

ORDINANCE NO. 15818

01 AN ORDINANCE accepting and approving the plat designated as NORTHSIDE  
02 VILLAGE 5TH ADDITION as an addition to the City of Lincoln, filed in the  
03 office of the Planning Department of the City of Lincoln, Nebraska, upon  
04 certain conditions herein specified and providing for sureties conditioned  
05 upon the strict compliance with such conditions.

06 WHEREAS, Karl A. Witt and Florence M. Witt, husband and wife, owners  
07 of a tract of land legally described as:

08 A subdivision of Outlot A, Northside Village 3rd Addition  
09 Replat, in the Southwest Quarter of Section 12, Township  
10 10 North, Range 6 East of the 6th P.M., Lancaster County,  
11 Nebraska, more particularly described as follows:

12 Beginning at the northwest corner of Lot 1, Block 1,  
13 Groveland Place Addition to the City of Lincoln, Nebraska,  
14 and extending thence south 30 degrees 00 minutes 00  
15 seconds west (Assumed) 838.51 feet; thence north 36  
16 degrees 01 minute 06 seconds west, a distance of 357.67  
17 feet; thence north 30 degrees 25 minutes 04 seconds west,  
18 a distance of 83.56 feet; thence north 58 degrees 28  
19 minutes 33 seconds west, a distance of 22.20 feet; thence  
20 north 9 degrees 03 minutes 27 seconds west, a distance of  
21 103.43 feet to the southerly right-of-way line of Hartley  
22 Street and the point of curvature of a circular curve to  
23 the left having a central angle of 53 degrees 31 minutes  
24 56 seconds, a radius of 505.25 feet and whose long chord  
25 bears north 54 degrees 03 minutes 50 seconds east; thence  
26 along the arc of said circular curve 472.06 feet to the  
27 point of tangency; thence north 27 degrees 17 minutes 52  
28 seconds east 139.14 feet to the southwesterly right-of-way  
29 line of Fairfield Street; thence south 63 degrees 03  
30 minutes 42 seconds east 308.26 feet to the point of  
31 beginning, containing an area of 6.14 acres, more or less,

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

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

37 NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of  
38 Lincoln, Nebraska:

39 Section 1. That the plat of NORTHSIDE VILLAGE 5TH ADDITION as an  
40 addition to the City of Lincoln, Nebraska, filed in the office of the Planning  
41 Department of said City by Karl A. Witt and Florence M. Witt, husband and wife  
42 as owners is hereby accepted and approved, and said owners are given the right  
43 to plat said NORTHSIDE VILLAGE 5TH ADDITION as an addition to said City in  
44 accordance therewith. Such acceptance and approval are conditioned upon the  
45 following:

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

07           Second:   That said owners shall at their own cost and expense pay  
08 for all labor, material, engineering, and inspection costs in connection with  
09 the construction of sidewalks as shown on the approved preliminary plat. The  
10 construction shall be completed within four years following City Council  
11 approval of this final plat.

12           Third:    That said owners shall at their own cost and expense pay  
13 for all labor, material, engineering, and inspection costs in connection with  
14 the construction of sidewalks in pedestrian way easements as shown on the  
15 final plat. The construction shall be completed at the same time as the  
16 construction takes place on Lot 1.

17           Fourth:   That said owners shall at their own cost expense pay for  
18 all labor, material, engineering, and inspection costs in connection with the  
19 construction of a public water distribution system as shown on the approved  
20 preliminary plat. The construction shall be completed within two years  
21 following City Council approval of this final plat.

22           Fifth:     That said owners shall at their own cost and expense pay  
23 for all labor, material, engineering, and inspection costs in connection with  
24 the construction of a public wastewater collection system as shown on the  
25 approved preliminary plat. The construction shall be completed within two  
26 years following City Council approval of this final plat.

