

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1999A

1 WHEREAS, Lincoln Federal Bancorp, Inc. has submitted an application designated as
2 Special Permit No. 1999A for authority to amend Wilderness Hills Community Unit Plan to
3 adjust the rear setback to zero feet for Lots 9-23, Block 2; adjust the rear setback to five feet for
4 Lots 8-34, Block 7; waive the maximum lot width to depth ratio; waive the minimum lot depth;
5 and to allow double frontage lots for an attached single family and town home development of
6 approximately 66 units between Wilderness Hills Boulevard and Whispering Wind Boulevard,
7 on property located northeast of the intersection of South 27th Street and Whispering Wind
8 Boulevard, and legally described to wit:

9 Lots 5, 14, and 15, and portions of Lots 12, 16, 17, 20, 36, 37, 38,
10 and 39, Irregular Tracts, located in the Northwest and Southwest
11 Quarters of Section 30, Township 9 North, Range 7 East of the
12 6th P.M., Lancaster County, Nebraska and being more particularly
13 described as follows:

14 Referring to the north quarter corner of said Section 30; thence on
15 the north line of said Section 30, south 88 degrees 46 minutes 00
16 seconds west, 99.88 feet; thence south 01 degrees 14 minutes 00
17 seconds east, 50.00 feet to the point of beginning; thence south
18 00 degrees 09 minutes 12 seconds east, 162.04 feet; thence
19 south 08 degrees 06 minutes 52 seconds west, 135.60 feet;
20 thence southerly on a 2,030.00 foot radius curve to the right, an
21 arc length of 891.45 feet (long chord bears south 12 degrees 25
22 minutes 37 seconds west, 884.31 feet); thence south 25 degrees
23 00 minutes 27 seconds west, 151.66 feet; thence south 69
24 degrees 21 minutes 56 seconds east, 11.75 feet; thence south 20
25 degrees 38 minutes 04 seconds west, 87.05 feet; thence north 68
26 degrees 48 minutes 48 seconds west, 5.00 feet; thence north 69
27 degrees 21 minutes 56 seconds west, 10.70 feet; thence westerly
28 on a 2,558.00 foot radius curve to the left, an arc length of 771.00
29 feet (long chord bears north 78 degrees 00 minutes 00 seconds
30 west, 768.08 feet); thence south 13 degrees 28 minutes 51
31 seconds east, 221.71 feet; thence south 12 degrees 35 minutes
32 31 seconds east, 83.37 feet; thence south 02 degrees 58 minutes
33 55 seconds east, 79.47 feet; thence south 00 degrees 07 minutes

1 52 seconds east, 558.72 feet; thence south 89 degrees 56
2 minutes 50 seconds west, 120.00 feet; thence south 00 degrees
3 07 minutes 52 seconds east, 15.60 feet; thence south 89 degrees
4 52 minutes 08 seconds west, 360.00 feet; thence north 00
5 degrees 07 minutes 52 seconds west, 5.02 feet; thence south 89
6 degrees 52 minutes 08 seconds west, 120.00 feet; thence south
7 00 degrees 07 minutes 52 seconds east, 489.87 feet; thence
8 westerly on a 1,970.00 foot radius curve to the left, an arc length
9 of 77.65 feet (long chord bears south 83 degrees 06 minutes 17
10 seconds west, 77.65 feet); thence south 81 degrees 58 minutes
11 32 seconds west, 319.63 feet; thence south 80 degrees 07
12 minutes 47 seconds west, 303.80 feet; thence north 89 degrees
13 57 minutes 32 seconds west, 220.27 feet; thence north 00
14 degrees 00 minutes 43 seconds west, 102.16 feet; thence north
15 00 degrees 02 minutes 55 seconds west, 1,352.52 feet; thence
16 north 89 degrees 56 minutes 47 seconds east, 263.56 feet;
17 thence easterly on a 400.00 foot radius curve to the left, an arc
18 length of 104.72 feet (long chord bears north 82 degrees 20
19 minutes 48 seconds east, 104.42 feet); thence north 74 degrees
20 50 minutes 48 seconds east, 296.69 feet; thence easterly on a
21 1,286.72 foot radius curve to the right, an arc length of 325.25
22 feet (long chord bears north 82 degrees 36 minutes 18 seconds
23 east, 324.38 feet); thence north 89 degrees 50 minutes 47
24 seconds east, 305.69 feet; thence easterly on a 2,600.00 foot
25 radius curve to the right, an arc length of 361.29 feet (long chord
26 bears south 86 degrees 10 minutes 21 seconds east, 361.00
27 feet); thence north 17 degrees 23 minutes 24 seconds east,
28 419.85 feet; thence northerly on a 530.00 foot radius curve to the
29 left, an arc length of 162.28 feet (long chord bears north 08
30 degrees 37 minutes 06 seconds east, 161.65 feet); thence north
31 00 degrees 09 minutes 12 seconds west, 619.62 feet; thence
32 north 88 degrees 46 minutes 00 seconds east, 707.81 feet to the
33 point of beginning; containing 2,783,855.63 square feet (63.91
34 acres) more or less;

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

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

40 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
41 Nebraska:

1 That the application of Lincoln Federal Bancorp, Inc., hereinafter referred to as
2 "Permittee", to amend Wilderness Hills Community Unit Plan to adjust the rear setback to zero
3 feet for Lots 9-23, Block 2; adjust the rear setback to five feet for Lots 8-34, Block 7; waive the
4 maximum lot width to depth ratio; waive the minimum lot depth; and to allow double frontage
5 lots for an attached single family and town home development of approximately 66 units
6 between Wilderness Hills Boulevard and Whispering Wind Boulevard, on the property legally
7 described above, be and the same is hereby granted under the provisions of Section 27.63.320
8 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and
9 operation of said community unit plan be in strict compliance with said application, the site plan,
10 and the following additional express terms, conditions, and requirements:

11 1. This permit approves the amendment to the Wilderness Hills CUP to adjust the
12 rear setback to zero feet for Lots 9-23, Block 2 and to five feet for Lots 8-34, Block 7, to waive
13 the minimum lot depth for Lot 8, Block 2, and to allow Lots 1-5, Block 2 to have double frontage.

14 2. Final plats will be approved by the Planning Director after:

15 a. The Subdivider has completed or posted a surety to guarantee the
16 completion of the public streets, private roadway improvements,
17 sidewalks, sanitary sewer system, water system, drainage facilities, land
18 preparation and grading, sediment and erosion control measures, storm
19 water detention/retention facilities, drainage way improvements, street
20 lights, landscaping screens, street trees, temporary turnarounds and
21 barricades, and street name signs.

22 b. The Subdivider has posted a security to guarantee the required impact
23 fee facility contributions required pursuant to the Annexation Agreement.

24 c. The Subdivider has signed an agreement that binds the Subdivider and
25 Subdivider's successors and assigns:

- 1 i. To complete the street paving of public streets shown on the final
2 plat within two (2) years following the approval of the final plat.
- 3 ii. To complete the paving of private roadways shown on the final
4 plat within two (2) years following the approval of this final plat.
5
- 6 iii. To complete the installation of sidewalks along both sides of the
7 streets as shown on the final plat within four (4) years following
8 the approval of the final plat.
- 9 iv. To construct the sidewalk in the pedestrian way easements in
10 Outlots C and D at the same time as Keystone Drive is paved and
11 to agree that no building permit shall be issued for construction on
12 Lot 9, Block 2 and Lot 8, Block 7 until such time as the sidewalk in
13 the pedestrian way easement is constructed.
- 14 v. To complete the public water distribution system to serve this plat
15 within two (2) years following the approval of the final plat.
- 16 vi. To complete the public wastewater collection system to serve this
17 plat within two (2) years following the approval of the final plat.
18
- 19 vii. 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 viii. 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 ix. To complete land preparation including storm water
26 detention/retention facilities and open drainageway improvements
27 to serve this plat prior to the installation of utilities and
28 improvements but not more than two (2) years following the
29 approval of the final plat
- 30 x. To complete the installation of public street lights within this plat
31 within two (2) years following the approval of the final plat.
- 32 xi. To complete the installation of private street lights within this plat
33 within two (2) years following the approval of the final plat.
- 34 xii. To complete the planting of the street trees within this plat within
35 four (4) years following the approval of the final plat.
- 36 xiii. To complete the planting of the landscape screen within this plat
37 within two (2) years following the approval of the final plat.
- 38 xiv. To complete the installation of the street name signs within two (2)
39 years following the approval of the final plat.

- 1 xv. To timely complete any other public or private improvement or
2 facility required by Chapter 26.23 (Development Standards) of the
3 Land Subdivision Ordinance which has not been waived, but
4 inadvertently may have been omitted from the above list of
5 required improvements.
- 6 xvi. To submit to the Director of Public Works a plan showing
7 proposed measures to control sedimentation and erosion and the
8 proposed method to temporarily stabilize all graded land for
9 approval.
- 10 xvii. To complete the public and private improvements shown on the
11 Community Unit Plan.
- 12 xviii. To retain ownership of or the right of entry to the outlots in order
13 to maintain the outlots and private improvements on a permanent
14 and continuous basis and to maintain the plants in the medians
15 and islands on a permanent and continuous basis. However, the
16 subdivider may be relieved and discharged of this maintenance
17 obligation upon creating, in writing, a permanent and continuous
18 association of property owners who would be responsible for said
19 permanent and continuous maintenance. The subdivider shall not
20 be relieved of such maintenance obligation until the private
21 improvements have been satisfactorily installed and the
22 documents creating the association have been reviewed and
23 approved by the City Attorney and filed of record with the Register
24 of Deeds.
- 25 xix. To continuously and regularly maintain the street trees along the
26 private roadways and landscape screens.
- 27 xx. To submit to the lot buyers and home builders a copy of the soil
28 analysis.
- 29 xxi. To pay all design, engineering, labor, material, inspection, and
30 other improvement costs
- 31 xxii. To comply with the provisions of the Land Preparation and
32 Grading requirements of the Land Subdivision Ordinance.
- 33 xxiii. To perpetually maintain the sidewalks in the pedestrian way
34 easements on Outlots C and D at their own cost and expense.
- 35 xxiv. To properly and continuously maintain and supervise the private
36 facilities which have common use or benefit, and to recognize that
37 there may be additional maintenance issues or costs associated
38 with providing for the proper functioning of storm water
39 detention/retention facilities as they were designed and
40 constructed within the development, and that these are the
41 responsibility of the Subdivider.

- 1 xxv. To relinquish the right of direct vehicular access to South 27th
2 Street and Yankee Hill Road except as shown on the plat.
- 3 3. Before receiving building permits:
- 4 a. The Permittee must submit an acceptable, revised and
5 reproducible final plan including five copies.
- 6 b. The construction plans must conform to the approved plans.
- 7 c. Final plats within this community unit plan must be approved by
8 the City.
- 9 4. Before occupying the dwelling units all development and construction
10 must be completed in conformance with the approved plans.
- 11 5. All privately-owned improvements must be permanently maintained by
12 the Permittee or an appropriately established association of property owners approved by the
13 City Attorney.
- 14 6. The site plan approved by this permit shall be the basis for all
15 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
16 elements, and similar matters.
- 17 7. The terms, conditions, and requirements of this resolution shall be
18 binding and obligatory upon the Permittee, its successors, and assigns. The building official
19 shall report violations to the City Council which may revoke the special permit or take such
20 other action as may be necessary to gain compliance.
- 21 8. The Permittee shall sign and return the City's letter of acceptance to the
22 City Clerk within 30 days following approval of the special permit, provided, however, said 30-
23 day period may be extended up to six months by administrative amendment. The City Clerk
24 shall file a copy of the resolution approving the special permit and the letter of acceptance with
25 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

1 9. The site plan as approved with this resolution voids and supersedes all
2 previously approved site plans, however all resolutions approving previous permits remain in
3 force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005:

Mayor