 feet; thence north 22
20 degrees 02 minutes 10 seconds east 140.00 feet to the
21 south right-of-way line of U.S. Highway #34; thence
22 south 67 degrees 57 minutes 50 seconds east along said
23 right-of-way 222.89 feet; thence along a curve to the
24 left with a radius of 121.60 feet for 125.67 feet with
25 a chord bearing south 37 degrees 37 minutes 12 seconds
26 east for 120.15 feet; thence south 67 degrees 13 minutes
27 31 seconds east 93.06 feet; thence along a curve to the
28 right with a radius of 142.00 feet for 223.05 feet with
29 a chord bearing south 22 degrees 13 minutes 31 seconds
30 east for 200.82 feet; thence south 22 degrees 46 minutes
31 29 seconds west 76.00 feet; thence along a curve to the
32 left with a radius of 187.94 feet for 98.41 feet with a
33 chord bearing south 07 degrees 46 minutes 29 seconds west
34 for 97.29 feet; thence south 07 degrees 13 minutes 31 seconds
35 east 430.50 feet; thence along a curve to the left with
36 a radius of 126.49 feet for 120.61 feet with a chord bearing
37 south 34 degrees 32 minutes 30 seconds east for 116.09 feet;
38 thence south 61 degrees 51 minutes 29 seconds east 66.47 feet;
39 thence along a curve to the right with a radius of 89.93 feet
40 for 89.97 feet with a chord bearing south 33 degrees 12
41 minutes 00 seconds east for 86.26 feet; thence south 04 degrees
42 32 minutes 31 seconds east 51.24 feet to the north right-of-way
43 line of W. Fletcher Avenue; thence along a curve to the left
44 with a radius of 550.00 feet for 285.29 feet with a chord
45 bearing north 82 degrees 21 minutes 56 seconds west for 282.10
46 feet; thence south 82 degrees 46 minutes 29 seconds west
47 140.19 feet to the point of beginning, containing 8.03 acres
48 more or less.

49 has filed said plat in the office of the Planning Department of
50 the City of Lincoln, Nebraska, with a request for approval and
51 acceptance thereof, in the manner and form as by ordinance
52 required; and

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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 HIGHLAND GLEN, as an addition within three miles of the corporate limits of the City of Lincoln, Nebraska, filed in the office of the Planning Department of said City by HIGHLANDS DEVELOPMENT CORPORATION, a Nebraska corporation by Joel M. Katleman, President and Gordon H. Miles, Secretary, as owners, are hereby accepted and approved, and said owners are hereby given the right to plat said HIGHLAND GLEN 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, and related costs in connection with the installation of a landscape screen around the perimeter of this final plat. Said landscape screen shall be installed within two planting seasons following the issuance of occupancy permits to 60 percent of the lots within this final plat.

Second: That prior to the passage of this ordinance, said owners shall enter into a written agreement with City which shall provide as follows:

a. Said owner agrees to comply with and be bound by the terms of the "Subdivision Agreement", dated November 20, 1974, as amended by and between Highlands Development Corporation, Sanitary and Improvement District No. 7 of Lancaster County, Nebraska, and the City of Lincoln, Nebraska, to guarantee construction of concrete sidewalks as shown on the approved community unit plan and adjacent to this subdivision along the northerly side of West Fletcher Avenue and the easterly side of NW 4th Street, and a bridge for the sidewalk which extends to the eastern limits of this final plat. Construction of the foregoing concrete sidewalks and bridge shall be completed by October 1, 1982.

b. Said owner agrees to comply with and be bound by the terms of the "Subdivision Agreement", dated November 20, 1974, as amended, to guarantee construction of storm sewers and

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01 drainage facilities as determined by the drainage study received
02 by the Planning Department on March 31, 1978. The construction
03 of said storm sewers and drainage facilities shall be completed
04 by October 1, 1980.

05 c. Said owner agrees to comply with and be bound by
06 the terms of the "Subdivision Agreement", dated November 20,
07 1974, as amended, to guarantee construction of the street improvements,
08 including the grading, paving and installation of curb and gutter,
09 and the installation of public water mains and fire hydrants;
10 public sanitary sewers and manholes; and ornamental street lights,
11 as approved within the preliminary plat for this final plat, all
12 in accordance with the design standards approved by the City of
13 Lincoln and those design standards recommended by the Public
14 Works Department.

