

RESOLUTION NO. A-_____

USE PERMIT NO. 123C

1 WHEREAS, North 33rd L.L.C. has submitted an application in accordance
2 with Sections 27.31.100, 27.51.100, 27.69.046(e), and 27.69.081(f) of the Lincoln
3 Municipal Code for authority to amend Use Permit No. 123B Landmark Corporate
4 Center to reduce the rear yard setback of Lots 11 and 19, Block 2 to accommodate
5 driving aisles and to reduce the side yard setback between Lots 10 and 11, Block 2 for a
6 shared access drive, on property generally located at North 33rd Street and Folkways
7 Blvd. and legally described to wit:

8 Outlot A, Outlot B, Outlot C, Outlot D, and Outlot E, Lot 1,
9 Block 1, Units A, B, and C, Landstar Condominium (formerly
10 known as Lot 2, Block 1, Landmark Corporate Center
11 Addition) Lots 1, 2, and 3, Block 2, Lots 1, 2, and 3, Block 3,
12 Lots 1 and 2, Block 4, Lots 1, 2, 3, 4, and 5, Block 5, Lots 1,
13 2, 3, 4, 5, 6, 7, 8, and 9, Block 6, Landmark Corporate
14 Center Addition, all located in the North Half and Southeast
15 Quarter of Section 6, Township 10 North, Range 7 East of
16 the 6th P.M., Lincoln Lancaster County, Nebraska,

17 WHEREAS, the real property adjacent to the area included within the site
18 plan for this adjustment of the rear and side yard setbacks will not be adversely
19 affected; and

20 WHEREAS, said site plan together with the terms and conditions
21 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln
22 Municipal 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:

1 That the application of North 33rd L.L.C., hereinafter referred to as
2 "Permittee", to amend the use permit for Landmark Corporate Center to reduce the rear
3 yard setback of Lots 11 and 19, Block 2 to accommodate driving aisles and to reduce
4 the side yard setback between Lots 10 and 11, Block for a shared access drive, on the
5 property legally described above be and the same is hereby granted under the above-
6 described provisions of the Lincoln Municipal Code upon condition that construction and
7 operation of said commercial space be in strict compliance with said application, the site
8 plan, and the following additional express terms, conditions, and requirements:

9 1. This permit approves a waiver of the 20' rear yard setback of Lots
10 11 and 19, Block 2 to accommodate driving aisles and a waiver of the 20' side yard
11 setback between Lots 10 and 11, Block 2 for the location of a shared access drive.

12 2. Before receiving building permits:

13 a. The permittee must submit a final plan including 6 copies.

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

15 3. Before occupying the industrial buildings all development and
16 construction must be completed in conformance with the approved plans.

17 4. All privately-owned improvements shall be permanently maintained
18 by the owner or an appropriately established owners association approved by the City
19 Attorney.

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

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

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

11 8. The site plan as approved with this resolution voids and supersedes
12 all previously approved site plans, however, all resolutions approving previous permits
13 remain in force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2004:

Mayor