

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

USE PERMIT NO. 140E

1           WHEREAS, Eiger Corporation has submitted an application in accordance with  
2 Section 27.64.010 of the Lincoln Municipal Code designated as Use Permit No. 140E to amend  
3 the use permit for Prairie Lake Regional Shopping Center to expand the boundary of the  
4 existing use permit by approximately 17.47 acres to allow for an additional 210,000 square foot  
5 super store and an 11,000 square foot car wash, on property generally located at South 84<sup>th</sup>  
6 Street and Pine Lake Road, legally described as follows:

7           LOTS 2 AND 3, BLOCK 1, AND OUTLOT "O", APPIAN WAY  
8 ADDITION; LOT 1, APPIAN WAY 1<sup>ST</sup> ADDITION; LOT 1, APPIAN  
9 WAY 2<sup>ND</sup> ADDITION; LOT 1, APPIAN WAY 3<sup>RD</sup> ADDITION; LOTS  
10 1, 2 AND 3, APPIAN WAY 4<sup>TH</sup> ADDITION; LOTS 1, 2 AND 3,  
11 APPIAN WAY 5<sup>TH</sup> ADDITION; LOTS 1 AND 2, APPIAN WAY  
12 6<sup>TH</sup> ADDITION; LOTS 1, 2, 3, 4 AND 5, AND OUTLOT "A",  
13 APPIAN WAY 7<sup>TH</sup> ADDITION; LOTS 1 AND 2, APPIAN WAY 9<sup>TH</sup>  
14 ADDITION; LOTS 1 AND 2, AND OUTLOT "A", APPIAN WAY  
15 11<sup>TH</sup> ADDITION; LOT 2, APPIAN WAY 12<sup>TH</sup> ADDITION; LOT 1,  
16 APPIAN WAY 13<sup>TH</sup> ADDITION; LOTS 1, 2, 3 AND 4, AND OUTLOT  
17 "A", APPIAN WAY 14<sup>TH</sup> ADDITION; AND LOTS 1 AND 2,  
18 BLOCK 1, LOT 1, BLOCK 2, AND OUTLOTS "A", "B", "C", "D"  
19 AND "E", APPIAN WAY 15<sup>TH</sup> ADDITION, ALL LOCATED IN  
20 SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE  
21 6TH. P.M., CITY OF LINCOLN, LANCASTER COUNTY,  
22 NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS  
23 FOLLOWS:

24  
25           COMMENCING AT THE NORTHWEST CORNER OF THE  
26 NORTHWEST QUARTER OF SAID SECTION 23; THENCE  
27 EASTERLY ON THE NORTH LINE OF SAID NORTHWEST  
28 QUARTER ON AN ASSIGNED BEARING OF S 89°30'32"E, A  
29 DISTANCE OF 229.80', TO A POINT OF INTERSECTION WITH  
30 THE EAST RIGHT-OF-WAY LINE FOR SOUTH 84<sup>TH</sup> STREET,  
31 SAID POINT BEING THE POINT OF BEGINNING, SAID POINT

