

ORDINANCE NO. 11302

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01 AN ORDINANCE accepting and approving the plat designated
02 as TABITHA NEW COMMUNITY FIRST ADDITION as an addition in the City
03 of Lincoln, Nebraska, filed in the office of the Planning Depart-
04 ment of the City of Lincoln, Nebraska, upon certain conditions
05 herein specified and providing for sureties conditioned upon the
06 strict compliance with such conditions.

07 WHEREAS, TABITHA VILLAGE, INC., owner of a tract of land
08 located in parts of Lots 27, 38, and 40 of Irregular Tracts in the
09 Northeast Quarter of Section 1, Township 10 North, Range 6 East of
10 the Sixth Principal Meridian and more particularly described as
11 follows: Beginning at the southerly most corner of Tabitha New
12 Community Addition to the City of Lincoln, Nebraska, said point
13 also lying on the south right-of-way line of Folkways Boulevard at
14 its west end; thence south 69 degrees 23 minutes 05 seconds west a
15 distance of 344.24 feet to the point of curvature of a circular
16 curve whose radius is 341.56 feet and whose central angle is 42
17 degrees 00 minutes 00 seconds; thence continuing along said circular
18 curve bearing to the right an arc distance of 250.37 feet; thence
19 continuing along the final tangent of said circular curve and a
20 bearing of north 68 degrees 36 minutes 55 seconds west a distance
21 of 497.16 feet to a point on the west line of Lot 27 Irregular Tract;
22 thence north 01 degrees 49 minutes 55 seconds west along said west
23 line a distance of 251.33 feet; thence north 21 degrees 23 minutes 05
24 seconds east a distance of 627.06 feet; thence north 88 degrees 23
25 minutes 05 seconds east a distance of 386.24 feet to a point on the
26 west line of Block 3, Tabitha New Community Addition; thence south
27 04 degrees 18 minutes 49 seconds east a distance of 160.00 feet
28 to the southwest corner of said Block 3; thence south 63 degrees
29 18 minutes 49 seconds east a distance of 195.00 feet to the northwest
30 corner of Block 2 of Tabitha New Community Addition; thence south 00
31 degrees 26 minutes 11 seconds west a distance of 167.00 feet to
32 the southwest corner of said Block 2; thence south 60 degrees 33

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01 minutes 49 seconds east a distance of 161.43 feet to the northwest
02 corner of Block 1, Tabitha New Community Addition; thence south 01
03 degrees 36 minutes 55 seconds east a distance of 304.97 feet to the
04 southwest corner of said Block 1; thence south 60 degrees 26 minutes
05 59 seconds east a distance of 70.00 feet to the southerly most
06 corner of said Block 1; thence south 20 degrees 36 minutes 55 seconds
07 east a distance of 80.00 feet to the point of beginning, has filed
08 said plat in the office of the Planning Department of the City of
09 Lincoln, Nebraska, with a request for approval and acceptance thereof,
10 in the manner and form as by ordinance required; and

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

14 NOW, THEREFORE, BE IT ORDAINED by the City Council of the
15 City of Lincoln, Nebraska:

16 Section 1. That the plat of TABITHA NEW COMMUNITY FIRST
17 ADDITION, as an addition in the City of Lincoln, Nebraska, filed
18 in the office of the Planning Department of said City by TABITHA
19 VILLAGE, INC., as owner, is hereby accepted and approved, and said
20 owner is hereby given the right to plat said TABITHA NEW COMMUNITY
21 FIRST ADDITION, as an addition in said City in accordance therewith.
22 Such acceptance and approval are conditioned upon the following:

23 First: That said owner shall at its own cost and expense
24 pay for all labor, material, engineering and inspection costs in
25 connection with the construction of sidewalks to be constructed in
26 the sidewalk space as shown on the approved community unit plan,
27 Special Permit No. 692A. The construction of said sidewalks shall
28 be completed not later than April 1, 1979.

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

35 Third: That said owner shall at its own cost and expense
36 pay for all labor, material, engineering, and inspection costs in

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01 connection with the construction of an ornamental street lighting
02 system along Folkways Boulevard, Venture Drive, Cloudburst Lane and
03 Homestead Court, all of which construction shall be equivalent to
04 standards and specifications for residential street lighting for
05 the City of Lincoln. As an alternative, the said owner on or before
06 the effective date of this ordinance may petition the City for the
07 creation of an ornamental street lighting district as required by
08 Article VI, Section 3, of the City Charter, to accomplish the
09 construction of said ornamental street lighting system. The construc-
10 tion of said ornamental street lighting system shall be completed
11 not later than April 1, 1978.

12 Fourth: That said owner shall at its own cost and expense
13 pay for all labor, material, engineering and inspection costs in
14 connection with the construction of a system of storm sewerage and
15 drainage to serve said plat. Said system of storm sewerage and
16 drainage shall be constructed as follows:

17 a. A 15-inch R.C. pipe under Folkways Boulevard at the low
18 point with an 18-inch R.C. pipe outlet to the south.

