

RESOLUTION NO. A-_____

COMBINED USE PERMIT/SPECIAL PERMIT NO. 10A

1 WHEREAS, Flowerview Associates has submitted an application in
 2 accordance with Sections 27.37.070, and 27.63.030 of the Lincoln Municipal Code
 3 designated as Combined Use Permit/Special Permit No. 10A for authority to reduce the
 4 50' front yard setback for Pad 1 to 37', Pad 4 to 44', and a portion of Pad 6 to 33' along
 5 O Street and North 66th Street, and legally described to wit:

6 Lot 260, Irregular Tracts, in the Southeast Quarter of Section
 7 21, Township 10 North, Range 7 East of the 6th P.M.,
 8 Lincoln, Lancaster County, Nebraska, more particularly
 9 described as follows:

10 Beginning at a point 33.0 feet easterly and 590.00 feet
 11 northerly from the intersection of the centerline of 66th
 12 Street with the centerline of O Street; thence on an assumed
 13 bearing of north 0 degrees 07 minutes 01 seconds west, a
 14 distance of 7722.69 feet to the centerline of the channel of
 15 Dead Man's Run; thence south 83 degrees 07 minutes 01
 16 seconds east, a distance of 445.00 feet to a point of
 17 curvature; thence on a curve to the right, whose chord bears
 18 south 70 degrees 29 minutes 44 seconds east, and whose
 19 chord length of 312.99 feet, to a point on a line midway
 20 between the centerline of 66th Street and the east line of
 21 said Southeast Quarter; thence south 0 degrees 03 minutes
 22 31 seconds east, with the east line of Lot 199 I.T., a distance
 23 of 1147.63 feet to a point 55.0 feet northerly from the south
 24 line of the said Southeast Quarter; thence south 89 degrees
 25 49 minutes 34 seconds west, a distance of 440.0 feet;
 26 thence north 0 degrees 07 minutes 01 seconds west, a
 27 distance of 55.0 feet; thence south 89 degrees 49 minutes
 28 34 seconds west, a distance of 33.2 feet; thence north 0
 29 degrees 07 minutes 01 seconds west, a distance of 185.0
 30 feet; thence westerly parallel with the south line of the said
 31 Southeast Quarter, a distance of 254.25 feet to a point
 32 40.75 feet easterly from the centerline of 66th Street; thence
 33 northerly parallel with and 40.75 feet easterly from the

1 centerline of 66th Street, a distance of 122.5 feet; thence
2 northwesterly, a distance of 172.59 feet to a point 35.0 feet
3 easterly, from the centerline of 66th Street; thence westerly,
4 a distance of 2.0 feet, to the point of beginning, containing
5 19.65 acres, more or less;

6 WHEREAS, the real property adjacent to the area included within the site
7 plan for this adjustment to the front yard setbacks will not be adversely affected; and

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

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

13 That the application of Flowerview Associates, hereinafter referred to as
14 "Permittee", for authority to reduce the 50' front yard setback for Pad 1 to 37', Pad 4 to
15 44', and a portion of Pad 6 to 33' along O Street and North 66th Street on the property
16 legally described above be and the same is hereby granted under the provisions of
17 Sections 27.37.070, and 27.63.630 of the Lincoln Municipal Code upon condition that
18 construction and operation of the amended Use Permit be in strict compliance with said
19 application, the site plan, and the following additional express terms, conditions, and
20 requirements:

- 21 1. This permit approves a reduction in the 50' front yard setback for
22 Pad 1 to 37', Pad 4 to 44', and a portion of Pad 6 as shown on the site plan to 33'.
- 23 2. The Permittee must submit a surety to guarantee the landscaping
24 south of Pad 1, in an amount to be determined by the Parks and Recreation
25 Department.

1 3. All development and construction must be completed in
2 conformance with the approved plans.

3 4. All privately-owned improvements shall be permanently maintained
4 by the owner or an appropriately established property owners association approved by
5 the City Attorney.

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

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

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor