

FACTSHEET

TITLE: WAIVER of Condition #1.1.1 of PRELIMINARY PLAT NO. 04030, JENSEN PARK ESTATES, requested by Engineering Design Consultants on behalf of Jensen Park, LLC, on property generally located at South 84th Street and Yankee Hill Road.

STAFF RECOMMENDATION: Denial.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/15/06
Administrative Action: 02/15/06

RECOMMENDATION: Approval of the waiver of the street connection to Lot 111 (5-0: Esseks, Sunderman, Carroll, Taylor and Carlson voting 'yes'; Krieser, Strand and Larson absent).

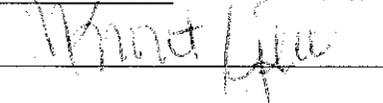
FINDINGS OF FACT:

1. The Jensen Park Estates Preliminary Plat No. 04030 was adopted by the Planning Commission as Resolution No. PC-00980 on February 15, 2006, approving 151 single family residential lots, on property generally located at South 84th Street and Yankee Hill Road.
2. The only issue before the City Council is the waiver of the subdivision regulations that requires a street connection into adjacent property, as follows:
 - 1.1.1 Show a street connection to Lot 111, unless the subdivider's waiver request is approved by the City Council.

The staff recommended that this waiver not be granted. The staff and applicant reached agreement on all other waiver requests.
3. The applicants' testimony in support of the waiver of the street connection is found on p.11-12. They felt that the cost of extending a road to the property abutting on the north was excessive and would require further wetland mitigation to serve an area with very limited development potential.
4. The staff response in opposition to granting the waiver is found on p.12-13. Staff is concerned that without the street connection, the tract to the north is not provided access to a full movement intersection with 84th Street, and that additional 84th Street access for this tract would violate spacing standards and be too close to the railroad tracks.
5. There was no public testimony in opposition to the proposed preliminary plat.
6. On February 15, 2006, the Planning Commission voted 5-0 to grant this waiver request (See Minutes, p.14).
7. The associated annexation request, annexation agreement and change of zone applications will be scheduled for public hearing before the City Council when the annexation agreement has been completed.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 21, 2006

REVIEWED BY: 

DATE: February 21, 2006

REFERENCE NUMBER: FS\CC\2006\PP.04030 Jensen Park Estates Waiver

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 15, 2006 PLANNING COMMISSION MEETING

****As Revised and Adopted by Planning Commission
on February 15, 2006
Resolution No. PC-00980****

- PROJECT #:** Preliminary Plat #04030
- PROPOSAL:** To create 151 single-family residential lots.
- LOCATION:** South 84th Street and Yankee Hill Road.
- WAIVER REQUESTS:**
1. Not require a pedestrian way easement in a block in excess of 1,000' in length.
 2. To allow sanitary sewer to flow opposite street grades.
 3. To allow lots less than 120' deep backing onto an arterial street.
 4. To not project the street system into adjacent property.
 5. To not provide curb and gutter along an arterial street.
- LAND AREA:** Approximately 42.97 acres.
- CONCLUSION:** The waiver to not require a pedestrian easement is appropriate given the barrier created by the railroad. South 84th Street will not be improved to City standards in advance of this project. As a result, curb and gutter will not be required at this time, however a right-turn lane must be provided by the developer at the street connection to South 84th Street. The waiver to projecting streets into adjacent properties is not acceptable because it does not facilitate development of the lot to the north. Without the internal street connection the tract to the north will have to be given direct access to South 84th Street at a location that does not meet standards. The required lot depth standard is actually 110', and this waiver request to reduce it further is not justified as it appears that the minimum lot depth can be provided without major revisions to the plat. Subject to the conditions of approval, the request complies with the Subdivision and Zoning Ordinances and the Comprehensive Plan.

RECOMMENDATION:

Preliminary Plat #04030

Conditional Approval

Waivers:

- | | | |
|--|--|----------------------|
| 1. | Not require a pedestrian way easement in a block in excess of 1,000' in length. | Approval |
| 2. | To allow sanitary sewer to flow opposite street grades. | Approval |
| 3. | To allow lots less than 120' deep backing onto an arterial street. **Conditional Approval, 2/15/06 (See Condition #1.1.9)** | Denial |
| 4. | To not project the street system into adjacent property. | Denial |
| **Approved by Planning Commission, 02/15/06** | | |
| 5. | To not provide curb and gutter along an arterial street. | Conditional Approval |

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 110 and 118 I.T., located in the SW 1/4 of Section 23, T9N, R7E, of the 6th P.M., City of Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: AG - Agriculture

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Railroad right-of-way, Commercial	B-5
South:	Agriculture	P, AG
East:	L.E.S. Substation, vacant	AG, AGR
West:	Residential	AGR

ASSOCIATED APPLICATIONS:

ANN#04012 - A request to annex approximately 65.92 acres.

CZ#04079 - A request to change the zoning from AG to R-3 and R-4.

HISTORY:

Date when preliminary plat was submitted:	November 12, 2004
Date when Planning Director's letter was sent:	December 10, 2004
Date when revised preliminary plat was submitted:	January 19, 2006

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F23 - This site is designated as urban residential land use in the Land Use Plan.

Page F27 - Urban Growth Tiers - This site is in Tier 1, Priority Areas A and B of the City's Future Service Limit.

Page F28 - The Comprehensive Plan includes three tiers of growth for the City of Lincoln. Tier I reflects the "Future Service Limit," where urban services and inclusion in the city limits are anticipated by 2025. Infrastructure planning, especially for water and sanitary sewer facilities, can reach beyond the 25 year time horizon to 50 years and further. Tier I defines the City of Lincoln's near term growth area – generally a 40 square mile area which could reasonably expect urban services within the next twenty five year period. Land within this area should remain generally in the present use in order to permit future urbanization by the City.

Page F57 - The Greenprint Challenge - Seek early identification of areas to be preserved – While planning for future growth is integral to this Comprehensive Plan, it is equally important that environmental resource features be accorded similar attention. The community should invest planning resources into the early identification of those areas most valued as part of the Greenprint Challenge. This principle supports the notion of "getting ahead of the game" by knowing what resources are most valued, where they are located, and what actions should be made within the broader planning process to secure their future for the community.

- Make "green space" an integral part of all environments – "Green space" can come in a wide variety of forms. The policies of the Comprehensive Plan should strive to incorporate such uses in the full range of urban and rural landscapes.

Page F67 - Guiding Principles for New Neighborhoods

- Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;
- Similar housing types face each other: single family faces single family, change to different use at rear of lot;
- Parks and open space within walking distance of all residences;
- Multi-family and elderly housing nearest to commercial area;
- Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
- Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites).

Page 87 - Transportation Planning Principles - A Connected City. In Lincoln and Lancaster County, the unifying qualities of transportation will be emphasized. The transportation network will sustain the One Community concept by linking neighborhoods together. Neighborhoods, activity and employment centers, rural communities, and open lands will be connected by a continuous network of public ways.

Page F95 - The Bicycle and Trails Plan shows the trail along both Yankee Hill Road and the railroad right-of-way.

Page F156 - Subarea Planning - By reference the Southeast Lincoln/Highway 2 Subarea Plan is included in the Comprehensive Plan.

Southeast Lincoln/Highway 2 Subarea Plan:

Page 8 - Designates urban residential land use for this site.

UTILITIES: Streets - The area is bounded by South 84th Street to the west, and by Yankee Hill Road on the south. Yankee Hill Road and South 84th Street are both classified as principal arterial streets. South 84th Street is a paved county road, while Yankee Hill Road has a gravel surface. The new Yankee Hill Road alignment has not been graded or surfaced. There is no funding in the current six-year CIP to improve these streets adjacent to the project.

Sanitary Sewer - Sewer is not yet available to this site. This project is dependent upon completion of the Beal's Slough relief sewer Phases I and II, and the extension of the Upper Beal's Slough trunk sewer to South 70th Street and Yankee Hill Road. Funding for Phases I and II is shown in the Capital Improvements Program (CIP) for years 2005-2007. The Upper Beal's Slough trunk sewer project is currently under design, and is expected to be substantially completed by October, 2006. Also, the sanitary sewer must be extended to South 84th Street.

Water - There is a 24" water main in South 84th Street to serve this site. The main must be extended to the intersection of South 84th Street and Yankee Hill Road, and being an impact fee facility the extension is eligible for reimbursement.

ANALYSIS:

1. The associated annexation and change of zone requests must be approved as a condition of this preliminary plat.
2. The proposed land use shown on the preliminary plat complies with the urban residential designation of the Comprehensive Plan. The associated change of zone request from AG to R-3 and R-4 accommodates the density shown.
3. The plat layout creates 151 lots. Those lots adjacent to Yankee Hill Road are in the R-4 area, and are designated for single-family attached dwelling units. Access to the arterial street system is provided at the intersections of Dunrovin Road and South 84th Street, and at Sutherland Street and Yankee Hill Road. All internal streets are local and public.
4. The following waivers have been requested:
 - A. Not require a pedestrian way easement in a block in excess of 1,000' in length - Block 1 extends along the north and east portions of the plat and exceeds 1,000' in length. Due to the railroad which bounds a portion of this plat, it is not feasible to create a pedestrian connection to the development to the north, and granting this waiver is appropriate.
 - B. To allow sanitary sewer to flow opposite street grades - Public Works notes that this waiver is appropriate provided the sanitary sewer does not exceed the minimum or maximum depths of the Design Standards.
 - C. To allow lots less than 120' deep backing onto an arterial street - The request states 120', however the standard was recently reduced to 110'. It affects lots along Yankee Hill Road adjacent to areas where additional right-of-way will be dedicated to accommodate the future arterial street facility which will include right-turn lanes. It appears that the internal street and lot layout can be realigned slightly to provide the additional area necessary to provide the minimum lot depth. This waiver does not appear to be justified and should not be approved. Public Works notes that the right-turn lanes must be located in the right-of-way, and that the note indicating a 10' easement for right-turn lane must be removed from the plat.
 - D. To not project the street system into adjacent property - The Land Subdivision Ordinance requires streets to be projected into adjacent properties to facilitate future development. This provides for internal street connections among subdivisions, allowing them to use the same access points to minimize the number of intersections on arterial streets. Either Two Rivers Court or Dunrovin Road must be extended to the lot to the north at this time, or the existing driveway will remain and an internal connection will be precluded. Without this internal connection, the lot to the north will have to be given direct access to South 84th Street, and as Public Works notes it will be at a location that does not meet

standards. The applicant states that the connection is not shown to protect wetlands. It is noted that other wetlands are being disturbed and mitigated within the plat. Watershed Management notes that the Stormwater Drainage Standards do not prohibit the street from crossing the wetlands.

- E. To not provide curb and gutter along and arterial street - Public Works is not opposed to this provided the required right-turn lane in South 84th Street is installed by the developer.
- 5. The lot southwest of the preliminary plat at the intersection of South 84th Street and Yankee Hill Road is not included in the plat. However, it is included in the associated request ANN#04012 and is proposed for annexation. Access to the internal street system is provided by Conestoga Street. Right-of-way will also be required out this tract to accommodate both Yankee Hill Road and South 84th Street when they are improved.
- 6. The bike trail shown in the Comprehensive Plan will be installed along the south side of Yankee Hill Road.
- 7. Staff is opposed to two of the waivers requested and they must be considered by City Council. The Planning Commission has the authority to approve the preliminary plat and the other three requested waivers.
- 8. Minor corrections are required to the preliminary plat and are listed in the recommended conditions of approval.

CONDITIONS OF APPROVAL:

Site Specific:

- 1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat as follows:
 - 1.1.1 ~~Show a street connection to Lot 111, unless the subdivider's waiver request is approved by the City Council. (**Per Planning Commission, at the request of the applicant, 02/15/06**)~~
 - 1.1.2 Delete General Site Notes 10, 11, 15, 16, and 17 which restate applicable requirements and are redundant.
 - 1.1.3 Delete Site Specific Note 9 which precludes sidewalks along both sides of Yankee Hill Road and South 84th Street, or restate it to say that this project is only responsible for the sidewalks along the east side of South 84th Street and the north side of Yankee Hill Road.
 - 1.1.4 Delete the note "10' Right-Turn Easement."

- 1.1.5 Show The required screening along the arterial street and railroads shall be shown with the Jensen Park Estates Final Plat. (**Per Planning Commission, at the request of the applicant and agreed upon by staff, 02/15/06**)
- 1.1.6 Rename the north-south portion of Conestoga Street closest to South 84th Street.
- 1.1.7 Make revisions to the satisfaction of Public Works and Utilities.
- 1.1.8 Show easements as required by L.E.S.
- 1.1.9 Show all lots meeting the 110' minimum lot depth requirement, unless the subdivider's waiver request is approved by the City Council. Lot screening for Lots 1-5, Block 8, shall be screened so that 90% of the surface area of the vertical plane extending along the entire length of Lots 1-5, Block 8, from the ground elevation at the lot line to six (6) feet above the surface elevation of the street. (**Per Planning Commission, at the request of the applicant and agreed upon by staff, 02/15/06**)

2. The City Council approves associated requests:

- 2.1 ANN#04012.
- 2.2 CZ#04079.
- 2.3 A modification to the requirements of the land subdivision ordinance to not project the street system onto adjacent property and ~~allow lots less than 110' deep adjacent to an arterial street.~~ **(**Per Planning Commission, at the request of the applicant and agreed upon by staff, 02/15/06**)**

General:

3. Final Plats will be approved by the Planning Director after:

- 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

pay the equivalent sum to the City of Lincoln to complete the installation of sidewalks along both sides of streets and along the east side of South 84th Street

and the north side of Yankee Hill Road as shown on the final plat at the time of final plat.

to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.

to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees within this plat within four (4) years following the approval of the final plat.

to complete the screen within this plat within two (2) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to complete the public and private improvements shown on the preliminary plat.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning

of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to continuously and regularly maintain the screens.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to submit to the lot buyers and home builders a copy of the soil analysis.

to protect the trees that are indicated to remain during construction and development.

to relinquish the right of direct vehicular access from lots abutting South 84th Street and Yankee Hill Road except as shown.

to inform all prospective purchasers and users that the land is located within the 100 year floodplain and that the grading of the lots and outlots shall be in conformance with the grading plan approved with the Preliminary Plat #04030 or as amended by the Director of Planning. The volume of fill material brought into each lot and outlot from outside the floodplain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

to pay all design, engineering, labor, material, inspection, and other improvement costs.

4. The waiver to the design standards to not require a pedestrian way easement in a block in excess of 1,000' in length, to allow sanitary sewer to flow opposite street grades, and to not provide curb and gutter along South 84th Street are hereby approved.

Prepared by:

Brian Will
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Planner
February 2, 2006

APPLICANT: Jensen Park, LLC
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Lincoln, NE 68516
402.434.5650

OWNER: Douglas Blanc c/o Alan Baade
RR#8
Lincoln, NE 68516
402.423.4932

CONTACT: Jason Thiellen
EDC
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Lincoln, NE 68521
402.438.4014

**ANNEXATION NO. 04012;
CHANGE OF ZONE NO. 04079;
and
PRELIMINARY PLAT NO. 04030,
JENSEN PARK ESTATES**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 15, 2006

Members present: Esseks, Sunderman, Carroll, Taylor and Carlson; Krieser, Strand and Larson absent.

Staff recommendation: Approval of the annexation, subject to an Annexation Agreement; approval of the change of zone; and conditional approval of the preliminary plat.

Ex Parte Communications: None

Proponents

1. Jason Thiellen of Engineering Design Consultants, appeared on behalf of **Jensen Park LLC**, the applicant for this preliminary plat of 145 attached single family lots together with a request for annexation and change of zone from AG to R-3 and R-5 Residential.

Thiellen submitted a request to amend the conditions of approval as follows:

- ~~1.1.1 Show a street connection to Lot 111, unless the subdivider's waiver request is approved by the City Council. We are asking for a recommendation for approval of the waiver.~~
- 1.1.5 Show the required screening along Arterial Street and railroads. Add a note to the General Site Notes stating, "The required screening along the Arterial Street and railroads shall be shown with the Jensen Park Estates Final Plat."
- 1.1.9 ~~Show all lots meeting the 110' minimum lot depth requirement, unless subdivider's waiver request is approved by the City Council. Lot screening for Lots 1-5, Block 8, shall be screened so that 90% of the surface area of the vertical plane extending along the entire length of Lots 1-5, Block 8, from the ground elevation at the lot line to six (6) feet above the surface elevation of the street.~~

Thiellen stated that the applicant and staff have reached agreement on Condition #1.1.5 and #1.1.9.

The staff is opposed to waiving the street connection to the adjacent property required by Condition #1.1.1. Thiellen agreed that this is a requirement of the subdivision regulations; however, this requirement can be waived if there are any natural topographical features or manmade features prohibiting that connection. Thiellen showed the area on the map and pointed out that there are existing wetlands in this location which are difficult to cross and which would require mitigation and buffer requirements, etc. They did attempt to work out an agreement with the city to mitigate the wetlands off-site, but that attempt was not successful.

Imposing this street connection will cause the applicant to lose lots with no gain. There is no potential gain in terms of providing the street connection. It is all at the cost to the applicant with no benefit. In addition, the applicant believes that there is limited development potential on the north lot. The shape and size of that parcel makes it difficult to project a street through and get lots on both sides of the road. This applicant considered purchasing the adjacent property but it would have required seven waivers.

Esseks asked the applicant to show the other connectivity coming out of this development. What other linkages do you have with present or future developments? Thiellen referred to the site plan showing circulation/access at both 84th Street and Yankee Hill Road. There is no access to the north or to the northeast because there is an existing railroad.

Esseks inquired as to the current or projected land use to the northeast of the railroad right-of-way. Thiellen advised it to be commercial development and a substation. Directly north along 84th is currently an acreage. Jensen Park is to the south.

2. Bob Lewis with Jensen Park LLC, the developer and applicant, clarified that 84th Street is on the east side of the property, Yankee Hill Road is to the south, the new alignment of Yankee Hill Road will come around and tie into 91st Street, and they are bounded on the north by an existing railroad. The five-acre parcel directly north and south of the railroad is the parcel in question as far as making a street connection for future development. Hampton Development has been involved in hundreds of acres of development and thousands of lots in Lincoln and this is the first time they have come forward with a residential subdivision and asked for this waiver. The reason they are requesting the waiver is that it would require them to cross the wetlands to get to that 5.5 acre parcel, which also has a wetland. He does not believe there is enough developable land to justify putting a road at this location. Today, that parcel is a single family use with a driveway out to 84th Street. The applicant did contact the property owner to see if they had an interest in being part of this subdivision but did not get a response. It is difficult to justify running 200-300 ft. of road and utilities, and going back to the Corps of Engineers and revising the wetlands permit to serve a piece of ground that is about 3 acres without the wetlands, to gain maybe three or four lots.

With regard to Condition #1.1.9, Lewis clarified that they did agree with staff to maintain that lot depth at less than 110' and increase the landscape screening from 60% to 90% on those lots that do not meet that depth. This is because the Yankee Hill Road right-of-way was dedicated some time ago for the realignment. With the new subdivision requirements, staff wanted additional right-of-way. In lieu of taking property from the cemetery, they shifted all of Yankee Hill Road to the north, which took more property from this developer. So staff agreed to reduce the lot depth so that they do not have to revise the plat.

Staff questions

Carroll asked staff to discuss the proposed amendments. Brian Will of Planning staff confirmed that the staff does agree with the changes to Conditions #1.1.5 and #1.1.9. However, the staff continues to object to waiving the street connection to the north in Condition #1.1.1. The staff understands the circumstances described by the applicant, but it also relates to spacing of driveway access points off 84th Street and proximity to the railroad crossing. He agreed that the subdivision ordinance does allow for exceptions under certain circumstances.

Dennis Bartels of Public Works agreed that it would be an expensive street crossing, but the property to the north is shown as residential in the Comprehensive Plan, and the only access would then be on 84th Street a relatively short distance from a railroad crossing. Train traffic could increase at any time. There is other wetlands mitigation on this property. It would be a lot easier for the city to say that the property should be developed residential if it had access back into this residential subdivision.

Bartels agreed that this is an awkward parcel because of the wetlands and the railroad, but eventually it is going to be developed. The concern is the fact that it is not connected may be used to justify some use of the land or than residential.

Esseks wondered if there is any history to guide the Commission on this waiver request? Bartels could not come up with a specific example, but the only access being a right-in, right-out driveway to 84th Street detracts from the commercial value as well. The status of the railroad crossing is unknown. If it is developed residential, we will want there to be full access to a median opening. Then they need street access back to the subdivision.

Esseks believes this five-acre parcel with the wetland is going to be isolated if the waiver is granted.

Ray Hill of Planning staff stated that there probably have been situations where access was not provided to adjacent property that did lead to a change of zoning to something different than what might have been shown in the Comprehensive Plan. The railroad line is not being used now because a contract between the power company and the railroad was cancelled; however, it could become active again.

Response by the Applicant

Lewis stated that they would not be requesting the waiver if this subdivision could abut lots directly to that parcel to the north. It becomes an issue because they have to cross the wetlands just to get to that property. Does a street connection guarantee that it is going to be residential? He does not know.

Esseks believes the developer is taking a risk of creating an isolated parcel and those people will want preferential treatment. Esseks believes they would be better off trying to make use of the land to the north to protect the parcels that are right across the wetlands.

Lewis is confident that whatever use goes there will not be in conflict. The applicant did send letters to all of the neighbors with a site plan suggesting that they would be willing to meet with anyone who was interested. There were no responses. The owners of the north parcel were also contacted to inquire whether they were interested in participating or selling and there was no response.

ANNEXATION NO. 04012

ACTION BY PLANNING COMMISSION:

February 15, 2006

Esseks moved approval, subject to an Annexation Agreement, seconded by Carroll and carried 5-0: Esseks, Sunderman, Carroll, Taylor and Carlson voting 'yes'; Krieser, Strand and Larson absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04079

ACTION BY PLANNING COMMISSION:

February 15, 2006

Carroll moved approval, seconded by Esseks and carried 5-0: Esseks, Sunderman, Carroll, Taylor and Carlson voting 'yes'; Krieser, Strand and Larson absent. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 04030,

JENSEN PARK ESTATES.

ACTION BY PLANNING COMMISSION:

February 15, 2006

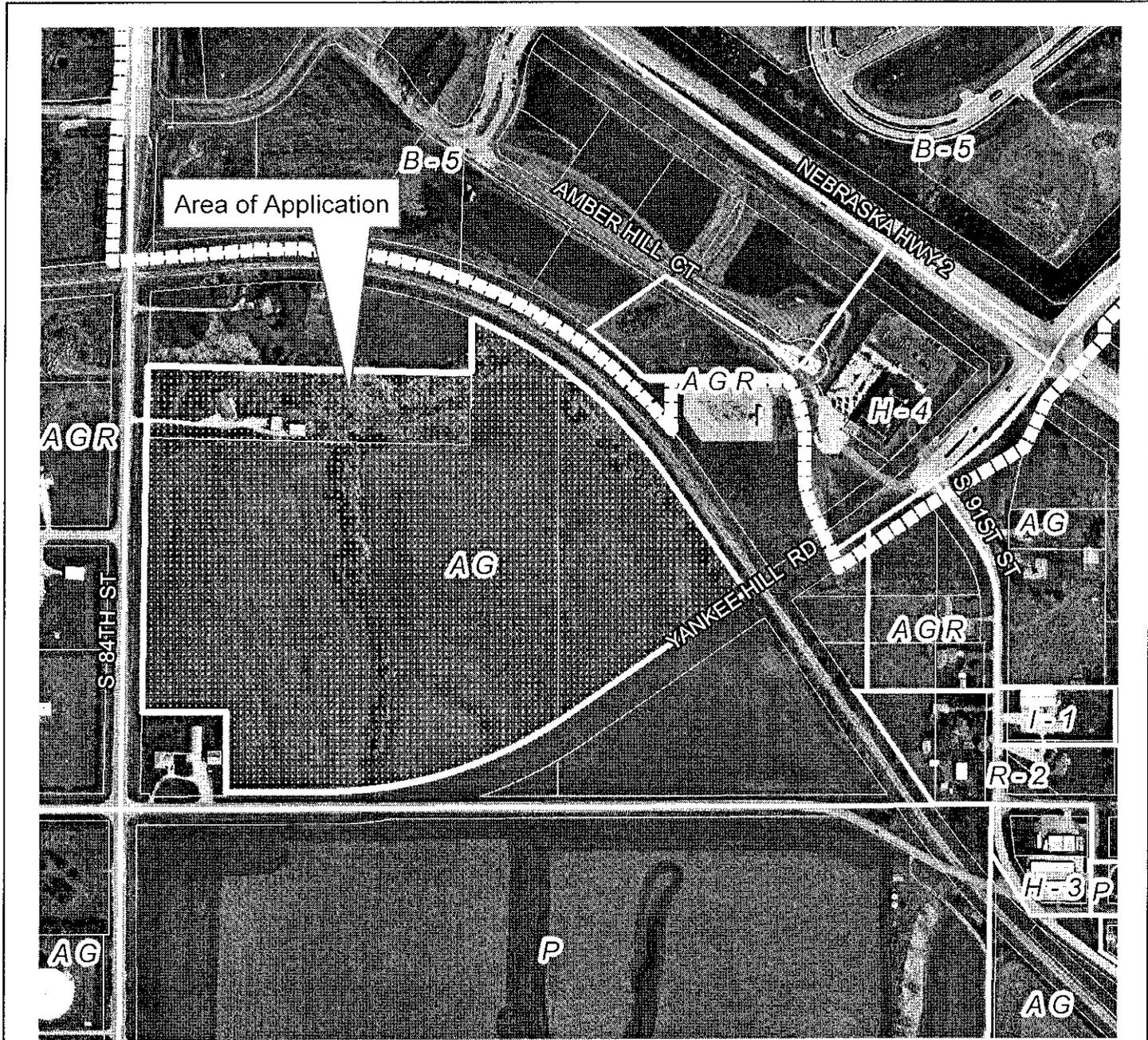
Esseks moved to approve the staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Carroll.

Carroll stated that he does not like to isolate that lot, but looking at the topography, it is a very difficult lot. He does not want to have to fill the wetlands to build a road that might or might not be used in the future. He wishes the lot owner would have worked with the developer to be included to make a better design, but they chose not to. The topography alone tells you it is a difficult situation. He thinks the design is a good one. He does not like this, but at this point in time he thinks this should be approved without that street connection.

Esseks stated that he is persuaded by Carroll.

Carlson believes there is a need to look to the future. The proximity of the railroad tracks makes it difficult. The right-in, right-out is an issue, but who is to say they won't come back and say they need a median opening? This is difficult. He is a big fan of connectivity. Even if they acquired the property to the north, they would still be impacting the wetlands.

Motion for conditional approval, with the amendments requested by the applicant, carried 5-0: Esseks, Sunderman, Carroll, Taylor and Carlson voting 'yes'; Krieser, Strand and Larson absent. This is final action on the preliminary plat, unless appealed to the City Council, except that the approval of the waiver of the street connection is a recommendation to the City Council due to the staff recommendation of denial.



2005 aerial

Preliminary Plat #04030 Jensen Park Estates

Zoning:

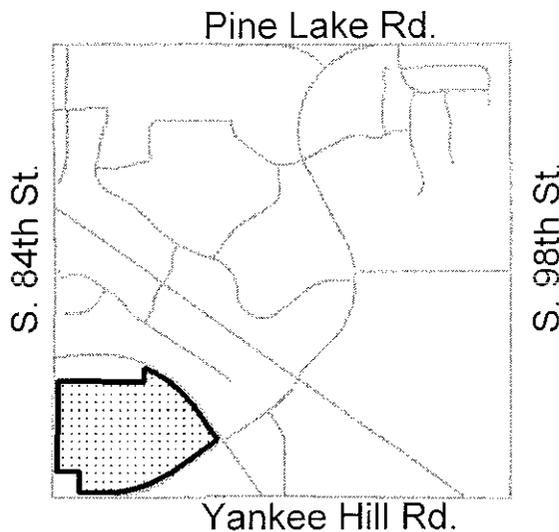
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Converson District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 23 T9N R7E

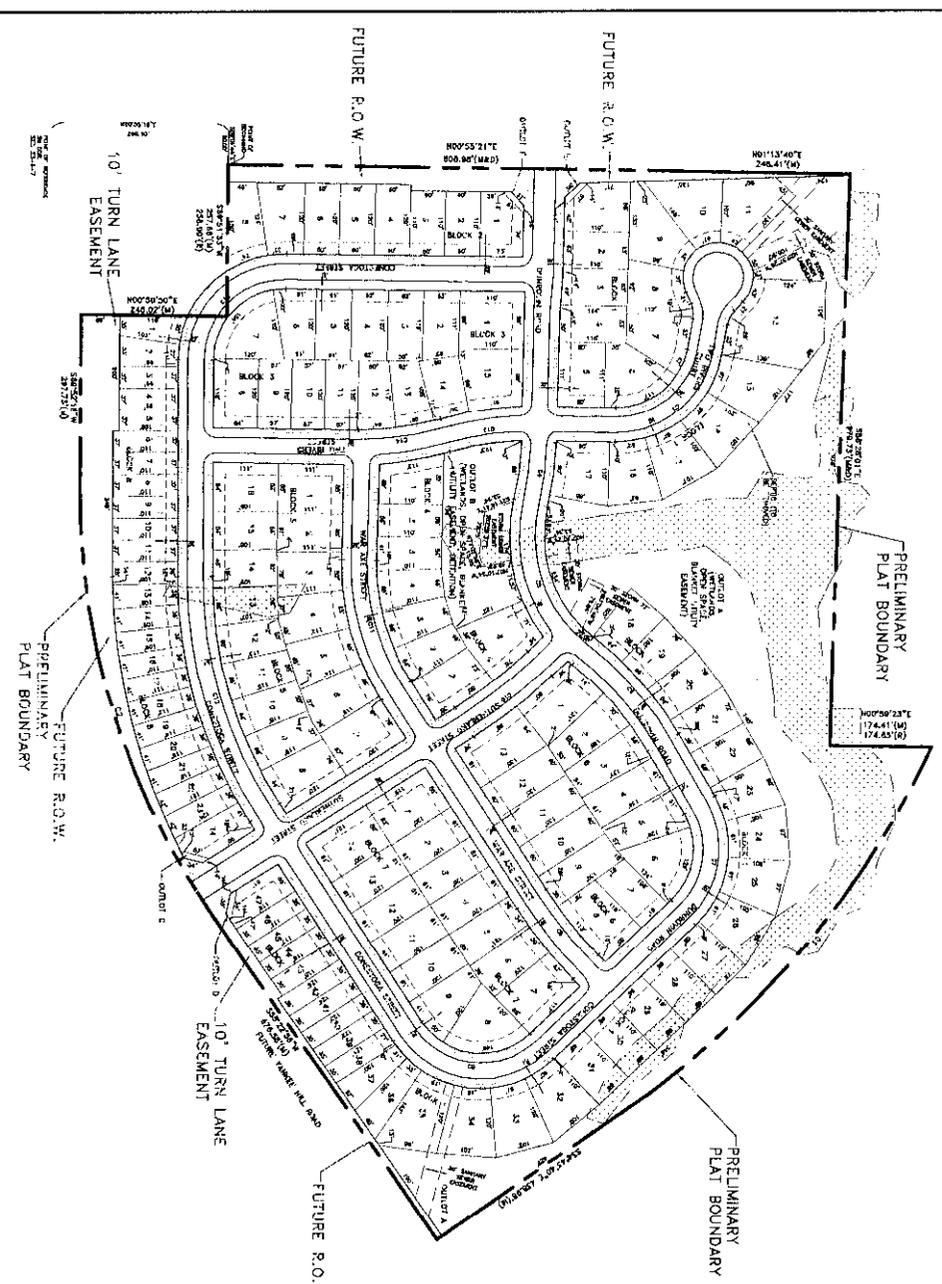


Zoning Jurisdiction Lines

City Limit Jurisdiction



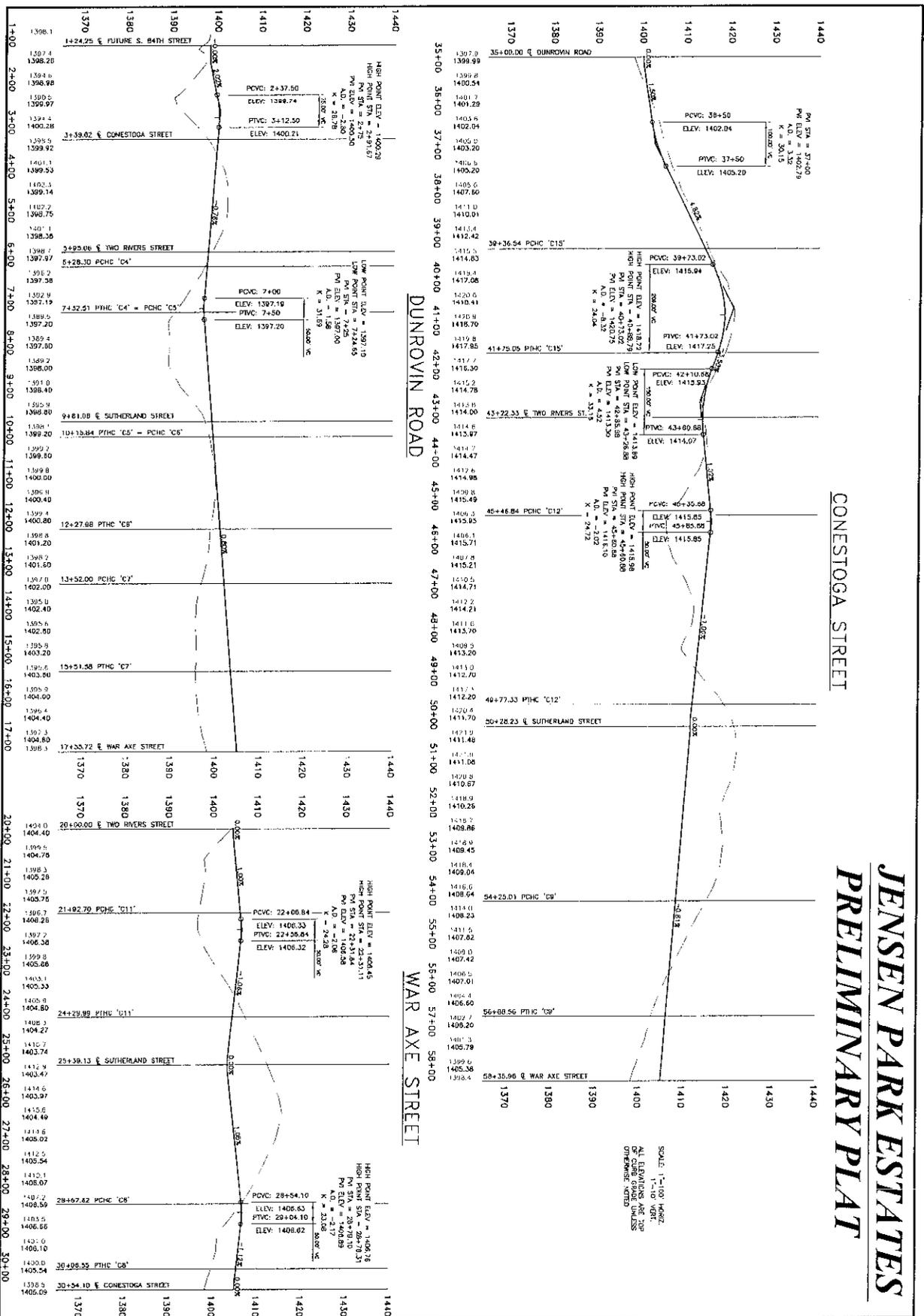
JENSEN PARK ESTATES PRELIMINARY PLAT



STAKE	BELONGS TO	ACR. DEPOSIT	FOOTING	CHAINS	BEARING	DIAGONAL LENGTH
61	81.05.23	212.26'	150.00'	N 87° 17' 28" W	195.00'	76.00'
62	81.05.23	212.26'	150.00'	N 87° 17' 28" W	195.00'	76.00'
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72	81.05.23	212.26'	150.00'	N 87° 17' 28" W	195.00'	76.00'
73	81.05.23	212.26'	150.00'	N 87° 17' 28" W	195.00'	76.00'
74	81.05.23	212.26'	150.00'	N 87° 17' 28" W	195.00'	76.00'
75	81.05.23	212.26'	150.00'	N 87° 17' 28" W	195.00'	76.00'
76	81.05.23	212.26'	150.00'	N 87° 17' 28" W	195.00'	76.00'
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100	81.05.23	212.26'	150.00'	N 87° 17' 28" W	195.00'	76.00'

- LEGEND**
- PROPOSED ROW
 - PROPOSED CENTERLINE
 - PRELIMINARY PLAT BOUNDARY
 - PROPOSED STRACK
 - DISTING. TREE/ TREE MASS TO REMAIN
 - DISTING. TREE/ TREE MASS TO BE REMOVED
 - USERULET
 - DISTING. FENCE
 - DISTING. WETLANDS
 - DISTING. WETLANDS TO BE REMOVED
 - EXISTING DRAINAGES
 - EXISTING STRUCTURE TO REMAIN
 - EXISTING BUILDING/STRUCTURE TO BE REMOVED
 - COMMON ATTACHED SINGLE FAMILY
 - FUTURE ROOF OF WAY
 - 10' TURN LANE EASEMENT

<p>JENSEN PARK ESTATES PRELIMINARY PLAT Lincoln, Nebraska</p>	<p>Design By: DAW Drawn By: JSR Checked By: PLD, JNT</p>	<p>Project #: 03-085 Drawing: pp site.dwg Date: 1/18/2008</p>	<p>EDC Engineering & Design 2000 S. 17th Street, Lincoln, NE 68502 Phone: 402.426.1111 Fax: 402.426.1112</p>						
<p>PRELIMINARY</p>	<p>SHEET 2 OF 7</p>	<p>Revisions</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>By</th> <th>Revisions</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	By	Revisions	Date				<p>017</p>
By	Revisions	Date							



CONESTOGA STREET

**JENSEN PARK ESTATES
PRELIMINARY PLAT**

JENSEN PARK ESTATES
PRELIMINARY PLAT
Lincoln, Nebraska

Design By: DAW
Drawn By: JSR
Checked By: PLD, JMT

Project #: 03-085
Drawing: pp pav vord.dwg
Date: 1/19/2006

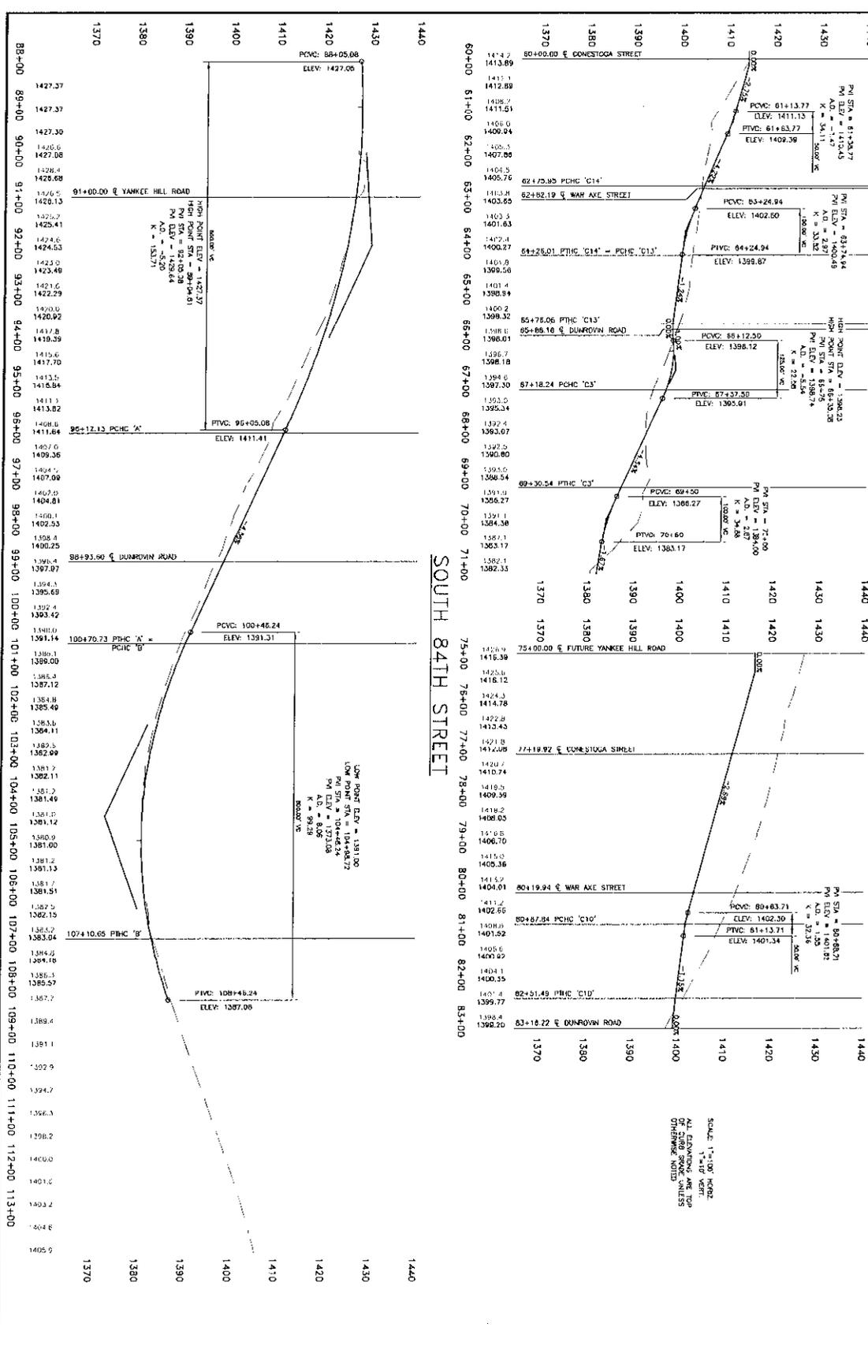
By	Revisions	Date



TWO RIVERS STREET/COURT

SUTHERLAND STREET

JENSEN PARK ESTATES
PRELIMINARY PLAT



SOUTH 84TH STREET

SCALE: 1"=100' HORIZ.
1"=10' VERT.
ALL DIMENSIONS ARE FOR
OTHERWISE NOTED

<p>JENSEN PARK ESTATES PRELIMINARY PLAT Lincoln, Nebraska</p>	<p>Design By: DAW Drawn By: JSR Checked By: PLO, JMT</p>	<p>Project #: 03-085 Drawing: pp gov vert.dwg Date: 1/19/2008</p>	<p>EDC Engineering & Design 2000 North 10th Street Lincoln, NE 68502 Phone: 402.426.8800 Fax: 402.426.8801 www.edcinc.com</p>				
	<table border="1"> <thead> <tr> <th>By</th> <th>Revisions</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	By		Revisions	Date		
By	Revisions	Date					

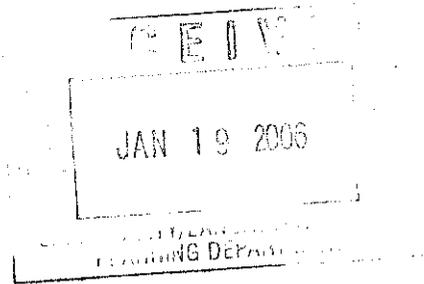


Engineering Design Consultants

2200 Fletcher Ave.
Suite 102
Lincoln, NE 68521
Ph 402-438-4014
Fax 402-438-4024

January 19, 2006

Brian Will
Planning Department
555 s. 10th Street, Suite 213
Lincoln, NE 68508



RE: Jensen Park Estates
Preliminary Plat
Resubmittal
EDC Job #03-085

Dear Mr. Will,

On behalf of Engineering Design Consultants client, Jensen Park, LLC we hereby resubmit the above referenced Preliminary Plat with the following changes per comment from the Planning Department dated December 10, 2004:

1. The legal description has been revised to include the updated I.T. Lots per comment #1. Revised legal descriptions for the change of zone applications and annexation request.
2. In response to comment #2, the remaining portions of Lots 103 and 107 will not be included in the preliminary plat.
3. In response to comment #3, Jensen Park, LLC will provide 60 feet for future right-of-way for Yankee Hill Road and a 10 foot easement 200 feet from the intersection of South 84th Street and Yankee Hill Road for a right turn lane. Jensen Park, LLC will not be dedicating the right-of-way for Yankee Hill Road due to the fact that the City of Lincoln required a shift in the Yankee Hill Road alignment to the north requiring a redesign of the original submittal of Jensen Park Estates. In addition, we request that the bike trail be located on the south side of Yankee Hill Road as the Jensen Park is located on the south side of the road.
4. In response to comment #4, the improvement of Yankee Hill Road will be agreed upon by the developer and the City of Lincoln through the developer negotiations process.
5. In response to comment #5, the improvement of South 84th Street will be agreed upon by the developer and the City of Lincoln through the developer negotiations process.
6. In response to comment #6, a waiver will be requested to not provide curb and gutter for South 84th Street. The current cross section of South 84th Street will include a fly-by lane and a right turn lane into Dunrovin Road from South 84th Street.

7. In response to comment #7, a waiver to not require a pedestrian easement for blocks that exceed 1,000 feet in length and for blocks that exceed the length of 1,320 feet will be requested. The block length that exceeds 1,000 and 1,320 feet backs onto an existing OPPD railroad corridor and wetlands. The plat will not show a street connection from Jensen Park Estates to Lot 111 I.T. adjacent to the north.
8. In response to comment #8, Conestoga Street will be changed and the street names have been revised to be consistent with Lincoln Municipal Code (LMC).
9. In response to comment #9, the OPPD railroad crossing is located at the half-mile point and therefore it would appear the logical place for a full median break in South 84th Street would be located at Dunrovin Road as two subdivisions will use that locations as a main access into each subdivision.
10. In response to comment #10, Site Specific Note #8 will not be modified to include sidewalks on both side of Yankee Hill Road as this plat is only bounded on one side by Yankee Hill Road.
11. The acceptance block for the County Board has been deleted per comment #11.
12. In response to comment #12, the lots designated as Attached-Single Family lots will be zoned R-4, which will bring the lot widths in conformance with the City of Lincoln Zoning Ordinance.
13. In response to comment #13, the Beal Slough Trunk Sewer is being extended from South 70th Street to South 84th Street providing gravity sewer to the entire plat.
14. In response to comment #14, a written approval is no longer required as the sewer will not be crossing the rail road corridor.
15. In response to comment #15, this comment no longer is relevant to the preliminary plat due to the extension of the Beal Slough Trunk Sewer.
16. In response to comment #16, this comment no longer is relevant to the preliminary plat due to the extension of the Beal Slough Trunk Sewer.
17. In response to comment #17, the extension of the water main in South 84th Street will be agreed upon by the developer and the City of Lincoln through the developer negotiations process.
18. Responses to Public Works Department include the following:
 - a. In response to comment 1.1, this comment is no longer relevant due to the extension of the Beal Slough Trunk Sewer from South 70th Street to South 84th Street.

- b. In response to comment 1.2, written approval from OPPD is no longer required as the sanitary sewer will not be crossing the rail road corridor.
 - c. In response to comment 1.3, due to the extension of the Beal Slough Trunk Sewer, this comment is no longer relevant.
 - d. In response to comment 2.1, the water main will be extended south in South 84th Street from Amber Hill Drive to Dunrovin Road. OPPD has been contacted about the required approval for the utility crossing at the rail road.
 - e. In response to comment 3.1, the drainage and grading plan and report has been revised to account for drainage from the south through the Jensen Park Estates property.
 - f. The minimum opening elevations for the lots in Block 4 have been revised to correspond to the 100 year flood elevations per comment 3.2.
 - g. The grading plan and street profiles have been revised accordingly to meet the City of Lincoln drainage requirement per comment 3.3.
 - h. The future South 84th Street profile and alignment has been considered in the grading plan per comment 3.4.
 - i. In response to comment 4.1, the Jensen Park Estate preliminary plat will not be phased and all shown lots will be developed at one time.
 - j. In response to comment 4.2, a street connection will not be shown to the Lot 77 to the north of the plat due to the existing wetlands separating the property.
 - k. In response to comment 4.3, the OPPD railroad crossing is located at the half-mile point and therefore it would appear the logical place for a full median break in South 84th Street would be located at Dunrovin Road as two subdivisions will use that location as a main access into each subdivision.
 - l. In response to comment 4.4, a waiver has been requested to not provide curb and gutter on South 84th Street. The current cross section of South 84th Street will include a fly- by lane and a right turn lane into Dunrovin Road from South 84th Street.
19. In response to comment #19, an approved Section 404 Permit from the U.S. Army Corps of Engineers to disturb existing wetlands will be provided prior to the disturbance of any wetlands.

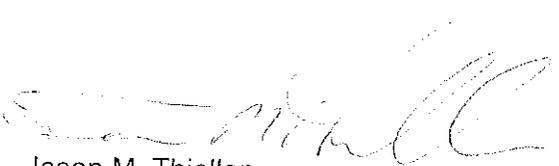
20. Jensen Park, LLC has agreed to pay impact fees in lieu of a parkland dedication per comment #20.
21. The name of the development has been revised to prevent potential confusion for emergency responders per comment #21.
22. Information has been provided to the Health Department regarding the type of freight materials that are hauled along the rail road per comment #22.
23. Street trees are shown on final plats; however the street tree assignments have been noted per comment #23.
24. Additional easements will be shown per L.E.S per comment #24.
25. In response to comment #25, the developer understands that an annexation agreement will be required between the developer and the City of Lincoln.
26. The Baade property on the corner of South 84th Street and Yankee Hill Road has been removed from the plat at the owner of the property request. The lot will have access from Conestoga Street when the property owner decides to subdivide the property.
27. The additional following waivers are hereby requested:
 - a. Title 2, Section 3.7.2 to not provide curb and gutter for the east side of South 84th Street, due to the existing cross-section of South 84th Street, we are providing a fly-by and a right turn lane into Jensen Park Estates from Dunrovin Road.
 - b. Title 26, Section 26.23.030 to not project street system into adjacent property. Due to the existing natural feature of wetlands located to the north of the plat, the cost to provide a connection to the north property outweighs the benefit for the developer.
 - c. Title 26, Section 26.23.140 to allow lots backing onto major arterial street to not have a minimum lot depth of 120 feet. The waiver is requested due to the shift in Yankee Hill Road and South 84th Street required by the City of Lincoln due to the location of the cemetery on the south side of Yankee Hill Road.

If you have any additional questions or concerns please contact me at 438-4014 or at jthiellen@edc-civil.com.

Jensen Park Estates
Preliminary Plat Resubmittal
EDC Job # 03-085
January 19, 2006
Page 5

Sincerely,

ENGINEERING DESIGN CONSULTANTS, L.L.C.



Jason M. Thiellen
Land Planner

Enclosure:

- 8 Sets of Sheets 1 - 7
- 21 Copies of the Site Plan
- 21 Copies of the Utility Plan
- Change of Zone Exhibits
- Annexation Exhibits
- 3 Copies of Drainage Report

Review Comments for
Application #: PP04030
JENSEN PARK ESTATES

Comments as of: Thursday, February 02, 20

Status of Review: Active

Reviewed By ANY

Comments:

Status of Review: Approved

01/23/2006 1:42:43 PM

Reviewed By 911 ANY

Comments: Just bringing to your attention, Conestoga Ave does exist in Hickman but there will be sufficient difference in block ranges, so as NOT to interfere with out operations.

Status of Review: Approved

01/23/2006 3:14:32 PM

Reviewed By Building & Safety BOB FIEDLER

Comments: approved

Status of Review: FYI

01/24/2006 7:44:38 AM

Reviewed By Building & Safety Terry Kathe

Comments: The north-south part of Conestoga Street closest to South 84th Street should be a different name than the east-west Conestoga Street. It is a little lengthy to have the same name. The address numbering of this street and the streets around them would be accurately defined.

Status of Review: Active

Reviewed By Health Department ANY

Comments:

Status of Review: Complete

Reviewed By Lincoln Electric System NCSBJW

Comments:

Status of Review: Approved

01/24/2006 10:14:18 AM

Reviewed By Parks & Recreation ANY

Comments: 1. Application approved with the condition of a bond being posted for the impact fees as part of the annexation agreement.

2. The amount of the impact fee based on the number of nunits generated is \$44,709.

028

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Complete

Reviewed By Planning Department

RAY HILL

Comments:

Status of Review: Active

Reviewed By Planning Department

BRIAN WILL

Comments:

Status of Review: Complete

02/01/2006 10:25:24 AM

Reviewed By Public Works - Development Services

SIETDQ

Comments: M e m o r a n d u m :

1
1

To: Brian Will, Planning Department
From: Chad Blahak, Public Works and Utilities
Dennis Bartels, Public Works and Utilities
Subject: Jensen Park Preliminary Plat #04030
Date: January 31, 2006
cc: Randy Hoskins

1:

Engineering Services has reviewed the submitted preliminary plat for Jensen Park located on the northeast corner of 84th Street and Yankee Hill Road, and has the following comments:

1: Sanitary Sewer - The following comments need to be addressed.

1(1.1) Public Works approves the requested waiver of design standards for constructing sanitary sewer opposite street grades provided that maximum and minimum depths are not exceeded.

1: Water Mains - The following comments need to be addressed.

1(2.1) The single 6" water main at connection Dunrovin Road to the proposed 24" in water main in 84th Street is satisfactory to Public Works. However, since the 24" water main in 84th Street is an impact fee facility and would be eligible for reimbursement, the 24" needs to be shown extended to the intersection of 84th and Yankee Hill Road.

1: Grading/Drainage - The following comments need to be addressed.

1(3.1) The grading and drainage plan is unsatisfactory. As stated in the previous report, there is a significant area south of Yankee Hill Road that drains to this site via a culvert under Yankee Hill Road. The proposed storm sewer design does not show any storm sewer to connect to this culvert indicating that the storm water from the area to the south will be diverted through the future Yankee Hill storm sewer system to the railroad ditch to the north and east of this plat. This will add additional costs to the Yankee Hill project that would not otherwise be necessary. The grading and drainage plan needs to be revised to show storm sewer available to account for this drainage area. The detention calculations will need to be revised to account for this change.

1(3.2) Although the minimum opening elevations shown for lots in Block 4 are adequate for the 100 year elevation indicated in the detention calculations, the low elevation in the Dunrovin Road cross-section is nearly 1' higher. Since it does not appear that any lots will be affected, the minimum openings for these lots should be revised to match the low point in Dunrovin Road.

1(3.4) The grading for the future 84th Street improvements need to be shown on the grading plan to ensure that the proposed site grading will work with the future roadway grading. Also, design on 84th has not started yet. The 84th Street profile and adjacent grading on this plat may need to be revised when a final profile is set for 84th Street.

030

"Streets - The following comments need to be addressed.

(4.1) A street connection needs to be shown extending to Lot 77 to the north of this plat. The submittal letter references the existence of wetlands as justification for not making this connection. Wetland mitigation is taking place in a number of areas throughout the plat and this area would be allowed to be mitigated for. Also, the street connection will provide access to allow Lot 77 to develop in the future and would eliminate the need to create an additional intersection with South 84th Street. Lot 77's proximity to the railroad crossing would be a good location for an intersection.

(4.2) A waiver to the subdivision ordinance requirements for curb and gutter needs to be requested for 84th Street. If a curb and gutter section is waived, this developer would be responsible for constructing temporary turn lanes at all street connections to Yankee Hill and 84th Street.

(4.3) The submittal letter states that the entire plat is to be developed at the same time. Prior to the approval of the final plat, two of the four lanes of Yankee Hill Road including the full intersection and left turn lane at Yankee Hill and Sutherland Street will need to be constructed to urban standards from 84th Street to the existing stub of 91st Street.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

Status of Review: Complete

02/02/2006 1:06:47 PM

Reviewed By Public Works - Watershed Management

NCSBJW

Comments: Devin Biesecker
Public Works and Utilities
Watershed Management

Below are Watershed Management's comments for Jensen Park Estates Preliminary Plat.

1. Stormwater drainage standards, more particularly the Minimum Flood Corridor standard, do allow for a street connection to the property north of this preliminary plat. However, if a connection is proposed thru the wetlands with this preliminary plat the Minimum Flood Corridor standard and the Army Corps of Engineers requirements for impacts to wetlands would require a process which follows a sequencing approach of avoidance, minimization, and mitigation.

2. If the wetland area on the north side of this preliminary plat has a defined bed and bank Minimum Flood Corridors must be designated along with the blanket easement. Minimum Flood Corridor areas have greater restrictions than blanket utility easement areas which is why a separate easement is needed

031

Status of Review: Active

Reviewed By US Post Office

ANY

Comments:

Dennis D Bartels/Notes

02/06/2006 02:10 PM

To Brian J Will/Notes@Notes

cc Chad E Blahak/Notes@Notes, Randy W
Hoskins/Notes@Notes

bcc

Subject Jensen Park Estates

Per our discussions right of way for the right turn lanes in Yankee Hill Road needs to be clearly indicated as dedicated right of way. The additional 10' is shown on the plat as if it is dedicated, but a note and arrow indicates a turn lane easement. We request that the note be removed.



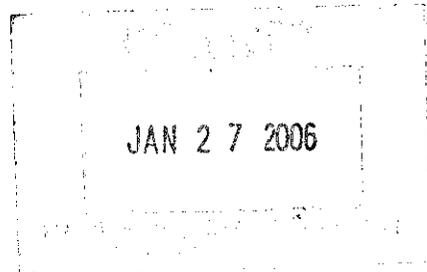
DATE: January 26, 2006
TO: Brian Will, City Planning
FROM: Sharon Theobald *ST*
Ext. 7640
SUBJECT: DEDICATED EASEMENTS
DN #84S-85E

AN#04012
CZ#(PUD) #04079
PP#04030

Attached is the Preliminary Plat for Jensen Park Estates.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over all of the Outlots.



ST/ss
Attachment
c: Terry Wiebke
Easement File