

ORDINANCE NO. 10397

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AN ORDINANCE accepting and approving the plat designated as NORTH SIDE VILLAGE 3RD ADDITION, as an addition to the City of Lincoln, Nebraska, filed in the office of the Planning Department of the City of Lincoln, Nebraska, upon certain conditions herein specified and providing for sureties conditioned upon the strict compliance with such conditions.

WHEREAS, Empire Construction Company, a Nebraska corporation, owner of a tract of land located in the Southwest Quarter of Section 12, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, a replat of a portion of Washington Heights; and all of Lot 1, Block 8, North Side Village; described as follows: Referring to the northeast corner of the Southwest Quarter of Section 12, Township 10 North, Range 6 East; thence north 90°00' west along the north line of said Southwest Quarter to the point of beginning; thence north 90°00' west a distance of 1,361.88 feet; thence south 0°50' east a distance of 110.00 feet; thence south 27°11' east a distance of 67.6 feet; thence south 0°48' east a distance of 110.0 feet; thence south 13°00' east a distance of 65.6 feet; thence south 28°14' west a distance of 120.0 feet; thence south 18°15' east a distance of 86.96 feet; thence south 25°13' west a distance of 157.4 feet; thence south 42°15' west a distance of 92.0 feet; thence south 64°51' west a distance of 119.4 feet; thence south 13°12' east a distance of 130.72 feet; thence south 6°01' west a distance of 63.95 feet to a point on a curve; thence following said curve to the right, said curve having a radius of 501.8 feet; the chord of which has a bearing of south 77°56' west a distance of 70.0 feet; thence south 7°42' east a distance of 103.8 feet; thence south 56°23' east a distance of 22.01 feet to a point on a curve; thence following said curve to the left, having a radius of 431.8 feet, the chord of which has a bearing of south 29°11' east a distance of 83.73 feet; thence south 34°44' east a distance of 358.0 feet; thence north 31°20' east a distance of 839.77 feet to a point

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--- Village 3rd Addition

on a curve; thence following said curve to the left having a radius of 625.71 feet, and a central angle of 28°16', the initial tangent of which has a bearing of south 61°44' east a distance of 308.69 feet; thence north 90°00' east a distance of 628.68 feet; thence north 0°55' west a distance of 839.76 feet to the point of beginning, 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 of Lincoln, Nebraska, 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 NORTH SIDE VILLAGE 3RD ADDITION, as an addition in the City of Lincoln, Nebraska, filed in the office of the Planning Department of the City of Lincoln, Nebraska, by Empire Construction Company, a Nebraska corporation, as owner, be and it is hereby accepted and approved, and the said owner be and is hereby given the right to plat said NORTH SIDE VILLAGE 3RD ADDITION, as an addition in the City of Lincoln, Nebraska, in accordance therewith. Such acceptance and approval are conditioned upon the following conditions:

First: That the owner above set forth shall at its own cost and expense pay for all labor, material, engineering, and inspection costs in connection with bringing all the streets and public ways within said plat to such grades as shall be officially established, in writing, by the Director of Public Works and maintained with the official records of the Department of Public Works.

Second: That the owner above set forth shall at its own cost and expense pay for all labor, material, engineering and inspection costs in connection with the construction of sidewalks to be constructed in the sidewalk space along both sides of all streets within said addition. The construction of said sidewalks shall be completed not later than January 1, 1978.

Third: That the owner above set forth shall at its own

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cost and expense pay for all labor, material, engineering, and inspection costs in connection with the construction of an ornamental street lighting system along all streets within the limits of said addition all of which construction shall be equivalent to standards and specifications for residential street lighting for the City of Lincoln. As an alternative, the above named owner may petition the City for the creation of an ornamental street lighting district to accomplish the construction of said ornamental street lighting system. The construction of said ornamental street lighting system shall be completed not later than January 1, 1976.

Fourth: That the owner above shall^{SET} forth shall at its own cost and expense, pay for all labor, material, engineering and inspection costs in connection with the construction of a system of storm sewerage and drainage to serve said plat. Said system of storm sewerage and drainage shall be constructed as follows:

(a) Pipe storm sewer in 20th Street from Benton Street to the north limits of said addition.

(b) Pipe storm sewer in Montclair Drive from 20th Street to a point approximately 300 feet west of 20th Street.

(c) Pipe storm sewer in 20th Street from Montclair Drive to Fairfield Street.

(d) Pipe storm sewer in Fairfield Street from the west limits of the plat to the east line of Milton Street.

The aforesaid system of storm sewerage and drainage shall be designed and constructed in conformance with "Storm Sewer Design Criteria" published by the Department of Public Works for the City of Lincoln in January, 1970, filed in the office of the City Engineer. Construction of said system of storm sewerage and drainage shall be completed not later than January 1, 1976.

Fifth: That the owner above set forth shall at its own cost and expense pay for all labor, material, engineering and inspection costs in connection with the placing of permanent monuments at all corners of all lots, streets, avenues, angle points and ends of all curves of the final plat of NORTH SIDE VILLAGE 3RD ADDITION. The above required lot staking shall be completed not later than July 1, 1974.

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Sixth: That prior to the effective date of this ordinance, the above named owner shall enter into a written agreement with the City of Lincoln which shall provide as follows:

(a) That the above named owner shall provide for the maintenance of the common open area designated as Outlot A, which maintenance shall be performed on a permanent and continuing basis by said owner; provided, however, that said owner may be relieved and discharged from such maintenance obligations upon the creation in writing of a permanent and continuing agency of property owners within said plat, which agency shall be required to 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.

