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INST. NO 2004

2004 MAY 12 P 12: 16

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LANCASTER COUNTY, NE

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SIGNED	<i>[Signature]</i>

RESOLUTION NO. PC- 00854

SPECIAL PERMIT NO. 04013

1 WHEREAS, the United Presbyterian Welfare Foundation on behalf of the
 2 Catholic Bishop of Lincoln has submitted an application designated as Special Permit No.
 3 04013 for authority to construct a 148 unit domiciliary care facility on property generally
 4 located at South 33rd Street and Yankee Hill Road, and legally described to wit:

5 Outlot F, Pine Lake Heights South 4th Addition, located in
 6 Section 19, Township 9 North, Range 7 East of the 6th P.M.,
 7 Lancaster County, Nebraska;

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
 9 held a public hearing on said application; and

10 WHEREAS, the community as a whole, the surrounding neighborhood, and
 11 the real property adjacent to the area included within the site plan for this domiciliary care
 12 facility will not be adversely affected by granting such a permit; and

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

17 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster
 18 County Planning Commission of Lincoln, Nebraska:

19 That the application of United Presbyterian Welfare Foundation on behalf of
 20 the Catholic Bishop of Lincoln, hereinafter referred to as "Permittee", to develop a 148 unit
 21 domiciliary care facility be and the same is hereby granted under the provisions of Section

*Teresa
City Clerk*

1 27.63.530 the Lincoln Municipal Code upon condition that construction of said domiciliary
2 care facility be in strict compliance with said application, the site plan, and the following
3 additional express terms, conditions, and requirements:

4 1. This permit approves a 148 unit domiciliary care facility for 158
5 occupants and a staff of 20 employees on the largest shift.

6 2. Before receiving building permits:

7 a. The Permittee must complete the following instructions and
8 submit eight copies of the documents and plans to the
9 Planning Department office for review and approval.

10 i. Revise the grading plan to direct storm water via
11 properly designed open channels or a storm sewer
12 pipe system to the existing 30' storm sewer stub at the
13 northwest corner of the lot.

14 ii. Revise the grading plan to show the correct grading for
15 the Yankee Hill Road widening project to ensure the
16 proposed site grading will match future right-of-way
17 grades.

18 iii. Revise the site plan, in accordance with an approved
19 final plat, to show the dedication of the 33rd Street
20 right-of-way and location of all public utilities abutting
21 the site. The site plan must show and label South 33rd
22 Street.

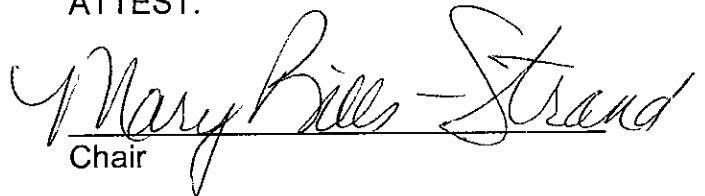
- 1 iv. Revise the site plan to show an outdoor recreation plan.
- 2 v. Revise the site plan to show LES easements.
- 3 b. A final plat must be approved creating a buildable lot for this
- 4 project and dedicating the entire 33rd Street right-of-way
- 5 abutting the lot.
- 6 c. The construction plans must conform to the approved plans.
- 7 d. The required easements as shown on the site plan must be
- 8 recorded with the Register of Deeds.
- 9 e. *The operation and the premises must meet appropriate local*
- 10 and state licensing requirements, including compliance with
- 11 health codes.
- 12 3. Before occupying this domiciliary care facility all development and
- 13 construction is to comply with the approved plans.
- 14 4. All privately-owned improvements, including landscaping and
- 15 recreational facilities, must be permanently maintained by the Permittee.
- 16 5. The Permittee must annually certify that all occupied dwelling units are
- 17 occupied by individuals meeting the requirements for elderly or retirement housing.
- 18 6. The site plan approved by this permit shall be the basis for all
- 19 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
- 20 elements, *and similar matters.*
- 21 7. The terms, conditions, and requirements of this resolution shall be
- 22 binding and obligatory upon the Permittee and the Permittee's successors and assigns.

1 The building official shall report violations to the City Council which may revoke the special
2 permit or take such other action as may be necessary to gain compliance.

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

9 The foregoing Resolution was approved by the Lincoln City-Lancaster
10 County Planning Commission on this 14 day of April, 2004.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LETTER OF ACCEPTANCE

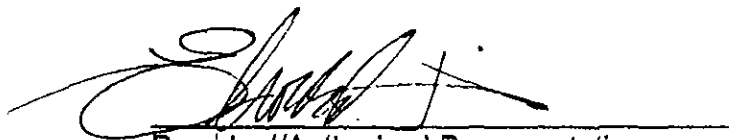
Lincoln City Council
City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 04017**
(Wireless Facility - 4221 J Street)

TO THE CITY COUNCIL:

I, Edward Rios, President or authorized representative of **US Cellular Wireless Communications**, herein called "Permittee" under **Special Permit No. 04017**, granted by Resolution No. PC-00856, adopted by the Lincoln City-Lancaster County Planning Commission on April 14, 2004, do hereby certify that I have thoroughly read said resolution, understand the contents thereof, and do hereby accept, without qualification, all of the terms, conditions and requirements therein.

DATED this 3rd day of MAY, 2004.



President/Authorized Representative
Edward Rios
Real Estate Cell Site Manager

LTRACCEP/llu
06/14/00

CERTIFICATE

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

I, Teresa J. Meier, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Special Permit 04013** as adopted and approved by **Resolution No. PC-00854** of the Lincoln City-Lancaster County Planning Commission at its meeting held **April 14, 2004** 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 12th day of May, 2004.

Teresa J. Meier

