

RESOLUTION NO. A-_____

USE PERMIT NO. 150

1 WHEREAS, Eiger Corp. has submitted an application in accordance with
2 Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 150 for
3 authority to construct 284,300 square feet of commercial and retail floor area, with
4 requested waivers to waive the required preliminary plat process, to allow a cul-de-sac
5 in excess of 1,000 feet, to reduce setbacks from 20 feet to zero feet adjacent to outlots,
6 to not require a sidewalk along Highway 2 and South 87th Street, and to allow the
7 transfer of sewage from one drainage basin to another, on property generally located
8 southeast of the intersection of South 84th Street and Highway 2, and legally described
9 to wit:

10 A tract of land composed of a part of Lots 78, 79, 80, 83, all
11 of Lot 109, Irregular Tracts, located in the Southwest
12 Quarter of Section 23, all of Lot 81, Irregular Tract, located
13 in the Northwest Quarter of Section 23, a part of the
14 Southwest Quarter of the Northwest Quarter of Section 23, a
15 part of the Northwest Quarter of the Southwest Quarter of
16 Section 23, and a part of the Southeast Quarter of the
17 Northeast Quarter of Section 22, all in Township 9 North,
18 Range 7 East of the 6th P.M., Lincoln, Lancaster County,
19 Nebraska, described as follows:

20 Referring to the southwest corner of said Northwest Quarter
21 of Section 23; thence south 89 degrees 52 minutes 54
22 seconds east, assumed bearing, along the south line of said
23 Northwest Quarter Section, a distance of 8.32 feet to the
24 future easterly right-of-way line of South 84th Street and the
25 point of beginning, said point also being the point of
26 curvature of a 585.00 foot radius curve, concave to the west;
27 thence northwesterly along said future easterly right-of-way
28 line and said curve, through a central angel of 5 degrees 19
29 minutes 51 seconds, an arc distance of 54.43 feet, the chord

1 of said curve bears north 29 degrees 31 minutes 49 seconds
2 west, a distance of 54.41 feet; thence north 32 degrees 11
3 minutes 45 seconds west along said future easterly right-of-
4 way line, a distance of 136.19 feet to the point of curvature
5 of a 465.00 foot radius curve, concave to the east; thence
6 northerly along said future easterly right-of-way line and said
7 curve, through a central angle of 04 degrees 50 minutes 15
8 seconds, an arc distance of 39.26 feet, the chord of said
9 curve bears north 29 degrees 46 minutes 38 seconds west,
10 a distance of 39.25 feet; thence north 62 degrees 38
11 minutes 30 seconds east along said future easterly right-of-
12 way line, a distance of 5.00 feet to a point on a 460.00 foot
13 radius curve, concave to the east; thence northerly along
14 said future easterly right-of-way line and said curve, through
15 a central angle of 56 degrees 22 minutes 59 seconds, an arc
16 distance of 452.67 feet, the chord of said curve bears north
17 00 degrees 49 minutes 59 seconds east, a distance of
18 434.63 feet; thence north 29 degrees 01 minutes 29
19 seconds east along said future easterly right-of-way line, a
20 distance of 39.29 feet to the intersection with the future
21 southerly Nebraska Highway No. 2 right-of-way line; thence
22 south 58 degrees 04 minutes 03 seconds east along said
23 future southerly right-of-way line, a distance of 125.63 feet to
24 an intersection of the existing southerly right-of-way line of
25 Nebraska Highway No. 2 and the easterly existing South
26 84th Street right-of-way line; thence south 74 degrees 45
27 minutes 16 seconds east along said southerly right-of-way
28 line, a distance of 74.68 feet; thence south 48 degrees 10
29 minutes 50 seconds east along said southerly right-of-way
30 line, a distance of 301.81 feet; thence south 54 degrees 27
31 minutes 15 seconds east along said southerly right-of-way
32 line, a distance of 400.00 feet; thence south 58 degrees 59
33 minutes 08 seconds east along said southerly right-of-way
34 line, a distance of 290.85 feet to the north line of the
35 Southwest Quarter of said Section; thence south 54 degrees
36 27 minutes 18 seconds east along said southerly right-of-
37 way line, a distance of 1615.21 feet; thence south 51
38 degrees 36 minutes 51 seconds east along said southerly
39 right-of-way line, a distance of 43.11 feet; thence south 35
40 degrees 32 minutes 47 seconds west, a distance of 346.74
41 feet; thence south 56 degrees 35 minutes 33 seconds west,
42 a distance of 36.02 feet to the point of curvature of a 369.50
43 foot radius curve, concave to the southwest; thence
44 northwesterly along said curve, through a central angle of 21
45 degrees 15 minutes 29 seconds, an arc distance of 137.09

1 feet, the chord of said curve bears north 46 degrees 26
2 minutes 38 seconds west, a distance of 136.31 feet; thence
3 north 57 degrees 04 minutes 22 seconds west, a distance of
4 349.77 feet; thence south 54 degrees 44 minutes 21
5 seconds west, a distance of 284.85 feet to the point of
6 curvature of a 1544.43 foot radius curve, concave to the
7 south; thence southeasterly along said curve, through a
8 central angle of 08 degrees 29 minutes 28 seconds, an arc
9 distance of 228.88 feet, the chord of said curve bears south
10 49 degrees 41 minutes 49 seconds east, a distance of
11 228.67 feet to a point on the southerly line of an existing
12 Lincoln Electric System transmission line easement
13 recorded as Instrument Number 95-12607 at the Lancaster
14 County Register of Deeds; thence south 89 degrees 01
15 minutes 14 seconds west along said easement line, a
16 distance of 10.53 feet; thence south 59 degrees 00 minutes
17 27 seconds east, a distance of 22.10 feet to a point on the
18 south line of the North Half of the Southwest Quarter,
19 Section 23; thence north 89 degrees 58 minutes 00 seconds
20 east along said Quarter Section line, a distance of 67.89
21 feet; thence south 00 degrees 02 minutes 00 seconds east,
22 a distance of 146.74 feet to the northerly right-of-way line of
23 the Omaha Public Power District's Railroad line and the
24 point of curvature of a 1494.43 foot radius curve, concave to
25 the south; thence northwesterly along said northerly right-of-
26 way line and said curve, through a central angle of 55
27 degrees 34 minutes 19 seconds, an arc distance of 1449.47
28 feet, the chord of said curve bears north 66 degrees 52
29 minutes 50 seconds west, a distance of 1393.32 feet;
30 thence south 85 degrees 20 minutes 00 seconds west along
31 said northerly right-of-way line, a distance of 303.52 feet to
32 the existing easterly right-of-way line of 84th Street, said
33 point located 70.00 easterly of, perpendicular measurement,
34 the west line of said Southwest Quarter of Section 23;
35 thence north 00 degrees 52 minutes 06 seconds east along
36 said existing easterly right-of-way line, a distance of 50.23
37 feet; thence north 85 degrees 20 minutes 00 seconds east,
38 a distance of 298.67 feet to the point of curvature of a
39 1544.43 foot radius curve concave to the south; thence
40 easterly along said curve, through a central angle of 06
41 degrees 37 minutes 11 seconds an arc distance of 178.44
42 feet, the chord of said curve bears north 88 degrees 38
43 minutes 35 seconds east, a distance of 178.34 feet; thence
44 north 00 degrees 22 minutes 01 seconds east, a distance of
45 372.97 feet to a point on the southerly line of said Lot 80;

1 thence south 89 degrees 46 minutes 50 seconds east, along
2 the southerly line of said Lot 80, a distance of 73.74 feet;
3 thence north 00 degrees 13 minutes 10 seconds east, a
4 distance of 94.48 feet to the point of curvature of a 300.00
5 foot radius curve concave to the west; thence northerly
6 along said curve, through a central angle of 54 degrees 56
7 minutes 08 seconds an arc distance of 287.64 feet, the
8 chord of said curve bears north 27 degrees 14 minutes 54
9 seconds west, a distance of 276.75 feet; thence north 54
10 degrees 42 minutes 58 seconds west, a distance of 83.46
11 feet to the point of curvature of a 300.00 foot radius curve
12 concave to the south; thence westerly along said curve,
13 through a central angle of 45 degrees 41 minutes 48
14 seconds, an arc distance of 239.27 feet, the chord of said
15 curve bears north 77 degrees 33 minutes 52 seconds west,
16 a distance of 232.98 feet; thence south 79 degrees 35
17 minutes 14 seconds west, a distance of 150.77 feet to a
18 point on the future easterly right-of-way line of South 84th
19 Street and a point of curvature of a 585.00 foot radius curve
20 concave to the west; thence northerly along said future
21 easterly right-of-way line and said curve, through a central
22 angle of 07 degrees 31 minutes 43 seconds, an arc distance
23 of 76.87 feet, the chord of said curve bears north 23 degrees
24 06 minutes 03 seconds west, a distance of 76.81 feet to the
25 south line of said Northwest Quarter Section and the point of
26 beginning; containing an area of 1,564,340.11 square feet
27 (35.91 acres) more or less;

28 WHEREAS, the real property adjacent to the area included within the site
29 plan for this use permit for the development of commercial and retail area will not be
30 adversely affected; and

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

34 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
35 Lincoln, Nebraska:

36 That the application of Eiger Corp., hereinafter referred to as "Permittee",

1 to construct 284,300 square feet of commercial and retail floor area, with requested
2 waivers to waive the required preliminary plat process, to allow a cul-de-sac in excess
3 of 1,000 feet, to reduce setbacks from 20 feet to zero feet adjacent to outlots, to not
4 require a sidewalk along Highway 2 and South 87th Street, and to allow the transfer of
5 sewage from one drainage basin to another, on the property legally described above be
6 and the same is hereby granted under the provisions of Section 27.37.070 of the
7 Lincoln Municipal Code upon condition that construction and operation of said
8 commercial and retail space be in strict compliance with said application, the site plan,
9 and the following additional express terms, conditions, and requirements:

10 1. This permit approves 284,300 square feet of commercial and retail
11 floor area with waiver of the following requirements:

- 12 a. The preliminary plat process.
- 13 b. The requirement that dead end streets shall not exceed
14 1,000 feet is waived to allow a cul-de-sac in excess of 1,000
15 feet.
- 16 c. The requirement that a side yard and rear yard have a 20
17 foot setback is waived to allow zero foot setbacks adjacent
18 to outlots.
- 19 d. The requirement that sidewalks be constructed on both
20 sides of all streets within the Subdivision and on the side of
21 the street abutting the Subdivision is waived along Highway
22 2 and South 87th Street.
- 23 e. The requirement that a wastewater collection system be

1 constructed in accordance with the sanitary sewer design
2 standards is waived to allow the transfer of sewage from one
3 drainage basin to another.

4 2. Before receiving building permits:

- 5 a. The Permittee must submit an acceptable revised and
6 reproducible final plan with six copies.
- 7 b. The construction plans must conform to the approved plans.
- 8 c. Final plats within the area of this use permit must be
9 approved by the Planning Director.

10 3. Before occupying the buildings, all development and construction
11 must be completed in conformance with the approved plans.

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

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

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

22 7. The Permittee shall sign and return the City's letter of acceptance
23 to the City Clerk within 30 days following approval of this use permit, provided, however,

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor