

ORDINANCE NO. 2024 – 5.1

AN ORDINANCE OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA, AMENDING AND RESTATING ORDINANCE 2022 – 2.1 PASSED AND APPROVED ON FEBRUARY 14, 2022, ACCEPTING AND APPROVING THE PLAT DESIGNATED AS COCHRANE CORNER ADDITION, FILED IN THE OFFICE OF THE CITY CLERK/TREASURER, UPON CERTAIN CONDITIONS SPECIFIED HEREIN AND PROVIDING FOR SURETIES CONDITIONED UPON THE STRICT COMPLIANCE WITH SUCH CONDITIONS

WHEREAS Cochrane Corner LLC, Dawn M. Sybrant and Maynard Alan Cochrane, Trustee and Barbara Ann Cochrane, Trustee of the Maynard A. Cochrane and Barbara A. Cochrane Revocable Trust (collectively “Owners”) of the real property legally described as:

The East 59.25 feet of Lots 1 and 8, Block 6, Alexanders Addition to Bennet and adjacent vacated alley; Lots 1 through 8, Block 5, Alexanders Addition to Bennet and adjacent alley; Lots 1 through 6, Block 8, Alexanders Addition to Bennet and adjacent alley EXCEPT the South Half of alley abutting Lot 7 and Lot 8, Block 8, Alexanders Addition to Bennet; part of Block 7 starting at the Northeast corner of Block 7, Alexanders Addition to Bennet then South 140.00 feet then West 176.00 feet then North 10.00 feet then East 34.00 feet then North 88.00 feet then East 8.00 feet then North 42.00 feet then East 134.25 feet; the East 389.98 feet of the South Half of vacated Birch Street; vacated Center Street between Cottonwood Street and Birch Street EXCEPT the West Half of the South 124.00 feet of vacated Center Street; and vacated Cherry Street from Tyler Street to 59.25 feet West of the West Right-of-way line of Center Street, all being located in the Southeast Quarter of Section 3, Township 8 North, Range 8 East of the 6th P.M., Bennet, Lancaster County, Nebraska;

have filed a plat styled Cochrane Corner Addition in the Office of the City Clerk of the City of Bennet, Nebraska, with a request for approval and acceptance thereof; and

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

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENNET, LANCASTER COUNTY, NEBRASKA:

Section 1. The plat of Cochrane Corner Addition, filed in the Office of the City Clerk of the City of Bennet, Nebraska, by Owners, is hereby accepted and approved, and the Owners are given the right to plat said Cochrane Corner Addition in accordance therewith. Such acceptance and approval are conditioned upon the following:

- A. Cochrane Corner, LLC (“Developing Owner”) shall, at its own cost and expense, pay for all labor, material, engineering, and inspection costs in connection with the construction of all required improvements as set forth in the Subdivision Improvement Agreement. Said improvements shall be installed and completed within five (5) years after approval of this final plat and subject to final acceptance by the City Engineer in accordance with the construction drawings and specifications.

- B. Developing Owner shall pay all fees incurred by the City in contracting for the independent engineering review of the final plat and construction drawings and specifications. Developing Owner shall pay such fees within thirty (30) days of receipt of an invoice from the City for the same.
- C. Developing Owner shall, at its own cost and expense, pay for all labor, material, engineering, and inspection costs in connection with the placing of monuments at all block corners, angle points, points of curves in streets, lot corners, and any required intermediate points. The permanent lot staking shall be completed before the construction on or conveyance of any lot shown in this final plat. Upon completion of utility installation, Developing Owner shall check lot stakes and reset as necessary.
- D. Any existing utilities that must be relocated as a result of the development of this final plat shall be done at the expense of the Developing Owner.
- E. The plat and construction drawings and specifications shall be, if not already, revised to conform to the recommendations set forth in the letter from the City Engineer dated January 14, 2022, setting out the final plat subdivision review comments of the City Engineer, and to such further comments as the City Engineer may have regarding the final construction drawings and specifications.
- F. Developing Owner shall, at its own expense, grade and pave the private roadways within Outlot A (Barbara Lane, Albert Lane, Maynard Place) in accordance with the construction drawings and specifications approved by the City Engineer. Developing Owner shall, at its own expense, install 5" concrete sidewalks along both sides of all private roadways within the limits of the final plat.
- G. Developing Owner shall at its own expense, construct the stormwater detention facility on Outlot B and within any related drainage easements in accordance with the construction drawings and specifications approved by the City Engineer.
- H. Developing Owner shall maintain the Outlots and all private roadways and improvements located thereon on a permanent and continuous basis. Developing Owner agrees to retain ownership of and the right of entry to the Outlots in order to perform the above-described maintenance of the Outlots and private roadways and improvements on a permanent and continuous basis. However, Developing Owner may be relieved and discharged of these obligations upon the creation in writing of a permanent association of property owners that will be responsible for said permanent and continuous obligations; provided the maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the the document(s) creating the property owners' association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record in the Office of the Register of Deeds. If the Outlots or private roadways and improvements are not maintained, or when necessary, repaired, the City shall have the right to enter upon the Outlots and maintain or repair the same and charge the cost thereof to Developing Owner or the property owners' association, whichever is applicable, or to directly assess the cost thereof to all lots within Cochrane Corner Addition.
- I. Owners shall grant a public access easement to the City of Bennett on and over Outlot A. Said easement shall grant rights of ingress and egress for vehicular and pedestrian

traffic upon the private roadways shown in the final plat, subject to reasonable regulations approved by the City.

Section 2. Developing Owner shall, prior to filing this plat in the Office of the Register of Deeds for Lancaster County, Nebraska, execute and deliver to the City of Bennet:

- A. A bond or approved escrow or security agreement for improvements in the following sums:

<u>Improvement</u>	<u>Amount</u>
Storm Sewers	\$119,612.00
Street Surfacing	\$238,645.00
Water Mains	\$201,540.00
Sanitary Sewers	\$156,080.00
Sidealks	\$ 2,250.00
Lot Staking / Permanent Monuments	\$ 3,600.00
Stormwater Detention Facility	<u>\$ 10,000.00</u>
Total:	\$731,727.00

Conditioned upon the strict compliance by said Developing Owner with the conditions contained in Section 1.A. of this Ordinance.

- B. A bond or approved escrow or security agreement in the sum of \$1,500.00 conditioned upon the strict compliance by said Developing Owner with the conditions contained in Section 1.C. of this Ordinance.
- C. A Subdivision Improvement Agreement as referenced in Section 1.A. of this Ordinance.

Section 3. The dedication of easements included within the final plat is hereby accepted, subject to completion of the improvements as specified in the Subdivision Improvement Agreement.

Section 4. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law, and shall supersede and replace Ordinance No. 2022 - 2.1 in its entirety.

SUSPEND
READINGS
(3/4 VOTE) _____

FIRST READING _____
SECOND READING _____
THIRD READING _____

PASSED AND APPROVED THIS _____ DAY OF _____, 2024

Michele Lincoln, City Clerk

Ryan Cheney, Mayor