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LANCASTER COUNTY, NE

INST. NO 2004
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04R-240

Introduce: 9-13-04

RESOLUTION NO. A- 82986

USE PERMIT NO. 117A

1 WHEREAS, Security First Bank has submitted an application in
2 accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use
3 Permit No. 117A to amend Horizon Business Center to allow a ground sign more than
4 thirty feet from the building on property generally located at S. 14th Street and Garrett
5 Lane, and legally described to wit:

* See page 5 for updated legal description.
A portion of Lots 9 I.T., 39 I.T., all of Lots 38 I.T., 23 I.T., and
Lot 22 I.T., all located in Section 23, Township 9 North,
Range 6 East of the 6th P.M., Lancaster County, Nebraska,
and more particularly described as follows:

10 Beginning at a northeast corner of said Lot 38 I.T., said point
11 being on the south line of Lot 7 I.T., and the true point of
12 beginning; thence on an assumed bearing of south 00
13 degrees 00 minutes 02 seconds east, along the east line of
14 said Lot 38 I.T. and Lot 39 I.T., said line being 50 feet west
15 of a parallel with the east line of said Section 23, a distance
16 of 2199.65 feet to the southeast corner of said Lot 39 I.T.;
17 thence south 00 degrees 05 minutes 00 seconds east, along
18 the east line of said Lot 23 I.T., said line being 50 feet west
19 of and parallel with the east line of said Section 23, a
20 distance of 548.35 feet to the southeast corner of said Lot
21 23 I.T.; thence south 89 degrees 59 minutes 53 seconds
22 east, along the north line of said Lot 22 I.T., a distance of
23 16.98 feet to the northeast corner of said Lot 22 I.T.; thence
24 south 00 degrees 04 minutes 47 seconds east along the
25 east line of said Lot 22 I.T., said line being 33 feet west of
26 and parallel with the east line of said Section 23, a distance
27 of 637.99 feet to the southeast corner of said Lot 22 I.T.;
28 thence south 89 degrees 55 minutes 48 seconds west,
29 along the south line of said Lot 22 I.T., a distance of 462.43
30 feet to the southwest corner of said Lot 22 I.T.; thence north
31 28 degrees 30 minutes 56 seconds west, along the west line
32 of said Lot 22 I.T., said line being the east right-of-way line
33 of the Burlington Northern Santa Fe Railroad, a distance of

1 725.40 feet to the northwest corner of said Lot 22 I.T.;
2 thence north 28 degrees 30 minutes 24 seconds west, along
3 the west line of said Lot 23 I.T., said line being the east
4 right-of-way line of the Burlington Northern Santa Fe
5 Railroad, a distance of 630.92 feet to the northwest corner of
6 said Lot 23 I.T.; thence north 28 degrees 30 minutes 42
7 seconds west along a west line of said Lot 39 I.T., said line
8 being the east right-of-way line of the Burlington Northern
9 Santa Fe Railroad, a distance of 351.69 feet to a point of
10 deflection; thence north 47 degrees 51 minutes 05 seconds
11 west, along a west line of Lot 39 I.T., said line being the east
12 right-of-way line of the Burlington Northern Santa Fe
13 Railroad, a distance of 75.63 feet to a point of deflection;
14 thence north 28 degrees 30 minutes 42 seconds west, along
15 a west line of said Lot 39 I.T., and Lot 9 I.T., said line being
16 the east right-of-way line of the Burlington Northern Santa
17 Fe Railroad, a distance of 1319.59 feet to a point of
18 deflection; thence north 14 degrees 07 minutes 38 seconds
19 east, along a west line of said Lot 9 I.T., said line being the
20 east right-of-way line of the Burlington Northern Santa Fe
21 Railroad, a distance of 36.91 feet to a point of deflection;
22 thence north 28 degrees 30 minutes 42 seconds west, along
23 a west line of said Lot 9 I.T., said line being the east right-of-
24 way line of the Burlington Northern Santa Fe Railroad, a
25 distance of 1062.35 feet to a point of deflection; thence
26 south 61 degrees 29 minutes 18 seconds west, along a west
27 line of said Lot 9 I.T., said line being the east right-of-way
28 line of the Burlington Northern Santa Fe Railroad, a distance
29 of 24.92 feet to a point of spiral curvature; thence along a
30 spiral curve to the right, along a west line of said Lot 9 I.T.,
31 said line being the east right-of-way line of the Burlington
32 Northern Santa Fe right-of-way, having a chord bearing of
33 north 27 degrees 03 minutes 50 seconds west, a chord
34 distance of 207.09 feet an "X" value of 207.03 and a "Y"
35 value of 5.23 to a northwest corner of said Lot 9 I.T.; thence
36 south 89 degrees 51 minutes 27 seconds east, along the
37 north line of said Lot 9 I.T., and Lot 38 I.T., a distance of
38 2369.36 feet to a northeast corner of said Lot 38 I.T.; thence
39 south 00 degrees 00 minutes 12 seconds west, along an
40 east line of said Lot 38 I.T., a distance of 459.67 feet to a
41 point; thence south 89 degrees 44 minutes 04 seconds east,
42 along north line of said Lot 38 I.T., a distance of 189.88 feet
43 to the true point of beginning; said tract contains a
44 calculated area of 130.78 acres, or 5,697,102 square feet,
45 more or less;

1 WHEREAS, the real property adjacent to the area included within the site
2 plan for this sign location within the commercial development center will not be
3 adversely affected; and

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

7 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
8 Lincoln, Nebraska:

9 That the application of Security First Bank, hereinafter referred to as
10 "Permittee", to amend Horizon Business Center to allow a ground sign more than thirty
11 feet from the building on the property legally described above be and the same is
12 hereby granted under the provisions of Section 27.69.081 of the Lincoln Municipal
13 Code upon condition that construction and operation of said ground sign be in strict
14 compliance with said application, the site plan, and the following additional express
15 terms, conditions, and requirements:

16 1. This permit approves a modification to the sign requirement for the
17 pad site ground sign to be located at 95 feet, rather than 30 feet, from the pad site
18 building.

19 2. Before receiving building permits:

20 a. The Permittee must submit a revised and reproducible final
21 plan including five copies.

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

23 3. Before installing the sign all development must be completed in
24 conformance with the approved plans.

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

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

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

14 7. The site plan as approved with this resolution voids and
15 supersedes all previously approved site plans, however, all resolutions approving
16 previous permits remain in force unless specifically amended by this resolution.

Introduced by:

Frank A. Friendt

AYES: Camp, Cook, McRoy,
Newman, Svoboda, Werner;
NAYS: Friendt.

Approved as to Form & Legality:

Wanda W. Roper
City Attorney

Approved this 23rd day of Sept, 2004:
Calvin J. Seay
Mayor

ADOPTED

SEP 20 2004
BY CITY COUNCIL

NOW KNOWN AS:

A TRACT OF LAND LOCATED IN THE EAST HALF OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 52 I.T.

VACATED PINE LAKE ROAD RIGHT-OF-WAY (VAC. ORD. #17919)

LOTS 7 THROUGH 11 BLOCK 1, LOTS 15 THROUGH 19 BLOCK 1, AND OUTLOT "A", ALL OF HORIZON BUSINESS CENTER ADDITION.

LOTS 1 THROUGH 4 BLOCK 1, AND OUTLOT "A", ALL OF HORIZON BUSINESS CENTER 1ST ADDITION.

LOTS 1, 2, AND 4, HORIZON BUSINESS CENTER 2ND ADDITION.

LOTS 1 THROUGH 4, HORIZON BUSINESS CENTER 3RD ADDITION.

LOTS 1 THROUGH 5, AND OUTLOT "A", ALL OF HORIZON BUSINESS CENTER 4TH ADDITION.

LOTS 1 AND 2, HORIZON BUSINESS CENTER 5TH ADDITION.

LOTS 1 AND 2, AND OUTLOT "A", ALL OF HORIZON BUSINESS CENTER 6TH ADDITION.

October 7, 2004

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LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, Susan Twiehaus the undersigned representative(s) of **Security First Bank**, Permittee(s) in Use Permit 117A granted by Resolution A-82986 adopted by the City Council of the City of Lincoln, Nebraska, on **Sept. 20, 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 25th day of October, 2004.

Susan Twiehaus, SVP
Security First Bank

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 **Use Permit 117A** approved by **Resolution A-82986** adopted by the City Council on **Sept. 20, 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 20th day of October, 2004.

Teresa J. Meier
Deputy City Clerk