27           Sixth:     That said owners shall at their own cost and expense pay  
28 for all labor, material, engineering, and inspection costs in connection with  
29 the construction of drainage facilities as shown on the approved drainage  
30 study. The construction shall be completed within two years following City  
31 Council approval of this final plat.

32           Seventh:   That said owners shall at their own cost and expense pay  
33 for all labor, material, engineering, and inspection costs in connection with  
34 the installation of an ornamental street lighting system as shown on this  
35 final plat. The construction shall be completed within two years following  
36 City Council approval of this final plat.

01 Eighth: That said owners shall at their own cost and expense pay  
02 for all labor, material, and related costs in connection with the installation  
03 of street trees as shown on the approved street tree plan. The planting shall  
04 be completed within four years following City Council approval of this final  
05 plat.

06 Ninth: That said owners shall at their own cost and expense pay  
07 for all labor, material, and related costs in connection with the installation  
08 of street name signs as approved by the Department of Transportation. This  
09 installation shall be completed within two years following City Council  
10 approval of this final plat.

11 Section 2. That prior to the passage of this ordinance, said  
12 owners shall enter into a written agreement with the City which shall provide  
13 as follows:

14 The owners, their successors and assigns agree:

- 15 a. To submit to the Director of Public Works an erosion control  
16 plan.
- 17 b. To protect the remaining trees on the site during construction  
18 and development.
- 19 c. To Pay all improvement costs.
- 20 d. To submit to the lot buyers and homebuilders a copy of the soil  
21 analysis.
- 22 e. To continuously and regularly maintain the street trees.
- 23 f. To complete the private improvements shown on the preliminary  
24 plat and community unit plan.
- 25 g. To maintain the sidewalk in the pedestrian way easement the  
26 same as if the sidewalk was located in the street right-of-way in front of the  
27 lot.

28 Section 3. That said owners shall, prior to final passage of  
29 this ordinance, execute and deliver to the City of Lincoln:

30 a. A bond or an approved escrow or security agreement in the sum  
31 of \$44,000 conditioned upon the strict compliance by said owners with the  
32 conditions contained in paragraph designated "First" of Section 1 of this  
33 ordinance.

34 b. A bond or an approved escrow or security agreement in the sum  
35 of \$14,700 conditioned upon the strict compliance by said owners with the  
36 conditions contained in paragraph designated "Second" of Section 1 of this  
37 ordinance.

4.

01 c. A bond or an approved escrow or security agreement in the sum  
02 of \$1,200 conditioned upon the strict compliance by said owners with the  
03 conditions contained in paragraph designated "Third" of Section 1 of this  
04 ordinance.

05 d. A bond or an approved escrow or security agreement in the sum  
06 of \$15,800 conditioned upon the strict compliance by said owners with the  
07 conditions contained in paragraph designated "Fourth" of Section 1 of this  
08 ordinance.

09 e. A bond or an approved escrow or security agreement in the sum  
10 of \$10,500 conditioned upon the strict compliance by said owners 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 \$8,500 conditioned upon the strict compliance by said owners 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 \$4,000 conditioned upon the strict compliance by said owners 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 \$2,400 conditioned upon the strict compliance by said owners 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 \$115 conditioned upon the strict compliance by said owners with the condi-  
27 tions contained in paragraph designated "Ninth" of Section 1 of this ordinance.

28 The bonds required above shall be subject to approval by the City  
29 Attorney. In the event that said owners or their surety shall fail to satisfy  
30 the conditions herein set forth within the time specified in this ordinance,  
31 the City Council may order the required work to be performed by the City and  
32 recover the cost thereof from said owners and their surety.

33 Section 4. Immediately upon the taking effect of this ordinance,  
34 the City shall cause the final plat and a certified copy of this ordinance  
35 together with the written agreement required herein to be filed in the office  
36 of the Register of Deeds of Lancaster County, Nebraska. Filing fees shall be  
37 paid by said owners.

5.

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

Introduced by:

*Coleen J. Seng*

AYES: Gutgsell, Haar, Hempel, Johanns,  
Minnick, Seng;  
NAYS: None;  
ABSENT: Wilson

Approved as to Form & Legality:

*William F. ...*  
City Attorney

Staff Review Completed:

*[Signature]*  
Administrative Assistant

APPROVED  
FEB 4 1991  
*Bill Hami*  
MAYOR

PASSE

JAN 28

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between KARL A. WITT AND FLORENCE M. WITT, husband and wife, 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 NORTHSIDE VILLAGE 5TH 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 NORTHSIDE VILLAGE 5TH ADDITION, 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 the lot buyers and home-builders a copy of the soil analysis.
5. The Subdivider agrees to continuously and regularly maintain the 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 sidewalk in the pedestrian way easement the same as if the sidewalk was located in the street right-of-way in front of the lot.
8. That the agreements contained herein shall be binding and obligatory upon the heirs, successors and assigns of Subdivider.

Dated this 27<sup>th</sup> day of December, 1970.

ATTEST:

Witness

Witness

KARL A. WITT

FLORENCE M. WITT

ATTEST:

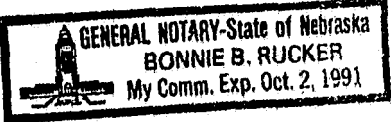
CITY OF LINCOLN, NEBRASKA,  
a municipal corporation

Paul A. Mader  
City Clerk

Bill Harris  
Mayor

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF LANCASTER )

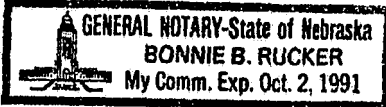
The foregoing instrument was acknowledged before me this 27 day of December, 1990, by Karl A. Witt.



[Signature]  
Notary Public

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 27 day of December, 1990, by Florence M. Witt.



[Signature]  
Notary Public

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 4TH day of FEBRUARY, 1991, by Bill Harris, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



Joan E. Ross  
Notary Public

Approved as to Form and Legality:

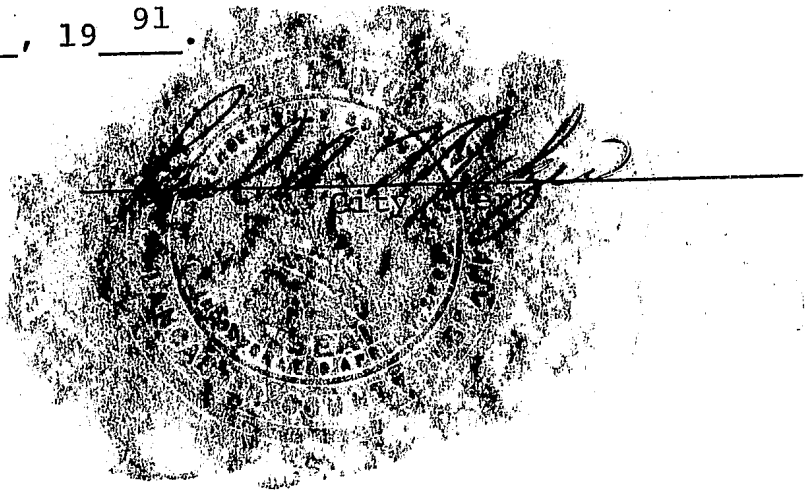
William J. Hester  
City Attorney

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. 15818, AGREEMENT FOR SUBDIVISION PLAT OF NORTHSIDE VILLAGE 5TH ADDITION

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held FEBRUARY 4, 1991, 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 8th day of FEBRUARY, 19 91.



BLUCK  
NO  
CODE  
NOSIVIZRE  
CHIEF  
ENTERED  
EDITED

LANCASTER COUNTY, NEBR.

Dan Yello  
REGISTER OF DEEDS

91 MAR -5 AM 11:13

ENTERED ON  
NUMERICAL INDEX  
FILED FOR RECORD AS:

INST. NO. 91

6234

\$40.50

City Clerk

Witt pd