

DeWalt

REGISTER OF DEEDS

1998 JUN 18 P 4:41

#65.50

INST. NO 98

030241

BLOCK
~~NOBCK~~
CODE
PILAH14
CHECKED ✓
ENTERED ✓
EDMED ✓

60.50

RESOLUTION NO. PC- 00432

1 A RESOLUTION accepting and approving the plat designated as PINE LAKE
2 HEIGHTS 15TH ADDITION as an addition to the City of Lincoln, filed in the office
3 of the Planning Department of the City of Lincoln, Nebraska, upon certain
4 conditions herein specified and providing for sureties conditioned upon the
5 strict compliance with such conditions.

6 WHEREAS, Ridge Development Company, a Nebraska corporation, and
7 Southview, Inc., a Nebraska corporation, owners of a tract of land legally
8 described as:

9 Outlot "A" Pine Lake Heights 14th Addition, located in
10 the Southeast Quarter of Section 19, Township 9 North,
11 Range 7 East of the 6th P.M., City of Lincoln, Lancaster
12 County, Nebraska, and more particularly described as
13 follows:

14 Commencing from the southeast corner of said Outlot "A",
15 said point being the true point of beginning; thence
16 north 89 degrees 36 minutes 14 seconds west along the
17 south line of said Outlot "A", a distance of 280.83 feet
18 to a point of deflection; thence north 79 degrees 05
19 minutes 51 seconds west along the south line of said
20 Outlot "A", a distance of 62.04 feet to a point of
21 deflection; thence north 89 degrees 36 minutes 14
22 seconds west along the south line of said Outlot "A", a
23 distance of 219.99 feet to a point of deflection; thence
24 south 86 degrees 04 minutes 25 seconds west along the
25 south line of said Outlot "A", a distance of 68.44 feet
26 to a point of deflection; thence south 81 degrees 45
27 minutes 04 seconds west along the south line of said
28 Outlot "A", a distance of 362.23 feet to a point of
29 deflection; thence south 89 degrees 57 minutes 17
30 seconds west along the south line of said Outlot "A", a
31 distance of 152.60 feet to a point of deflection, said
32 point being the southwest corner of said Outlot "A";
33 thence north 00 degrees 02 minutes 43 seconds west along
34 the west line of said Outlot "A", a distance of 110.00
35 feet to a point of intersection with the south right-of-
36 way line of Diablo Drive; thence north 89 degrees 57
37 minutes 17 seconds east along said right-of-way line, a
38 distance of 30.00 feet to a point of deflection; thence

City Clerk (Joan)

1 north 00 degrees 02 minutes 43 seconds west along the
2 west line of said Outlot "A", a distance of 60.00 feet
3 to a point of intersection with the north right-of-way
4 line of Diablo Drive; thence south 89 degrees 57 minutes
5 17 seconds west along said right-of-way line, a distance
6 of 30.00 feet to a point of deflection; thence north 00
7 degrees 02 minutes 43 seconds west along the west line
8 of said Outlot "A", a distance of 110.00 feet to a point
9 of deflection, said point being the northwest corner of
10 said Outlot "A"; thence north 89 degrees 57 minutes 17
11 seconds east along the north line of said Outlot "A", a
12 distance of 61.00 feet to a point of deflection; thence
13 north 89 degrees 23 minutes 35 seconds east along the
14 north line of said Outlot "A", a distance of 56.62 feet
15 to a point of deflection; thence north 84 degrees 40
16 minutes 05 seconds east along the north line of said
17 Outlot "A", a distance of 50.18 feet to a point of
18 deflection; thence north 81 degrees 45 minutes 04
19 seconds east along the north line of said Outlot "A", a
20 distance of 328.53 feet to a point of deflection; thence
21 north 84 degrees 38 minutes 46 seconds east along the
22 north line of said Outlot "A", a distance of 55.65 feet
23 to a point of deflection; thence south 89 degrees 46
24 minutes 01 seconds east along the north line of said
25 Outlot "A", a distance of 262.61 feet to a point of
26 intersection with the west right-of-way line of South
27 39th Street; thence south 00 degrees 23 minutes 46
28 seconds west along said right-of-way line, a distance of
29 13.62 feet to a point of deflection; thence south 89
30 degrees 55 minutes 11 seconds east along the north line
31 of said Outlot "A", a distance of 60.00 feet to a point
32 of intersection with the east right-of-way line of South
33 39th Street; thence north 00 degrees 23 minutes 46
34 seconds east along said right-of-way line, a distance of
35 15.00 feet to a point of deflection; thence south 89
36 degrees 55 minutes 11 seconds east along the north line
37 of said Outlot "A", a distance of 95.61 feet along the
38 north line of said Outlot "A"; thence south 81 degrees
39 47 minutes 22 seconds east along the north line of said
40 Outlot "A", a distance of 70.71 feet to a point of
41 deflection; thence south 89 degrees 55 minutes 11 seconds
42 east along the north line of said Outlot "A", a distance
43 of 105.38 feet to a point of deflection, said point
44 being the northeast corner of said Outlot "A"; thence
45 south 00 degrees 04 minutes 50 seconds west along the
46 east line of said Outlot "A", a distance of 285.91 feet
47 to the true point of beginning; said tract contains a
48 calculated area of 321,814.81 square feet or 7.38 acres,
49 more or less;

1 have filed said plat in the office of the Planning Department of the City of
2 Lincoln, Nebraska, with a request for approval and acceptance thereof; and

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

5 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City - Lancaster County
6 Planning Commission:

7 1. That the plat of **PINE LAKE HEIGHTS 15TH ADDITION** as an addition
8 to the City of Lincoln, Nebraska, filed in the office of the Planning Department
9 of said City by **Ridge Development Company, a Nebraska corporation, and Southview,**
10 **Inc., a Nebraska corporation** as owners is hereby accepted and approved, and said
11 owners are given the right to plat said **PINE LAKE HEIGHTS 15TH ADDITION** as an
12 addition to said City in accordance therewith. Such acceptance and approval are
13 conditioned upon the following:

14 First: That said owners shall at their own cost and expense
15 pay for all labor, material, engineering, and inspection costs in connection with
16 the construction of street improvements, including the grading, paving, and
17 installation of curb and gutter, curb inlets, and storm drain laterals for all
18 streets as shown on the approved final plat. The construction shall be completed
19 within two years following Planning Commission approval of this final plat.

20 Second: That said owners shall at their own cost and expense
21 pay for all labor, material, engineering, and inspection costs in connection with
22 the construction of sidewalks as shown on this final plat. The construction
23 shall be completed within four years following Planning Commission approval of
24 this final plat.

1 Third: That said owners shall at their own cost and expense
2 pay for all labor, material, engineering, and inspection costs in connection with
3 the construction of a public water distribution system as shown on the approved
4 preliminary plat. The construction shall be completed within two years following
5 Planning Commission approval of this final plat.

6 Fourth: That said owners shall at their own cost and expense
7 pay for all labor, material, engineering, and inspection costs in connection with
8 the construction of a public wastewater collection system as shown on the
9 approved preliminary plat. The construction shall be completed within two years
10 following Planning Commission approval of this final plat.

11 Fifth: That said owners shall at their own cost and expense
12 pay for all labor, material, engineering, and inspection costs in connection with
13 the installation of an ornamental street lighting system as required by the
14 preliminary plat for all streets shown on this final plat. The construction
15 shall be completed within two years following Planning Commission approval of
16 this final plat.

17 Sixth: That said owners shall at their own cost and expense
18 pay for all labor, material, and related costs in connection with the
19 installation of street trees as shown on this final plat. The planting shall be
20 completed within four years following Planning Commission approval of this final
21 plat.

22 Seventh: That said owners shall at their own cost and expense
23 pay for all labor, material, and related costs in connection with the
24 installation of street name signs as approved by the Public Works Department.

1 This installation shall be completed within two years following Planning
2 Commission approval of this final plat.

3 Eighth: That said owners shall at their own cost and expense
4 pay for all labor, material, engineering, and inspection costs in connection with
5 the placing of permanent lot stakes at all corners of all lots and blocks of this
6 final plat. The permanent lot staking shall be completed before construction on
7 or conveyance of any lot shown in this final plat.

8 2. That prior to adoption of this resolution, said owners shall
9 enter into a written agreement with the City which shall provide as follows:

10 The owners, their successors and assigns agree:

11 a. To submit to the Director of Public Works for review and
12 approval, a plan showing proposed measures to control sedimentation and erosion
13 and the proposed method to temporarily stabilize all graded land.

14 b. To protect the remaining trees on the site during
15 construction and development.

16 c. To pay all improvement costs.

17 d. To submit to lot buyers and home builders a copy of the
18 soil analysis.

19 e. To continuously and regularly maintain landscape screens.

20 f. To complete the private improvements shown on the
21 preliminary plat and community unit plan.

22 g. To maintain the outlots and private improvements on a
23 permanent and continuous basis. However, the owners may be relieved and
24 discharged of this maintenance obligation upon creating in writing a permanent
25 and continuous association of property owners who would be responsible for said

1 permanent and continuous maintenance. The owners shall not be relieved of such
2 maintenance obligation until the document or documents creating said property
3 owners association have been reviewed and approved by the City Attorney and filed
4 of record with the Register of Deeds.

5 h. To relinquish the right of direct vehicular access to
6 South 40th Street from lots abutting said street.

7 i. To comply with the provisions of the Land Subdivision
8 Ordinance regarding land preparation.

9 j. To protect the remaining trees on the site during
10 construction and development.

11 k. To complete the permanent lot and block staking before
12 construction on or conveyance of any lot shown on this final plat.

13 3. That said owners shall, prior to adoption of this resolution,
14 execute and deliver to the City of Lincoln:

15 a. A bond or an approved escrow or security agreement in the
16 sum of \$92,000.00 conditioned upon the strict compliance by said owners with the
17 conditions contained in paragraph designated "First" of Paragraph 1 of this
18 resolution.

19 b. A bond or an approved escrow or security agreement in the
20 sum of \$18,100.00 conditioned upon the strict compliance by said owners with the
21 conditions contained in paragraph designated "Second" of Paragraph 1 of this
22 resolution.

23 c. A bond or an approved escrow or security agreement in the
24 sum of \$34,700.00 conditioned upon the strict compliance by said owners with the

1 conditions contained in paragraph designated "Third" of Paragraph 1 of this
2 resolution.

3 d. A bond or an approved escrow or security agreement in the
4 sum of \$26,600.00 conditioned upon the strict compliance by said owners with the
5 conditions contained in paragraph designated "Fourth" of Paragraph 1 of this
6 resolution.

7 e. A bond or an approved escrow or security agreement in the
8 sum of \$8,800.00 conditioned upon the strict compliance by said owners with the
9 conditions contained in paragraph designated "Fifth" of Paragraph 1 of this
10 resolution.

11 f. A bond or an approved escrow or security agreement in the
12 sum of \$10,535.00 conditioned upon the strict compliance by said owners with the
13 conditions contained in paragraph designated "Sixth" of Paragraph 1 of this
14 resolution.

15 g. A bond or an approved escrow or security agreement in the
16 sum of \$230.00 conditioned upon the strict compliance by said owners with the
17 conditions contained in paragraph designated "Seventh" of Paragraph 1 of this
18 resolution.

19 h. A bond or an approved escrow or security agreement in the
20 sum of \$1,400.00 conditioned upon the strict compliance by said owners with the
21 conditions contained in paragraph designated "Eighth" of Paragraph 1 of this
22 resolution.

23 The bonds required above shall be subject to approval by the City
24 Attorney. In the event that said owners or their surety shall fail to satisfy
25 the conditions herein set forth within the time specified in this resolution, the

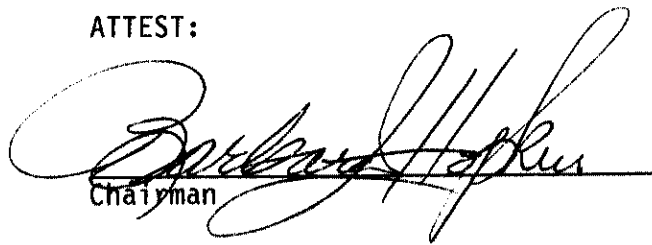
1 City may cause the required work to be performed and recover the cost thereof
2 from said owners and their surety.

3 4. Immediately upon the adoption of this resolution, the City
4 Clerk shall cause the final plat and a certified copy of this resolution together
5 with the written agreement required herein to be filed in the office of the
6 Register of Deeds of Lancaster County, Nebraska. Filing fees shall be paid by
7 said owner.


8 The foregoing Resolution was approved by the Lincoln City - Lancaster
9 County Planning Commission on this 20 day of May, 1998.

10 Dated this 20 day of May, 1998.

ATTEST:


Chairman

Approved as to Form & Legality:


Assistant City Attorney

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between Ridge Development Company, a Nebraska corporation, and Southview, Inc., a Nebraska corporation hereinafter called "Subdivider", whether one or more, and the CITY OF LINCOLN, NEBRASKA, a municipal corporation, hereinafter called "City."

WHEREAS, Subdivider has made application to City for permission to subdivide and for approval of the subdivision plat of PINE LAKE HEIGHTS 15TH ADDITION; and

WHEREAS, the resolution 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 PINE LAKE HEIGHTS 15TH ADDITION, it is agreed by and between Subdivider and City as follows:

1. The Subdivider agrees to submit to the Director of Public Works for review and approval, a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land.
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 lot buyers and home builders a copy of the soil analysis.

5. The Subdivider agrees to continuously and regularly maintain landscape screens.

6. The Subdivider agrees to complete the private improvements shown on the preliminary plat and community unit plan.

7. The Subdivider agrees to relinquish the right of direct vehicular access to South 40th Street lots abutting said street.

8. The Subdivider agrees to comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

9. The Subdivider agrees to protect the remaining trees on the site during construction and development.

10. The Subdivider agrees to complete the permanent lot and block staking before construction on or conveyance of any lot shown on this final plat.

11. The Subdivider agrees to maintain the outlots and private improvements on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The Subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

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

Dated this 22nd day of May, 1998.

ATTEST:

Ridge Development Company, a
Nebraska Corporation,

Secretary

By:

Thomas E. White
Thomas E. White, President
of Development Division
for Ridge Development Company

Secretary

By:

John C. Brager
John C. Brager, President
of Construction Division
for Ridge Development Company

ATTEST:

Southview Inc.,
a Nebraska Corporation,

Secretary

By:

Gerald Schleich
Gerald Schleich, President

ATTEST:

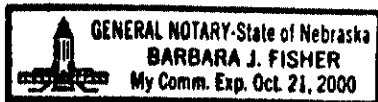
CITY OF LINCOLN, NEBRASKA,
a municipal corporation

Paul W. Meyer
City Clerk

Mayor

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

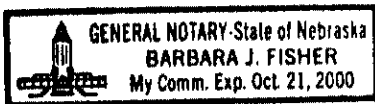
The foregoing instrument was acknowledged before me this 22nd day of May, 1998, by Thomas E. White, President of Development Division for Ridge Development Company, a Nebraska Corporation, on behalf of Ridge Development Company.



Barbara J. Fisher
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

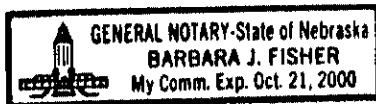
The foregoing instrument was acknowledged before me this 22nd day of May, 1998, by John C. Brager, President of Construction Division for Ridge Development Company, a Nebraska Corporation, on behalf of Ridge Development Company.



Barbara J. Fisher
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 22nd day of May, 1998, by Gerald Schleich, President, Southview Inc., a Nebraska Corporation, on behalf of Southview Inc.



Barbara J. Fisher
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 2nd day of June, 1998, by Mike Johanns, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



Joan E. Ross
Notary Public

Approved as to Form and Legality:

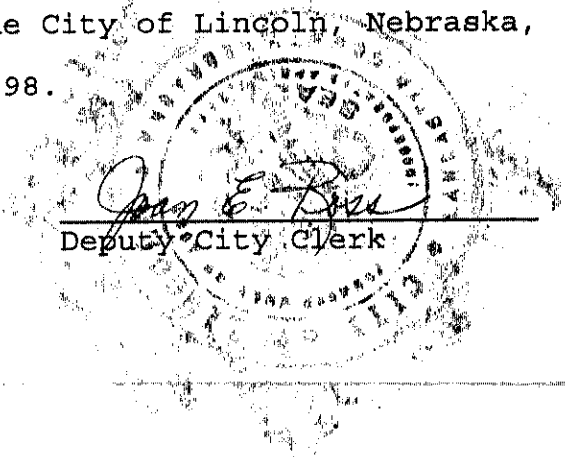
Assistant City Attorney

C E R T I F I C A T E

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

I, Joan E. Ross, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of the plat designated as **Pine Lake Heights 15th Addition and the Agreement** as passed and approved by the Lincoln City-Lancaster County Planning Commission at its meeting held **May 20, 1998**, as the original appears of record in my office and is now in my charge remaining as Deputy City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 10th day of June, 1998.



Ret to City Clerk