

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

SPECIAL PERMIT NO. 1839A

1           WHEREAS, Holdrege Investors, L.L.C. and the University Park Congregation  
 2 of Jehovah’s Witnesses have submitted an application designated as Special Permit No.  
 3 1839A for authority to amend Morning Glory Estates Community Unit Plan for an increase  
 4 to 280 dwelling units and to correct the legal description on property located at the  
 5 northeast corner of North 84th and Holdrege Streets, and legally described to wit:

6           A portion of the remaining portion of Lots 93 I.T. and 94 I.T., all  
 7 located in the Southwest Quarter of Section 14, Township 10  
 8 North, Range 7 East of the 6th P.M., Lancaster County,  
 9 Nebraska, and more particularly described as follows:

10           Commencing at the northwest corner of the remaining portion  
 11 of Lot 93 I.T., said point being 90.00 feet east of the west line  
 12 of said Southwest Quarter; thence on an assumed bearing of  
 13 north 89 degrees 58 minutes 15 seconds east along the north  
 14 line of said remaining portion of Lot 93 I.T., a distance of  
 15 438.50 feet to the true point of beginning; thence continuing  
 16 north 89 degrees 58 minutes 15 seconds east along the north  
 17 line of said remaining portion of Lot 93 I.T., a distance of  
 18 796.88 feet to the northeast corner of said remaining portion of  
 19 Lot 93 I.T.; thence south 00 degrees 02 minutes 52 seconds  
 20 west along the east line of said remaining portion of Lots 93  
 21 I.T. and 94 I.T., a distance of 1896.50 feet to the southeast  
 22 corner of said remaining portion of Lot 94 I.T.; thence north 89  
 23 degrees 35 minutes 51 seconds west along the south line of  
 24 said remaining portion of Lot 94 I.T., said line being 50.00 feet  
 25 north of and parallel with the south line of said Southwest  
 26 Quarter, a distance of 624.27 feet to a point; thence north 00  
 27 degrees 00 minutes 00 seconds west, a distance of 43.74 feet  
 28 to a point of curvature; thence along a curve in a counter  
 29 clockwise direction having a radius of 600.00 feet, arc length  
 30 of 134.46 feet, delta angle of 12 degrees 50 minutes 25  
 31 seconds, a chord bearing of north 06 degrees 25 minutes 12  
 32 seconds west, and a chord length of 134.18 feet to a point of

1 reverse curvature; thence along a curve in a clockwise  
2 direction having a radius of 800.00 feet, arc length of 177.56  
3 feet, delta angle of 12 degrees 43 minutes 00 seconds, a  
4 chord bearing of north 06 degrees 28 minutes 55 seconds  
5 west, and a chord length of 177.19 feet to a point of tangency;  
6 thence north 00 degrees 07 minutes 25 seconds west, a  
7 distance of 545.29 feet to a point of curvature; thence along a  
8 curve in a clockwise direction having a radius of 303.00 feet,  
9 arc length of 105.69 feet, delta angle of 19 degrees 59 minutes  
10 09 seconds, a chord bearing of north 09 degrees 52 minutes  
11 09 seconds east, and a chord length of 105.16 feet to a point  
12 of tangency; thence north 19 degrees 51 minutes 44 seconds  
13 east, a distance of 90.57 feet to a point; thence north 65  
14 degrees 18 minutes 41 seconds west, a distance of 201.91  
15 feet to a point of curvature; thence along a curve in a counter  
16 clockwise direction having a radius of 400.00 feet, arc length  
17 of 28.79 feet, delta angle of 04 degrees 07 minutes 25  
18 seconds, a chord bearing of north 67 degrees 22 minutes 24  
19 seconds west, and a chord length of 28.78 feet to a point;  
20 thence along a curve in a counter clockwise direction having a  
21 radius of 485.00 feet, arc length of 162.06 feet, delta angle of  
22 19 degrees 08 minutes 42 seconds, a chord bearing of north  
23 04 degrees 32 minutes 07 seconds east, and a chord length of  
24 161.31 feet to a point of tangency; thence north 00 degrees 02  
25 minutes 14 seconds west, a distance of 550.00 feet to the true  
26 point of beginning, said tract contains a calculated area of  
27 30.84 acres, or 1,343,602.85 square feet more or less;

28 WHEREAS, the real property adjacent to the area included within the site  
29 plan for this community unit plan will not be adversely affected; and

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

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

35 That the application of Holdrege Investors, L.L.C. and the University Park  
36 Congregation of Jehovah's Witnesses, hereinafter referred to as "Permittee", to amend

1 Morning Glory Estates Community Unit Plan to increase the approved number of dwelling  
2 units from 269 dwelling units to 280 dwelling units, on the property legally described above,  
3 be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter  
4 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said  
5 community unit plan be in strict compliance with said application, the site plan, and the  
6 following additional express terms, conditions, and requirements:

7 1. This permit approves a community unit plan consisting of 280 dwelling  
8 units.

9 2. Before receiving building permits:

10 a. The Permittee must submit an acceptable, revised and  
11 reproducible final plan including five copies to the Planning  
12 Department.

13 b. The construction plans must conform to the approved plans.

14 c. Final plats within the area of this community unit plan must be  
15 approved by the City.

16 3. Before occupying the dwelling units, all development and construction  
17 must be completed in conformance with the approves plans.

18 4. All privately-owned improvements must be permanently maintained  
19 by the Permittee or an appropriately established homeowners association approved by the  
20 City Attorney.

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

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

5           7.     The Permittee shall sign and return the City's letter of acceptance to  
6 the City Clerk within 30 days following approval of the special permit, provided, however,  
7 said 30-day period may be extended up to six months by administrative amendment. The  
8 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
9 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
10 Permittee.

11          8.     The site plan as approved with this resolution voids and supersedes  
12 all previously approved site plans, however all resolutions approving previous permits  
13 remain in force unless specifically amended by this resolution.

Introduced by:  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Staff Review Completed:  
  
\_\_\_\_\_  
Administrative Assistant

Approved this ___ day of _____, 2001:  _____ Mayor
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