15 d. Said owner agrees to relinquish the right of
16 direct vehicular access to West Fletcher Avenue from the lots
17 which abut said street.

18 e. Said owner agrees to develop the outlots with
19 trees, shrubs and grasses and agrees to maintain the common open
20 areas designated as outlots, including the trees, shrubs, and
21 grasses, the ditch liners, the recreational facilities, private
22 ornamental street lights, the private roadways, parking areas and
23 driveways, and the sidewalks and pedestrian bridges on a permanent
24 and continuous basis. However, said owners may be relieved and
25 discharged of such maintenance obligations upon the creation in
26 writing of a permanent and continuing agency of property owners
27 within said plat, which agency shall assume such maintenance
28 obligation. The instrument creating any such permanent and
29 continuing agency shall have no force and effect until the same
30 shall have been approved by the City Attorney and filed of record
31 in the Office of the Register of Deeds for Lancaster County,
32 Nebraska.

33 f. Said owner agrees that the drainage ditches shall
34 be lined in accordance with adopted design standards of the City of
Lincoln.

35 g. Said owner agrees to prepare and submit to the
36 Director of Public Works a plan showing erosion control on graded
37 land. Said plan shall be reviewed by the Director of Public
38 Works prior to any grading. Said plan shall include a seeding and
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01 maintenance schedule listing as follows:

- 02 1. type of seed to be used and seeding rate;
- 03 2. time of seeding;
- 04 3. type of mulch to be used if seeding is not
- 05 feasible;
- 06 4. type of fertilizer and application rate;
- 07 5. expected maintenance, including frequency of
- 08 mowing, fertilizing, and other maintenance
- 09 requirements.

10 h. Said owner agrees that the landscape screen shall
 11 be permanently maintained to the satisfaction of the Planning
 12 Director.

13 i. Said owner agrees that any cut, fill, and compaction
 14 of land within, and if applicable, adjacent to this final plat,
 15 shall be accomplished in accordance with the Land Subdivision
 16 Ordinance. To control erosion and sedimentation during and after
 17 land preparation, the owner, its successors and assigns shall
 18 provide for disturbing only those areas needed for construction;
 19 removing only those trees, shrubs, and grasses that must be
 20 removed by construction; installing required sediment basins and
 21 diversion dikes before disturbing the land that drains into them;
 22 and temporarily stabilizing each segment of graded or otherwise
 23 disturbed land by seeding and mulching or by other approved
 24 methods. As land preparation is completed, said owner, its successors
 25 and assigns shall permanently stabilize each segment with perennial
 26 vegetation and structural measures. Diversion dikes and sediment
 27 basins shall be leveled after areas that drain into them are
 28 stabilized, and permanent vegetation shall be established on
 29 those areas. Sediment basins that are to be retained for storm
 30 water retention shall be seeded to permanent vegetation no later
 31 than nine (9) months after completion of the sediment basins and
 32 shall be permanently maintained by the owner or its successors
 33 and assigns.

34 Section 2. That said owner shall, prior to final
 35 passage of this ordinance, execute and deliver to the City of
 36 Lincoln: a bond in the sum of \$5,000 conditioned upon the strict
 37 compliance by said owner with the conditions contained in paragraph
 38 designated "First" of the next preceding section of this ordinance.

The bond required above shall be subject to approval by
 40 the City Attorney. In the event that said owner or its surety
 41 shall fail to satisfy the conditions herein set forth within the
 42 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 owner and its surety.

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

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

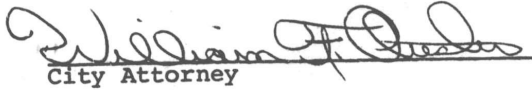
Introduced by:



Approved as to Form and Legality:

AYES: Ahlschwede, Frohardt, Hampton,
Robinson, Scherer, Steinman,
Youngberg;

NAYS: None.


City Attorney

Staff Review Completed:


Administrative Director

APPROVED

JUN 19 1979


MAYOR

PASSED

JUN 11 1979

BY CITY COUNCIL

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A G R E E M E N T

THIS AGREEMENT is made and entered into by and between HIGHLANDS DEVELOPMENT CORPORATION, a Nebraska corporation by Joel M. Katleman, President and Gordon H. Miles, Secretary, 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 HIGHLAND GLEN; 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 HIGHLAND GLEN, it is agreed by and between Subdivider and City as follows:

1. Subdivider agrees to comply with and be bound by the terms of the "Subdivision Agreement", dated November 20, 1974, as amended by and between Highlands Development Corporation, Sanitary and Improvement District No. 7 of Lancaster County, Nebraska, and the City of Lincoln, Nebraska, to guarantee construction of concrete sidewalks as shown on the approved community unit plan and adjacent to this subdivision along the northerly side of West Fletcher Avenue and the easterly side of NW 4th Street, and a bridge for the sidewalk which extends to the eastern limits of this final plat. Construction of the foregoing concrete sidewalks and bridge shall be completed by October 1, 1982.

2. Subdivider agrees to comply with and be bound by the terms of the "Subdivision Agreement", dated November 20, 1974, as amended, to guarantee construction of storm sewers and drainage facilities as determined by the drainage study received by the Planning Department on March 31, 1978. The construction of said storm sewers and drainage facilities shall be completed by October 1, 1980.

3. Subdivider agrees to comply with and be bound by the terms of the "Subdivision Agreement", dated November 20, 1974, as amended, to guarantee construction of the street improvements, including the 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 street lights, as approved within the preliminary plat for this final plat, all in accordance with the design standards approved by the City of Lincoln and those design standards recommended by the Public Works Department.

4. Subdivider agrees to relinquish the right of direct vehicular access to West Fletcher Avenue from the lots which abut said street.

5. Subdivider agrees to develop the outlots with trees, shrubs and grasses and agrees to maintain the common open areas designated as outlots, including the trees, shrubs, and grasses, the ditch liners, the recreational facilities, private ornamental street lights, the private roadways, parking areas and driveways, and the sidewalks and pedestrian bridges on a permanent and continuous basis. However, Subdivider may be relieved and discharged of such maintenance obligations upon the creation in writing of a permanent and continuing 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.

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6. Subdivider agrees that the drainage ditches shall be lined in accordance with adopted design standards of the City of Lincoln.

7. Subdivider agrees to prepare and submit to the Director of Public Works a plan showing erosion control on graded land. Said plan shall be reviewed by the Director of Public Works prior to any grading. Said plan shall include a seeding and maintenance schedule listing as follows:

- a. type of seed to be used and seeding rate;
- b. time of seeding;
- c. type of mulch to be used if seeding is not feasible;
- d. type of fertilizer and application rate;
- e. expected maintenance, including frequency of mowing, fertilizing, and other maintenance requirements.

8. Subdivider agrees that the landscape screen shall be permanently maintained to the satisfaction of the Planning Director.

9. Subdivider agrees that any cut, fill, and compaction of land within, and if applicable, adjacent to this final plat, shall be accomplished in accordance with the Land Subdivision Ordinance. To control erosion and sedimentation during and after land preparation, the Subdivider, its successors and assigns shall provide for disturbing only those 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, 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 (9) months after completion of the sediment basins and shall be permanently maintained by Subdivider or its successors and assigns.

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

Dated this 16 day of May, 1979.

HIGHLANDS DEVELOPMENT CORPORATION,
a Nebraska corporation

Gordon H. Miles
Gordon H. Miles, Secretary

Joel M. Kattelman
Joel M. Kattelman, President

ATTEST:

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

M. E. Spear
City Clerk

John Boras
Mayor

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STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

On May 16th, 1979, before me, the undersigned, a Notary Public, personally came Joel M. Katleman and Gordon H. Miles, President and Secretary of HIGHLANDS DEVELOPMENT CORPORATION, a Nebraska corporation, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary acts and deeds.

Witness my hand and notarial seal the day and year last above written.

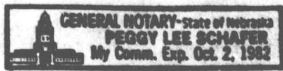
Anteo Burton Nielsen
Notary Public

My commission expires: June 9, 1981.

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

On June 19, 1979, before me, the undersigned, a Notary Public, personally came Helen G. Boosalis, 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.



Peggy Lee Schaffer
Notary Public

My commission expires: _____.

Approved as to Form and Legality:

William A. Austin
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. 12593, AGREEMENT, AND PLAT

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held JUNE 11, 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 25th day of July, 1979.

INDEXED
MICRO-FILED
GENERAL

35-286
misc

LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1979 JUL 25 PM 2:19

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 79-18593

\$27⁵⁰



*Highland Development Corp
5600 NW 1st St*