

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1965

1 WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special
 2 Permit No. 1965 for authority to develop Hartland Homes N.W. 1st Community Unit Plan consisting
 3 of 70 dwelling units, with a requested waiver to allow unenclosed decks to project 10 feet into the
 4 required rear yard, on property generally located west of N.W. 48th Street and north of West St.
 5 Paul Avenue, and legally described as:

6 Outlots B, C and D, Hartland Homes Northwest 2nd Addition; Lots
 7 21, 22, 32 through 36, Block 1; Lots 3 through 16, 21 through 34,
 8 Block 5; Lots 1 through 12, Block 4, Airport Heights; Lot 16 Irregular
 9 Tract; the vacated public right-of-way of West Cleveland Avenue
 10 from the west line of Lot 2, Block 5, Airport Heights to the east line
 11 of Hartland Homes Northwest 3rd Addition; the vacated public right-
 12 of-way of West Madison Avenue from a point 21.12 feet east of the
 13 west line of Lot 35, Block 5, Airport Heights and the north half of the
 14 vacated public right-of-way adjacent to Lot 1, Block 8, Olympic
 15 Heights 1st Addition; all located in Section 18, Township 10 North,
 16 Range 6 East of the 6th P.M. of Lancaster County, Nebraska, more
 17 particularly described as follows:

18 Beginning at the northwest corner of said Outlot B, Hartland Homes
 19 Northwest 2nd Addition and extending thence north 90 degrees 00
 20 minutes 00 seconds east, 104.65 feet; thence north 00 degrees 30
 21 minutes 16 seconds east, a distance of 313.96 feet; thence south 89
 22 degrees 58 minutes 41 seconds east, a distance of 119.85 feet;
 23 thence south 00 degrees 42 minutes 33 seconds west, a distance of
 24 144.92 feet; thence north 89 degrees 59 minutes 18 seconds east,
 25 a distance of 120.15 feet; thence south 00 degrees 00 minutes 42
 26 seconds east, a distance of 17.00 feet; thence north 89 degrees 59
 27 minutes 18 seconds east, a distance of 419.62 feet; thence north 00
 28 degrees 29 minutes 04 seconds east, a distance of 161.89 feet;
 29 thence south 89 degrees 58 minutes 44 seconds east, a distance of
 30 300.35 feet; thence south 00 degrees 37 minutes 50 seconds west,
 31 a distance of 144.73 feet; thence south 89 degrees 59 minutes 18
 32 seconds west, a distance of 120.12 feet; thence south 00 degrees 01
 33 minutes 00 seconds west, a distance of 370.33 feet; thence south 89
 34 degrees 59 minutes 00 seconds east, a distance of 21.13 feet;
 35 thence south 00 degrees 01 minutes 05 seconds west, a distance of
 36 55.00 feet; thence north 89 degrees 59 minutes 00 seconds west, a
 37 distance of 112.83 feet; thence south 00 degrees 01 minutes 16

1 seconds east, a distance of 134.88 feet; thence south 89 degrees 59
2 minutes 37 seconds west, a distance of 774.61 feet; thence north 00
3 degrees 27 minutes 12 seconds east, a distance of 165.23 feet;
4 thence north 90 degrees 00 minutes 00 seconds west, a distance of
5 98.64 feet; thence north 03 degrees 38 minutes 07 seconds east, a
6 distance of 24.97 feet; thence north 11 degrees 05 minutes 23
7 seconds east, a distance of 39.72 feet; thence north 09 degrees 47
8 minutes 27 seconds east, a distance of 35.00 feet to a point on a
9 circular curve to the left having a central angle of 9 degrees 47
10 minutes 27 seconds, a radius of 225.00 feet and whose chord (38.40
11 feet) bears north 04 degrees 53 minutes 44 seconds east; thence
12 along said curve 38.45 feet; thence north 00 degrees 00 minutes 00
13 seconds east, a distance of 59.25 feet to the point of beginning and
14 containing a calculated area of 11.79 acres, more or less;

15 WHEREAS, the real property adjacent to the area included within the site plan for this
16 community unit plan will not be adversely affected; and

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

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

22 That the application of Hartland Homes, Inc., hereinafter referred to as "Permittee", to
23 develop Hartland Homes Northwest 1st Community Unit Plan consisting of 70 dwelling units,
24 together with a requested waiver to allow unenclosed decks to project 10 feet into the required rear
25 yard, on the property legally described above, be and the same is hereby granted under the
26 provisions of Section 27.63.320 and Chapter 27.65 of the LMC upon condition that construction and
27 operation of said community unit plan be in strict compliance with said application, the site plan, and
28 the following additional express terms, conditions, and requirements:

29 1. This permit approves 70 dwelling units and a variance to allow unenclosed decks to
30 project 10 feet into the required rear yard.

31 2. Before receiving building permits

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005:

Mayor