(b) That for a period of ten (10) years the above named owner shall agree to indemnify and hold harmless the City of Lincoln as to any and all liability for damages resulting from the discharge of storm water from said addition onto real property outside said addition. The said owner shall also file with the City Clerk an indemnity bond executed by a good and sufficient surety authorized to do business in this state conditioned upon the faithful performance by the said owner to so indemnify and hold harmless the City as to any and all liability for damages resulting from such discharge of storm water.

(c) That the above named owner shall submit an application to the Planning Director of the City of Lincoln for an administrative amendment to amend the community unit plan of North Side Village to conform to the final plat of NORTH SIDE VILLAGE 3RD ADDITION.

Section 2. That the owner above set forth shall, prior to final passage of this ordinance, execute and deliver to the City of Lincoln:

\$36,800.00

(a) a bond in the sum of ~~\$36,000.00~~ conditioned upon the strict compliance by the above named owner with the conditions contained in paragraph designated "Second" of the next preceding section of this ordinance;

(b) a bond in the sum of \$21,000.00 conditioned upon the

amended 1/28/74

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strict compliance by the above named owner with the conditions contained in paragraph designated "Third" of the next preceding section of this ordinance;

(c) a bond in the sum of \$41,300.00 conditioned upon the strict compliance by the above named owner with the conditions contained in paragraph designated "Fourth" of the next preceding section of this ordinance;

(d) a bond in the sum of \$4,000.00 conditioned upon the strict compliance by the above named owner with the conditions contained in paragraph designated "Fifth" of the next preceding section of this ordinance;

The bonds required above shall be subject to the approval of the City of Lincoln, Nebraska, and shall be further conditioned that in the event the above named owner fails to comply with the conditions herein set forth within the time specified in this ordinance, the City Council shall proceed to fulfill said conditions, the cost thereof, to be paid by the surety. Such work shall be performed in the manner set forth in Title 26 of the Lincoln Municipal Code, known as the Land Subdivision Ordinance, as now existing or as may hereafter be amended.

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

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

PASSED

JAN 28 1974

BY CITY COUNCIL

Introduced by

[Handwritten signature]

Approved as to Form & Legality:

[Handwritten signature: Richard R. Wood]
City Attorney

APPROVED

FEB 5 1974

[Handwritten signature]
MAYOR

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AGREEMENT

THIS AGREEMENT made and entered into by and between EMPIRE CONSTRUCTION COMPANY, a Nebraska corporation, hereinafter called "Subdivider" and the CITY OF LINCOLN, NEBRASKA, a municipal corporation, hereinafter referred to as "City".

WITNESSETH:

WHEREAS, Subdivider has made application to City for permission to subdivide and for approval of the subdivision plat of NORTH SIDE VILLAGE 3RD ADDITION; and

WHEREAS, the ordinance approving said plat contains certain provisions requiring an agreement between said Subdivider and the City relating to certain acts to be performed by said Subdivider; and

WHEREAS, said Subdivider desires to exercise and assert the option set forth in subparagraph (a) of Section 26.24.020 of the Lincoln Municipal Code;

NOW, THEREFORE, IN CONSIDERATION of the City granting permission to plat and approval of the plat of NORTH SIDE VILLAGE 3RD ADDITION, it is agreed by and between Subdivider and City as follows:

1. Subdivider, as owner of all the real estate within said NORTH SIDE VILLAGE 3RD ADDITION, as an addition in the City of Lincoln, Nebraska, hereby requests that installation of ornamental street lighting required by the aforesaid ordinance be accomplished by the City in accordance with plans and specifications approved by the City and said Subdivider hereby covenants and agrees that any and all costs involved in the installation of said ornamental street lighting as aforesaid, shall be assessed against the real estate located in said addition in accordance with the benefits accruing thereto.
2. City covenants and agrees that it will install said ornamental street lighting as set out in said ordinance in accordance with plans and specifications approved by the City and that the City will assess the total cost thereof against the real estate located in said addition in accordance with the benefits accruing thereto.
3. Subdivider covenants and agrees to provide for the maintenance of the common open area designated as Outlot A, which maintenance shall be performed on a permanent and continuing basis by said Subdivider; provided, however, that said Subdivider may be relieved and discharged from such maintenance obligations upon the creation in writing of a permanent and continuing agency of property owners within said plat, which agency shall be required to 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.
4. Subdivider covenants and agrees that for a period of ten (10) years it shall indemnify and hold harmless the City as to any and all liability for damages resulting from the discharge of storm water from said NORTH SIDE VILLAGE 3RD ADDITION onto real property outside said addition.

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5. Subdivider covenants and agrees to submit an application to the Planning Director of the City for an administrative amendment to amend the community unit plan of North Side Village to conform to the subdivision plat of NORTH SIDE VILLAGE 3RD ADDITION.

6. The covenants and agreement contained herein shall run with the land in said plat of NORTH SIDE VILLAGE 3RD ADDITION and shall be binding and obligatory upon the heirs, successors and assigns of the Subdivider to all or any part of the real estate in said plat of NORTH SIDE VILLAGE 3RD ADDITION.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 6TH day of FEBRUARY, 1974.

ATTEST:

EMPIRE CONSTRUCTION COMPANY,
a Nebraska corporation,

William R. Hunt
Secretary

Karl A. Witt
President

ATTEST:

CITY OF LINCOLN, NEBRASKA,
a municipal corporation,

Harold W. Sprunger
City Clerk

Sam Schwartzkopf
Mayor

Approved as to Form & Legality:

Richard R. Wood
City Attorney

C E R T I F I C A T E

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

I, Harold W. Springer, 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. 10997 and agreement attached thereto.

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 12th day of February A.D., 19 74.



Harold W. Springer
City Clerk

LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1974 FEB 15 AM 8:03

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 74- 1907

INDEXED
MICRO-FILED
GENERAL

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MRC

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*Harold Witt
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