

RESOLUTION NO. A-_____
PRELIMINARY PLAT NO. 16008

1 WHEREAS, Southwest Folsom Development LLC has submitted an application
2 designated as Preliminary Plat No. 16008 for a new preliminary plat on approximately 48.41
3 acres of property, with waivers to allow block lengths greater than 1,000 feet without a
4 pedestrian way for Blocks 1, 3, 7, and 8 and to allow block length greater than 1,320 feet for
5 Block 8, on property generally located at South Folsom Street and West Denton Road and
6 legally described as:

7 Lot 33 I.T., located in the Southwest Quarter of Section 15,
8 Township 9 North, Range 6 East of the 6th P.M., Lincoln,
9 Lancaster County, Nebraska;

10 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public
11 hearing on January 18, 2017 on said application and adopted Resolution No. PC-01535
12 approving the same; and

13 WHEREAS, Jon Wilbeck, James Urbauer, Michael and Annata Sullivan, Heidi Wright,
14 Larry D. Frahm, Matthew L. Thomas, and Jody P. Kranenzel have filed Notices of Appeal
15 appealing the action of the Planning Commission approving Preliminary Plat No. 16008; and

16 WHEREAS, pursuant to Lincoln Municipal Code § 27.27.080(g), the action appealed
17 from is deemed advisory and the City Council is authorized to take final action on the application
18 for Preliminary Plat No. 16008; and

1 WHEREAS, the community as a whole, the surrounding neighborhood, and the real
2 property adjacent to the area included within the site plan for this new preliminary plat will not be
3 adversely affected by granting such a permit; and

4 WHEREAS, said site plan together with the terms and conditions hereinafter set forth
5 are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and
6 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
7 general welfare.

8 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
9 Nebraska:

10 That the application of Southwest Folsom Development LLC, hereinafter referred to as
11 “Permittee”, for a new preliminary plat on approximately 48.41 acres of property, with waivers to
12 allow block lengths greater than 1,000 feet without a pedestrian way for Blocks 1, 3, 7, and 8
13 and to allow block length greater than 1,320 feet for Block 8, on the property described above,
14 be and the same is hereby accepted and approved subject to the following terms and
15 conditions:

16 1. This permit approves a new preliminary plat on approximately 48.41 acres of
17 property and approval of the following waivers:

- 18 a. Allow block lengths greater than 1,000 feet without a pedestrian way for
19 Blocks 1, 3, 7, and 8.
- 20 b. Allow block length greater than 1,320 feet for Block 8.

21 2. After the Subdivider completes the following instructions and submits the
22 documents and plans and 3 copies to the Planning Department office, the preliminary plat will
23 be signed by the Chair of the Planning Commission certifying approval:

- 24 a. Revise the preliminary plat as follows:
 - 25 i. Move any unique information shown on the Site Plan Sheet to the
26 Cover Sheet so the Site Plan Sheet can be eliminated.
 - 27 ii. Truman Lane is shown as both an east-west and a north-south
28 street, but it cannot be both. Re-name one of the segments.

- 1 i. to complete the street paving of public streets, and temporary
2 turnarounds and barricades located at the temporary dead-end of
3 the streets shown on the final plat within two (2) years following
4 the approval of this final plat.
- 5 ii. to complete the installation of sidewalks along both sides of
6 streets as shown on the final plat within four (4) years following
7 the approval of this final plat.
- 8 iii. to construct the sidewalk in the pedestrian way easement in Block
9 7 at the same time as the adjacent streets are paved and to agree
10 that no building permit shall be issued for construction on these
11 blocks until such time as the sidewalk in the pedestrian way
12 easement is constructed.
- 13 iv. to complete the public water distribution system to serve this plat
14 within two (2) years following the approval of this final plat.
- 15 v. to complete the public wastewater collection system to serve this
16 plat within two (2) years following the approval of this final plat.
- 17 vi. to complete the enclosed public drainage facilities shown on the
18 approved drainage study to serve this plat within two (2) years
19 following the approval of this final plat.
- 20 vii. to complete land preparation including storm water
21 detention/retention facilities and open drainageway improvements
22 to serve this plat prior to the installation of utilities and
23 improvements but not more than two (2) years following the
24 approval of this final plat.
- 25 viii. to complete the installation of public street lights along all streets
26 within this plat within two (2) years following the approval of this
27 final plat.
- 28 ix. to complete the planting of the street trees along all streets within
29 this plat within six (6) years following the approval of this final plat.
- 30 x. to complete the planting of the landscape screen within this plat
31 within two (2) years following the approval of this final plat.
- 32 xi. to complete the installation of the street name signs within two (2)
33 years following the approval of this final plat.
- 34 xii. to complete the installation of the permanent markers prior to
35 construction on or conveyance of any lot in the plat.
- 36 xiii. to timely complete any other public or private improvement or
37 facility required by Chapter 26.23 (Development Standards) of the
38 Land Subdivision Ordinance which have not been waived but
39 which inadvertently may have been omitted from the above list of
40 required improvements.

- 1 xiv. to submit to the Director of Public Works a plan showing proposed
2 measures to control sedimentation and erosion and the proposed
3 method to temporarily stabilize all graded land for approval.
- 4 xv. to comply with the provisions of the Land Preparation and Grading
5 requirements of the Land Subdivision Ordinance.
- 6 xvi. to complete the public and private improvements shown on the
7 preliminary plat.
- 8 xvii. to keep taxes and special assessments on the outlots from
9 becoming delinquent.
- 10 xviii. to maintain the outlots and private improvements in a condition as
11 near as practical to the original construction on a permanent and
12 continuous basis.
- 13 xix. to maintain the landscape screens on a permanent and
14 continuous basis.
- 15 xx. to maintain the sidewalk in the pedestrian way easement in Block
16 7 and all of its elements in a condition as near as practical to the
17 original or as constructed condition in order to provide the user
18 with a safe and convenient facility on a permanent and continuous
19 basis.
- 20 xxi. to maintain and supervise the private improvements which have
21 common use or benefit in a condition as near as practical to the
22 original construction on a permanent and continuous basis, and to
23 recognize that there may be additional maintenance issues or
24 costs associated with providing for the proper functioning of storm
25 water detention/retention facilities as they were designed and
26 constructed within the development and that these are the
27 responsibility of the land subdivider.
- 28 xxii. to retain ownership of and the right of entry to the outlots in order
29 to perform the above-described maintenance of the outlots and
30 private improvements on a permanent and continuous basis.
31 However, Subdivider(s) may be relieved and discharged of such
32 maintenance obligations upon creating in writing a permanent and
33 continuous association of property owners who would be
34 responsible for said permanent and continuous maintenance
35 subject to the following conditions:
- 36 (1) Subdivider shall not be relieved of Subdivider's
37 maintenance obligation for each specific private
38 improvement until a register professional engineer or
39 nurseryman who supervised the installation of said private
40 improvement has certified to the City that the improvement
41 has been installed in accordance with approved plans.

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(2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

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

xxiv. to relinquish the right of direct vehicular access to South Folsom Street.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2017:

Mayor