

RESOLUTION NO. A-_____

USE PERMIT NO. 124A

1 WHEREAS, NEBCO, Inc. has submitted an application in accordance
2 with Sections 27.27.080 and 27.31.100 of the Lincoln Municipal Code designated as
3 Use Permit No. 124A for authority to amend Use Permit No. 124 to waive the internal
4 side yard setbacks in the O-3 Office Park District on property generally located at
5 Highway 34 and Fallbrook Blvd., and legally described to wit:

6 Lots 1 and 2, Fallbrook 9th Addition, located in the
7 Southwest Quarter of Section 34, Township 11 North,
8 Range 6 East of the 6th P.M., City of Lincoln, Lancaster
9 County, Nebraska; said tract contains a calculated area of
10 327,939.49 square feet, more or less;

11 Together with:

12 A portion of Outlot D, Fallbrook Addition, located in the
13 Southwest Quarter of Section 34, Township 11 North,
14 Range 6 East of the 6th P.M., City of Lincoln, Lancaster
15 County, Nebraska, and more particularly described as
16 follows:
17

18 Commencing at the northwest corner of Lot 2, Fallbrook 9th
19 Addition; thence on an assumed bearing of north 29 degrees
20 05 minutes 59 seconds west along a line perpendicular to
21 the center line of Fallbrook Boulevard, a distance of 53.50
22 feet to a point of intersection with said centerline; thence
23 north 60 degrees 54 minutes 01 seconds east along said
24 centerline, a distance of 52.13 feet to a point of intersection
25 with the southwest line of said Outlot D, Fallbrook Addition,
26 said point being the true point of beginning; thence
27 continuing north 60 degrees 54 minutes 01 seconds east
28 along said centerline extended, a distance of 88.00 feet to a
29 point; thence south 55 degrees 58 minutes 38 seconds east,
30 a distance of 88.00 feet to a point of intersection with the
31 southeast line of said Outlot D, said point being a point of
32 curvature for a non-tangent curve; thence along a curve in a
33 clockwise direction, having a radius of 88.00 feet, arc length
34
35

1 of 179.52 feet, delta angle of 116 degrees 52 minutes 57
2 seconds, a chord bearing of north 87 degrees 32 minutes 21
3 seconds west along a south line of said Outlot D, and a
4 chord length of 149.97 feet to the point of beginning, said
5 tract contains a calculated area of 7,899.17 square feet
6 more or less;

7
8 and

9
10 Lot 3, Block 2, Fallbrook Addition, located in the South Half
11 of Section 34, Township 11 North, Range 6 East of the 6th
12 P.M., City of Lincoln, Lancaster County, Nebraska; said tract
13 contains a calculated area of 464,620.34 square feet, more
14 or less;

15
16 and

17
18 Lot 3, Block 13, Fallbrook Addition, located in the Southeast
19 Quarter of Section 34, Township 11 North, Range 6 East of
20 the 6th P.M., City of Lincoln, Lancaster County, Nebraska;
21 said tract contains a calculated area of 47,839.65 square
22 feet, more or less;

23
24 and

25
26 Lot 1, Block 14, Fallbrook Addition, located in the South Half
27 of Section 34, Township 11 North, Range 6 East of the 6th
28 P.M., City of Lincoln, Lancaster County, Nebraska; said tract
29 contains a calculated area of 58,247.37 square feet more or
30 less;

31
32 and

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34 Lot 3, Block 1, Fallbrook 4th Addition, located in the
35 Southeast Quarter of Section 34, Township 11 North, Range
36 6 East of the 6th P.M., City of Lincoln, Lancaster County,
37 Nebraska; said tract contains a calculated area of 58,239.14
38 square feet more or less;

39
40 and

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42 Lots 1 and 2, Fallbrook 2nd Addition, located in the
43 Southeast Quarter of Section 34, Township 11 North, Range
44 6 East of the 6th P.M., City of Lincoln, Lancaster County,
45 Nebraska; said tract contains a calculated area of
46 642,191.40 square feet more or less;

1 and

2
3 Lots 1, Block 2, Fallbrook Addition, located in the Southeast
4 Quarter of Section 34, Township 11 North, Range 6 East of
5 the 6th P.M., City of Lincoln, Lancaster County, Nebraska;
6 said tract contains a calculated area of 915,946.04 square
7 feet more or less;

8
9 WHEREAS, the real property adjacent to the area included within the site
10 plan for this development of commercial space and dwelling units will not be adversely
11 affected; and

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

15 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
16 Lincoln, Nebraska:

17 That the application of NEBCO, Inc., hereinafter referred to as
18 "Permittee", to amend Use Permit No. 124 to waive the internal side yard setbacks in
19 the O-3 Office Park District on the property legally described above be and the same is
20 hereby granted under the provisions of Sections 27.27.080 and 27.31.100 of the
21 Lincoln Municipal Code upon condition that construction and operation of said
22 commercial development and dwelling units be in strict compliance with said
23 application, the site plan, and the following additional express terms, conditions, and
24 requirements:

25 1. This permit allows internal side yard setbacks to be waived in the
26 O-3 Office Park district.

- 1 2. Before receiving building permits:
 - 2 a. The Permittee must submit a revised and reproducible final
 - 3 site plan as approved and six copies.
 - 4 b. The construction plans must conform to the approved plans.
- 5 3. Before occupying any building all development and construction
- 6 must conform to the approved plans.
- 7 4. All privately-owned improvements, including landscaping must be
- 8 permanently maintained by the Permittee or an appropriately established homeowners
- 9 association approved by the City Attorney.
- 10 5. The site plan approved by this permit shall be the basis for all
- 11 interpretations of setbacks, yards, locations of buildings, location of parking and
- 12 circulation elements, and similar matters.
- 13 6. The terms, conditions, and requirements of this resolution shall be
- 14 binding and obligatory upon the Permittee, its successors and assigns. The building
- 15 official shall report violations to the City Council which may revoke this use permit or
- 16 take such other action as may be necessary to gain compliance.
- 17 7. The Permittee shall sign and return the City's letter of acceptance
- 18 to the City Clerk within 30 days following approval of this use permit, provided, however,
- 19 said 30-day period may be extended up to six months by administrative amendment.
- 20 The City Clerk shall file a copy of the resolution approving this use permit and the letter
- 21 of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by
- 22 the Permittee.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor