

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

SPECIAL PERMIT NO. 2046

1           WHEREAS, Eiger Corporation has submitted an application designated as  
2 Special Permit No. 2046 for authority to develop 73,200 sq. ft. of commercial and retail  
3 floor area with requested waivers to the required preliminary plat process, to allow a cul-de-  
4 sac in excess of 1,000 feet, to reduce setbacks from 20 feet to zero feet adjacent to  
5 outlots, to not require a sidewalk along Highway 2 and South 87th Street, and to allow the  
6 transfer of sewage from one drainage basin to another, on property generally located  
7 southeast of the intersection of South 84th Street and Highway 2, and legally described to  
8 wit:

9           A part of Lot 78 and all of Lot 108, Irregular Tracts, located in the  
10 Southwest Quarter of Section 23, all in Township 9 North, Range 7  
11 East of the Sixth Principal Meridian, Lancaster County, Nebraska,  
12 described as follows:

13           Beginning at the northeast corner of said Lot 108, said corner being  
14 on the existing westerly South 91st Street 33.00 foot right-of-way  
15 line; thence south 00 degrees 12 minutes 37 seconds west along  
16 said westerly right-of-way line, a distance of 4.62 feet to the northerly  
17 Yankee Hill Road right-of-way line; thence south 44 degrees 20  
18 minutes 31 seconds west along said northerly right-of-way line, a  
19 distance of 285.77 feet to the point of curvature of a 1935.00 foot  
20 radius curve concave to the northwest; thence southwesterly along  
21 said northerly right-of-way line and said curve, through a central  
22 angle of 10 degrees 58 minutes 31 seconds, an arc distance of  
23 370.66 feet, the chord of said curve bears south 49 degrees 49  
24 minutes 48 seconds west, a distance of 370.09 feet; thence south 55  
25 degrees 18 minutes 59 seconds west along said northerly right-of-  
26 way line, a distance of 31.13 feet to the future westerly right-of-way  
27 line of Amber Hill Road; thence north 24 degrees 41 minutes 05  
28 seconds west along said westerly right-of-way line, a distance of  
29 76.15 feet to the point of curvature of a 283.00 foot radius curve  
30 concave to the east; thence northerly along said westerly right-of-  
31 way line and said curve, through a central angle of 24 degrees 39

1 minutes 05 seconds an arc distance of 121.76 feet, the chord of said  
2 curve bears north 12 degrees 21 minutes 32 seconds west, a  
3 distance of 120.82 feet; thence north 00 degrees 02 minutes 00  
4 seconds west along said westerly right-of-way line, a distance of  
5 109.79 feet to the point of curvature of a 331.00 foot radius curve  
6 concave to the west; thence northerly along said westerly right-of-  
7 way line and said curve, through a central angle of 34 degrees 18  
8 minutes 58 seconds, an arc distance of 198.25 feet, the chord of  
9 said curve bears north 17 degrees 11 minutes 29 seconds west, a  
10 distance of 195.30 feet to the southerly line of an existing Lincoln  
11 Electric System transmission line easement recorded as Instrument  
12 Number 95-12607 at the Lancaster County Register of Deeds;  
13 thence south 89 degrees 01 minutes 14 seconds west along said  
14 easement line, a distance of 421.42 feet to the point of curvature of  
15 a 1544.43 foot radius curve, concave to the south; thence  
16 northwesterly along said curve, through a central angle of 08  
17 degrees 29 minutes 28 seconds, an arc distance of 228.88 feet, the  
18 chord of said curve bears north 49 degrees 41 minutes 49 seconds  
19 west, a distance of 228.67 feet; thence north 54 degrees 44 minutes  
20 21 seconds east, a distance of 284.85 feet; thence south 57 degrees  
21 04 minutes 22 seconds east, a distance of 349.77 feet to the point  
22 of curvature of a 369.50 foot radius curve, concave to the southwest;  
23 thence southeasterly along said curve, through a central angle of 21  
24 degrees 15 minutes 29 seconds, an arc distance of 137.09 feet, the  
25 chord of said curve bears south 46 degrees 26 minutes 38 seconds  
26 east, a distance of 136.31 feet; thence north 56 degrees 35 minutes  
27 33 seconds east, a distance of 36.02 feet; thence north 35 degrees  
28 32 minutes 47 seconds east, a distance of 346.74 feet to a point on  
29 the existing southerly right-of-way line of Nebraska Highway No. 2;  
30 thence south 51 degrees 36 minutes 51 seconds east along said  
31 southerly right-of-way line, a distance of 463.01 feet to the westerly  
32 South 91st Street right-of-way line, said line being located 33.00 feet  
33 westerly of, perpendicular measurement, and parallel with the east  
34 line of said Southwest Quarter Section; thence south 00 degrees 12  
35 minutes 24 seconds west along said westerly right-of-way line, a  
36 distance of 53.68 feet to the point of beginning, containing an area  
37 of 377,507.26 square feet or 8.67 acres, more or less;

38 and

39 Part of Lots 79, 80 and 83, Irregular Tracts, located in the Southwest  
40 Quarter of Section 23, and a part of the Northwest Quarter of the  
41 Southwest Quarter of Section 23, all in Township 9 North, Range 7  
42 East of the Sixth Principal Meridian, Lancaster County, Nebraska,  
43 described as follows:

44 Referring to the southwest corner of said Lot 79, said point being  
45 located on the existing easterly right-of-way line of 84th Street and

1 70.00 feet easterly of, perpendicular measurement, the west line of  
2 said Southwest Quarter of Section 23; thence north 00 degrees 52  
3 minutes 06 seconds east along said existing easterly right-of-way  
4 line, a distance of 50.23 feet to the point of beginning; thence  
5 continuing north 00 degrees 52 minutes 06 seconds east along said  
6 existing easterly right-of-way line, a distance of 117.10 feet to a  
7 future corner of said southerly right-of-way line; thence north 02  
8 degrees 10 minutes 26 seconds east along said future easterly right-  
9 of-way line, a distance of 60.05 feet; thence north 01 degrees 25  
10 minutes 12 seconds east along said future easterly right-of-way line,  
11 a distance of 427.70 feet to the point of curvature of a 585.00 foot  
12 radius curve concave to the west; thence northerly along said future  
13 easterly right-of-way line and said curve, through a central angle of  
14 20 degrees 45 minutes 19 seconds an arc distance of 211.91 feet,  
15 the chord of said curve bears north 08 degrees 57 minutes 31  
16 seconds west, a distance of 210.76 feet; thence north 79 degrees 35  
17 minutes 14 seconds east, a distance of 150.77 feet to the point of  
18 curvature of a 300.00 foot radius curve concave to the south; thence  
19 easterly along said curve, through a central angle of 45 degrees 41  
20 minutes 48 seconds an arc distance of 239.27 feet, the chord of said  
21 curve bears south 77 degrees 33 minutes 52 seconds east, a  
22 distance of 232.98 feet; thence south 54 degrees 42 minutes 58  
23 seconds east, a distance of 83.46 feet to the point of curvature of a  
24 300.00 foot radius curve concave to the west; thence southerly along  
25 said curve, through a central angle of 54 degrees 56 minutes 08  
26 seconds an arc distance of 287.64 feet, the chord of said curve  
27 bears south 27 degrees 14 minutes 54 seconds east, a distance of  
28 276.75 feet; thence south 00 degrees 13 minutes 10 seconds west,  
29 a distance of 94.48 feet to a point on the southerly line of said Lot  
30 80; thence north 89 degrees 46 minutes 50 seconds west, along the  
31 southerly line of said Lot 80, a distance of 73.74 feet; thence south  
32 00 degrees 22 minutes 01 seconds west, a distance of 372.97 feet  
33 to the point of curvature of a 1544.43 foot radius curve concave to  
34 the south; thence westerly along said curve, through a central angle  
35 of 06 degrees 37 minutes 11 seconds and arc distance of 178.44  
36 feet, the chord of said curve bears south 88 degrees 38 minutes 35  
37 seconds west, a distance of 178.34 feet; thence south 85 degrees  
38 20 minutes 00 seconds west, a distance of 298.67 feet to the point  
39 of beginning, containing an area of 389,611.56 square feet or 8.94  
40 acres, more or less;

41 WHEREAS, the real property adjacent to the area included within the site  
42 plan for this commercial and retail floor area will not be adversely affected; and

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

1                   NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
2 Lincoln, Nebraska:

3                   That the application of Eiger Corporation, hereinafter referred to as  
4 "Permittee", to construct 73,200 sq. ft. of commercial and retail floor area with requested  
5 waivers to waive the required preliminary plat process, to allow a cul-de-sac in excess of  
6 1,000 feet, to reduce setbacks from 20 feet to zero feet adjacent to outlots, to not require  
7 a sidewalk along Highway 2 and South 87th Street, and to allow the transfer of sewage  
8 from one drainage basin to another, on the property legally described above, be and the  
9 same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal  
10 Code upon condition that construction and operation of said commercial and retail  
11 development be in strict compliance with said application, the site plan, and the following  
12 additional express terms, conditions, and requirements:

13                   1.       This permit approves 73,200 square feet of commercial and retail floor  
14 area with waivers of the following requirements:

- 15                   a.       The preliminary plat process.
- 16                   b.       The requirement that dead end streets shall not exceed 1,000  
17 feet is waived to allow a cul-de-sac in excess of 1,000 feet.
- 18                   c.       The requirement that a side yard and rear yard have a 20 foot  
19 setback is waived to allow zero foot setbacks adjacent to  
20 outlots.
- 21                   d.       The requirement that sidewalks be constructed on both sides  
22 of all streets within the Subdivision and on the side of the  
23 street abutting the Subdivision is waived along Highway 2 and

1 South 87th Street.

- 2 e. The requirement that a wastewater collection system be  
3 constructed in accordance with the sanitary sewer design  
4 standards is waived to allow the transfer of sewage from one  
5 drainage basin to another.

6 2. Before receiving building permits:

- 7 a. The Permittee must submit an acceptable revised and  
8 reproducible final plan including six copies.  
9 b. The construction plans must conform to the approved plans.  
10 c. Final plats shall be approved by the Planning Director  
11 consistent with the approved use permit.

12 3. Before occupying the buildings all development and construction must  
13 be completed in conformance with the approved plans.

14 4. All privately-owned improvements must be permanently maintained  
15 by the Permittee or an appropriately established association approved by the 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.

23 7. The Permittee shall sign and return the City's letter of acceptance to

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

Introduced by:

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Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this ____ day of _____, 2004:  _____ Mayor
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