

30985

92-115

Introduce: 6-8-92

ORDINANCE NO. 16132

1 AN ORDINANCE accepting and approving the plat designated as HIGHLANDS  
2 EAST ADDITION as an addition to the City of Lincoln, filed in the office of the  
3 Planning Department of the City of Lincoln, Nebraska, upon certain conditions  
4 herein specified and providing for sureties conditioned upon the strict compli-  
5 ance with such conditions.

6 WHEREAS, the City of Lincoln, Nebraska, a municipal corporation, owner  
7 of a tract of land legally described as:

8 A subdivision composed of Lot 18 I.T. located in Section  
9 3, Township 10 North, Range 6 East of the 6th P.M.,  
10 Lincoln, Lancaster County, Nebraska, and more particularly  
11 described as follows:

12 Commencing from the intersection of the east right-of-way  
13 line of Northwest Fairway Drive and the north right-of-way  
14 line of West Katleman Drive, said point also being the  
15 true point of beginning; thence on an assumed bearing of  
16 north 0 degrees 03 minutes 34 seconds west along the east  
17 right-of-way line of said Fairway Drive, a distance of  
18 155.43 feet to a point of curvature; thence around a curve  
19 in a clockwise direction having a delta angle of 36  
20 degrees 49 minutes 08 seconds, an arc distance of 173.79  
21 feet, a radius of 270.45 feet, and a chord of north 18  
22 degrees 21 minutes 00 seconds east, a distance of 170.82  
23 feet to a point; thence continuing along the east right-  
24 of-way line of said Fairway Drive north 36 degrees 45  
25 minutes 34 seconds east, a distance of 369.15 feet to the  
26 northwest corner of Lot 1, Block 5, Highland North 2nd  
27 Addition; thence south 52 degrees 52 minutes 07 seconds  
28 east along the west line of said Lot 1, a distance of  
29 120.35 feet to the southwest corner of said Lot 1; thence  
30 north 36 degrees 46 minutes 52 seconds east along the  
31 southeast line of Lots 1 through 12, Block 5 of said  
32 Highland North 2nd Addition, a distance of 898.94 feet to  
33 the southwest corner of Lot 14, Block 5 of said Highland  
34 North 2nd Addition; thence north 84 degrees 13 minutes 30  
35 seconds east along the south line of Lots 15 through 24,  
36 Block 5 of said Highland North 2nd Addition, a distance of  
37 774.39 feet to the southeast corner of said Lot 24; thence  
38 around a curve in a counterclockwise direction having a  
39 delta angle of 23 degrees 31 minutes and 18 seconds, an  
40 arc distance of 209.61 feet, a radius of 510.58 feet, and  
41 a chord of north 72 degrees 27 minutes 51 seconds east, a  
42 distance of 208.14 feet to a point on the south line of

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Lot 27, Block 5 of said Highland North 2nd Addition; thence north 60 degrees 42 minutes 12 seconds east along the south line of Lots 27 and 28, Block 2, and Lots 22 and 21, Block 20, Highland North Addition, a distance of 234.43 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 15 degrees 04 minutes 59 seconds, an arc distance of 159.97 feet, a radius of 607.68 feet, and a chord of north 68 degrees 14 minutes 41 seconds east, a distance of 159.51 feet to a point; thence north 75 degrees 47 minutes 10 seconds east along the south line of Lots 18 through 12, Block 20 of said Highland North Addition, a distance of 454.87 feet to a point of curvature; thence around a curve in a counterclockwise direction having a delta angle of 83 degrees 04 minutes 13 seconds, an arc distance of 455.37 feet, a radius of 314.08 feet, and a chord of north 34 degrees 15 minutes 04 seconds east, a distance of 416.52 feet to a point; thence north 7 degrees 17 minutes 03 seconds west along the east line of Lots 7 through 1, Block 20 of said Highland North Addition, a distance of 474.72 feet to the northeast corner of said Lot 1, Block 20; thence north 82 degrees 45 minutes 06 seconds east, a distance of 19.70 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 68 degrees 24 minutes 06 seconds, an arc distance of 537.23 feet, a radius of 450.00 feet, and a chord of south 63 degrees 02 minutes 52 seconds east, a distance of 505.89 feet to a point; thence south 28 degrees 50 minutes 49 seconds east along the west right-of-way line of N.W. 1st Street, a distance of 1621.42 feet to a point of curvature; thence around a curve in a clockwise direction having a delta angle of 78 degrees 21 minutes 42 seconds, an arc distance of 619.95 feet, a radius of 453.29 feet, and a chord of south 10 degrees 20 minutes 02 seconds west, a distance of 572.75 feet to a point; thence south 49 degrees 30 minutes 53 seconds west along the west right-of-way line of said N.W. 1st Street, a distance of 99.93 feet to a point of curvature; thence around a curve in a counterclockwise direction having a delta angle of 56 degrees 52 minutes 28 seconds, an arc distance of 563.35 feet, a radius of 567.52 feet, and a chord of south 21 degrees 04 minutes 39 seconds west, a distance of 540.50 feet to a point; thence south 7 degrees 25 minutes 20 seconds east along the west right-of-way line of said N.W. 1st Street, a distance of 220.49 feet to a point of deflection; thence south 20 degrees 24 minutes 57 seconds west along the west right-of-way line of said N.W. 1st Street, a distance of 23.08 feet to a point of deflection; thence south 81 degrees 28 minutes 40 seconds west, a distance of 34.95 feet to a point of deflection; thence south 08 degrees 31 minutes 20 seconds east, a distance of 60.00 feet to a point of deflection; thence north 81 degrees 28 minutes 40 seconds east, a distance of 35.30 feet to a point of deflection; thence south 36 degrees 58

1 minutes 55 seconds east along the west right-of-way line  
2 of said N.W. 1st Street, a distance of 22.74 feet to a  
3 point of deflection; thence south 8 degrees 04 minutes 02  
4 seconds east along the west right-of-way line of said N.W.  
5 1st Street, a distance of 66.00 feet to a point of deflec-  
6 tion; thence south 36 degrees 47 minutes 03 seconds west  
7 along the west right-of-way line of said N.W. 1st Street,  
8 a distance of 34.28 feet to a point on the north right-  
9 of-way line of Highland Boulevard; thence around a curve  
10 in a counterclockwise direction having a delta angle of 28  
11 degrees 07 minutes 01 seconds, an arc distance of 731.78  
12 feet, a radius of 1491.21 feet, and a chord of south 66  
13 degrees 31 minutes 15 seconds west, a distance of 724.46  
14 feet to a point; thence south 52 degrees 27 minutes 45  
15 seconds west along the north right-of-way line of said  
16 Highland Boulevard, a distance of 483.97 feet to the  
17 southeast corner of Lot 15, Block 8, Highland North 3rd  
18 Addition; thence north 37 degrees 28 minutes 57 seconds  
19 west along the east line of said Lot 15, a distance of  
20 109.95 feet to the northeast corner of said Lot 15; thence  
21 south 52 degrees 27 minutes 45 seconds west along the  
22 north line of said Lot 15, a distance of 4.62 feet to a  
23 point; thence north 37 degrees 29 minutes 57 seconds west  
24 along the east right-of-way line of West Jennifer Drive,  
25 and the east line of Lot 14, Block 7, Highland North 3rd  
26 Addition, a distance of 159.83 feet to the northeast  
27 corner of said Lot 14; thence south 52 degrees 14 minutes  
28 54 seconds west along the north line of said Lot 14, a  
29 distance of 45.70 feet to the southeast corner of Lot 13,  
30 Block 7 of said Highland North 3rd Addition; thence north  
31 37 degrees 32 minutes 07 seconds west along the east line  
32 of said Lot 13 and the east right-of-way line of West  
33 Dillin Street, a distance of 160.54 feet to a point on the  
34 south line of Lot 1, Block 6 of said Highland North 3rd  
35 Addition; thence north 52 degrees 11 minutes 15 seconds  
36 east along the south line of said Lot 1, a distance of  
37 21.60 feet to the southeast corner of said Lot 1; thence  
38 north 37 degrees 43 minutes 56 seconds west, along the  
39 east line of said Lot 1, a distance of 99.61 feet to the  
40 northeast corner of said Lot 1; thence south 52 degrees 21  
41 minutes 22 seconds west, along the north line of said Lot  
42 1, a distance of 28.51 feet to the southeast corner of Lot  
43 4, Block 6, Highland North 3rd Addition; thence north 54  
44 degrees 27 minutes 18 seconds west, along the east line of  
45 Lots 4 and 5, Block 6, Highland North 3rd Addition, a  
46 distance of 216.02 feet to the north corner of said Lot 5;  
47 thence south 67 degrees 39 minutes 53 seconds west, along  
48 the north line of Lot 6, Block 6, Highland North 3rd  
49 Addition, a distance of 32.35 feet to the southeast corner  
50 of Lot 20, Block 6, Highland North 3rd Addition; thence  
51 north 21 degrees 37 minutes 51 seconds west, along the  
52 east line of said Lot 20 and the east right-of-way line of  
53 West Cuming Street, a distance of 159.66 feet to the  
54 northeast corner of said West Cuming Street right-of-way;

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1           thence south 68 degrees 27 minutes 35 seconds west, along  
2           the north right-of-way line of said West Cuming Street, a  
3           distance of 42.06 feet to the southeast corner of Lot 1,  
4           Block 4, Highland North 3rd Addition; thence north 21  
5           degrees 26 minutes 29 seconds west, a distance of 103.29  
6           feet to the northeast corner of said Lot 1; thence south  
7           68 degrees 21 minutes 39 seconds west, along the north  
8           line of Lots 1 through 3, Block 4, Highland North 3rd  
9           Addition, a distance of 139.49 feet to the southeast  
10          corner of Lot 16, Block 4, Highland North 3rd Addition;  
11          thence north 21 degrees 33 minutes 26 seconds west, along  
12          the east line of said Lot 16, a distance of 103.40 feet to  
13          the northeast corner of said Lot 16; thence south 68  
14          degrees 32 minutes 18 seconds west, along the north line  
15          of said Lot 16, a distance of 18.62 feet to a point;  
16          thence north 21 degrees 38 minutes 02 seconds west, along  
17          the east right-of-way line of Chadderton Drive and Lot 4,  
18          Block 3, Highland North 3rd Addition, a distance of 161.53  
19          feet to the northeast corner of said Lot 4; thence south  
20          64 degrees 33 minutes 07 seconds west, along the north  
21          line of said Lot 4, a distance of 22.59 feet to the  
22          southeast corner of Lot 3, Block 3, Highland North 3rd  
23          Addition; thence north 21 degrees 21 minutes 17 seconds  
24          west, along the east line of said Lot 3, a distance of  
25          100.04 feet to the northeast corner of said Lot 3; thence  
26          south 67 degrees 41 minutes 19 seconds west, along the  
27          north line of said Lot 3, a distance of 18.27 feet to a  
28          point; thence north 21 degrees 23 minutes 21 seconds west,  
29          along the east line of West Gourley Street right-of-way  
30          and the east line of Lot 10, Block 1, Highland North 3rd  
31          Addition, a distance of 164.62 feet to the northeast  
32          corner of said Lot 10; thence south 71 degrees 10 minutes  
33          10 seconds west, along the north line of said Lot 10, a  
34          distance of 90.19 feet to the northwest corner of said Lot  
35          10; thence north 61 degrees 42 minutes 53 seconds west,  
36          along the north line of Lot 7, Block 1, Highland North 3rd  
37          Addition, a distance of 89.37 feet to to a point; thence  
38          north 65 degrees 14 minutes 50 seconds west, along the  
39          north line of Lots 7 through 1, Block 1, Highland North  
40          3rd Addition and the north right-of-way line of West Sally  
41          Street, a distance of 464.87 feet to a point on the west  
42          right-of-way line of said West Sally Street; thence south  
43          31 degrees 10 minutes 35 seconds west, a distance of  
44          354.51 feet to the intersection of the west right-of-way  
45          line of West Sally Street with the north right-of-way line  
46          of Katleman Drive; thence north 58 degrees 55 minutes 40  
47          seconds west, along the north right-of-way line of West  
48          Katlman Drive, a distance of 276.52 feet to a point of  
49          curvature; thence around a curve in a counterclockwise  
50          direction having a delta angle of 31 degrees 09 minutes 44  
51          seconds, an arc distance of 301.26 feet, a radius of  
52          553.90 feet, and a chord of north 74 degrees 30 minutes 32  
53          seconds west, a distance of 297.56 feet to a point; thence  
54          south 89 degrees 54 minutes 36 seconds west, along the

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north right-of-way line of said Katleman Drive, a distance of 327.56 feet to the point of beginning, said tract contains a calculated area of 174.93 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 HIGHLANDS EAST ADDITION as an addition to the City of Lincoln, Nebraska, as filed in the office of the Planning Department of said City is hereby accepted and approved. Such acceptance and approval are conditioned that upon conveyance by the City of the property included in this final plat:

First: That the City's grantee shall at its own cost and expense pay for all labor, material, engineering, and inspection costs in connection with the construction of street improvements, including the grading, paving, and installation of curb and gutter, curb inlets, and storm drain laterals for all streets as shown on the approved final plat. The construction shall be completed within two years following City Council approval of this final plat.

Second: That the City's grantee shall at its own cost and expense pay for all labor, material, engineering, and inspection costs in connection with the construction of sidewalks as shown on the approved preliminary plat. The construction shall be completed within four years following City Council approval of this final plat.

Third: That the City's grantee shall at its own cost and expense pay for all labor, material, engineering, and inspection costs in connection

1 with the construction of a public water distribution system as shown on the  
2 approved preliminary plat. The construction shall be completed within two  
3 years following City Council approval of this final plat.

4 Fourth: That the City's grantee shall at its own cost and expense  
5 pay for all labor, material, engineering, and inspection costs in connection  
6 with the construction of a public wastewater collection system as shown on the  
7 approved preliminary plat. The construction shall be completed within two  
8 years following City Council approval of this final plat.

9 Fifth: That the City's grantee shall at its own cost and expense  
10 pay for all labor, material, engineering, and inspection costs in connection  
11 with the construction of drainage facilities as shown on the approved drainage  
12 study. The construction shall be completed within two years following City  
13 Council approval of this final plat.

14 Sixth: That the City's grantee shall at its own cost and expense  
15 pay for all labor, material, engineering, and inspection costs in connection  
16 with the installation of an ornamental street lighting system as required by  
17 the preliminary plat for all streets shown on this final plat. The construc-  
18 tion shall be completed within two years following City Council approval of  
19 this final plat.

20 Seventh: That the City's grantee shall at own cost and expense pay  
21 for all labor, material, and related costs in connection with the installation  
22 of a landscape screen as shown on the approved landscape plan. The installa-  
23 tion shall be completed within one year following 60% occupancy of the total  
24 number of lots within this final plat.

25 Eighth: That the City's grantee shall at its own cost and expense  
26 pay for all labor, material, and related costs in connection with the

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1 installation of street trees as shown on the approved landscape plan. The  
2 planting shall be completed within four years following City Council approval  
3 of this final plat.

4 Ninth: That the City's grantee shall at its own cost and expense  
5 pay for all labor, material, and related costs in connection with the instal-  
6 lation of street name signs as approved by the Department of Transportation.  
7 This installation shall be completed within two years following City Council  
8 approval of this final plat.

9 Tenth: That the City's grantee shall at its own cost and expense  
10 pay for all labor, material, engineering, and inspection costs in connection  
11 with the placing of permanent lot stakes at all corners of all lots and blocks  
12 of this final plat. The permanent lot staking shall be completed before  
13 construction on or conveyance of any lot shown in this final plat.

14 Section 2. At such time as the City conveys title to the proper-  
15 ty included in this final plat, the City's grantee shall be required to enter  
16 into a written agreement with the City which shall require the grantee:

- 17 a. To submit to the Public Works Director an erosion control plan.  
18 b. To protect the remaining trees on the site during construction  
19 and development.  
20 c. To pay all improvement costs.  
21 d. To submit to lot buyers and home builders a copy of the soil  
22 analysis.  
23 e. To continuously and regularly maintain street trees and land-  
24 scape screens.  
25 f. To complete the private improvements as shown on the prelimi-  
26 nary plat and community unit plan.

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

9           h. To relinquish the right of direct vehicular access from Lots 1  
10 through 10, Block 5 and Lot 1, Block 4 to W. Highland Boulevard.

11           i. To maintain the sidewalks in the pedestrian ways and bikeway  
12 easements, except for the sidewalks, trails and easements comprising the  
13 hiker-biker trail which shall be maintained by the City pursuant to the Real  
14 Estate Sales Agreement between the City and Highland Development Coalition.

15           Section 3. That at such time as the City conveys title to the  
16 property included in this final plat, the City's grantee shall execute and  
17 deliver to the City of Lincoln:

18           a. A bond or an approved escrow or security agreement in the sum  
19 of \$120,000 conditioned upon the strict compliance by said owner with the  
20 conditions contained in paragraph designated "First" of Section 1 of this  
21 ordinance.

22           b. A bond or an approved escrow or security agreement in the sum  
23 of \$32,000 conditioned upon the strict compliance by said owner with the  
24 conditions contained in paragraph designated "Second" of Section 1 of this  
25 ordinance.



1           c. A bond or an approved escrow or security agreement in the sum  
2 of \$34,000 conditioned upon the strict compliance by said owner with the  
3 conditions contained in paragraph designated "Third" of Section 1 of this  
4 ordinance.

5           d. A bond or an approved escrow or security agreement in the sum  
6 of \$32,000 conditioned upon the strict compliance by said owner with the  
7 conditions contained in paragraph designated "Fourth" of Section 1 of this  
8 ordinance.

9           e. A bond or an approved escrow or security agreement in the sum  
10 of \$29,000 conditioned upon the strict compliance by said owner with the  
11 conditions contained in paragraph designated "Fifth" of Section 1 of this  
12 ordinance.

13           f. A bond or an approved escrow or security agreement in the sum  
14 of \$7,400 conditioned upon the strict compliance by said owner with the  
15 conditions contained in paragraph designated "Sixth" of Section 1 of this  
16 ordinance.

17           g. A bond or an approved escrow or security agreement in the sum  
18 of \$3,750 conditioned upon the strict compliance by said owner with the  
19 conditions contained in paragraph designated "Seventh" of Section 1 of this  
20 ordinance.

21           h. A bond or an approved escrow or security agreement in the sum  
22 of \$9,050 conditioned upon the strict compliance by said owner with the  
23 conditions contained in paragraph designated "Eighth" of Section 1 of this  
24 ordinance.

25           i. A bond or an approved escrow or security agreement in the sum  
26 of \$805 conditioned upon the strict compliance by said owner with the condi-  
27 tions contained in paragraph designated "Ninth" of Section 1 of this ordinance.

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1 j. A bond or an approved escrow or security agreement in the sum  
2 of \$1,600 conditioned upon the strict compliance by said owner with the  
3 conditions contained in paragraph designated "Tenth" of Section 1 of this  
4 ordinance.

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

10 Section 4. Immediately upon the taking effect of this ordinance,  
11 the City shall cause the final plat and a certified copy of this ordinance to  
12 be filed in the office of the Register of Deeds of Lancaster County, Nebraska.

13 Section 5. That this ordinance shall take effect and be in force  
14 from and after its passage and publication according to law.

Introduced by:

*Dee L. Young*  
AYES: Haar, Johnson, Lyons,  
Minnick, Seng, Wilson, Young;  
NAYS: None.

Approved as to Form & Legality:

*William J. Austin*  
City Attorney

Staff Review Completed:

*Margie Johnson*  
Administrative Assistant

APPROVED

*[Signature]*  
18-1992  
MAYOR

PASSED

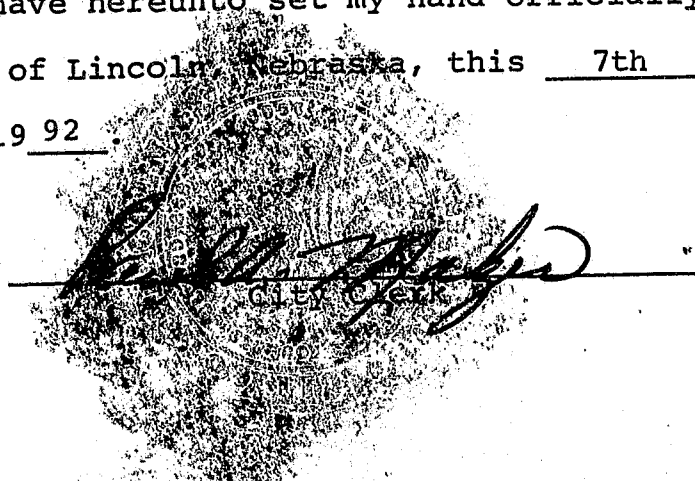
JUN 15 1992

C E R T I F I C A T E

I, Paul A. Malzer, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of ORDINANCE NO. 16132 (HIGHLANDS EAST ADD.)

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held June 15, 1992 as the original appears of record in my 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 7th day of July, 1992.

  
*Paul A. Malzer*  
City Clerk

BLOCK  
CODE  
I. I.  
CHECKED  
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ENTERED

X

LANCASTER COUNTY, NEB  
*Dan Malte*  
REGISTER OF DEEDS

JUL 7 4 19 PM '92  
INST. NO. 92 30485

*# 57<sup>92</sup>*

*City Clerk*

*Rev 392*