

39486

01 AN ORDINANCE accepting and approving the plat designated as SOUTHERN
 02 OAKS as an addition to the City of Lincoln, filed in the office of the Plan-
 03 ning Department of the City of Lincoln, Nebraska, upon certain conditions
 04 herein specified and providing for sureties conditioned upon the strict
 05 compliance with such conditions.

06 WHEREAS, SECURITY INVESTMENT COMPANY, owner of a tract of land
 07 legally described as:

08 A part of Outlot 'C', Seven Oaks First Addition, located
 09 in the West Half of Section 18, Township 9 North, Range 7
 10 East of the 6th P.M., Lancaster County, Nebraska, and
 11 being more particularly described as follows:

12 Commencing at the west quarter corner of said Section 18,
 13 found a 1" iron pipe; thence on an assumed bearing of
 14 south 89 degrees 32 minutes 43 seconds east, a distance of
 15 250.12 feet to a 5/8" rebar, said rebar also being the
 16 point of beginning; thence north 0 degrees 00 minutes 00
 17 seconds east with the easterly right-of-way line of South
 18 28th Street, a distance of 318.95 feet to a point of
 19 curvature, found a 3/4" iron pipe; thence with a curve to
 20 the right having a radius of 120.00 feet and a central
 21 angle of 27 degrees 47 minutes 53 seconds, chord distance
 22 of 57.65 feet to a 3/4" iron pipe; thence north 27 degrees
 23 47 minutes 53 seconds east, a distance of 479.89 feet to a
 24 point of curvature, found a 3/4" iron pipe; thence with a
 25 curve to the right having a radius of 270.00 feet and a
 26 central angle of 21 degrees 01 minute 35 seconds, chord
 27 distance of 98.53 feet to a 3/4" iron pipe; thence north
 28 48 degrees 49 minutes 28 seconds east, a distance of
 29 126.89 feet to a point of curvature, found a 3/4" iron
 30 pipe; thence with a curve to the right having a radius of
 31 120.00 feet and a central angle of 30 degrees 52 minutes
 32 12 seconds, chord distance of 63.87 feet to a 3/4" iron
 33 pipe; thence north 79 degrees 41 minutes 40 seconds east
 34 with the south right-of-way line of South 28th Street, a
 35 distance of 138.59 feet, set a 3/4" x 30" square iron;
 36 thence south 10 degrees 18 minutes 20 seconds east, a
 37 distance of 105.00 feet, set a 3/4" x 30" square iron;
 38 thence south 79 degrees 41 minutes 40 seconds west, a
 39 distance of 142.71 feet, set a 3/4" x 30" square iron;
 40 thence south 48 degrees 49 minutes 28 seconds west, a
 41 distance of 93.24 feet, set a 3/4" x 30" square iron;
 42 thence south 42 degrees 53 minutes 25 seconds west, a
 43 distance of 94.30 feet, set a 3/4" x 30" square iron;
 44 thence south 27 degrees 47 minutes 53 seconds west, a
 45 distance of 487.07 feet, set a 3/4" x 30" square iron;
 46 thence south 0 degrees 00 minutes 00 seconds west, a
 47 distance of 323.49 feet, set a 3/4" x 30" square iron;
 48 thence north 89 degrees 32 minutes 44 seconds west, a
 49 distance of 105.00 feet to the point of beginning and
 50 containing a calculated area of 2.933 acres more or less.

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

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

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01 NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of
02 Lincoln, Nebraska:

03 Section 1. That the plat of SOUTHERN OAKS as an addition to the
04 City of Lincoln, Nebraska, filed in the office of the Planning Department of
05 said City by SECURITY INVESTMENT COMPANY as owner is hereby accepted and
06 approved, and said owner is given the right to plat said SOUTHERN OAKS as an
07 addition to said City in accordance therewith. Such acceptance and approval
are conditioned upon the following:

08 First: That said owner shall at its own cost and expense pay for
all labor, material, engineering, and inspection costs in connection with the
09 construction of sidewalks along 28th Street adjacent to this subdivision and
10 in Outlot A along the north side of Baxter Place. The construction shall be
11 completed within four years following City Council approval of this final
12 plat.

13 Second: That said owner shall at its own cost and expense pay for
14 all labor, material, and related costs in connection with the installation of
15 street trees along Baxter Place as shown on the approved landscape plan. The
16 planting shall be completed within four years following City Council approval
17 of this final plat.

18 Third: That said owner shall at its own cost and expense pay for
19 all labor, material, and related costs in connection with the installation of
20 street name signs at the intersection of 28th Street and Baxter Place as
21 approved by the Department of Transportation. This installation shall be
22 completed within two years following City Council approval of this final plat.

23 Section 2. That prior to the passage of this ordinance, said
24 owner shall enter into a written agreement with the City which shall provide
25 as follows:

26 The owner, its successors and assigns agree:

- 27 a. To submit to the Director of Public Works an erosion control
28 plan.
- 29 b. To complete Baxter Place as shown on the preliminary plat and
30 community unit plan.
- 31 c. To maintain the private improvements on a permanent and contin-
32 uous basis. However, the owner may be relieved and discharged of
33 this maintenance obligation upon creating in writing a permanent and
34 continuous association of property owners who would be responsible
35 for said permanent and continuous maintenance. The owner shall not

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01 be relieved of such maintenance obligation until the document or
02 documents creating said property owners association have been
03 reviewed and approved by the City Attorney and filed of record with
04 the Register of Deeds.

05 d. To protect the remaining trees on the site during construction
06 and development.

07 e. To pay all improvement costs.

08 Section 3. That said owner shall, prior to final passage of this
09 ordinance, execute and deliver to the City of Lincoln:

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

14 b. A bond or an approved escrow or security agreement in the sum
15 of \$4,950 conditioned upon the strict compliance by said owner with the
16 conditions contained in paragraph designated "Second" of Section 1 of this
17 ordinance.

18 c. A bond or an approved escrow or security agreement in the sum
19 of \$85.00 conditioned upon the strict compliance by said owner with the
20 conditions contained in paragraph designated "Third" of Section 1 of this
21 ordinance.

22 The bonds required above shall be subject to approval by the City
23 Attorney. In the event that said owner or surety shall fail to satisfy the
24 conditions herein set forth within the time specified in this ordinance, the
25 City Council may order the required work to be performed by the City and
26 recover the cost thereof from said owner and surety.

27 Section 4. Immediately upon the taking effect of this ordinance,
28 the City shall cause the final plat and a certified copy of this ordinance
29 together with the written agreement required herein to be filed in the office
30 of the Register of Deeds of Lancaster County, Nebraska. Filing fees shall be
31 paid by said owner.

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

87- 232 ³⁹⁴⁸⁶

Introduced by:

C. Steve Duggell

Approved as to Form & Legality:

William F. Anderson
City Attorney

AYES: Danley, Gutgsell, Hampton, Hempel,
Minnick, Seng, Wilson;
NAYS: None.

Staff Review Completed:

[Signature]
Administrative Assistant

APPROVED

NOV 30, 1987

Bill Harris
MAYOR

PASSED

NOV 23 1987

BY CITY COUNCIL

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AGREEMENT

THIS AGREEMENT is made and entered into by and between SECURITY INVESTMENT CO., 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 SOUTHERN OAKS; 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 SOUTHERN OAKS, 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 complete Baxter Place as shown on the preliminary plat and community unit plan.
3. The Subdivider agrees to maintain the private improvements on a permanent and continuous basis. However, the owner 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 owner 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.
4. The Subdivider agrees to protect the remaining trees on the site during construction and development.
5. The Subdivider agrees to pay all improvement costs.
6. That the agreements contained herein shall be binding and obligatory upon the heirs, successors and assigns of Subdivider.

Dated this 28 day of October, 1987.

ATTEST:

SECURITY INVESTMENT CO.

Secretary

Michael R. Fardick
President

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ATTEST:

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

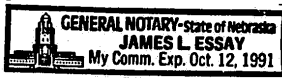
Kevin M. Malysz
City Clerk

Bill Harris
Mayor

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

On this 29 day of October, 1987, before me, the undersigned, a Notary Public, personally came Michael L. Fosdick to me known to be the president of Security Investment Co. and the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his/her voluntary act and deed as such officer and the voluntary act and deed of said corporation.

Witness my hand and notarial seal the day and year last above written.

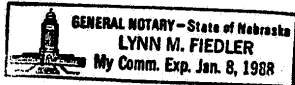


James P. Essay
Notary Public

My commission expires: _____.

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

On this 30TH day of NOVEMBER, 1987, before me, the undersigned, a Notary Public, personally came Bill Harris, to me known to be the Mayor of the City of Lincoln, Nebraska, a municipal corporation and the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said City.



Lynn M. Fiedler
Notary Public

My commission expires: 1/8/88.

Approved as to Form and Legality:

William H. Anderson
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. 14793 accepting and approving the plat of Southern Oaks and the Agreement in connection with same as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held November 23, 1987, 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 December, 1987.

Paul A. Malzer

City Clerk

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GENERAL

CITY OF LINCOLN
Dan Gallo
REGISTER OF DEEDS

1987 DEC -8 AM 10:47

INST. NO. 87 39486

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CK pd Poe Daw
Return to City Clerk