

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1998

1 WHEREAS, MJM Realty Trust Group has submitted an application
 2 designated as Special Permit No. 1998 for authority to construct a recreational facility with
 3 11 indoor tennis courts, 12 outdoor tennis courts, fitness/exercise area, gymnasium, lap
 4 pool, children’s learning center, pro shop, and concession area on property located at
 5 southeast of the intersection of South 84th and South Streets, and legally described to wit:

6 Lot 26 I.T., located in the West Half of the Southwest Quarter
 7 and the Southwest Quarter of the Northwest Quarter of Section
 8 35, Township 10 North, Range 7 East of the 6th P.M.,
 9 Lancaster County, Nebraska and more particularly described
 10 as follows:

11 Referring to the northwest corner of the West Half of the
 12 Southwest Quarter of said Section 35; thence in an easterly
 13 direction, along the north line of the West Half of the
 14 Southwest Quarter of said Section 35, for a distance of 50.00
 15 feet to the point of beginning; thence in a southerly direction,
 16 along the easterly 50.00 foot right-of-way line of South 84th
 17 Street, on an assumed bearing of south 00 degrees 35
 18 minutes 21 seconds east, for a distance of 79.67 feet to a point
 19 on the northerly 33.00 foot right-of-way line of South Street;
 20 thence south 89 degrees 37 minutes 53 seconds east, along
 21 the northerly 33.00 foot right-of-way line of South Street, for a
 22 distance of 174.92 feet; thence continuing along the northerly
 23 33.00 foot right-of-way line of South Street, on a curve to the
 24 left having a radius of 731.49 feet and an arc length of 229.63
 25 feet, being subtended by a chord of north 81 degrees 22
 26 minutes 32 seconds east, for a distance of 228.69 feet; thence
 27 north 72 degrees 22 minutes 56 seconds east, along the
 28 northerly 33.00 foot right-of-way line of South Street, for a
 29 distance of 35.32 feet; thence south 89 degrees 37 minutes 53
 30 seconds east, parallel to and 33.00 feet south of the north line
 31 of the West Half of the Southwest Quarter of said Section 35,
 32 for a distance of 329.50 feet to a point on the southerly 33.00

1 foot right-of-way line of South Street; thence along the
2 southerly 33.00 foot right-of-way line of South Street, on a
3 curve to the left having a radius of 731.49 feet and an arc
4 length of 229.63 feet, being subtended by a chord of south 81
5 degrees 22 minutes 32 seconds west, for a distance of 228.69
6 feet; thence south 72 degrees 22 minutes 56 seconds west,
7 along the southerly 33.00 foot right-of-way line of South Street,
8 for a distance of 122.84 feet; thence continuing on the
9 southerly 33.00 foot right-of-way line of South Street on a
10 curve to the right having a radius of 797.49 feet and an arc
11 length of 250.35 feet, being subtended by a chord of south 81
12 degrees 22 minutes 32 seconds west, for a distance of 249.32
13 feet; thence north 89 degrees 37 minutes 53 seconds west, for
14 a distance of 173.82 feet to a corner of said Lot 26; thence
15 south 00 degrees 35 minutes 21 seconds east, along the
16 easterly 50.00 foot right-of-way line of South 84th Street, for a
17 distance of 525.33 feet to the southwest corner of said Lot 26;
18 thence south 89 degrees 43 minutes 24 seconds east, along
19 the south line of said Lot 26, for a distance of 1275.66 feet to
20 the southeast corner of said Lot 26; thence north 00 degrees
21 28 minutes 39 seconds west, along the east line of the West
22 Half of the Southwest Quarter of said Section 35, for a
23 distance of 668.94 feet to the northeast corner of the West
24 Half of the Southwest Quarter of said Section 35; thence north
25 89 degrees 37 minutes 53 seconds west, along the north line
26 of the West Half of the Southwest Quarter of said Section 35,
27 for a distance of 731.79 feet to a corner of said Lot 26; thence
28 north 00 degrees 03 minutes 53 seconds west, for a distance
29 of 33.00 feet to a corner of said Lot 26; thence north 89
30 degrees 37 minutes 53 seconds west, along the north line of
31 said Lot 26, for a distance of 545.21 feet to the northwest
32 corner of said Lot 26; thence south 00 degrees 03 minutes 53
33 seconds east, along the easterly 50.00 foot right-of-way line of
34 South 84th Street, for a distance of 33.00 feet to the point of
35 beginning; said property contains 19.19 acres, more or less;

36 WHEREAS, the real property adjacent to the area included within the site
37 plan for this recreational facility will not be adversely affected; and

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

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
2 Lincoln, Nebraska:

3 That the application of MJM Realty Trust Group, hereinafter referred to as
4 "Permittee", to construct a recreational facility with 11 indoor tennis courts, 12 outdoor
5 tennis courts, fitness/exercise area, gymnasium, lap pool, children's learning center, pro
6 shop, and concession area, on the property legally described above, be and the same is
7 hereby granted under the provisions of Section 27.63.130 of the Lincoln Municipal Code
8 upon condition that construction and operation of said recreational facility be in strict
9 compliance with said application, the site plan, and the following additional express terms,
10 conditions, and requirements:

11 1. This permit approves a recreational facility consistent with the revised
12 site plan with a waiver to the height restriction to 52 feet.

13 2. Revise the site plan to show:

- 14 a. Sidewalks along both sides of that portion of South Street to be
15 improved, and along the west side of the driveway to connect
16 the sidewalk along South Street with the internal sidewalk
17 system.
- 18 b. The building setback a minimum of 100' from all property lines.
- 19 c. Increased screening along the south and east property lines
20 consistent with the City of Lincoln Design Standards for
21 multiple-family dwellings approved by special permit, but with
22 trees planted in staggered, double rows.
- 23 d. A signed surveyor's certificate.
- 24 e. Street trees planted along South 84th Street per Parks and
25 Recreation Department review. The tree species and quantity
26 of trees to be removed must also be shown.
- 27 f. Deletion of Notes #5 and #7 from Sheet 1 and 3 relating to

1 municipal water service and to the rear setback waiver,
2 respectively.

3 g. Add a note stating that indoor and outdoor tennis court lights
4 shall be turned off between the hours of 10:00 p.m. and 6:00
5 a.m.

6 h. The easements requested by the LES review dated January 3,
7 2003.

8 i. All required paved parking areas based upon the parking
9 requirements for the number of tennis courts and the size of
10 pool proposed.

11 3. Submit a revised grading and drainage plan approved by Public Works
12 and Utilities. Of particular concern is the height of the fill in the south and east areas of the
13 site.

14 4. Provide traffic impact information requested by Public Works and
15 Utilities and make any revisions required by that information.

16 5. Before receiving building permits:

17 a. The Permittee must submit a revised, acceptable, final plan
18 including five copies.

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

20 6. Before occupying the recreational facility all development and
21 construction must be completed in conformance with the approved plans.

22 7. The site plan approved by this permit shall be the basis for all
23 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
24 elements, and similar matters.

25 8. The terms, conditions, and requirements of this resolution shall be
26 binding and obligatory upon the Permittee, its successors, and assigns. The building
27 official shall report violations to the City Council which may revoke the special permit or

1 take such other action as may be necessary to gain compliance.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor