

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

USE PERMIT NO. 140

1           WHEREAS, Andermatt L.L.C. and Eiger corporation has submitted an  
 2 application in accordance with Section 27.37.070 of the Lincoln Municipal Code  
 3 designated as Use Permit No. 140 for authority to construct 940,000 sq. ft. of  
 4 commercial space on property generally located at 84th Street and Highway 2, and  
 5 legally described to wit:

6           Lots 58 I.T., 72 I.T., 84 I.T., 85 I.T., 87 I.T., a portion of Lots  
 7 56 I.T., 71 I.T., 82 I.T., 87 I.T., 90 I.T., 91 I.T., 92 I.T., and a  
 8 portion of South 91st Street right-of-way, and a portion of  
 9 State of Nebraska right-of-way, all located in Section 23,  
 10 Township 9 North, Range 7 East of the 6th P.M., Lancaster  
 11 County, Nebraska and more particularly described as  
 12 follows:

13           Commencing at the northwest corner of the Northeast  
 14 Quarter of said Section 23; thence on an assumed bearing  
 15 of north 89 degrees 52 minutes 54 seconds east along the  
 16 north line of said Northeast Quarter, a distance of 134.76  
 17 feet to a point; thence south 00 degrees 35 minutes 54  
 18 seconds west, a distance of 55.66 feet to a northwest corner  
 19 of said Lot 82 I.T., said point being the point of beginning;  
 20 thence north 89 degrees 53 minutes 37 seconds east along  
 21 the north line of said Lot 82 I.T., a distance of 678.06 feet to  
 22 a point of deflection; thence north 88 degrees 01 minutes 14  
 23 seconds east, along the north line of said Lot 82 I.T., a  
 24 distance of 300.26 feet to a point of deflection; thence north  
 25 89 degrees 52 minutes 44 seconds east along the north line  
 26 of said Lot 82 I.T., a distance of 20.65 feet to a point; thence  
 27 south 00 degrees 07 minutes 06 seconds east, a distance of  
 28 9.96 feet to a point; thence around a curve in a counter  
 29 clockwise direction, having a radius of 940.00 feet, an arc  
 30 length of 1,447.55 feet, a delta angle of 88 degrees 13  
 31 minutes 56 seconds, a chord bearing of south 45 degrees  
 32 45 minutes 56 seconds west and a chord length of 1,308.70  
 33 feet to a point; thence south 05 degrees 52 minutes 22  
 34 seconds east, a distance of 47.11 feet to a point; thence  
 35 around a curve in a counter clockwise direction, having a  
 36 radius of 935.00 feet, an arc length of 431.62 feet, a delta

1 angle of 26 degrees 26 minutes 58 seconds, a chord  
2 bearing of south 14 degrees 26 minutes 17 seconds east  
3 and a chord length of 427.80 feet to a point; thence south 27  
4 degrees 39 minutes 47 seconds east, a distance of 152.78  
5 feet to a point; thence south 21 degrees 57 minutes 08  
6 seconds east, a distance of 50.25 feet to a point; thence  
7 south 27 degrees 39 minutes 47 seconds east, a distance of  
8 734.98 feet to a point; thence around a curve in a clockwise  
9 direction, having a radius of 1,060.00 feet, an arc length of  
10 112.60 feet, a delta angle of 06 degrees 05 minutes 11  
11 seconds, a chord bearing of south 24 degrees 37 minutes  
12 12 seconds east and a chord length of 112.55 feet to a  
13 point; thence south 25 degrees 31 minutes 11 seconds east,  
14 a distance of 53.35 feet to a point; thence around a curve in  
15 a clockwise direction, having a radius of 1,065.00 feet, an  
16 arc length of 657.69 feet, a delta angle of 35 degrees 22  
17 minutes 58 seconds, a chord bearing of south 01 degrees  
18 01 minutes 13 seconds east and a chord length of 647.29  
19 feet to a point; thence south 23 degrees 28 minutes 45  
20 seconds west, a distance of 53.35 feet to a point; thence  
21 around a curve in a clockwise direction, having a radius of  
22 1,060.00 feet, an arc length of 458.88 feet, a delta angle of  
23 24 degrees 48 minutes 13 seconds, a chord bearing of  
24 south 31 degrees 56 minutes 16 seconds west and a chord  
25 length of 455.30 feet to a point; thence south 44 degrees 20  
26 minutes 22 seconds west, a distance of 141.87 feet to a  
27 point; thence south 38 degrees 37 minutes 44 seconds  
28 west, a distance of 50.25 feet to a point; thence south 44  
29 degrees 20 minutes 22 seconds west, a distance of 178.85  
30 feet to a point of intersection with the west line of said Lot 71  
31 I.T.; thence south 01 degrees 07 minutes 21 seconds west  
32 along the west line of said Lot 71 I.T., a distance of 46.10  
33 feet to a southwest corner of said Lot 71 I.T.; thence north  
34 53 degrees 00 minutes 18 seconds west along the north line  
35 of Nebraska Highway No. 2 right-of-way, a distance of  
36 181.47 feet to a point of deflection; thence north 53 degrees  
37 00 minutes 10 seconds west along the north line of said  
38 right-of-way, a distance of 171.11 feet to a point of  
39 deflection; thence north 52 degrees 59 minutes 28 seconds  
40 west along the north line of said right-of-way, a distance of  
41 41.22 feet to a point of intersection with the west line of the  
42 Southeast Quarter of said Section 23; thence north 56  
43 degrees 18 minutes 21 seconds west along the north line of  
44 said right-of-way, a distance of 780.69 feet to a southwest  
45 corner of said Lot 84 I.T.; thence north 52 degrees 26  
46 minutes 19 seconds west along the north line of said right-

1 of-way, a distance of 844.47 feet to the western corner of  
2 said Lot 58 I.T.; thence north 57 degrees 09 minutes 03  
3 seconds west along the north line of said right-of-way, a  
4 distance of 637.88 feet to a point of deflection; thence north  
5 45 degrees 55 minutes 28 seconds west along the north line  
6 of said right-of-way, a distance of 202.24 feet to a point of  
7 deflection; thence north 53 degrees 01 minutes 23 seconds  
8 west along the north line of said right-of-way, a distance of  
9 200.06 feet to a point of deflection; thence north 58 degrees  
10 01 minutes 53 seconds west along the north line of said  
11 right-of-way, a distance of 400.78 feet to a point of  
12 deflection; thence north 43 degrees 05 minutes 12 seconds  
13 west along a north line of said right-of-way, a distance of  
14 117.30 feet to a southwest corner of said Lot 91 I.T.; thence  
15 north 10 degrees 47 minutes 11 seconds west along the  
16 west line of said Lot 91 I.T., a distance of 132.59 feet to a  
17 point of deflection; thence north 00 degrees 40 minutes 41  
18 seconds west along the west line of said Lot 91 I.T., a  
19 distance of 291.23 feet to the northwest corner of said Lot  
20 91 I.T.; thence north 00 degrees 40 minutes 41 seconds  
21 west along the west line of said State of Nebraska right-of-  
22 way, a distance of 60.01 feet to the southwest corner of said  
23 Lot 56 I.T.; thence north 00 degrees 40 minutes 41 seconds  
24 west, a distance of 575.80 feet to a point; thence north 89  
25 degrees 19 minutes 19 seconds east, a distance of 607.26  
26 feet to a point; thence south 00 degrees 22 minutes 12  
27 seconds east, a distance of 139.51 feet to a point, around a  
28 curve in a clockwise direction, having a radius of 336.00  
29 feet, an arc length of 167.78 feet, a delta angle of 28  
30 degrees 36 minutes 39 seconds, a chord bearing of south  
31 13 degrees 56 minutes 08 seconds west and a chord length  
32 of 166.04 feet to a point of reverse curve to the left having a  
33 radius of 264.00 feet and a central angle of 17 degrees 00  
34 minutes 50 seconds; thence southerly along the arc, a  
35 distance of 78.39 feet to a point; thence south 11 degrees  
36 13 minutes 37 seconds west, a distance of 275.82 feet to a  
37 point of intersection with the north line of said Lot 91 I.T.;  
38 thence south 89 degrees 41 minutes 40 seconds east along  
39 the north line of said Lot 91 I.T., a distance of 516.67 feet to  
40 a point; thence north 08 degrees 00 minutes 22 seconds  
41 west, a distance of 4.18 feet to a point; thence around a  
42 curve in a clockwise direction, having a radius of 536.00  
43 feet, an arc length of 74.90 feet, a delta angle of 08 degrees  
44 00 minutes 23 seconds, a chord bearing of north 04 degrees  
45 00 minutes 12 seconds west and a chord length of 74.84  
46 feet to a point; thence north 00 degrees 00 minutes 00

1 seconds west, a distance of 259.02 feet to a point; thence  
2 around a curve in a clockwise direction, having a radius of  
3 136.00 feet, an arc length of 213.63 feet, a delta angle of 90  
4 degrees 00 minutes 00 seconds, a chord bearing of north 45  
5 degrees 00 minutes 00 seconds east and a chord length of  
6 192.33 feet to a point; thence north 90 degrees 00 minutes  
7 00 seconds east, a distance of 871.82 feet to a point; thence  
8 south 00 degrees 10 minutes 20 seconds west, a distance of  
9 51.04 feet to a point; thence around a curve in a counter  
10 clockwise direction, having a radius of 264.00 feet, an arc  
11 length of 249.80 feet, a delta angle of 54 degrees 12  
12 minutes 52 seconds, a chord bearing of south 26 degrees  
13 56 minutes 06 seconds east and a chord length of 240.59  
14 feet to a point; thence south 54 degrees 02 minutes 32  
15 seconds east, a distance of 353.89 feet to a point; thence  
16 around a curve in a counter clockwise direction, having a  
17 radius of 264.00 feet, an arc length of 26.66 feet, a delta  
18 angle of 05 degrees 47 minutes 10 seconds, a chord  
19 bearing of south 56 degrees 56 minutes 07 seconds east  
20 and a chord length of 26.65 feet to a point of intersection  
21 with the north line of said Lot 91 I.T.; thence south 89  
22 degrees 41 minutes 40 seconds east along the north line of  
23 said Lot 91 I.T., a distance of 141.81 feet to the northeast  
24 corner of said Lot 91 I.T.; thence south 00 degrees 12  
25 minutes 46 seconds west along the east line of said Lot 91  
26 I.T., a distance of 34.86 feet to a point; thence along a curve  
27 in a counter clockwise direction, having a radius of 264.00  
28 feet, arc length of 67.09 feet, delta angle of 14 degrees 33  
29 minutes 36 seconds, a chord bearing of north 80 degrees 46  
30 minutes 03 seconds east, and a chord length of 66.91 feet  
31 to a point of intersection with the west line of said Lot 82 I.T.;  
32 thence north 00 degrees 12 minutes 40 seconds east along  
33 the west line of said Lot 82 I.T., a distance of 939.20 feet to  
34 a northwest corner of said Lot 82 I.T.; thence south 89  
35 degrees 44 minutes 06 seconds east along a north line of  
36 said Lot 82 I.T., a distance of 17.09 feet to a north corner of  
37 said Lot 82 I.T.; thence north 00 degrees 11 minutes 30  
38 seconds east along a west line of said Lot 82 I.T., a distance  
39 of 167.39 feet to a west corner of said Lot 82 I.T.; thence  
40 north 06 degrees 00 minutes 54 seconds east along a west  
41 line of said Lot 82 I.T., a distance of 148.61 feet to a  
42 northwest corner of said Lot 82 I.T.; thence north 70 degrees  
43 07 minutes 33 seconds east along the northwest line of said  
44 Lot 82 I.T., a distance of 74.62 feet to the true point of  
45 beginning; said tract contains a calculated area of  
46 6,372,819.21 square feet or 146.30 acres, more or less;

1           WHEREAS, the real property adjacent to the area included within the site  
2 plan for this commercial development will not be adversely affected; and

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

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

8           That the application of Andermatt L.L.C and Eiger Corporation, hereinafter  
9 referred to as "Permittee", to construct 940,000 sq. ft. of commercial space on the  
10 property legally described above be and the same is hereby granted under the  
11 provisions of Section 27.37.070 of the Lincoln Municipal Code upon condition that  
12 construction and operation of said commercial space be in strict compliance with said  
13 application, the site plan, and the following additional express terms, conditions, and  
14 requirements:

15           1.     This permit approves 940,000 square feet of commercial uses  
16 provided that the total p.m. peak hour trips do not exceed 2,925.

17           2.     Before receiving building permits:

18                 a.     The construction plans must conform to the approved plans.

19                 b.     Final plats within the area of this application must be  
20                         approved by the City.

21           3.     Before occupying the buildings all development and construction  
22 must be completed in conformance with the approved plans.

1           4. All privately-owned improvements must be permanently maintained  
2 by the Permittee or an appropriately established property owners association approved  
3 by the City Attorney.

4           5. The site plan approved by this permit shall be the basis for all  
5 interpretations of setbacks, yards, locations of buildings, location of parking and  
6 circulation elements, and similar matters.

7           6. The terms, conditions, and requirements of this resolution shall be  
8 binding and obligatory upon the Permittee, their successors and assigns. The building  
9 official shall report violations to the City Council which may revoke this use permit or  
10 take such other action as may be necessary to gain compliance.

11           7. The Permittee shall sign and return the City's letter of acceptance  
12 to the City Clerk within 30 days following approval of this use permit, provided, however,  
13 said 30-day period may be extended up to six months by administrative amendment.  
14 The City Clerk shall file a copy of the resolution approving this use permit and the letter  
15 of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by  
16 the Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

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

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_ day of \_\_\_\_\_, 2001:

\_\_\_\_\_  
Mayor