

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

USE PERMIT NO. 130A

1           WHEREAS, Pioneer Woods, L.L.C. has submitted an application in accordance  
 2 with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 130A for  
 3 authority to develop an 85-room, four-story hotel with a requested waiver of the rear yard  
 4 setbacks and maximum allowed height, on property generally located at the northeast corner of  
 5 70th Street and Pioneers Boulevard, and legally described to wit:

6           Lots 3, 6, 7, and 8, Pioneer Woods Addition, Lots 1 and 2, Pioneer  
 7 Woods 1st Addition, Lot 1 and Outlot A, Pioneer Woods 3rd  
 8 Addition, Lot 7 and a portion of Outlot A, Pioneer Woods 4th  
 9 Addition, Lincoln, Lancaster County, Nebraska, and more  
 10 particularly described as follows:

11           Commencing at the southwest corner of Outlot A, Pioneer Woods  
 12 3rd Addition, said point being 60.00 feet north of the south line of  
 13 said Southwest Quarter, and 102.00 feet east of the west line of  
 14 said Southwest Quarter, said point being the true point of  
 15 beginning; thence northwest along a southwest line of said Outlot  
 16 A, said line being a northeast line of Pioneers Boulevard right-of-  
 17 way on an assumed bearing of north 44 degrees 40 minutes 43  
 18 seconds west, a distance of 21.25 feet to a west corner of said  
 19 Outlot A; thence north 00 degrees 13 minutes 44 seconds east  
 20 along a west line of said Outlot A, and a west line of Lot 8, Pioneer  
 21 Woods Addition, said line being an east line of South 70th Street  
 22 right-of-way, said line being 87.00 feet east of and parallel with the  
 23 west line of said Southwest Quarter, a distance of 996.87 feet to  
 24 the northwest corner of said Lot 8; thence north 45 degrees 06  
 25 minutes 52 seconds east along a northwest line of said Lot 8, said  
 26 line being a southeast line of said right-of-way, a distance of 35.43  
 27 feet to a north corner of said Lot 8; thence north 90 degrees 00  
 28 minutes 00 seconds east along a north line of said Lot 8, said line  
 29 being a south line of said right-of-way, a distance of 38.00 feet to  
 30 a west corner of Outlot A, Pioneer Woods 4th Addition; thence  
 31 north 00 degrees 13 minutes 44 seconds east along a west line of  
 32 said Outlot A, said line being an east line of said right-of-way, a  
 33 distance of 82.00 feet to the northwest corner of said Outlot A;  
 34 thence north 90 degrees 00 minutes 00 seconds east along a  
 35 north line of said Outlot A, a distance of 188.32 feet to a north  
 36 corner of said Outlot A, said point being a point of curvature;

1           thence along a curve in a clockwise direction, having a delta angle  
2           of 21 degrees 19 minutes 17 seconds, a radius of 315.50 feet, an  
3           arc length of 117.41 feet, a chord bearing of south 79 degrees 20  
4           minutes 21 seconds east, and a chord distance of 116.73 feet to a  
5           point of tangency; thence south 68 degrees 40 minutes 43  
6           seconds east, a distance of 25.32 feet to a point of curvature;  
7           thence along a curve in a clockwise direction, having a delta angle  
8           of 22 degrees 05 minutes 35 seconds, a radius of 282.00 feet, an  
9           arc length of 108.74 feet, a chord bearing of south 57 degrees 37  
10          minutes 55 seconds east, and a chord distance of 108.07 feet to a  
11          point of tangency; thence south 46 degrees 35 minutes 08  
12          seconds east, a distance of 159.79 feet to a point of curvature;  
13          thence along a curve in a clockwise direction, having a delta angle  
14          of 35 degrees 50 minutes 01 seconds, a radius of 257.00 feet, an  
15          arc length of 160.73 feet, a chord bearing of south 28 degrees 40  
16          minutes 08 seconds east, and a chord distance of 158.12 feet to a  
17          point of reverse curvature; thence along a curve in a counter-  
18          clockwise direction having a delta angle of 21 degrees 05 minutes  
19          07 seconds, a radius of 343.00 feet, an arc length of 126.23 feet,  
20          a chord bearing of south 21 degrees 17 minutes 41 seconds east,  
21          and a chord distance of 125.52 feet to a point; thence north 60  
22          degrees 10 minutes 03 seconds east, a distance of 219.29 feet to  
23          a point of intersection with a north line of said Outlot A, said point  
24          being a point of curvature of a non-tangent curve; thence along a  
25          curve in a counter-clockwise direction, having a delta angle of 19  
26          degrees 11 minutes 59 seconds, a radius of 137.62 feet, an arc  
27          length of 46.12 feet, a chord bearing of north 79 degrees 09  
28          minutes 47 seconds east along a north line of said Outlot A, and a  
29          chord distance of 45.90 feet to a north corner of said Outlot A,  
30          said point being a point of curvature of a non-tangent curve;  
31          thence along a curve in a clockwise direction, having a delta angle  
32          of 45 degrees 08 minutes 38 seconds, a radius of 184.20 feet, an  
33          arc length of 145.13 feet, a chord bearing of south 41 degrees 11  
34          minutes 09 seconds east along an east line of said Outlot A and a  
35          chord distance of 141.41 feet to a point of tangency; thence south  
36          18 degrees 36 minutes 50 seconds east along an east line of said  
37          Outlot A, a distance of 70.92 feet to a north corner of said Outlot  
38          A; thence north 67 degrees 20 minutes 06 seconds east along a  
39          north line of said Outlot A, a distance of 36.72 feet to a point of  
40          curvature; thence along a curve in a clockwise direction, having a  
41          delta angle of 124 degrees 20 minutes 45 seconds, a radius of  
42          45.13 feet, an arc length of 97.95 feet, a chord bearing of south 50  
43          degrees 29 minutes 31 seconds east along a northeast line of said  
44          Outlot A, and a chord distance of 79.83 feet to a point; thence  
45          south 72 degrees 38 minutes 07 seconds west, a distance of  
46          345.92 feet to a point of curvature of a non-tangent curve; thence  
47          along a curve in a clockwise direction, having a delta angle of 17  
48          degrees 21 minutes 54 seconds, a radius of 432.00 feet, an arc

1 length of 130.93 feet, a chord bearing of south 08 degrees 40  
2 minutes 57 seconds east, and a chord distance of 130.43 feet to a  
3 point of tangency; thence south 00 degrees 00 minutes 00  
4 seconds west, a distance of 76.17 feet to a point; thence south 89  
5 degrees 35 minutes 10 seconds east, a distance of 13.21 feet to a  
6 point; thence south 00 degrees 24 minutes 50 seconds west, a  
7 distance of 31.98 feet to a point of curvature; thence along a curve  
8 in a clockwise direction, having a delta angle of 11 degrees 43  
9 minutes 00 seconds, a radius of 645.00 feet, an arc length of  
10 131.90 feet, a chord bearing of south 06 degrees 16 minutes 20  
11 seconds west, and a chord distance of 131.67 feet to a point of  
12 reverse curvature; thence along a curve in a counter-clockwise  
13 direction having a delta angle of 05 degrees 20 minutes 11  
14 seconds, a radius of 555.00 feet, an arc length of 51.69 feet, a  
15 chord bearing of south 09 degrees 27 minutes 45 seconds west,  
16 and a chord distance of 51.67 feet to a south corner of said Outlot  
17 A; thence north 83 degrees 23 minutes 50 seconds west along a  
18 south line of said Outlot A and a south line of Outlot A, Pioneer  
19 Woods 3rd Addition, said line being a north line of Pioneers  
20 Boulevard right-of-way, a distance of 95.83 feet to a south corner  
21 of said Outlot A, said point being a point of curvature of a non-  
22 tangent curve; thence along a curve in a counter-clockwise  
23 direction, having a delta angle of 04 degrees 58 minutes 15  
24 seconds, a radius of 651.00 feet, an arc length of 56.48 feet, a  
25 chord bearing of south 04 degrees 07 minutes 03 seconds west  
26 along an east line of said Outlot A, said line being a west line of  
27 said right-of-way, and a chord distance of 56.46 feet to an east  
28 corner of said Outlot A; thence south 45 degrees 48 minutes 11  
29 seconds west along a southeast line of said Outlot A, said line  
30 being a northwest line of said right-of-way, a distance of 14.24 feet  
31 to a southeast corner of said Outlot A; thence north 89 degrees 35  
32 minutes 10 seconds west along a south line of said Outlot A, said  
33 line being a north line of said right-of-way, said line being 60.00  
34 feet north of and parallel with the south line of said Southwest  
35 Quarter, a distance of 724.64 feet to the point of beginning, said  
36 tract contains a calculated area of 888,460.50 square feet or  
37 20.3962 acres, more or less;

38 WHEREAS, the real property adjacent to the area included within the site plan for  
39 this development will not be adversely affected; and

40 WHEREAS, said site plan together with the terms and conditions hereinafter set  
41 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to  
42 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 Pioneer Woods, L.L.C., hereinafter referred to as  
4 "Permittee", to develop an 85-room, four-story hotel on the property legally described above be  
5 and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln  
6 Municipal Code upon condition that construction and operation of said hotel be in strict  
7 compliance with said application, the site plan, and the following additional express terms,  
8 conditions, and requirements:

9                   1.       This permit approves an expansion of Use Permit 130 to include Lot 7 for  
10 an 85-room, four-story hotel with adjustments to rear yard setback from 50' to 30' and to  
11 maximum height from 40' to 45'.

12                   2.       Before receiving building permits:

13                   a.       The Permittee must submit an acceptable revised and  
14                   reproducible final plan and five copies to the Planning  
15                   Department.

16                   b.       The construction plans must conform to the approved plans.

17                   c.       Final plats within the area described above must be approved by  
18                   the City.

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

21                   4.       All privately-owned improvements must be permanently maintained by the  
22 Permittee or an appropriately established property owners association approved by the City  
23 Attorney.

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

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

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

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

Introduced by:  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2005:  _____ Mayor
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