

Waiver 09006

RESOLUTION NO. A-_____

1 WHEREAS, the Kansas-Nebraska Association of Seventh Day Adventists
 2 (“Owner”) for the New Creation Church has requested a waiver of the surfacing requirements for
 3 a parking lot on property generally located at the northeast corner of South Coddington Ave.
 4 and West Old Cheney Road and legally described as:

5 The southern 20 acres +/- of Lot 2, Potter’s Pocket 1st Addition,
 6 Lincoln, Lancaster County, Nebraska;

7 WHEREAS, the City Council finds that:

- 8 a. The parking lot for which the waiver of the surfacing requirement is
 9 requested is to be used in conjunction with a nonprofit religious institution;
- 10 b. Alternate materials or techniques will be utilized which provide reasonable
 11 control of dust, runoff, and safe circulation; and
- 12 c. The location of the parking lot is a sufficient distance from surrounding
 13 uses so that it will not adversely affect the surrounding uses, and the frequency of use of the
 14 parking lot is so low that compliance with the surfacing requirements at the present time would
 15 cause undue economic hardship upon the Owner as compared with minimal impact upon the
 16 surrounding land uses.

17 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
 18 Lincoln, Nebraska:

19 In consideration of the findings made above, the requirement for the paving of
 20 the parking lot for the New Creation Church located at the northeast corner of South Coddington
 21 Ave. and West Old Cheney Road on property legally described above is hereby temporarily
 22 waived pursuant to § 27.67.100(c) of the Lincoln Municipal Code under the following conditions:

1 1. This approval waives the requirement to pave the parking lot for four
2 years.

3 2. Before commencing use of the parking lot, all development and
4 construction must substantially comply with the approved plans.

5 3. The terms, conditions, and requirements of this resolution shall run with
6 the land and be binding on the Owner, its successors and assigns.

7 4. The Owner shall sign and return the letter of acceptance to the City Clerk
8 within 60 days following the approval of the waiver, provided however, said 60-day period may
9 be extended up to six months by administrative amendment. The City Clerk shall file a copy of
10 the resolution approving the waiver and the letter of acceptance with the Register of Deeds,
11 filing fees therefor to be paid in advance by the Owner.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2009:

Mayor