

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 2011

1 WHEREAS, Andermatt, L.L.C. has submitted an application designated
 2 as Special Permit No. 2011 for authority to construct an early childhood care facility with
 3 associated waivers on property generally located northeast of the intersection of South
 4 91st Street and Heritage Lakes Drive, and legally described to wit:

5 A portion of Lot 98 I.T. located in the Northeast Quarter of
 6 Section 23, Township 9 North, Range 7 East of the 6th P.M.,
 7 Lincoln, Lancaster County, Nebraska, more particularly
 8 described as follows:

9 Commencing at the northeast corner of said Lot 98 I.T.;
 10 thence on an assumed bearing of south 00 degrees 54
 11 minutes 48 seconds east along the east line of said Lot 98
 12 I.T., a distance of 878.11 feet to an east corner of said Lot
 13 98 I.T.; thence south 19 degrees 17 minutes 46 seconds
 14 east along an east line of said Lot 98 I.T., a distance of
 15 73.13 feet to a point; thence along a curve in a counter
 16 clockwise direction, having a radius of 431.35 feet, arc
 17 length of 64.38 feet, delta angle of 08 degrees 33 minutes
 18 08 seconds, a chord bearing of north 77 degrees 45 minutes
 19 16 seconds west, and a chord length of 64.32 feet to the
 20 true point of beginning; thence continuing along a curve in a
 21 counter clockwise direction, having a radius of 431.35 feet,
 22 arc length of 48.93 feet, delta angle of 06 degrees 29
 23 minutes 55 seconds, a chord bearing of north 85 degrees 16
 24 minutes 48 seconds west, and a chord length of 48.90 feet
 25 to a point; thence along a curve in a counter clockwise
 26 direction, having a radius of 433.00 feet, arc length of
 27 203.19 feet, delta angle of 26 degrees 53 minutes 10
 28 seconds, a chord bearing of south 76 degrees 31 minutes
 29 28 seconds west, and a chord length of 201.33 feet to a
 30 point of tangency; thence south 63 degrees 04 minutes 54
 31 seconds west, a distance of 7.43 feet to a point; thence
 32 north 13 degrees 55 minutes 34 seconds west, a distance of
 33 249.50 feet to a point; thence north 76 degrees 04 minutes

1 26 seconds east, a distance of 163.31 feet to a point; thence
2 south 83 degrees 55 minutes 34 seconds east, a distance of
3 155.82 feet to a point; thence south 06 degrees 23 minutes
4 12 seconds west, a distance of 168.58 feet to a point;
5 thence south 17 degrees 50 minutes 40 seconds east, a
6 distance of 53.78 feet to the point of beginning, said tract
7 contains a calculated area of 65,119.61 square feet or 1.49
8 acres, more or less;

9 WHEREAS, the real property adjacent to the area included within the site
10 plan for this early childhood care facility will not be adversely affected; and

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

14 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
15 Lincoln, Nebraska:

16 That the application of Andermatt, L.L.C., hereinafter referred to as
17 "Permittee", to construct an early childhood care facility, on the property legally
18 described above, be and the same is hereby granted under the provisions of Section
19 27.63.070 of the Lincoln Municipal Code upon condition that construction and operation
20 of said early childhood care facility be in strict compliance with said application, the site
21 plan, and the following additional express terms, conditions, and requirements:

22 1. This permit approves an early childhood care facility.
23 2. The requirement of Section 27.63.070 (c) that the facility be located
24 on an arterial or collector street is hereby waived to allow access from Heritage Lakes
25 Drive.

26 3. Before receiving building permits:

- 1 a. The Permittee must submit an acceptable revised final plan
2 and five copies thereof.
- 3 b. The construction plans must conform to the approved plans.
- 4 c. The operation and the premises must meet appropriate local
5 and state licensing requirements, including compliance with
6 health codes.
- 7 4. Before occupying the early childhood care facility all development
8 and construction must be in conformance with the approved plans.
- 9 5. The site plan approved by this permit shall be the basis for all
10 interpretations of setbacks, yards, locations of buildings, location of parking and
11 circulation elements, and similar matters.
- 12 6. The terms, conditions, and requirements of this resolution shall be
13 binding and obligatory upon the Permittee, its successors, and assigns. The building
14 official shall report violations to the City Council which may revoke the special permit or
15 take such other action as may be necessary to gain compliance.
- 16 7. The Permittee shall sign and return the City's letter of acceptance
17 to the City Clerk within 30 days following approval of the special permit, provided,
18 however, said 30-day period may be extended up to six months by administrative
19 amendment. The City Clerk shall file a copy of the resolution approving the special
20 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
21 paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor