

23705
 ORDINANCE NO. 10973

AN ORDINANCE accepting and approving the plat designated as SKYLINE ROLLING HILLS FIRST 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, F. PACE WOODS II, owner of a tract of land described as a portion of Lot 24, in the Northwest Quarter of Section 13, Township 9 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows: Commencing at the north 1/4 corner of said Section 13, thence north 89 degrees 06 minutes 30 seconds west along the north line of said Section 13 a distance of 770.40 feet, thence south 0 degrees 51 minutes 20 seconds west a distance of 33.00 feet to the point of beginning, said point being the northeast corner of Lot 24 of Section 13, Township 9 North, Range 6 East, thence south 0 degrees 51 minutes 20 seconds west a distance of 207.00 feet, thence north 89 degrees 04 minutes 35 seconds west a distance of 170 feet, thence south 0 degrees 55 minutes 25 seconds west a distance of 123.00 feet, thence south 8 degrees 52 minutes 25 seconds east a distance of 150.00 feet, thence south 38 degrees 02 minutes 25 seconds east a distance of 138.65 feet; thence south 43 degrees 08 minutes 05 seconds east a distance of 245.00 feet, thence south 28 degrees 23 minutes 25 seconds east a distance of 225.00 feet, thence south 20 degrees 34 minutes 55 seconds east a distance of 127.00 feet, thence south 00 degrees 05 minutes 15 seconds east a distance of 157.95 feet, thence south 89 degrees 54 minutes 45 seconds west a distance of 130.00 feet, thence north 71 degrees 39 minutes 10 seconds west a distance of 63.25 feet, thence south 89 degrees 54 minutes 45 seconds west a distance of 120.00 feet, thence north 5 degrees 01 minutes 13 seconds west a distance

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of 74.08 feet, thence north 19 degrees 43 minutes 50 seconds west a distance of 69.59 feet, thence north 34 degrees 29 minutes 45 seconds west a distance of 76.32 feet, thence north 38 degrees 59 minutes 50 seconds west a distance of 415.00 feet, thence north 31 degrees 57 minutes 16 seconds west a distance of 104.43 feet, thence north 17 degrees 52 minutes 09 seconds west a distance of 104.43 feet, thence north 3 degrees 40 minutes 45 seconds west a distance of 111.57 feet, thence north 0 degrees 51 minutes 20 seconds east a distance of 195.00 feet, thence south 89 degrees 08 minutes 40 seconds east a distance of 91.70 feet, thence north 0 degrees 51 minutes 20 seconds east a distance of 207.14 feet, thence south 89 degrees 06 minutes 30 seconds east a distance of 220.00 feet to the point of beginning; said tract contains 9.581 acres; 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 SKYLINE ROLLING HILLS FIRST ADDITION, as an addition to the City of Lincoln, Nebraska, filed in the office of the Planning Department of the City of Lincoln, Nebraska, by F. Pace Woods II, as owner, be and it is accepted and approved, and the said owner be and he is hereby given the right to plat said SKYLINE ROLLING HILLS FIRST ADDITION as an addition to the City of Lincoln, Nebraska, in accordance therewith. Such acceptance and approval are conditioned upon the following conditions:

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FIRST: That the owner above set forth shall at his 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 interior streets within this plat and along the south side of Old Cheney Road adjacent to this plat. The construction of said sidewalks shall be completed not later than November 1, 1977.

SECOND. That the owner above set forth shall at his own cost and expense pay for all labor, material, engineering, and inspection costs in connection with bringing all 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.

THIRD. That the owner above set forth shall at his own cost and expense pay for all labor, material, engineering, and inspection costs in connection with the construction of an ornamental street lighting system along both sides of all interior streets within this plat, 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 November 1, 1975.

FOURTH. That the owner above set forth shall at his 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 reinforced concrete pipe storm sewer and appurtenances in Saybrook Lane from Fieldcrest Way to the west limits of the plat. The aforesaid system of storm sewerage and drainage shall be designed

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and constructed in conformance with "Storm Sewer ^e 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 November 1, 1975.

FIFTH. That the owner above set forth shall at his own cost and expense pay for all labor, material, engineering, and inspection costs in connection with the placing of permanent iron pipe monuments at all corners of all lots, streets, avenues, angle points, and ends of all curves of the final plat of SKYLINE ROLLING HILLS FIRST ADDITION. The above required lot staking shall be completed not later than May 1, 1974.

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 Lots 11 and 12, Block 2, and Lot 5, Block 4 are non-buildable lots and that no building permits shall be issued for said lots until such time as public sanitary sewer becomes available to accommodate building construction on said lots;

(b) That the above named owner shall construct a temporary turn-around at the south end of Fieldcrest Way and shall remove said temporary turn-around at his own cost and expense at such time as Fieldcrest Way is extended south;

(c) That no curb cut shall be requested or permitted for vehicular access onto Old Cheney Road for Lots 1, 2, 3, and 4, Block 1.

amended 11/26/
73

SEVENTH. That the owner above set forth shall at his own cost and expense pay for all labor, material, engineering, and inspection costs in connection with the construction of a continuous planting screen along the south side of Old Cheney Road. Said continuous planting screen shall be in accordance with the landscape plan approved by the planning director.

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

(a) a bond in the sum of \$11,800 conditioned upon the strict compliance by the above named owner with the conditions contained in paragraph designated "First" of the next preceding section of this ordinance;

(b) a bond in the sum of \$6,400 conditioned upon the strict compliance by the above named owner with the conditions contained in

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paragraph designated "Third" of the next preceding section of this ordinance;

(c) a bond in the sum of \$2,200 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 \$700 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.

(e) a bond in the sum of \$660 conditioned upon the strict compliance by the above named owner with the conditions contained in paragraph designated "Seventh" of the next preceding section of this ordinance.

amended 11/26/73

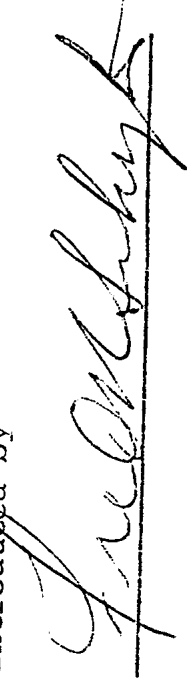
Section 3. Immediately upon the taking effect of this ordinance, the owner shall file a certified copy of this ordinance together with the written agreement required herein in the office of the Register of Deeds of Lancaster County, Nebraska.

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

PASSED

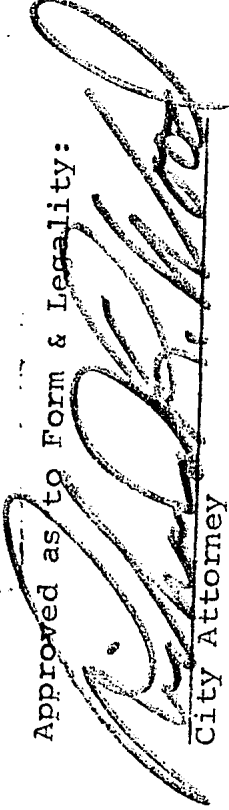
Introduced by

DEC 3 1973



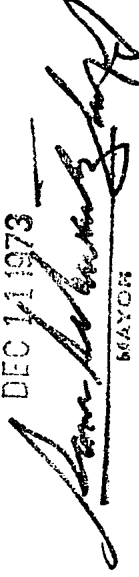
BY CITY COUNCIL

Approved as to Form & Legality:


City Attorney

APPROVED

DEC 11 1973


MAYOR

23705

A G R E E M E N T

THIS AGREEMENT made and entered into by and between F. PACE WOODS II, 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 SKYLINE ROLLING HILLS FIRST ADDITION, as an addition to the City of Lincoln, Nebraska; and

WHEREAS, the ordinance approving said plat contains certain provisions requiring the installation of certain special improvements and other conditions to be performed by the Subdivider; 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 SKYLINE ROLLING HILLS FIRST ADDITION, as an addition to the City of Lincoln, Nebraska, it is agreed by and between Subdivider and City as follows:

1. Subdivider, as owner of all the real estate within said SKYLINE ROLLING HILLS FIRST ADDITION, as an addition to 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 costs thereof against the real estate located in said addition in accordance with the benefits accruing thereto.
3. Subdivider covenants and agrees that Lots 11 and 12, Block 2, and Lot 5, Block 4 are non-buildable lots and that no building permits shall be issued for said lots until such time as public sanitary sewer becomes available to accommodate building construction on said lots.
4. Subdivider covenants and agrees to construct a temporary turn-around at the south end of Fieldcrest Way and further agrees to remove said temporary turn-around at his own cost and expense at such time as Fieldcrest Way is extended south.
5. Subdivider covenants and agrees that no curb cuts shall be requested or permitted for vehicular access onto Old Cheney Road for Lots 1, 2, 3, and 4, Block 1.

6. The covenants and agreements contained herein shall run with the land in said SKYLINE ROLLING HILLS FIRST 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 SKYLINE ROLLING HILLS FIRST ADDITION.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 27 day of November, 1973.

F. Pace Woods, II
F. Pace Woods, II

ATTEST:
Harold W. Sprunger
City Clerk

CITY OF LINCOLN, NEBRASKA,
a municipal corporation,
Sam Schwartzkopf
Sam Schwartzkopf, Mayor

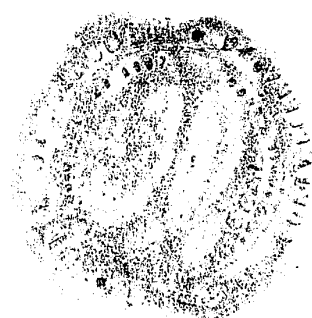
Approved as to Form and Legality:
Richard K. Wood
City Attorney

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 Ord. No. 10973
together with copy of agreement for same
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 18th day of December, 19 73.



Harold W. Springer
City Clerk

LANCASTER COUNTY
REGISTER OF DEEDS
1973 DEC 18 AM 11:07

*Alvin Smith Co.
373-527-02*

INDEXED
MICRO-FILED 6.429
GENERAL *mm*

FILED FOR RECORD NO:
INST. NO. 73- 23705

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