

RESOLUTION NO. A-_____

USE PERMIT NO. 06003

1 WHEREAS, Eiger Corporation has submitted an application in accordance with
2 Section 27.27.090 of the Lincoln Municipal Code designated as Use Permit No. 06003 to
3 develop 50,000 square feet of office space, including requested waivers to adjust front, side and
4 rear setbacks, to allow transfer of wastewater from one drainage basin to another, to allow
5 sanitary sewer to exceed maximum depth, to exceed minimum tangent length between non-
6 compound horizontal curves, to allow sanitary sewer to be constructed non-parallel to the
7 centerline of the street, to allow lot lines non-perpendicular to the right-of-way, to allow lots that
8 do not front upon a public street or private roadway, and to adjust location of the sign allowed at
9 the entrance of the office park, on property generally located at South 91st Street and
10 Andermatt Drive, legally described as follows:

11 A portion of Lot 36 I.T., a portion of Lot 71 I.T., and a portion of Lot
12 101 I.T., all located in the East Half of Section 23, Township 9
13 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster
14 County, State of Nebraska, and more particularly described as
15 follows:

16 Commencing at the northwest corner of said Lot 100 I.T.; thence
17 southerly along a west line of said Lot 100 I.T., said line being an
18 east line of South 91st Street right-of-way on an assumed bearing
19 of south 27 degrees 39 minutes 47 seconds east, a distance of
20 54.44 feet to a point of curvature; thence along a curve in a
21 clockwise direction, having a delta angle of 09 degrees 20 minutes
22 16 seconds, a radius of 1,065.00 feet, an arc length of 173.57
23 feet, a chord bearing of south 22 degrees 59 minutes 38 seconds
24 east along a west line of said Lot 100 I.T., said line being the east
25 line of said right-of-way, and a chord distance of 173.38 feet to the
26 northwest corner of said Lot 101 I.T., said point being the point of
27 beginning; thence north 66 degrees 51 minutes 18 seconds east
28 along a northwest line of said Lot 101 I.T., a distance of 90.97 feet
29 to a point of curvature; thence along a curve in a counter
30 clockwise direction, having a delta angle of 11 degrees 35 minutes
31 59 seconds, a radius of 500.00 feet, an arc length of 101.23 feet,
32 a chord bearing of north 61 degrees 03 minutes 18 seconds east
33 along a northwest line of said Lot 101 I.T., and a chord distance of
34 101.05 feet to a point of tangency; thence north 55 degrees 15

1 minutes 19 seconds east along a northwest line of said Lot 101
2 I.T., a distance of 138.69 feet to a point of curvature; thence along
3 a curve in a clockwise direction, having a delta angle of 72
4 degrees 13 minutes 00 seconds, a radius of 50.00 feet, an arc
5 length of 63.02 feet, a chord bearing of south 88 degrees 38
6 minutes 11 seconds east along a north line of said Lot 101 I.T.,
7 and a chord distance of 58.93 feet to a point of tangency; thence
8 south 52 degrees 31 minutes 41 seconds east along a northeast
9 line of said Lot 101 I.T., a distance of 31.36 feet to a point of
10 curvature; thence along a curve in a clockwise direction, having a
11 delta angle of 54 degrees 08 minutes 38 seconds, a radius of
12 50.00 feet, an arc length of 47.25 feet, a chord bearing of south 25
13 degrees 27 minutes 22 seconds east along a northeast line of said
14 Lot 101 I.T., and a chord distance of 45.51 feet to a point of
15 tangency; thence south 01 degrees 36 minutes 57 seconds west
16 along an east line of said Lot 101 I.T., a distance of 72.45 feet to a
17 point of curvature; thence along a curve in a counter clockwise
18 direction, having a delta angle of 50 degrees 02 minutes 26
19 seconds, a radius of 50.00 feet, an arc length of 43.67 feet, a
20 chord bearing of south 23 degrees 24 minutes 16 seconds east
21 along a northeast line of said Lot 101 I.T., and a chord distance of
22 42.29 feet to a point of tangency; thence south 48 degrees 25
23 minutes 29 seconds east along a northeast line of said Lot 101
24 I.T., a distance of 29.36 feet to a point of curvature; thence along
25 a curve in a counter clockwise direction, having a delta angle of 51
26 degrees 58 minutes 18 seconds, a radius of 50.00 feet, an arc
27 length of 45.35 feet, a chord bearing of south 74 degrees 24
28 minutes 38 seconds east along a north line of said Lot 101 I.T.,
29 and a chord distance of 43.81 feet to a point; thence south 10
30 degrees 51 minutes 05 seconds east, a distance of 184.48 feet to
31 a point; thence south 56 degrees 45 minutes 27 seconds west, a
32 distance of 106.73 feet to a point; thence south 00 degrees 00
33 minutes 00 seconds west, a distance of 94.45 feet to a point of
34 curvature; thence along a curve in a counter clockwise direction,
35 having a delta angle of 06 degrees 17 minutes 09 seconds, a
36 radius of 477.00 feet, an arc length of 52.33 feet, a chord bearing
37 of south 03 degrees 08 minutes 34 seconds east, and a chord
38 distance of 52.30 feet to a point; thence south 83 degrees 42
39 minutes 51 seconds west, a distance of 96.00 feet to a point;
40 thence north 46 degrees 20 minutes 45 seconds west, a distance
41 of 30.16 feet to a point of curvature of a non tangent curve; thence
42 along a curve in a clockwise direction, having a delta angle of 02
43 degrees 18 minutes 57 seconds, a radius of 581.00 feet, an arc
44 length of 23.48 feet, a chord bearing of north 85 degrees 15
45 minutes 43 seconds west, and a chord distance of 23.48 feet to a
46 point of tangency; thence north 84 degrees 06 minutes 15
47 seconds west, a distance of 204.69 feet to a point; thence south
48 49 degrees 44 minutes 20 seconds west, a distance of 27.71 feet
49 to a point of intersection with a west line of Lot 71 I.T., said point
50 being on the east line of South 91st street right-of-way, said point

1 being the point of curvature of a non tangent curve; thence along
2 a curve in a counter clockwise direction, having a delta angle of 22
3 degrees 26 minutes 42 seconds, a radius of 1,065.00 feet, an arc
4 length of 417.20 feet, a chord bearing of north 07 degrees 06
5 minutes 09 seconds west along a west line of said Lot 71 I.T., and
6 a west line of Lot 101 I.T., said line being the east line of said
7 right-of-way, and a chord distance of 414.54 feet to the point of
8 beginning, said tract contains a calculated area of 207,630.5656
9 square feet or 4.7665 acres, more or less;

10 WHEREAS, the real property adjacent to the area included within the site plan for
11 this construction of office space will not be adversely affected; and

12 WHEREAS, said site plan together with the terms and conditions hereinafter set
13 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
14 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 Eiger Corporation, hereinafter referred to as "Permittee",
18 to develop 50,000 square feet of commercial floor area be and the same is hereby granted
19 under the provisions of Section 27.27.090 of the Lincoln Municipal Code upon condition that
20 construction and operation of said office space be in strict compliance with said application, the
21 site plan, and the following additional express terms, conditions, and requirements:

- 22 1. This permit approves up to 50,000 square feet of office floor area
23 including health care facilities, clubs, mail order catalog sales, and medical testing laboratories
24 with waivers to adjust front, side, and rear setbacks to 0'; allow transfer of wastewater from one
25 drainage basin to another; allow sanitary sewer to exceed maximum depth; allow street design
26 to exceed minimum tangent length between non-compound horizontal curves; allow sanitary
27 sewer to be constructed non-parallel to the centerline of the street; allow lot lines non-
28 perpendicular to the right-of-way; allow lots that do not front upon a public street or private
29 roadway; and adjust the location of the sign allowed at the entrance into the O-3.

1 2. Final plats within the area of this use permit shall be approved by the City.
2 If any final plat on all or a portion of the approved use permit is submitted five (5) years or more
3 after the approval of the use permit, the City may require that a new use permit be submitted,
4 pursuant to all the provisions of section 26.31.015. A new use permit may be required if the
5 subdivision ordinance, the design standards, or the required improvements have been amended
6 by the City; and as a result, the use permit as originally approved does not comply with the
7 amended rules and regulations.

8 3. The Planning Director may approve a final plat provided the Permittee, as
9 Subdivider, enters into an agreement with City wherein Permittee agrees:

- 10 a. to complete the street paving of public streets shown on the final
11 plat within two (2) years following the approval of the final plat.
- 12 b. to complete the installation of sidewalks along both sides of the
13 streets as shown on the final plat within four (4) years following
14 the approval of the final plat.
- 15 c. to complete the public water distribution system to serve this plat
16 within two (2) years following the approval of the final plat.
- 17 d. to complete the public wastewater collection system to serve this
18 plat within two (2) years following the approval of the final plat.
- 19 e. to complete the enclosed public drainage facilities shown on the
20 approved drainage study to serve this plat within two (2) years
21 following the approval of the final plat.
- 22 f. to complete the enclosed private drainage facilities shown on the
23 approved drainage study to serve this plat within two (2) years
24 following the approval of the final plat.
- 25 g. to complete the installation of public street lights within this plat
26 within two (2) years following the approval of the final plat.
- 27 h. to complete the planting of the street trees along both sides of all
28 streets within four (4) years following the approval of the final plat.
- 29 i. to complete the installation of the street name signs within two (2)
30 years following the approval of the final plat.
- 31

- 1 j. to complete any other public or private improvement or facility
2 required by Chapter 26.23 (Development Standards) of the Land
3 Subdivision Ordinance in a timely manner which inadvertently may
4 have been omitted from the above list of required improvements.
- 5 k. to submit to the Director of Public Works a plan showing proposed
6 measures to control sedimentation and erosion and the proposed
7 method to temporarily stabilize all graded land for approval.
- 8 l. to complete the public and private improvements shown on the
9 Use Permit.
- 10 m. to retain ownership of or the right of entry to the outlots in order to
11 maintain the outlots and private improvements on a permanent
12 and continuous basis and to maintain the plants in the medians and
13 islands on a permanent and continuous basis. However, the
14 subdivider may be relieved and discharged of this maintenance
15 obligation upon creating, in writing, a permanent and continuous
16 association of property owners who would be responsible for said
17 permanent and continuous maintenance. The subdivider shall not
18 be relieved of such maintenance obligation until the private
19 improvements have been satisfactorily installed and the
20 documents creating the association have been reviewed and
21 approved by the City Attorney and filed of record with the Register
22 of Deeds.
- 23 n. to continuously and regularly maintain the street trees along the
24 private roadways and landscape screens.
- 25 o. to submit to the lot buyers and home builders a copy of the soil
26 analysis.
- 27 p. to pay all design, engineering, labor, material, inspection, and
28 other improvement costs.
- 29 q. to comply with the provisions of the Land Preparation and Grading
30 requirements of the Land Subdivision Ordinance.
- 31 r. to protect the trees that are indicated to remain during
32 construction and development.
- 33 s. to properly and continuously maintain and supervise the private
34 facilities which have common use or benefit, and to recognize that
35 there may be additional maintenance issues or costs associated
36 with providing for the proper functioning of storm water
37 detention/retention facilities as they were designed and
38 constructed within the development, and that these are the
39 responsibility of the Subdivider.
- 40 t. to relinquish the right of direct vehicular access to South 91st
41 Street except as shown.

- 1 4. Prior to the approval of a final plat:
- 2 a. The Permittee shall submit five copies of a revised site plan
- 3 showing the following revisions to the Planning Department office
- 4 for review and approval.
- 5 i. Delete General Notes # 15, 16, 18, 25, 29, and 33.
- 6 ii. Show continuous sidewalks in front of all buildings
- 7 connecting to sidewalks in Andermatt Drive and South 91st
- 8 Street.
- 9 iii. Show easements per L.E.S. review.
- 10 iv. Provide a summary of trip generation allocation that
- 11 includes all development subject to AN#01006.
- 12 v. Delete all references to PUD.
- 13 vi. Show screening per R-T district along the boundary
- 14 between the O-3 and R-3 districts, and add a general site
- 15 note that states required screening shall be provided at
- 16 time of final plats.
- 17 vii. Revise General Note #15 to state "LOT DIMENSIONS
- 18 ARE APPROXIMATE AND MAY VARY AT TIME OF
- 19 FINAL PLAT."
- 20 viii. Revise General Note #24 to state ".....IN ACCORDANCE
- 21 WITH LINCOLN MUNICIPAL CODE TITLE 27."
- 22 ix. Revise General Note #26 by deleting "AS AMENDED BY
- 23 THE SOUTHLAKE REGULATORY MODIFICATIONS."
- 24 x. Revise General Note #28 to read as ".....STREET TREES
- 25 AND REQUIRED LANDSCAPE SCREENS TO BE
- 26 REVIEWED....."
- 27 xi. Separate General Notes #15, 30, 35, 37, 38, 39, 43, and
- 28 47 into a separate table labeled 'Waivers'.
- 29 xii. Provide enhanced screening along the O-3/R-3 boundary
- 30 consistent with the screening requirement for the R-T
- 31 district.
- 32 xiii. Show Andermatt Drive aligned to the satisfaction of Public
- 33 Works and Utilities.

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2006:

Mayor