

55:996

9

93R-319

Introduce: 10-18-93

RESOLUTION NO. A- 75783

USE PERMIT NO. 64

1           WHEREAS, Samuel P. Olson has submitted an application in  
 2 accordance with Section 27.31.100 of the Lincoln Municipal Code designated as  
 3 Use Permit No. 64 for authority to construct a 146,100 sq. ft. neighborhood  
 4 shopping center on property located at the northeast corner of 14th Street and  
 5 Old'Cheney Road, and legally described to wit:

6                   Lots 2, 3, 4, 5, 6, 7, and 8, Block 1, Lincoln  
 7                   Industrial Park South, Lincoln, Lancaster County,  
 8                   Nebraska; and

9  
 10           WHEREAS, the real property adjacent to the area included within  
 11 the plot plan for this neighborhood shopping center will not be adversely  
 12 affected; and

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

17           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
 18 Lincoln, Nebraska:

19           That the application of Samuel P. Olson, hereinafter referred to  
 20 as "Permittee", to construct a neighborhood shopping center be and the same is  
 21 hereby granted under the provisions of Section 27.31.100 of the Lincoln  
 22 Municipal Code upon condition that construction and operation of said shopping  
 23 center be in strict compliance with said application, the plot plan, and the  
 24 following additional express terms, conditions, and requirements:

2

1                   1.     This permit approves the development of a 146,100 square  
2     foot neighborhood shopping center, consisting of a grocery store, retail  
3     stores and small shops, a 4,000 square foot restaurant, and a 3,200 square  
4     foot pad site financial facility, and associated parking as shown on the  
5     approved site plan.

6                   2.     Before receiving building permit the City Council must  
7     approve:

- 8                   a.     Change of Zone 2772.
- 9                   b.     A waiver of the front yard setback on South 14th  
10                   Street to permit the delivery and truck turn-around as  
11                   shown on the site plan.
- 12                   c.     A modification of the front yard requirements on Old  
13                   Cheney Road and South 14th Street to permit the  
14                   fountains as shown on the site plan.

15                   3.     Before receiving building permits, the construction plans  
16     must comply with the approved plans.

17                   4.     Before occupying this neighborhood shopping center all  
18     development and construction shall comply with the approved plans.

19                   5.     All privately owned improvements, including landscaping,  
20     shall be permanently maintained by the permittee.

21                   6.     The permittee shall complete all transportation improvements  
22     required to be completed by permittee under the Transportation Improvements  
23     Agreement which attached hereto, marked as Attachment A, and made a part  
24     hereof by reference.

3

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

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

Introduced by:

AYES: Donaldson, Haar, Johnson,  
Seng, Shoecraft, Wilson, Young;  
NAYS: None.

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

**APPROVED**

OCT 29 1993

  
MAYOR

**ADOPTED**

OCT 25 1993

By City Council

4  
AGREEMENT FOR THE INSTALLATION OF TRANSPORTATION IMPROVEMENTS

(Use Permit 64 - South 16th Street and Old Cheney Road)

This agreement is entered into on this 29 day of October, 1993, by and between the City of Lincoln, Nebraska, a municipal corporation, hereinafter referred to as the "City", and Sam P. Olson, hereinafter referred to as "Permittee".

RECITALS

A. Permittee has requested approval of a permit designated as Use Permit No. 64 to authorize the development of a neighborhood shopping center in the vicinity of South 16th Street and Old Cheney Road in Lincoln, Nebraska, on property legally described as Lots 2, 3, 4, 5, 6, 7 and 8, Block 1, Lincoln Industrial Park South, Lincoln, Lancaster County, Nebraska, "the Property".

B. The development and operation of said neighborhood shopping center will result in increased traffic on the public street system that serves and provides access to the property. In order to protect and promote the public health, safety, and welfare, the City has determined that, as a condition of said use permit, the Permittee should assume a portion of the financial responsibility for certain street improvements as hereinafter identified.

C. As a condition of said use permit, the City has required the execution and delivery of this agreement which provides for the design, construction, and allocation of costs relating to the required improvements, and the Permittee, by executing this agreement, recognizes its cost responsibility for such improvements.

NOW, THEREFORE, in order to fulfill the conditions of Use Permit No. 64, and to insure the proper and timely funding and construction of necessary public transportation improvements required by the uses authorized by under said use permit, the parties do agree as follows:

1. Permittee's Responsibilities. The Permittee shall, at its own cost and expense, be responsible for the following improvements:

- a. Construction of a westbound right turn lane in Old Cheney Road east from 16th Street approximately 250 feet.
- b. Widening of 16th Street from the north line of Old Cheney Road north approximately 430 feet to provide a 55 foot wide pavement cross-section.
- c. The purchase and installation of a traffic signal at the intersection of 16th and Old Cheney Road, which traffic signal shall be in accordance with the design required by the City Traffic Engineer.

2. City's Responsibilities. The City shall, at its own cost and expense, be responsible for the following improvements:

- a. Increase the northbound right turn storage in 14th Street south of Old Cheney Road.
- b. Make necessary modifications to the existing traffic signal hardware at 14th and Old Cheney Road.

- c. Design and engineer the proposed traffic signal to be installed by the Permittee at 16th and Old Cheney Road.

3. Specifications. All work required hereunder shall be performed in accordance with the City of Lincoln's Standard Specifications for Municipal Construction. The Permittee shall obtain executive orders from the City of Lincoln to perform the work required above, which executive orders must be requested and issued at or prior to the time of issuance of any building permits for the structures to be constructed under the authority of Use Permit No. 64. Upon completion and acceptance, all work performed by the Permittee shall become the property of the City of Lincoln.

4. Traffic Light Warrant. The City of Lincoln, by execution of this agreement, does hereby recognize that the installation of a traffic signal at South 16th Street and Old Cheney Road will meet the warrant requirements as established by the Manual on Uniform Traffic Control Devices upon completion of the building for the major tenant of the premises covered by Use Permit 64.

5. Right-of-Way. In the event that any additional right-of-way or public access easements are required for any of the improvements contemplated under this agreement, the same shall be acquired by the City, by purchase if possible or by condemnation if necessary, but all costs thereof shall be paid by the Permittee.

6. Timing. All work to be performed by the Permittee under this agreement must be completed prior to the issuance of any occupancy permit for any structures authorized by Use Permit No. 64.

7. Amendments. This agreement may only be amended or modified by writing signed by both parties.

8. Binding effect. This agreement shall be binding upon and inure to the benefit and burden of this successors and assigns of the parties. In the event that the Permittee fails to complete any of the work required hereunder, such failure may, at the option of the City, be deemed to be a violation of Use Permit No. 64, and, in addition to any other remedies that it may have, the City may avail itself of the remedies for violation of the use permit as set forth in the permit, including, but not limited to, revocation thereof.

In witness whereof the parties have executed this agreement as of the day and year first written above.

ATTEST:

\_\_\_\_\_  
City Clerk

ATTEST:

CITY OF LINCOLN, NEBRASKA,  
a municipal corporation,

\_\_\_\_\_  
Mike Johanns, Mayor

\_\_\_\_\_  
Sam P. Olson

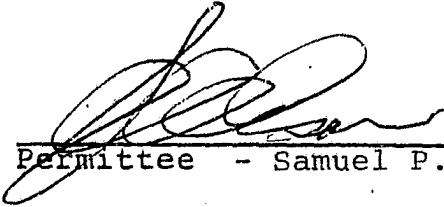
LETTER OF ACCEPTANCE

City Council  
City of Lincoln  
Lincoln, Nebraska

Re: <sup>USE</sup>~~Special~~ Permit No. 64

TO THE CITY COUNCIL:

~~I~~<sup>USE</sup>~~we~~, SAMUEL P. OLSON, Permittee ~~is~~  
under ~~Special~~<sup>USE</sup> Permit No. 64, granted by Resolution No.  
A- 75783, adopted by the City Council on OCTOBER 25,  
1993, do hereby certify that ~~I~~<sup>we</sup> have thoroughly read said  
resolution, understand the contents thereof, and do hereby accept  
without qualification all of the terms, conditions, and requirements  
therein.

  
Permittee - Samuel P. Olson

Permittee

C E R T I F I C A T E

STATE OF NEBRASKA )  
COUNTY OF LANCASTER ) ss:  
CITY OF LINCOLN )

I, Joan E. Ross, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of \_\_\_\_\_

RESOLUTION NO. A-75783/USE PERMIT 64

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held OCTOBER 25, 1993, as the original appears of record in my office, and is now in my charge remaining as Deputy City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 2ND day of NOVEMBER, 1993.

*Joan E. Ross*  
Deputy City Clerk

\$38.50

LANCASTER COUNTY, NEB  
*Dan Nolte*  
REGISTER OF DEEDS

DEC 3 3 41 PM '93

INST. NO 93 55996

Block 1  
LINNAPASO

*Q*

Rec#056533

City Clerk  
*m*

Return to City Clerk