

RESOLUTION NO. A-_____

USE PERMIT NO. 123D

1 WHEREAS, North 33rd L.L.C. has submitted an application in accordance
2 with Sections 27.31.100 and 27.51.100 of the Lincoln Municipal Code for authority to
3 amend Use Permit No. 123C Landmark Corporate Center to waive the 20' rear yard
4 setback on Outlot D and Lots 9 and 10, Block 2, to accommodate driving aisles, to
5 waive the 50' front yard setback on Lots 9 and 10, Block 2, and to waive the 20' side
6 yard setback between Lots 4 - 11, Block 2, and Outlot D, for the location of shared
7 access drives, on property generally located at North 33rd Street and Folkways Blvd.
8 and legally described to wit:

9 Lots 1 and 2, Block 1; Lots 1, 2, and 3, Block 2; Lots 1, 2,
10 and 3, Block 3; Lots 1 and 2, Block 4; Lots 1, 2, 3, 4, and 5,
11 Block 5; Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 6; and Outlots
12 A, B, and E; all of Landmark Corporate Center Addition,
13 Lots 1, 2, 3, 4, 5, and 6, all of Landmark Corporate Center
14 1st Addition, Lincoln Lancaster County, Nebraska;

15 WHEREAS, the real property adjacent to the area included within the site
16 plan for this adjustment of the rear and side yard setbacks will not be adversely
17 affected; and

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

21 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
22 Lincoln, Nebraska:

23 That the application of North 33rd L.L.C., hereinafter referred to as
24 "Permittee", to amend the use permit for Landmark Corporate Center to waive the 20'

1 rear yard setback on Outlot D and Lots 9 and 10, Block 2, to accommodate driving
2 aisles, to waive the 50' front yard setback on Lots 9 and 10, Block 2, and to waive the
3 20' side yard setback between Lots 4 - 11, Block 2, and Outlot D, for the location of
4 shared access drives, on the property legally described above be and the same is
5 hereby granted under the above-described provisions of the Lincoln Municipal Code
6 upon condition that construction and operation of said commercial space be in strict
7 compliance with said application, the site plan, and the following additional express
8 terms, conditions, and requirements:

9 1. This permit approves a waiver of the 20' rear yard setback on
10 Outlot D and Lots 9 and 10, Block 2 to accommodate driving aisles, to waive the 50'
11 front yard setback on Lots 9 and 10, Block 2, and to waive the 20' side yard setback
12 between Lots 4-11, Block 2 and Outlot D for the location of shared access drives.

13 2. Before receiving building permits:

14 a. The Permittee must submit a final plan including 6 copies.

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

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

18 4. All privately-owned improvements shall be permanently maintained
19 by the owner or an appropriately established owners association approved by the City
20 Attorney.

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

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

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

11 8. The site plan as approved with this resolution voids and supersedes
12 all previously approved site plans, however, all resolutions approving previous permits
13 remain in 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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