

RESOLUTION NO. A-\_\_\_\_\_

SPECIAL PERMIT NO. 1995

1           WHEREAS, Charles Gary Gately, Trustee, and Highway 15, Inc. have  
2 submitted an application designated as Special Permit No. 1995 for authority to develop  
3 Hub Hall Heights Community Unit Plan for 869 dwelling units on property generally located  
4 northeast of N.W. 48th Street and W. Holdrege Street, and legally described to wit:

5  
6           Lot 14 and a portion of Lot 32 I.T., located in the Southeast  
7 Quarter of Section 18, Township 10 North, Range 6 East of the  
8 6th P.M., Lincoln, Lancaster County, Nebraska and wholly  
9 described as follows:

10           Referring to the southwest corner of the Southeast Quarter of  
11 said Section 18; thence in a northerly direction, along the west  
12 line of the Southeast Quarter of said Section 18, on an  
13 assumed bearing of north 00 degrees 45 minutes 21 seconds  
14 west, for a distance of 846.58 feet to the point of beginning;  
15 thence continuing in a northerly direction, along the west line  
16 of the Southeast Quarter of said Section 18, on an assumed  
17 bearing of north 00 degrees 45 minutes 21 seconds west, for  
18 a distance of 1502.37 feet to the northwest corner of said Lot  
19 32; thence north 88 degrees 49 minutes 52 seconds east  
20 along the north line of said Lot 32, for a distance of 2639.59  
21 feet to the northeast corner of said Lot 32; thence south 00  
22 degrees 50 minutes 46 seconds east along the east line of the  
23 Southeast Quarter of said Section 18, for a distance of  
24 2347.52 feet to the southeast corner of the Southeast Quarter  
25 of said Section 18; thence south 88 degrees 48 minutes 02  
26 seconds west along the south line of the Southeast Quarter of  
27 said Section 18, for a distance of 1644.57 feet; thence north 01  
28 degrees 11 minutes 58 seconds west, for a distance of 98.76  
29 feet; thence north 55 degrees 35 minutes 05 seconds west, for  
30 a distance of 90.94 feet; thence north 38 degrees 08 minutes  
31 59 seconds west, for a distance of 90.94 feet; thence north 20  
32 degrees 42 minutes 53 seconds west, for a distance of 90.94  
33 feet; thence north 04 degrees 39 minutes 24 seconds west, for

1 a distance of 81.24 feet; thence north 73 degrees 00 minutes  
2 50 seconds west, for a distance of 76.38 feet; thence north 64  
3 degrees 18 minutes 00 seconds west, for a distance of 73.59  
4 feet; thence north 61 degrees 12 minutes 11 seconds west, for  
5 a distance of 241.00 feet; thence north 28 degrees 47 minutes  
6 49 seconds east, for a distance of 110.00 feet; thence north 61  
7 degrees 12 minutes 11 seconds west, for a distance of 50.00  
8 feet; thence south 28 degrees 47 minutes 49 seconds west, for  
9 a distance of 110.00 feet; thence north 61 degrees 12 minutes  
10 11 seconds west, for a distance of 247.65 feet; thence north  
11 50 degrees 02 minutes 26 seconds west, for a distance of  
12 86.46 feet; thence north 35 degrees 50 minutes 24 seconds  
13 west, for a distance of 86.53 feet; thence south 89 degrees 14  
14 minutes 39 seconds west, for a distance of 109.34 feet to the  
15 point of beginning; said property contains 129.81 acres, more  
16 or less;

17  
18 WHEREAS, the real property adjacent to the area included within the site  
19 plan for this community unit plan will not be adversely affected; and

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

23 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
24 Lincoln, Nebraska:

25 That the application of Charles Gary Gately, Trustee, and Highway 15, Inc.,  
26 hereinafter referred to as "Permittee", to develop Hub Hall Heights Community Unit Plan  
27 for 869 dwelling units, on the property legally described above, be and the same is hereby  
28 granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln  
29 Municipal Code upon condition that construction and operation of said community unit plan  
30 be in strict compliance with said application, the site plan, and the following additional  
31 express terms, conditions, and requirements:

- 32 1. This permit approves a community unit plan consisting of 869 dwelling

1 units.

2 2. Before receiving building permits:

3 a. The Permittee must submit a revised and reproducible plan.

4 b. The construction plans must conform to the approved plans.

5 c. Final plans within the area of this special permit must be  
6 approved by the City.

7 4. Before occupying the dwelling units, all development and construction  
8 must be completed in conformance with the approved plans.

9 5. All privately-owned improvements must be permanently maintained  
10 by the Permittee or an appropriately established homeowners association approved by the  
11 City Attorney.

12 6. The site plan approved by this permit shall be the basis for all  
13 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
14 elements, and similar matters.

15 7. The terms, conditions, and requirements of this resolution shall be  
16 binding and obligatory upon the Permittee, their successors, and assigns. The building  
17 official shall report violations to the City Council which may revoke the special permit or  
18 take such other action as may be necessary to gain compliance.

19 8. The Permittee shall sign and return the City's letter of acceptance to  
20 the City Clerk within 30 days following approval of the special permit, provided, however,  
21 said 30-day period may be extended up to six months by administrative amendment. The  
22 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
23 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the

1 Permittee.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2003:

\_\_\_\_\_  
Mayor