

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1990

1 WHEREAS, Andermatt, L.L.C. has submitted an application designated as
2 Special Permit No. 1990 for authority to construct an early childhood care facility with
3 associated waivers for 214 children on property generally located northeast of the
4 intersection of South 91st Street and Heritage Lakes Drive, and legally described to wit:

5 A portion of Lot 98 I.T. located in the Northeast Quarter of
6 Section 23, Township 9 North, Range 7 East of the 6th P.M.,
7 Lincoln, Lancaster County, Nebraska, more particularly
8 described as follows:

9 Commencing at the northeast corner of said Lot 98 I.T.; thence
10 on an assumed bearing of south 00 degrees 54 minutes 48
11 seconds east along the east line of said Lot 98 I.T., a distance
12 of 878.11 feet to an east corner of said Lot 98 I.T.; thence
13 south 19 degrees 17 minutes 46 seconds east along an east
14 line of said Lot 98 I.T., a distance of 73.13 feet to a point;
15 thence along a curve in a counter clockwise direction, having
16 a radius of 431.35 feet, arc length of 64.38 feet, delta angle of
17 08 degrees 33 minutes 08 seconds, a chord bearing of north
18 77 degrees 45 minutes 16 seconds west, and a chord length
19 of 64.32 feet to the true point of beginning; thence continuing
20 along a curve in a counter clockwise direction, having a radius
21 of 431.35 feet, arc length of 48.93 feet, delta angle of 06
22 degrees 29 minutes 55 seconds, a chord bearing of north 85
23 degrees 16 minutes 48 seconds west, and a chord length of
24 48.90 feet to a point; thence along a curve in a counter
25 clockwise direction, having a radius of 433.00 feet, arc length
26 of 203.19 feet, delta angle of 26 degrees 53 minutes 10
27 seconds, a chord bearing of south 76 degrees 31 minutes 28
28 seconds west, and a chord length of 201.33 feet to a point of
29 tangency; thence south 63 degrees 04 minutes 54 seconds
30 west, a distance of 7.43 feet to a point; thence north 13
31 degrees 55 minutes 34 seconds west, a distance of 249.50
32 feet to a point; thence north 76 degrees 04 minutes 26
33 seconds east, a distance of 163.31 feet to a point; thence
34 south 83 degrees 55 minutes 34 seconds east, a distance of

1 155.82 feet to a point; thence south 06 degrees 23 minutes 12
2 seconds west, a distance of 168.58 feet to a point; thence
3 south 17 degrees 50 minutes 40 seconds east, a distance of
4 53.78 feet to the point of beginning, said tract contains a
5 calculated area of 65,119.61 square feet or 1.49 acres, more
6 or less;

7 WHEREAS, the real property adjacent to the area included within the site
8 plan for this early childhood care facility will not be adversely affected; and

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

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

14 That the application of Andermatt, L.L.C., hereinafter referred to as
15 "Permittee", to construct an early childhood care facility for 214 children, on the property
16 legally described above, be and the same is hereby granted under the provisions of
17 Section 27.63.070 of the Lincoln Municipal Code upon condition that construction and
18 operation of said early childhood care facility be in strict compliance with said application,
19 the site plan, and the following additional express terms, conditions, and requirements:

- 20 1. This permit approves an early childhood care facility for a maximum
21 of 214 children.
- 22 2. The requirement of Section 27.63.070 (c) that the facility be located
23 on an arterial or collector street is hereby waived to allow access from Heritage Lakes
24 Drive.
- 25 3. Before receiving building permits:
 - 26 a. The Permittee must submit an acceptable revised final plan

1 and five copies thereof.

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

3 c. The operation and the premises must meet appropriate local
4 and state licensing requirements, including compliance with
5 health codes.

6 4. Before occupying the early childhood care facility all development and
7 construction must be in conformance with the approved plans.

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

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor