

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1781A

WHEREAS, Design Associates has submitted an application designated as Special Permit No. 1781A for authority to amend the Northview 1st Community Unit Plan to adjust the rear yard setbacks on the lots within proposed Block 3 and to adjust the lot configuration on proposed Lots 10 through 13, Block 2, on property generally located at North 24th and Dodge Streets, and legally described to wit:

Lot 2, Block 1, Northview 1st Addition, Outlot AA@, Northview 2nd Addition, and Lot 140 I.T., located in the North One-Half of Section 12, Township 10 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Referring to the southeast corner of the Northeast Quarter of said Section 12, thence in a northerly direction, along the east line of the Northeast Quarter of said Section 12, on an assumed bearing of north 00 degrees 04 minutes 52 seconds west for a distance of 811.04 feet to the centerline of Old Dairy Road; thence along said centerline of Old Dairy Road, north 88 degrees 42 minutes 53 seconds west for a distance of 471.04 feet; thence north 01 degrees 17 minutes 07 seconds east for a distance of 33.00 feet to the point of beginning; thence on a curve to the right, with an angle of 42 degrees 36 minutes 55 seconds, a radius of 117.00 feet, a chord bearing of north 67 degrees 52 minutes 58 seconds west, a chord length of 85.03 feet, and an arc distance of 87.02 feet; thence south 43 degrees 25 minutes 34 seconds west for a distance of 66.00 feet; thence north 88 degrees 45 minutes 16 seconds west for a distance of 723.37 feet; thence north 00 degrees 02 minutes 31 seconds west for a distance of 495.97 feet; thence north 00 degrees 14 minutes 33 seconds west for a distance of 233.92 feet; thence south 88 degrees 47 minutes 20 seconds east for a distance of 99.30 feet; thence on a curve to the left, with an angle of 01 degrees 11 minutes 16 seconds, a radius of 630.00 feet, a chord bearing of south 89 degrees 24

minutes 22 seconds east, a chord length of 13.06 feet, and an arc distance of 13.06 feet to a point of tangency; thence south 90 degrees 00 minutes 00 seconds east for a distance of 323.50 feet; thence north 00 degrees 00 minutes 00 seconds east for a distance of 60.00 feet; thence north 90 degrees 00 minutes 00 seconds west for a distance of 137.12 feet; thence north 00 degrees 00 minutes 00 seconds east for a distance of 128.00 feet; thence south 90 degrees 00 minutes 00 seconds east for a distance of 551.78 feet; thence south 00 degrees 03 minutes 42 seconds east for a distance of 437.28 feet; thence south 00 degrees 03 minutes 42 seconds east for a distance of 478.25 feet; thence north 88 degrees 42 minutes 53 seconds west for a distance of 2.79 feet to the point of beginning. Said parcel containing a calculated area of 16.50 acres, including 3.112 acres of right-of-way, more or less.

AND

Referring to the southeast corner of the Northeast Quarter of said Section 12, thence in a northerly direction, along the east line of the Northeast Quarter of said Section 12, on an assumed bearing of north 00 degrees 04 minutes 52 seconds west for a distance of 811.04 feet to the centerline of Old Dairy Road; thence along said centerline of Old Dairy Road, north 88 degrees 42 minutes 53 seconds west for a distance of 471.04 feet; thence north 01 degrees 17 minutes 07 seconds east for a distance of 33.00 feet; thence on a curve to the right, with an angle of 42 degrees 36 minutes 55 seconds, a radius of 117.00 feet, a chord bearing of north 67 degrees 52 minutes 58 seconds west, a chord length of 85.03 feet, and an arc distance of 87.02 feet; thence south 43 degrees 25 minutes 34 seconds west for a distance of 66.00 feet; thence north 88 degrees 45 minutes 16 seconds west for a distance of 723.37 feet; thence north 00 degrees 02 minutes 31 seconds west for a distance of 495.97 feet; thence north 00 degrees 14 minutes 33 seconds west for a distance of 233.92 feet; thence north 00 degrees 01 minutes 15 seconds west for a distance of 60.00 feet to the point of beginning; thence north 00 degrees 01 minutes 15 seconds west for a distance of 125.74 feet; thence south 90 degrees 00 minutes 00 seconds east for a distance of 238.78 feet; thence south 00 degrees 00 minutes 00 seconds west for a distance of 128.00 feet; thence south 90 degrees 00 minutes 00 seconds west for a distance of 126.10 feet; thence on a curve to the right, with an angle of 01 degrees

11 minutes 17 seconds, a radius of 570.00 feet, a chord bearing of north 89 degrees 24 minutes 22 seconds west, a chord length of 11.82 feet, and an arc distance of 11.82 feet to a point of tangency; thence north 88 degrees 47 minutes 20 seconds west for a distance of 100.84 feet to the point of beginning. Said parcel containing a calculated area of 0.699 acres, more or less.

WHEREAS, the real property adjacent to the area included within the site plan for this adjustment to the rear yard setbacks will not be adversely affected; and

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

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

That the application of Design Associates, hereinafter referred to as "Permittee", to adjust the rear yard setbacks on the lots within proposed Block 3 and to adjust the lot configuration on proposed Lots 10 through 13, Block 2, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the reduction of the rear yard setback of Lots 1 through 82, Block 3, from 30 feet or 20% of the depth of the lot to 5 feet, and the adjustment of the lot lines and easement lines for Lots 10 through 13, Block 2.
2. Before receiving building permits:

- a. The Permittee must submit a revised and reproducible final plan.
 - b. The construction plans must conform to the approved plans.
 - c. Final plans within this community unit plan must be approved by the City.
3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
8. The site plan as approved with this resolution voids and supersedes all

previously approved site plans. All prior resolutions approving Special Permit No.1781 remain in force except as specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant