

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1423F

1 WHEREAS, HiMark Development, Inc. has submitted an application
 2 designated as Special Permit No. 1423F for authority to amend HiMark Estates Community
 3 Unit Plan to revise General Note 12 to identify Lots 7 - 48, Block 2 as duplex lots with zero
 4 setbacks on all lot lines. the specific lots within HiMark Estates Community Unit Plan which
 5 will be effected are on property generally located at South 84th Street and Old Cheney
 6 Road, and legally described to wit:

7 Lots 1 through 24, and Lots 26 through 39, Block 1 and Outlot
 8 A, HiMark Estates 2nd Addition, Lots 1 through 4, Block 1 and
 9 Outlot A, HiMark Estates 4th Addition, all located in the
 10 Northwest Quarter of Section 11, Township 9 North, Range 7
 11 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

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

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

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

19 That the application of HiMark Development, Inc., hereinafter referred to as
 20 "Permittee", to amend HiMark Estates Community Unit Plan to revise General Note 12 to
 21 identify Lots 7 - 48, Block 2 as duplex lots with zero setbacks on all lot lines, on the

1 property legally described above, be and the same is hereby granted under the provisions
2 of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
3 construction and operation of said community unit plan be in strict compliance with said
4 application, the site plan, and the following additional express terms, conditions, and
5 requirements:

6 1. This permit approves Lots 7 - 48, Block 2 of HiMark Estates
7 Community Unit Plan, as shown on Special Permit 1423F, to be developed with zero foot
8 setbacks for all yards.

9 2. Before receiving building permits the construction plans must conform
10 to the approved plans.

11 3. Before occupying the dwelling units all development and construction
12 must be completed in conformance with the approved plans.

13 4. All privately-owned improvements must be permanently maintained
14 by the Owner or an appropriately established homeowners association approved by the
15 City Attorney.

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

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

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2003: _____ Mayor
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