1 ALSO BEING ON THE WEST LINE OF OUTLOT "A", APPIAN WAY  
2 15<sup>TH</sup> ADDITION; THENCE ON SAID WEST LINE FOR THE NEXT  
3 THREE (3) COURSES, N 0°52'18"W 56.57'; THENCE N  
4 0°19'32"W 111.49'; THENCE N 44°36'44"E 39.64', TO A POINT  
5 ON THE SOUTH LINE OF RELOCATED PINE LAKE ROAD;  
6 THENCE EASTERLY ON SAID SOUTH LINE, N 89°37'32"E  
7 129.50'; THENCE SOUTHERLY FOR THE NEXT TWO COURSES  
8 ON A LINE OF SAID OUTLOT "A", S 0°11'09"W 148.46'; THENCE  
9 S 0°29'28"W 50.00', TO A POINT ON THE NORTH LINE OF  
10 SAID NORTHWEST QUARTER; THENCE EASTERLY ON SAID  
11 NORTH LINE, S 89°30'32"E 965.26'; THENCE N 12°38'36"E  
12 41.43'; THENCE S 72°15'11"E 188.73', TO THE POINT OF  
13 CURVATURE OF A CIRCULAR CURVE IN A COUNTER  
14 CLOCKWISE DIRECTION, HAVING A RADIUS OF 1099.09'  
15 AND A CENTRAL ANGLE OF 11°06'40"; THENCE ON SAID  
16 CURVE, HAVING A CHORD OF S 77°48'18"E 212.81';  
17 THENCE S 86°25'49"E 118.09'; THENCE S 89°49'12"E 605.71';  
18 THENCE N 88°41'42"E 50.63', TO THE POINT ON A  
19 CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A  
20 RADIUS OF 740.00' AND A CENTRAL ANGLE OF 1°56'57";  
21 THENCE ON SAID CURVE, HAVING A CHORD OF N  
22 89°40'12"E 25.17'; THENCE S 0°29'28"W 5.23', TO A POINT ON  
23 THE NORTH LINE OF SAID OUTLOT "O", APPIAN WAY  
24 ADDITION AND ON THE SOUTH RIGHT OF WAY LINE OF  
25 PINE LAKE ROAD, SAID POINT ALSO BEING ON A CIRCULAR  
26 CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF  
27 735.00' AND A CENTRAL ANGLE OF 41°15'52"; THENCE ON  
28 SAID CURVE, HAVING A CHORD OF S 68°52'37"E 517.98', TO A  
29 POINT ON THE WEST RIGHT OF WAY LINE FOR SOUTH 91<sup>ST</sup>  
30 STREET; THENCE ON SAID WEST RIGHT OF WAY LINE FOR  
31 THE NEXT THREE (3) COURSES, S 2°19'38"E 35.39', TO  
32 THE POINT ON A CIRCULAR CURVE IN A COUNTER  
33 CLOCKWISE DIRECTION, HAVING A RADIUS OF 1065.00'  
34 AND A CENTRAL ANGLE OF 57°34'57"; THENCE ON SAID  
35 CURVE, HAVING A CHORD OF S 13°09'07"W 1025.85';  
36 THENCE S 27°23'01"W 36.15', TO A POINT ON THE NORTH  
37 RIGHT OF WAY LINE FOR HERITAGE LAKES DRIVE;  
38 THENCE ON HERITAGE LAKES DRIVE RIGHT OF WAY LINE  
39 FOR THE NEXT SIX (6) COURSES, S 71°04'43"W 57.97', TO THE  
40 POINT ON A CIRCULAR CURVE IN A CLOCKWISE DIRECTION,  
41 HAVING A RADIUS OF 264.00' AND A CENTRAL ANGLE OF  
42 22°09'07"; THENCE ON SAID CURVE, HAVING A CHORD OF  
43 S 82°09'17"W 101.43'; THENCE S 3°13'50"W 72.00', TO THE  
44 POINT ON A CIRCULAR CURVE IN A COUNTER CLOCKWISE  
45 DIRECTION, HAVING A RADIUS OF 336.00' AND A CENTRAL  
46 ANGLE OF 22°09'07"; THENCE ON SAID CURVE, HAVING A  
47 CHORD OF N 82°09'17"E 129.10'; THENCE N 71°04'43"E 57.97',  
48 TO A POINT ON THE WEST RIGHT OF WAY LINE FOR SOUTH  
49 91ST STREET; THENCE ON SAID WEST RIGHT OF WAY LINE  
50 FOR THE NEXT FOUR (4) COURSES, S 65°13'34"E 36.15',

1 TO THE POINT ON A CIRCULAR CURVE IN A COUNTER  
2 CLOCKWISE DIRECTION, HAVING A RADIUS OF 1065.00'  
3 AND A CENTRAL ANGLE OF 5°27'34"; THENCE ON SAID  
4 CURVE, HAVING A CHORD OF S 24°56'00"E 101.44'; THENCE  
5 S 27°39'47"E 937.76', TO THE POINT ON A CIRCULAR  
6 CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS  
7 OF 935.00' AND A CENTRAL ANGLE OF 22°49'13"; THENCE  
8 ON SAID CURVE, HAVING A CHORD OF S 16°15'10"E  
9 369.94'; THENCE S 42°24'34"W 34.43', TO A POINT ON THE  
10 NORTH RIGHT OF WAY LINE FOR ANDERMATT DRIVE;  
11 THENCE ON THE RIGHT OF WAY LINE FOR ANDERMATT DRIVE  
12 FOR THE THREE (3) COURSES, S 88°53'45"W 174.03';  
13 THENCE S 1°06'15"E 72.00'; THENCE N 88°53'45"E 174.03',  
14 TO A POINT ON THE WEST RIGHT OF WAY LINE FOR  
15 SOUTH 91 ST STREET; THENCE ON SAID WEST RIGHT OF WAY  
16 LINE FOR THE NEXT FOUR (4) COURSES, S 44°37'04"E 34.43',  
17 TO THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE  
18 DIRECTION, HAVING A RADIUS OF 935.00' AND A CENTRAL  
19 ANGLE OF 41°42'18"; THENCE ON SAID CURVE, HAVING A  
20 CHORD OF S 23°29'13"W 665.65'; THENCE S 44°20'22"W  
21 400.02'; THENCE S 85°41'38"W 37.53', TO A POINT ON THE  
22 NORTH RIGHT OF WAY LINE FOR NEBRASKA HIGHWAY NO.  
23 2; THENCE ON SAID NORTH RIGHT OF WAY LINE FOR THE  
24 NEXT THREE (3) COURSES, N 52°57'07"W 206.15'; THENCE  
25 N 56°19'51"W 780.25'; THENCE N 52°26'00"W 758.61', TO A  
26 POINT ON THE EAST RIGHT OF WAY LINE FOR SOUTH 87<sup>TH</sup>  
27 STREET; THENCE ON THE RIGHT OF WAY LINE FOR SOUTH  
28 87TH STREET FOR THE NEXT SEVEN (7) COURSES, N  
29 14°44'12"W 39.56', TO THE POINT ON A CIRCULAR CURVE IN  
30 A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF  
31 350.00' AND A CENTRAL ANGLE OF 21°57'58"; THENCE ON  
32 SAID CURVE, HAVING A CHORD OF N 9°55'33"E 133.36', TO  
33 THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE  
34 DIRECTION, HAVING A RADIUS OF 250.00' AND A CENTRAL  
35 ANGLE OF 30°00'47"; THENCE ON SAID CURVE, HAVING A  
36 CHORD OF N 13°56'57"E 129.46', TO THE POINT ON A  
37 CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A  
38 RADIUS OF 1550.00' AND A CENTRAL ANGLE OF 4°14'10";  
39 THENCE ON SAID CURVE, HAVING A CHORD OF N  
40 58°39'35"W 114.57', TO THE POINT ON A CIRCULAR CURVE IN  
41 A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF  
42 364.50' AND A CENTRAL ANGLE OF 30°45'45"; THENCE ON  
43 SAID CURVE, HAVING A CHORD OF S 14°19'26"W 193.36', TO  
44 THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE  
45 DIRECTION, HAVING A RADIUS OF 235.50' AND A CENTRAL  
46 ANGLE OF 14°51'55"; THENCE ON SAID CURVE, HAVING A  
47 CHORD OF S 6°22'31"W 60.93'; THENCE S 70°21'51"W 30.30',  
48 TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR  
49 NEBRASKA HIGHWAY NO. 2; THENCE ON SAID NORTH  
50 RIGHT OF WAY LINE FOR THE NEXT SIX (6) COURSES, N  
51 57°09'01"W 556.12'; THENCE N 45°55'04"W 202.24'; THENCE N

1 53°03'46"W 200.03'; THENCE N 58°00'35"W 400.90'; THENCE  
2 N 43°05'38"W 117.22'; THENCE N 10°49'43"W 18.79', TO A POINT  
3 ON THE EAST RIGHT OF WAY LINE FOR SOUTH 84<sup>TH</sup> STREET;  
4 THENCE NORTHERLY ON SAID EAST RIGHT OF WAY LINE FOR  
5 THE NEXT SEVEN (7) COURSES, N 29°00'57"E 22.22', TO THE  
6 POINT ON A CIRCULAR CURVE IN A COUNTER CLOCKWISE  
7 DIRECTION, HAVING A RADIUS OF 1020.00' AND A CENTRAL  
8 ANGLE OF 29°41'38"; THENCE ON SAID CURVE, HAVING A  
9 CHORD OF N 14°10'08"E 522.72'; THENCE N 0°40'41"W 155.34',  
10 TO THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE  
11 DIRECTION, HAVING A RADIUS OF 280.00' AND A CENTRAL  
12 ANGLE OF 1°35'07"; THENCE ON SAID CURVE, HAVING A  
13 CHORD OF N 20°09'19"E 7.75', TO THE POINT ON A  
14 CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION,  
15 HAVING A RADIUS OF 320.00' AND A CENTRAL ANGLE OF  
16 11°28'25"; THENCE ON SAID CURVE, HAVING A CHORD OF  
17 N 5°03'32"E 63.97'; THENCE N 0°40'41"W 151.61'; THENCE  
18 N 44°19'19"E 22.42', TO A POINT ON THE SOUTH RIGHT  
19 OF WAY LINE FOR EIGER DRIVE; THENCE ON THE RIGHT  
20 OF WAY LINE FOR EIGER DRIVE FOR THE NEXT THREE (3)  
21 COURSES, N 89°19'19"E 330.59'; THENCE N 0°22'12"W 120.00';  
22 THENCE S 89°19'19"W 338.88', TO A POINT ON THE EAST  
23 RIGHT OF WAY LINE FOR SOUTH 84 TH STREET; THENCE  
24 ON THE EAST RIGHT OF WAY LINE OF SOUTH 84th  
25 STREET AND THE WEST LINE OF OUTLOT "A", APPIAN  
26 WAY 15th ADDITION FOR THE NEXT SIX (6) COURSES, N  
27 29°44'08"W 39.33'; THENCE N 0°13'54"W 371.54', TO A POINT  
28 OF CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE  
29 DIRECTION HAVING A CENTRAL ANGLE OF 11°28'42", A  
30 RADIUS OF 280.00' AND AN ARC LENGTH OF 56.09'; THENCE  
31 ON SAID CURVE, HAVING A CHORD OF N 5°30'27"E 56.00', TO  
32 A POINT OF REVERSE CURVATURE FOR A CIRCULAR CURVE  
33 IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL  
34 ANGLE OF 11°28'42", A RADIUS OF 320.00' AND AN ARC  
35 LENGTH OF 64.11'; THENCE ON SAID CURVE, HAVING A  
36 CHORD OF N 5°30'27"E 64.00', TO THE POINT OF TANGENCY;  
37 THENCE ON SAID TANGENT, N 0°13'54"W 109.04'; THENCE N  
38 0°52'18"W 50.89', TO THE POINT OF BEGINNING, SAID TRACT  
39 CONTAINING AN AREA OF 7,971,201.95 SQUARE FEET OR  
40 182.99 ACRES, MORE OR LESS.

41 WHEREAS, the real property adjacent to the area included within the site plan for  
42 this amendment to the use permit will not be adversely affected; and

43 WHEREAS, said site plan together with the terms and conditions hereinafter set  
44 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to  
45 promote the public health, safety, and general welfare.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
2 Lincoln, Nebraska:

3 That the application of Eiger Corporation, hereinafter referred to as "Permittee",  
4 to expand the boundary of the existing use permit by approximately 17.47 acres to allow for an  
5 additional 210,000 square foot super store and an 11,000 square foot car wash, be and the  
6 same is hereby granted under the provisions of Section 27.64.010 of the Lincoln Municipal  
7 Code upon condition that construction and operation of said development be in substantial  
8 compliance with said application, the site plan, and the following additional express terms,  
9 conditions, and requirements:

10 1. This permit expands the site plan for Use Permit 140E by 17.47 acres to  
11 allow for an additional 210,000 square foot super store and an 11,000 square foot car wash.

12 2. Before receiving building permits:

13 a. The Permittee shall submit a revised site plan showing the  
14 following revisions:

15 i. A driveway connection from South 88<sup>th</sup> Street through the  
16 parking lot extending to the north edge of the property  
17 line/use permit boundary which is in line with the Pine Lake  
18 Road driveway for Lot 81.

19 ii. A grading and drainage plan revised to the satisfaction of  
20 Public Works and Utilities.

21 b. Final plat(s) are approved by the City.

22 c. City Council approves Change of Zone #15008.

23 3. Before occupying the buildings all development and construction shall  
24 substantially comply with the approved plans.

25 4. All privately-owned improvements, including landscaping, are to be  
26 permanently maintained by the Permittee or an appropriately established owners association  
27 approved by the City.  
28

1           5.       The site plan accompanying this permit shall be the basis for all  
2 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
3 elements, and similar matters.

4           6.       The terms, conditions, and requirements of this resolution shall run with  
5 the land and be binding upon the Permittee, its successors, and assigns.

6           7.       The Permittee shall sign and return the letter of acceptance to the City  
7 Clerk. This step should be completed within 60 days following the approval of the use permit.  
8 The City Clerk shall file a copy of the resolution approving the use permit and the letter of  
9 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
10 Permittee. Building permits will not be issued unless the letter of acceptance has been filed.

11          8.       The site plan as approved with this resolution voids and supersedes all  
12 previously approved site plans; however, the terms and conditions of all resolutions approving  
13 previous permits shall remain in force and effect except as specifically amended by this  
14 resolution.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Approved this ___ day of _____, 2015:  _____ Mayor
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