19 b. Approximately 140 feet of 15-inch R.C. pipe from the low
20 point in Homestead Court to the drainage way between Homestead Court
21 and Cloudburst Lane.

22 c. A 15-inch R.C. pipe in the drainage way between Homestead
23 Court and Cloudburst Lane at the proposed sidewalk crossing.

24 d. Approximately 250 feet of 15-inch R.C. pipe in Venture
25 Drive from the low point in Venture Drive and Cloudburst Lane south.

26 e. Approximately 100 feet of 15-inch R.C. pipe from the low
27 point in Venture Drive and Cloudburst Lane to the northerly limits
28 of the plat.

29 Additionally, low flow channel liner will be required as
30 follows:

31 a. From the northwest corner of the plat south along the
32 west line of the plat to a location approximately 200 feet north of
33 Folkways Boulevard.

34 b. From the 15-inch R.C. pipe located between Homestead
35 Court and Cloudburst Lane for a distance of approximately 200 feet
36 south and north to the northerly limits of the plat.

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02 c. From the low point in Cloudburst Lane and Venture Drive
northerly to the limits of the plat.

03 The aforesaid system of storm sewerage and drainage shall
04 be designed and constructed in conformance with "Storm Sewer Design
05 Criteria" published by the Department of Public Works for the City
06 of Lincoln in June, 1974, filed in the office of the City Engineer.
07 Construction of said system of storm sewerage and drainage shall
08 be completed not later than April 1, 1978.

09 Fifth: That prior to the effective date of this ordinance,
10 said owner shall enter into a written agreement with City which
11 shall provide as follows:

12 (a) That said owner agrees to dedicate walkway easements
13 to allow public use of the sidewalks not located within the street
14 right-of-way and the easement delineated on the final plat.

15 (b) That said owner agrees to develop the common open areas
16 with grass, shrubs and trees, and shall provide for the maintenance
17 of all common open areas, including walkways and drainage ways, all
18 of which maintenance shall be performed on a permanent and continuing
19 basis by said owner; provided, however, that said owner may be
20 relieved and discharged from such maintenance obligations upon the
21 creation in writing of a permanent and continuing agency of property
22 owners within said plat, which agency shall assume such maintenance
23 obligation. The instrument creating any such permanent and continuing
24 agency shall have no force and effect until the same shall have
25 been approved by the City Attorney, and filed of record in the office
26 of the Register of Deeds for Lancaster County, Nebraska.

27 Section 2. That said owner shall, prior to final passage
28 of this ordinance, execute and deliver to the City of Lincoln:

29 (a) a bond in the sum of \$20,200.00 conditioned upon the
30 strict compliance by said owner with the conditions contained in
31 paragraph designated "First" of the next preceding section of this
32 ordinance;

33 (b) a bond in the sum of \$14,200.00 conditioned upon the
34 strict compliance by said owner with the conditions contained in
35 paragraph designated "Third" of the next preceding section of this
36 ordinance;

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(c) a bond in the sum of \$28,000.00 conditioned upon the strict compliance by said owner with the conditions contained in paragraph designated "Fourth" of the next preceding section of this ordinance.

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

Introduced by

W. Richard Baker

Approved as to Form and Legality:

Charles D. Humble
City Attorney

PASSED

MAR 17 1975

Staff Review Completed:

Michael L. Merrill
Administrative Assistant to the Mayor

BY CITY COUNCIL

APPROVED

MAR 25 1975

Sam [Signature]

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A G R E E M E N T

THIS AGREEMENT is made and entered into by and between TABITHA VILLAGE, INC., 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 TABITHA NEW COMMUNITY FIRST 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 TABITHA NEW COMMUNITY FIRST ADDITION, it is agreed by and between Subdivider and City as follows:

1. That Subdivider shall dedicate walkway easements to allow public use of the sidewalks not located within the street right-of-way and the easement delineated on the final plat.

2. That Subdivider shall develop the common open areas with grass, shrubs and trees, and shall provide for the maintenance of all common open areas, including walkways and drainage ways, all of 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 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.

3. That the covenants and agreements contained herein shall run with the land in said plat and shall be binding and obligatory upon the heirs, successors, and assigns of Subdivider to all or any part of the real estate in said plat.

Dated this 26th day of MARCH, 1975.

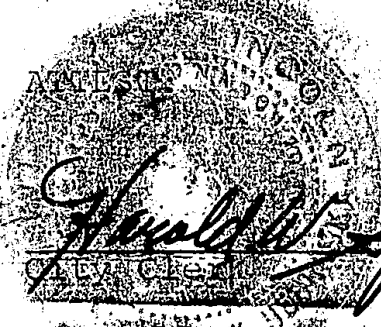
ATTEST:

TABITHA VILLAGE, INC.,

Eric Rasmussen
Secretary

Dorothy M. Decker
President

CITY OF LINCOLN, NEBRASKA,


Harold W. Springer
City Clerk

Sam Schwartzkopf
Mayor

Approved as to Form and Legality:

Charles D. Humble
City Attorney

