

97R-173

Introduce: 6-2-97

RESOLUTION NO. A- 78149

1 WHEREAS, St. Mark's United Methodist Church of Lincoln, Nebraska,
2 hereinafter "Property Owner" has requested that the City of Lincoln annex certain
3 property generally located on the northeast corner of South 84th Street and
4 Pioneers Boulevard; and

5 WHEREAS, in order to accommodate the requested annexation, the City
6 and said Property Owner agree that it is necessary to provide for the
7 installation of appropriate municipal infrastructure to serve the area and to
8 allocate the cost responsibilities related thereto; and

9 WHEREAS, the City and Property Owner have embodied their under-
10 standings into a written agreement which is entitled "An Agreement Regarding the
11 Annexation of Lot 17, I.T. and Lot 22, I.T. in the SW 1/4 of Section 2, Township
12 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska (hereinafter
13 Annexation Agreement), a copy of which is attached hereto, marked as Attachment
14 "A", and made a part hereof by reference.

15 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
16 Lincoln, Nebraska:

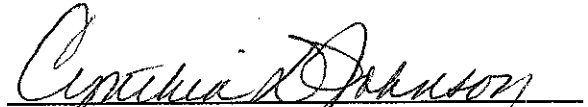
17 That the City Council does hereby accept and approve said Annexation
18 Agreement and hereby authorizes the Mayor to execute the same on behalf of the
19 City.

20 BE IT FURTHER RESOLVED that the City Clerk is directed to return one
21 fully executed copy of said Agreement to Charles D. Humble, attorney for the
22 Property Owner, and to transmit a photocopy of said Agreement to the Planning
23 Director and the Director of Public Works & Utilities.

↳ 6/23

↳ 6/23

Introduced by:




AYES: Donaldson, Fortenberry,
Johnson, Shoecraft, Seng,
Wilson, Young;

97R-173

Approved as to Form & Legality:


Assistant City Attorney


Staff Review Completed:


Administrative Assistant

6/9/97 Council Proceedings:

SENG Moved to delay action on Bill #97R-173 for one week to 6/16/97.
Seconded by Johnson & carried by the following vote: AYES: Donaldson,
Fortenberry, Johnson, Seng, Shoecraft, Wilson; NAYS: None; ABSENT: Young.

APPROVED

JUN 28 1997

MAYOR

ADOPTED

JUN 16 1997

By City Council

4/23/97

**AN AGREEMENT
REGARDING THE ANNEXATION OF
LOT 17, I.T., AND LOT 22, I.T. IN THE SW 1/4 OF
SECTION 2, TOWNSHIP 9 NORTH, RANGE 7 EAST
OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA**

THIS AGREEMENT is entered into as of this 20TH day of JUNE, 1997, by and between the City of Lincoln, Nebraska, a municipal corporation, hereinafter referred to as "City," and St. Mark's United Methodist Church of Lincoln, Nebraska, a non-profit Nebraska corporation, hereinafter referred to as "Owner."

RECITALS

I.

Owner is the owner of Lots 17 and 22, Irregular Tracts, located in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th Principal Meridian, Lancaster County, Nebraska, hereinafter referred to as "Lot 17" and "Lot 22", respectively.

II.

A majority of Lot 17 is shown in the Comprehensive Plan as outside the future urban area and is not designated for development within the twenty-year planning period. A tapable water main is not available to provide water service and fire protection to Lot 17. In addition, gravity sewer service to Lot 17 is not feasible without extensive grading.

III.

Although Lot 22 is shown in the Comprehensive Plan as part of the future urban area designated for immediate development (i.e., Blue, Phase 1 areas), a tapable water main is not available to provide water service and fire protection to Lot 22.

IV.

Owner has made a request that the South 801 feet of Lot 17 and all of Lot 22 be annexed into the corporate limits of the City of Lincoln, Nebraska, and the City is agreeable to such annexation provided that there is an agreement acknowledging that gravity sewer service

to Lot 17 is not feasible as said Lot 17 is beyond the Antelope Creek ridgeline; that the public sanitary sewer will not be extended beyond the ridgeline; that Owner will construct a water main to provide water service and adequate fire protection to Lot 17 and Lot 22; and further providing for other appropriate matters.

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants contained herein, the parties do agree as follows:

1. Annexation by City. The City agrees to annex the South 801 feet of Lot 17 and all of Lot 22.
2. No Public Sanitary Sewer. Owner understands and acknowledges that gravity sewer service to Lot 17 is not feasible without extensive grading as Lot 17 is beyond the Antelope Creek ridgeline. Owner further understands the City does not intend to extend its public sanitary sewer system beyond the Antelope Creek ridgeline to serve Lot 17 within the twenty-year planning period. Owner certifies that Owner does not desire nor need the City's public sanitary sewer system to be extended to serve Lot 17 and agrees that after annexation of the South 801 feet of Lot 17 into the corporate limits of the City of Lincoln, Owner will not request the City to extend its public sanitary sewer system to serve Lot 17.
3. Water Main Extension. Owner understands and acknowledges that Lot 17 and Lot 22 are not presently serviceable by the City's public water system. Owner further understands and acknowledges that the City does not intend to extend its public water system to serve Lot 17 and Lot 22 within the next one to six years. Owner further understands and acknowledges that without the public water system being extended to serve Lot 17 and Lot 22, the City cannot provide water service and fire protection meeting City standards to Lot 17 and Lot 22.

Owner, therefore, agrees to construct by executive order construction a tapable 16-inch water main and the necessary fire hydrants to provide water service and fire protection to Lot 17 and Lot 22. The 16-inch water main shall be constructed in Pioneers Boulevard from

the existing 24-inch water main in 84th Street east approximately 1,020 feet to the east limits of Lot 17 as determined by the Department of Public Works and Utilities. The location and number of fire hydrants to be installed will be as determined by the Lincoln Fire Department. The total cost of construction of the water main extension and the two fire hydrants is estimated to be \$51,000, and the actual cost of design and construction shall be paid by Owner pursuant to the Mayor's executive order; provided, however, the City agrees to consider subsidizing the cost of oversizing the water line in accordance with its standard contribution formula. In order to guarantee construction of said water main and fire hydrants, Owner shall post a bond, escrow, or other acceptable security, with the City in the amount of \$51,000. Construction of said water main extension and fire hydrants shall be completed not later than one year from the date of this Agreement.

4. Future Annexation. No privately owned property abutting the water main extension shall be permitted to connect to such water main extension until such privately owned property has been annexed into the corporate limits of the City of Lincoln.

5. Potential Future Assessment. The City is not, as a condition of annexation, requiring the extension of sanitary sewer mains to serve Lot 17 at the present time. Nevertheless, it is understood and agreed, and the parties hereto recognize, that the City reserves the right to extend such mains in the future and that any such extension shall be in accordance with then existing City sanitary sewer construction design standards, and that, at the City's option, such construction may be accomplished through an appropriate assessment district with the cost of such construction being assessed against benefitted property owners to the extent of the benefit conferred.

6. Conveyance. Owner agrees to convey to the City, at no cost to the City, 17 feet of right-of-way in order to provide a total of 50 feet of right-of-way north of the centerline of

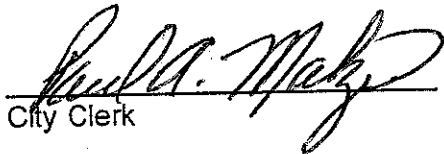
Pioneers Boulevard abutting Lot 17 and Lot 22, in order for the 16-inch water main to be constructed outside the future widening of Pioneers Boulevard.

7. Binding. This Agreement shall inure to and be binding upon the City and its successors and assigns and is for the benefit of the Owner of the Property and shall inure to and shall run with the title of such real estate of land and subdivision thereof and shall bind the respective successors and assigns in interest of the present Owner thereof.

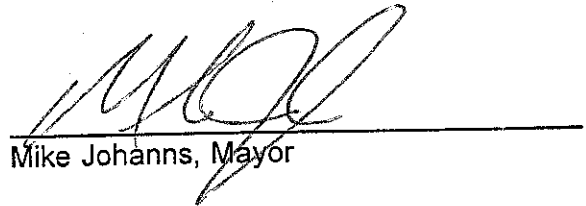
IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

ATTEST:

CITY OF LINCOLN, NEBRASKA,
A Municipal Corporation

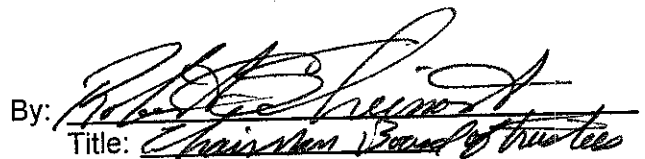


City Clerk



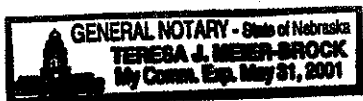
Mike Johanns, Mayor

ST. MARK'S UNITED METHODIST
CHURCH OF LINCOLN, NEBRASKA,

By: 
Title: Chairman Board of Trustees

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 20TH day of JUNE, 1997, by Mike Johanns, Mayor of the City of Lincoln, Nebraska, a municipal corporation.

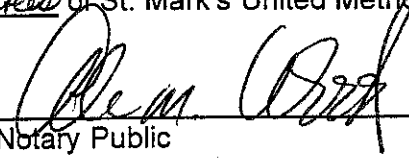




Notary Public

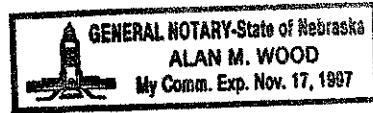
STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 12th day of May, 1997, by Robert Sheenost, Chair, Board of Trustees of St. Mark's United Methodist Church of Lincoln, Nebraska, on behalf of said church.



Notary Public

[code\agristmarks.erp]



CITY of LINCOLN

Request for:

Ordinance

Resolution

(Do Not Write in this Space)

Bill Control No. 97R-173	Date
Docketing Date: 6/2/97 P.H. 6/9/97	
(To Be Entered By City Clerk)	

Before using this form, see Administrative Regulation 1-1 Procedures for handling ordinance requests

DATE 5-27-97	REQUEST MADE BY: Ernest R. Peo, III	DEPARTMENT City Law
DESIRED DOCKET DATE 6-2-97	IF EMERGENCY, GIVE REASON (See Art. 5, Sec. 2 of Charter)	
Emergency Measure Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

REASONS OR JUSTIFICATION FOR PROPOSED LEGISLATION:

A resolution approving the "Agreement Regarding the Annexation of Lot 17 I.T. & Lot 22 I.T. in the SW 1/4 of Section 2, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska" between the City and St. Mark's United Methodist Church to provide for the installation of appropriate municipal infrastructure to serve the area generally located on the northeast corner of South 84th Street and Pioneers Blvd.

REQUESTER	<input type="checkbox"/> DOES WISH TO REVIEW AND APPROVE THIS ORDINANCE PRIOR TO ITS INTRODUCTION	<input type="checkbox"/> DOES NOT	DATE 5/28/97
			DIRECTOR'S SIGNATURE

TO BE USED BY THE FINANCE DEPARTMENT

BUDGET REVIEW	DATE	ACCOUNT NUMBER AND APPROPRIATE BALANCES CHECK	DATE	FUND AVAILABILITY APPROVED	DATE
			DIRECTOR OF FINANCE SIGNATURE		

TO BE USED BY THE MAYOR'S OFFICE

DISTRIBUTION	EMERGENCY MEASURE IS REQUIRED "IN FACT"?	DATE
White - City Clerk	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Green - Admin. Dir.		
Canary - City Atty.		
Pink - Finance Dept.		
Goldenrod - Department		
		ADMINISTRATIVE DIRECTOR'S SIGNATURE

