

RESOLUTION NO. A-\_\_\_\_\_

1           WHEREAS, Resolution No. A-70031, adopted by the City Council on April 15, 1985,  
2           accepted and approved an application from Jonathan L. Waterbury and JoAnne Waterbury as  
3           subdividers to waive the requirement that subdivision of their property be accomplished by the  
4           City’s formal platting procedures when a street is needed within the area of the proposed lots in  
5           order to allow for the administrative subdivision of the Waterbury property described in  
6           Resolution No. A-70031 as Parcel Numbers 1 - 4; and

7           WHEREAS, the conditions of approval provided: “a. The requirement that the  
8           subdivision be accomplished by the platting procedure when a street is needed within the area  
9           of the proposed lots is hereby waived under the following conditions: The subdividers, their  
10          successors and assigns agree: . . . 3. That failure to accomplish the platting of the subject  
11          property within one year from the date the administrative subdivision approval is granted shall  
12          render the administrative subdivision permit null and void.”; and

13          WHEREAS, on April 23, 1985 the Planning Director approved the application of  
14          Jonathan L. Waterbury and JoAnne Waterbury for Subdivision Permit (#2405) creating Parcel  
15          Numbers 1 - 4 in accordance with the requirements of Resolution No. A-70021; and

16          WHEREAS, Mr. and Mrs. Howard N. Richoux on April 23, 1985 purchased Parcels  
17          Numbers 3 and 4 from the Waterburys; and

18          WHEREAS, the Waterburys failed to timely accomplish the platting of Parcel Numbers 1  
19          through 4; and

20          WHEREAS, Mr. and Mrs. Richoux desire the City Council to cure any title defects  
21          regarding their ownership of Parcel Numbers 3 and 4 by removing of the condition in Resolution  
22          No. A-70031 that the subdivision permit shall be null and void if the parcels are not final platted  
23          within one year from the approval of the administrative subdivision permit; and

1           WHEREAS, the City Council is willing to cure said title defect and allow such subdivision  
2 to be approved and for development to continue thereon.

3           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
4 Nebraska:

5           That Resolution No. A-70031, adopted by the City Council on April 15, 1985, be  
6 amended as follows:

- 7           1.     On page 1, delete line 31.
- 8           2.     On page 1, lines 32 and 33, delete the words "The Subdivision be accomplished  
9 by the platting procedure when".
- 10          3.     On page 1, line 34, delete the words "under the following conditions".
- 11          4.     On page 1, delete lines 36 - 41.
- 12          5.     On page 2, delete lines 1 - 7.

Introduced by:

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Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this ____ day of _____, 2008:  _____ Mayor
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