

RESOLUTION NO. A-_____

USE PERMIT NO. 144

1 WHEREAS, Pioneer Woods, L.L.C. has submitted an application in
 2 accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use
 3 Permit No. 144 for authority to construct approximately 105,000 sq. ft. of office area
 4 with associated waivers on property generally located at the northeast corner of S. 70th
 5 Street and Pioneers Blvd., and legally described to wit:

6 A portion of Lot 54 I.T., located in the Southwest Quarter of
 7 Section 3, Township 9 North, Range 7 East of the 6th P.M.,
 8 City of Lincoln, Lancaster County, Nebraska, and more
 9 particularly described as follows:

10 Commencing at the southwest corner of said Lot 54 I.T.,
 11 said point being on the east right-of-way line of Pioneer
 12 Woods Drive and the north right-of-way of Pioneers
 13 Boulevard, said point being the true point of beginning;
 14 thence on an assumed bearing of north 00 degrees 24
 15 minutes 50 seconds east along a west line of said Lot 54
 16 I.T., a distance of 14.33 feet to a point of curvature; thence
 17 along a curve in a clockwise direction, having a radius of
 18 555.00 feet, arc length of 113.49 feet, delta angle of 11
 19 degrees 43 minutes 00 seconds, a chord bearing of north 06
 20 degrees 16 minutes 20 seconds east along a west line of
 21 said Lot 54 I.T., and a chord length of 113.30 feet to a point
 22 of reverse curvature; thence along a curve in a counter
 23 clockwise direction, having a radius of 645.00 feet, arc
 24 length of 131.90 feet, delta angle of 11 degrees 43 minutes
 25 00 seconds, a chord bearing of north 06 degrees 16 minutes
 26 20 seconds east along a west line of said Lot 54 I.T., and a
 27 chord length of 131.67 feet to a point of tangency; thence
 28 north 00 degrees 24 minutes 50 seconds east along a west
 29 line of said Lot 54 I.T., a distance of 31.98 feet to a west
 30 corner of said Lot 54 I.T.; thence north 89 degrees 35
 31 minutes 10 seconds west along a south line of said Lot 54
 32 I.T., a distance of 13.21 feet to a west corner of said Lot 54
 33 I.T.; thence north 00 degrees 00 minutes 00 seconds east

1 along a west line of said Lot 54 I.T., a distance of 76.17 feet
2 to a point of curvature; thence along a curve in a counter
3 clockwise direction, having a radius of 432.00 feet, arc
4 length of 307.08 feet, delta angle of 40 degrees 43 minutes
5 40 seconds, a chord bearing of north 20 degrees 21 minutes
6 50 seconds west along a west line of said Lot 54 I.T., and a
7 chord length of 300.66 feet to a point of reverse curvature;
8 thence along a curve in a clockwise direction, having a
9 radius of 343.00 feet, arc length of 179.45 feet, delta angle
10 of 29 degrees 58 minutes 33 seconds, a chord bearing of
11 north 25 degrees 44 minutes 24 seconds west along a west
12 line of said Lot 54 I.T., and a chord length of 177.41 feet to a
13 point of reverse curvature; thence along a curve in a counter
14 clockwise direction, having a radius of 257.00 feet, arc
15 length of 160.73 feet, delta angle of 35 degrees 50 minutes
16 01 seconds, a chord bearing of north 28 degrees 40 minutes
17 08 seconds west along a west line of said Lot 54 I.T., and a
18 chord length of 158.12 feet to a point of tangency; thence
19 north 46 degrees 35 minutes 08 seconds west along a
20 southwest line of said Lot 54 I.T., a distance of 159.79 feet
21 to a point of curvature; thence along a curve in a counter
22 clockwise direction, having a radius of 282.00 feet, arc
23 length of 108.74 feet, delta angle of 22 degrees 05 minutes
24 35 seconds, a chord bearing of north 57 degrees 37 minutes
25 55 seconds west along a southwest line of said Lot 54 I.T.,
26 and a chord length of 108.07 feet to a point of tangency;
27 thence north 68 degrees 40 minutes 43 seconds west along
28 a southwest line of said Lot 54 I.T., a distance of 25.32 feet
29 to a point of curvature; thence along a curve in a counter
30 clockwise direction, having a radius of 315.50 feet, arc
31 length of 117.41 feet, delta angle of 21 degrees 19 minutes
32 17 seconds, a chord bearing of north 79 degrees 20 minutes
33 21 seconds west along a south line of said Lot 54 I.T., and a
34 chord length of 116.73 feet to a point; thence north 00
35 degrees 00 minutes 00 seconds east, a distance of 3.95 feet
36 to a point; thence north 81 degrees 09 minutes 18 seconds
37 east, a distance of 183.52 feet to a point of curvature;
38 thence along a curve in a clockwise direction, having a
39 radius of 154.60 feet, arc length of 182.94 feet, delta angle
40 of 67 degrees 47 minutes 43 seconds, a chord bearing of
41 south 64 degrees 56 minutes 50 seconds east, and a chord
42 length of 172.45 feet to a point; thence south 50 degrees 53
43 minutes 25 seconds east, a distance of 232.75 feet to a
44 point; thence along a curve in a counter clockwise direction,
45 having a radius of 137.62 feet, arc length of 285.14 feet,

1 delta angle of 118 degrees 42 minutes 40 seconds, a chord
2 bearing of south 51 degrees 04 minutes 53 seconds east,
3 and a chord length of 236.81 feet to a point; thence along a
4 curve in a clockwise direction, having a radius of 184.20
5 feet, arc length of 145.13 feet, delta angle of 45 degrees 08
6 minutes 38 seconds, a chord bearing of south 41 degrees
7 11 minutes 09 seconds east, and a chord length of 141.41
8 feet to a point of tangency; thence south 18 degrees 36
9 minutes 50 seconds east, a distance of 70.92 feet to a point;
10 thence north 67 degrees 20 minutes 06 seconds east, a
11 distance of 36.72 feet to a point of curvature; thence along a
12 curve in a clockwise direction, having a radius of 45.13 feet,
13 arc length of 103.82 feet, delta angle of 131 degrees 47
14 minutes 14 seconds, a chord bearing of south 46 degrees
15 46 minutes 17 seconds east, and a chord length of 82.40
16 feet to a point of tangency; thence south 19 degrees 07
17 minutes 21 seconds west, a distance of 106.73 feet to a
18 point of curvature; thence along a curve in a counter
19 clockwise direction, having a radius of 141.83 feet, arc
20 length of 227.79 feet, delta angle of 92 degrees 01 minutes
21 16 seconds, a chord bearing of south 26 degrees 53
22 minutes 18 seconds east, and a chord length of 204.08 feet
23 to a point of reverse curvature; thence along a curve in a
24 clockwise direction, having a radius of 20.00 feet, arc length
25 of 29.03 feet, delta angle of 83 degrees 10 minutes 23
26 seconds, a chord bearing of south 31 degrees 18 minutes
27 44 seconds east, and a chord length of 26.55 feet to a point
28 of tangency; thence south 10 degrees 16 minutes 28
29 seconds west, a distance of 26.71 feet to a point; thence
30 north 79 degrees 55 minutes 35 seconds west, a distance of
31 92.83 feet to a point; thence south 44 degrees 05 minutes
32 06 seconds west, a distance of 95.17 feet to a point; thence
33 along a curve in a counter clockwise direction, having a
34 radius of 75.00 feet, arc length of 65.76 feet, delta angle of
35 50 degrees 14 minutes 13 seconds, a chord bearing of
36 south 80 degrees 27 minutes 23 seconds east, and a chord
37 length of 63.67 feet to a point of reverse curvature; thence
38 along a curve in a clockwise direction, having a radius of
39 173.75 feet, arc length of 59.20 feet, delta angle of 19
40 degrees 31 minutes 12 seconds, a chord bearing of north 84
41 degrees 11 minutes 06 seconds east, and a chord length of
42 58.91 feet to a point of tangency; thence south 86 degrees
43 03 minutes 17 seconds east, a distance of 97.52 feet to a
44 point of curvature; thence along a curve in a counter
45 clockwise direction, having a radius of 100.00 feet, arc

1 length of 111.81 feet, delta angle of 64 degrees 03 minutes
2 39 seconds, a chord bearing of north 61 degrees 54 minutes
3 53 seconds east, and a chord length of 106.07 feet to a
4 point of reverse curvature; thence along a curve in a
5 clockwise direction, having a radius of 200.00 feet, arc
6 length of 88.34 feet, delta angle of 25 degrees 18 minutes
7 26 seconds, a chord bearing of north 42 degrees 32 minutes
8 16 seconds east, and a chord length of 87.62 feet to a point
9 of reverse curvature; thence along a curve in a counter
10 clockwise direction, having a radius of 125.00 feet, arc
11 length of 95.15 feet, delta angle of 43 degrees 36 minutes
12 53 seconds, a chord bearing of north 33 degrees 23 minutes
13 03 seconds east, and a chord length of 92.87 feet to a point;
14 thence south 34 degrees 57 minutes 43 seconds east, a
15 distance of 102.16 feet to a point; thence north 62 degrees
16 17 minutes 16 seconds east, a distance of 32.40 feet to a
17 point of curvature; thence along a curve in a clockwise
18 direction, having a radius of 20.00 feet, arc length of 39.30
19 feet, delta angle of 112 degrees 35 minutes 33 seconds, a
20 chord bearing of south 61 degrees 24 minutes 58 seconds
21 east, and a chord length of 33.28 feet to a point of tangency;
22 thence south 05 degrees 07 minutes 11 seconds east, a
23 distance of 34.27 feet to a point; thence south 43 degrees
24 16 minutes 31 seconds west, a distance of 91.09 feet to a
25 point; thence along a curve in a counter clockwise direction,
26 having a radius of 58.48 feet, arc length of 147.08 feet, delta
27 angle of 144 degrees 06 minutes 37 seconds, a chord
28 bearing of south 39 degrees 33 minutes 00 seconds west,
29 and a chord length of 111.26 feet to a point of tangency;
30 thence south 32 degrees 30 minutes 19 seconds east, a
31 distance of 64.91 feet to a point; thence south 48 degrees
32 55 minutes 55 seconds east, a distance of 19.82 feet to a
33 point; thence south 14 degrees 12 minutes 45 seconds east,
34 a distance of 57.67 feet to a point of intersection with the
35 south line of said Lot 54 I.T.; thence north 89 degrees 35
36 minutes 10 seconds west along the south line of said Lot 54
37 I.T., said line being 40.00 feet north of and parallel with the
38 south line of said Southwest Quarter, a distance of 704.36
39 feet to the point of beginning, said tract contains a calculated
40 area of 411,366.68 square feet or 9.44 acres, more or less;

41 WHEREAS, the real property adjacent to the area included within the site
42 plan for this development of office space will not be adversely affected; and

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

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

6 That the application of Pioneer Woods, L.L.C., hereinafter referred to as
7 "Permittee", to construct approximately 105,000 sq. ft. of office space on the property
8 legally described above be and the same is hereby granted under the provisions of
9 Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and
10 operation of said office space be in strict compliance with said application, the site plan,
11 and the following additional express terms, conditions, and requirements:

12 1. This permit approves 105,000 square feet of office floor area.
13 2. This permit approves the following adjustments to the requirements
14 of Lincoln Municipal Code §§ 27.27.070 and 27.69.044:

15 (a) An adjustment to allow the front yard setback to be
16 measured from back of curb along Pioneer Woods Drive, a
17 private roadway.

18 (b) An adjustment to allow the location of building identification
19 signs to be deleted from the site plan. Their locations shall
20 be determined at the time of building permits.

21 (c) An adjustment to allow zero setbacks on lots which are
22 completely surrounded by an outlet.

1 3. This permit approves a modification of § 26.31.015 of the Lincoln
2 Municipal Code to permit the Planning Director to approve administrative final plats
3 based on the use permit.

4 4. The Permittee shall contribute the sum of \$20,000.00 to be utilized
5 by the City for a pedestrian connection to the proposed bike trail on the east side of
6 Antelope Creek. If the City is unable to obtain the necessary permits to construct the
7 pedestrian connection, then the \$20,000.00 may be utilized by the City for the
8 construction of the bike trail on the east side of Antelope Creek.

9 5. Before receiving building permits:

10 a. The Permittee must submit an acceptable, reproducible final
11 plan with five copies.

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

13 c. Final plats within the area of this special permit must be
14 approved by the City.

15 6. Before occupying the office buildings, all development and
16 construction must be completed in conformance with the approved plans.

17 7. All privately-owned improvements must be permanently maintained
18 by the Owner or an appropriately established property owners association approved by
19 the City Attorney.

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

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2002: _____ Mayor
