

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1928A

1 WHEREAS, The Dinerstein Companies have submitted an application
 2 designated as Special Permit No. 1928A for authority to amend Sterling University Phase
 3 2 Community Unit Plan by adding 171 dwelling units for 561 occupants and additional
 4 amenities to the existing student housing project on property generally located west of
 5 North 1st Street and south of Charleston Street, and legally described to wit:

6 Northeast Tract:

7 Lot 91 I.T. and a portion of Lot 81 I.T. and Lot 90 I.T., located
 8 in the Southeast Quarter of Section 15 and Lots 302, and a
 9 portion of Lot 263 I.T. and Lot 303 I.T., located in the
 10 Northeast Quarter of Section 22, all located in Township 10
 11 North, Range 6 East of the 6th P.M., Lancaster County,
 12 Nebraska and being more particularly described by metes and
 13 bounds as follows:

14 Referring to a found LCSM aluminum cap, being the North
 15 Quarter corner of Section 22, Township 10 North, Range 6
 16 East of the 6th P.M., Lancaster County, Nebraska; thence
 17 north 89 degrees 13 minutes 59 seconds east (an assumed
 18 bearing) and on the north line of Northeast Quarter of said
 19 Section 22, a distance of 464.04 feet to a point (0.10 feet south
 20 and 0.11 feet east of a found 3/4" square pipe) being the
 21 southwest corner of Lot 86 I.T., located in the Southeast
 22 Quarter of Section 15, Township 10 North, Range 6 East of the
 23 6th P.M., Lancaster County, Nebraska and also said point is
 24 on the easterly right-of-way line of the Union Pacific Railroad
 25 and the point of beginning; thence north 47 degrees 11
 26 minutes 19 seconds west, and on the westerly line of Lot 91
 27 I.T. of said Section 15 or the easterly right-of-way line of said
 28 Union Pacific Railroad, a distance of 532.33 feet to a found
 29 3/4" square pipe, being the northwest corner of Lot 91 I.T. of
 30 said Section 15 and also a point on a curve to the left; thence
 31 on a curve to the left and on the northerly line of Lot 91 I.T. of
 32 said Section 15, having a radius of 2989.79 feet, and a central

1 angle of 04 degrees 35 minutes 11 seconds with a chord
2 bearing of north 75 degrees 56 minutes 05 seconds east, a
3 chord distance of 239.26 feet to a found 3/4" square pipe,
4 being the point of non-tangency, thence north 73 degrees 38
5 minutes 10 seconds east, and on the northerly line of Lot 91
6 I.T. of said Section 15, a distance of 1416.97 feet to a set 5/8"
7 rebar, being the north-northeast corner of Lot 91 I.T. of said
8 Section 15 and also said point is on the southerly right-of-way
9 line of Charleston Street; thence south 61 degrees 32 minutes
10 29 seconds east, and on the northerly line of Lot 91 I.T. of said
11 Section 15 or the southerly right-of-way line of said Charleston
12 Street, a distance of 8.76 feet to a found 5/8" rebar, being a
13 point on a curve to the left; thence on a curve to the left and on
14 the northerly line of Lot 91 I.T. of said Section 15 or southerly
15 right-of-way line of said Charleston Street, having a radius of
16 66.00 feet, an arc length of 200.08 feet and a central angle of
17 173 degrees 41 minutes 28 seconds, with a chord bearing of
18 south 54 degrees 19 minutes 47 seconds east, a chord
19 distance of 131.80 feet to a found 5/8" rebar, being the point
20 of non-tangent reverse curvature; thence on a curve to the
21 right and on the northerly line of Lot 91 I.T. of said Section 15
22 or the southerly right-of-way line of said Charleston Street,
23 having a radius of 20.00 feet, an arc length of 10.86 feet and
24 a central angle of 31 degrees 06 minutes 24 seconds, with a
25 chord bearing of north 54 degrees 19 minutes 04 seconds
26 east, a chord distance of 10.73 feet to a found 5/8" rebar,
27 being the east-northeast corner of Lot 91 I.T. or the northwest
28 corner of Lot 90 I.T. of said Section 15; thence south 28
29 degrees 29 minutes 31 seconds west, and on the east line of
30 Lot 91 I.T. or the west line of Lot 90 I.T. of said Section 15, a
31 distance of 433.54 feet to a found 5/8" rebar; thence south 00
32 degrees 16 minutes 21 seconds west, and on the east line of
33 Lot 91 I.T. or the west line of Lot 90 I.T. of said Section 15, a
34 distance of 209.81 feet to a point; thence north 90 degrees 00
35 minutes 00 seconds east, a distance of 306.90 feet to a point;
36 thence south 43 degrees 01 minutes 01 seconds east, a
37 distance of 18.18 feet to a point; thence north 90 degrees 00
38 minutes 00 seconds east, a distance of 356.21 feet to a point;
39 thence north 00 degrees 00 minutes 00 seconds east, a
40 distance of 60.39 feet to a point; thence north 90 degrees 00
41 minutes 00 seconds east, a distance of 77.86 feet to a point;
42 thence north 00 degrees 00 minutes 33 seconds west, a
43 distance of 37.91 feet to a point, being the point of curvature;
44 thence on a curve to the right having a radius of 280.00 feet,
45 an arc length of 89.48 feet and a central angle of 18 degrees
46 18 minutes 39 seconds, with a chord bearing of north 09

1 degrees 08 minutes 46 seconds east, a chord distance of
2 89.10 feet to a point; thence south 61 degrees 30 minutes 40
3 seconds east, a distance of 150.36 feet to a point; thence
4 south 00 degrees 00 minutes 00 seconds east, a distance of
5 114.49 feet to a point; thence north 90 degrees 00 minutes 00
6 seconds east, a distance of 113.20 feet to a point; thence
7 south 00 degrees 00 minutes 00 seconds east, a distance of
8 351.24 feet to a point; thence north 90 degrees 00 minutes 00
9 seconds west, a distance of 709.15 feet to a point; thence
10 south 44 degrees 08 minutes 35 seconds west, a distance of
11 27.87 feet to a point; thence north 90 degrees 00 minutes 00
12 seconds west, a distance of 94.18 feet to a point; thence north
13 47 degrees 56 minutes 44 seconds west, a distance of 39.71
14 feet to a point; thence north 90 degrees 00 minutes 00
15 seconds west, a distance of 28.23 feet to a point; thence south
16 33 degrees 05 minutes 04 seconds west, a distance of 26.97
17 feet to a point; thence north 90 degrees 00 minutes 00
18 seconds west, a distance of 132.84 feet to a point; thence
19 south 01 degrees 23 minutes 12 seconds west, a distance of
20 78.42 feet to a point; thence south 06 degrees 29 minutes 48
21 seconds west, a distance of 109.62 feet to a point; thence
22 south 11 degrees 03 minutes 59 seconds west, a distance of
23 87.73 feet to a point; thence south 64 degrees 47 minutes 55
24 seconds east, a distance of 101.73 feet to a point on the east
25 line of Lot 303 or the west line of Lot 263 I.T., located in the
26 Northeast Quarter of Section 22, Township 10 North, Range 6
27 East of the 6th P.M., Lancaster County, Nebraska; thence
28 south 00 degrees 19 minutes 52 seconds west, and on the
29 east line of Lot 303 or the west line of Lot 263 I.T., of said
30 Section 22, a distance of 473.42 feet to a set 5/8" rebar being
31 the southeast corner of Lot 303 I.T. or the southwest corner of
32 Lot 263 I.T. of said Section 22 and also said point is on the
33 easterly right-of-way line of said Union Pacific Railroad; thence
34 north 46 degrees 57 minutes 37 seconds west, and on the
35 westerly line of Lot 302 I.T. and Lot 303 I.T. of said Section 22
36 or the easterly right-of-way line of said Union Pacific Railroad,
37 a distance of 1491.64 feet to a point (0.31 feet south and 0.32
38 feet east of a found 3/4" square pipe) being the northwest
39 corner of Lot 302 I.T. and on the north line of the Northeast
40 Quarter of said Section 22 and also said point is on the south
41 line of Lot 91 I.T. of said Section 15; thence south 89 degrees
42 13 minutes 59 seconds west, on the north line of the Northeast
43 Quarter of said Section 22 and the north right-of-way line of
44 said Union Pacific Railroad or the south line of Lot 91 I.T. of
45 said Section 15, a distance of 69.64 feet to the point of
46 beginning and containing a calculated area of 1,751,506.05

1 square feet or 40.209 acres, more or less; and

2 Southwest Tract:

3 Lot 85 I.T., located in the South Half of Section 15 and Lot 132
4 I.T., located in the Northeast Quarter of Section 22, all located
5 in Township 10 North, Range 6 East of the 6th P.M., Lancaster
6 County, Nebraska and being more particularly described by
7 metes and bounds as follows:

8 Referring to a found LCSM aluminum cap, being the North
9 Quarter corner of Section 22, Township 10 North, Range 6
10 East of the 6th P.M., Lancaster County, Nebraska; thence
11 north 89 degrees 14 minutes 00 seconds east (an assumed
12 bearing) and on the north line of the Northeast Quarter of said
13 Section 22, a distance of 97.21 feet to a found 5/8" rebar,
14 being the southwesterly corner of Lot 85 I.T., located in the
15 South Half of Section 15 or the northwesterly corner of Lot 132
16 I.T., located in the Northeast Quarter of Section 22, all located
17 in Township 10 North, Range 6 East of the 6th P.M., Lancaster
18 County, Nebraska and also said point is on the easterly right-
19 of-way line of the Burlington Northern and Santa Fe Railway
20 and the point of beginning; thence north 34 degrees 56
21 minutes 54 seconds west, and on the westerly line of Lot 85
22 I.T. of said Section 15 or the easterly right-of-way line of said
23 Burlington Northern and Santa Fe Railway, a distance of
24 488.65 feet to a point, being the northwesterly corner of Lot 85
25 I.T. of said Section 15 and said point is on the southerly right-
26 of-way of Oak Creek and a point on a curve to the left; thence
27 on a curve to the left and on the northerly line of Lot 85 I.T. of
28 said Section 15 or the southerly right-of-way line of said Oak
29 Creek, having a radius of 2914.79 feet, an arc length of 63.97
30 feet and a central angle of 01 degrees 15 minutes 27 seconds,
31 with a chord bearing of north 82 degrees 25 minutes 13
32 seconds east, a chord distance of 63.96 feet to a point, being
33 the northeasterly corner of Lot 85 I.T. of said Section 15 and
34 also said point is on the westerly right-of-way line of Union
35 Pacific Railway; thence south 47 degrees 10 minutes 43
36 seconds east and on the easterly line of Lot 85 I.T. of said
37 Section 15 or the westerly right-of-way line of said Union
38 Pacific Railway, a distance of 597.31 feet to a found 5/8" rebar,
39 being a point on the north line of the Northeast Quarter and the
40 southeasterly corner of Lot 85 I.T. of said Section 15; thence
41 south 89 degrees 14 minutes 00 seconds west, and on the
42 north line of the Northeast Quarter of said Section 22 and the
43 north right-of-way line of said Union Pacific Railway or the

1 south line of Lot 85 I.T. of said Section 15, a distance of 74.35
2 feet to a found 5/8" rebar, being the northeasterly corner of Lot
3 132 I.T. of said Section 22 and the westerly right-of-way line of
4 said Union Pacific Railway; thence south 46 degrees 57
5 minutes 39 seconds east, and on the easterly line of Lot 132
6 I.T. of said Section 22 or the westerly right-of-way line of said
7 Union Pacific Railway, a distance of 2251.73 feet to a found
8 5/8" rebar, being the southeasterly corner of Lot 132 I.T. of
9 said Section 22; thence north 89 degrees 24 minutes 42
10 seconds west, and on the southerly line of Lot 132 I.T. of said
11 Section 22, a distance of 659.59 feet to a found 5/8" rebar,
12 being the southwesterly corner of Lot 132 I.T. of said Section
13 22 or a point on the easterly right-of-way line of said Burlington
14 Northern and Santa Fe Railway and also on a curve to the
15 right; thence on the curve to the right and on the southwesterly
16 line of Lot 132 I.T. of said Section 22 or the easterly right-of-
17 way line of said Burlington Northern and Santa Fe Railway,
18 having a radius of 1046.28 feet, an arc length of 88.61 feet and
19 a central angle of 04 degrees 51 minutes 08 seconds with a
20 chord bearing of north 37 degrees 22 minutes 02 seconds
21 west, a chord distance of 88.58 feet to a found 5/8" rebar;
22 thence south 55 degrees 03 minutes 32 seconds west, and on
23 the southeasterly line of Lot 132 I.T. of said Section 22 or the
24 northwesterly right-of-way line of said Burlington Northern and
25 Santa Fe Railway, a distance of 50.00 feet to a found 5/8"
26 rebar, being the west-southwesterly corner of Lot 132 I.T. of
27 said Section 22; thence north 34 degrees 56 minutes 54
28 seconds west, and on the westerly line of Lot 132 I.T. of said
29 Section 22 or the easterly right-of-way line of said Burlington
30 Northern and Santa Fe Railway, a distance of 1813.29 feet to
31 the point of beginning and containing a calculated area of
32 720,925.78 square feet or 16.550 acres, more or less;

33 WHEREAS, the real property adjacent to the area included within the site
34 plan for this amendment to the Community Unit Plan will not be adversely affected; and

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

38 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
39 Lincoln, Nebraska:

1 That the application of The Dinerstein Companies, hereinafter referred to as
2 "Permittee", to amend Sterling University Phase 2 Community Unit Plan by adding 171
3 dwelling units for 561 occupants and additional amenities to the existing student housing
4 project, on the property legally described above, be and the same is hereby granted under
5 the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon
6 condition that construction and operation of said addition to the Community Unit Plan be
7 in strict compliance with said application, the site plan, and the following additional express
8 terms, conditions, and requirements:

9 1. This permit approves the addition of 171 dwelling units, 110 of which
10 are dwellings for non-related persons with 440 occupants. The total approved density for
11 Phases 1 and 2 is 328 dwelling units, 276 of which are dwellings for non-related persons
12 with 1028 occupants.

13 2. The requirement of the Design Standards for Screening and
14 Landscaping that landscape screening be provided in community unit plans is waived.

15 3. Before receiving building permits:

16 a. The Permittee must submit an acceptable revised plan with
17 eight copies.

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

19 c. Final plats within the area of this community unit plan must be
20 approved by the City.

21 4. Before occupying the dwelling units all development and construction
22 must be completed in conformance with the approved plans.

23 5. All privately-owned improvements must be permanently maintained

1 by the Permittee.

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

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

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor