



15R-102

Introduce: 6-1-15

RESOLUTION NO. A- 89021

USE PERMIT NO. 117E

1 WHEREAS, Peters Properties, LLC has submitted an application in accordance
2 with Section 27.51.030(c)(1) of the Lincoln Municipal Code designated as Use Permit No. 117E
3 to remove the land use table, maximum floor area tables, and land area calculations from the
4 site plan and approve the waiver to eliminate the specific use regulation as defined in Section
5 27.51.030(c)(1) of the LMC, on property generally located west of South 14th Street and Garret
6 Lane, legally described as follows:

7
8 IT
9 NO/A
10 HOBUCE
11 NO/A
12 HOBUCE 1
13 NO
14 HOBUCE 2
15 NO
16 HOBUCE 3
17 NO
18 HOBUCE 4
19 NO
20 INCOCD
21 NO
22 HOBUCE 5
23 NO
24 HOBUCE 6
25 NO
26 HOBUCE 9
27 NO
28 HOBUCE 10
29 NO
30 HOBUCE 11
31 NO
HOBUCE 12
NO
HOBUCE 13
NO
HOBUCE 14

A TRACT OF LAND COMPOSED OF A PORTION OF VACATED PINE LAKE ROAD RIGHT-OF-WAY, LOT 52 I.T., OUTLOT "A", HORIZON BUSINESS CENTER ADDITION, LOTS 7 THROUGH 9, LOT 11, LOTS 18 AND 19, BLOCK 1, HORIZON BUSINESS CENTER ADDITION, OUTLOT "A", HORIZON BUSINESS 1ST ADDITION, LOTS 1 THROUGH 4, BLOCK 1, HORIZON BUSINESS CENTER 1ST ADDITION, LOTS 1, 2 AND 4, HORIZON BUSINESS CENTER 2ND ADDITION, LOTS 1 THROUGH 4, HORIZON BUSINESS CENTER 3RD ADDITION, OUTLOT "A", HORIZON BUSINESS CENTER 4TH ADDITION, LOTS 1 THROUGH 5, HORIZON BUSINESS CENTER 4TH ADDITION (LOT 1, HORIZON BUSINESS CENTER 4TH ADDITION IS ALSO KNOWN AS UNITS 1 AND 2, INFINITY COURT CONDOMINIUM), LOT 1, HORIZON BUSINESS CENTER 5TH ADDITION, OUTLOT "A", HORIZON BUSINESS CENTER 6TH ADDITION, LOTS 1 AND 2, HORIZON BUSINESS CENTER 6TH ADDITION, LOT 1, HORIZON BUSINESS CENTER 9TH ADDITION, OUTLOT "B", HORIZON BUSINESS CENTER 10TH ADDITION, LOT 1, HORIZON BUSINESS CENTER 10TH ADDITION, LOT 1, HORIZON BUSINESS CENTER 11TH ADDITION, OUTLOT "A", HORIZON BUSINESS CENTER 12TH ADDITION, OUTLOTS "A" AND "B", HORIZON BUSINESS CENTER 13TH ADDITION, LOTS 1 THROUGH 5, HORIZON BUSINESS CENTER 13TH ADDITION, LOTS 1 THROUGH 4, HORIZON BUSINESS CENTER 14TH ADDITION, ALL LOCATED IN EAST

DR
DLS # 16

DLS

1 HALF OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST OF
2 THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE
3 PARTICULARLY DESCRIBED AS FOLLOWS:

4 COMMENCING AT THE NORTHWEST CORNER OF THE
5 NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH,
6 RANGE 6 EAST OF THE 6TH P.M.; THENCE WESTERLY ON THE
7 NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION
8 23 ON AN ASSUMED BEARING OF N89°56'27"W, A DISTANCE
9 OF 239.85' TO THE NORTHEAST CORNER OF LOT 52 I.T., SAID
10 POINT BEING **THE TRUE POINT OF BEGINNING**; THENCE
11 S00°05'19"E, ON A EAST LINE OF SAID LOT 52 I.T., A DISTANCE
12 OF 459.67' TO AN EAST CORNER OF SAID LOT 52 I.T.; THENCE
13 S89°49'31"E, ON A NORTH LINE OF SAID LOT 52 I.T., A
14 DISTANCE OF 164.88' TO AN EAST CORNER OF SAID LOT 52
15 I.T., SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF
16 SOUTH 14TH STREET, SAID POINT BEING 75.00' WEST OF THE
17 EAST LINE OF SAID NORTHEAST QUARTER; THENCE
18 S00°05'33"E, ON A EAST LINE OF SAID LOT 52 I.T., SAID LINE
19 BEING A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING
20 75.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID
21 NORTHEAST QUARTER, A DISTANCE OF 380.13' TO A POINT;
22 THENCE S44°54'27"W, ON A SOUTHEAST LINE OF SAID LOT 52
23 I.T., SAID LINE BEING A NORTHWEST LINE OF SAID RIGHT-OF-
24 WAY, A DISTANCE OF 56.57' TO A POINT; THENCE S89°54'27"W,
25 ON A SOUTH LINE OF SAID LOT 52 I.T., SAID LINE BEING A
26 NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 50.00'
27 TO A POINT; THENCE S00°05'33"E, ON A EAST LINE OF SAID
28 LOT 52 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-
29 WAY, A DISTANCE OF 100.00' TO A POINT; THENCE
30 N89°54'27"E, ON A NORTH LINE OF SAID LOT 52 I.T., SAID LINE
31 BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF
32 65.00' TO A POINT; THENCE S45°05'33"E, ON A NORTHEAST
33 LINE OF SAID LOT 52 I.T., SAID LINE BEING A SOUTHWEST
34 LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 56.57' TO A
35 POINT, SAID POINT BEING 60.00' WEST OF THE EAST LINE OF
36 SAID NORTHEAST QUARTER; THENCE S00°05'33"E, ON A EAST
37 LINE OF SAID LOT 52 I.T., SAID LINE BEING A WEST LINE OF
38 SAID RIGHT-OF-WAY, SAID LINE BEING 60.00' WEST OF AND
39 PARALLEL WITH THE EAST LINE OF SAID NORTHEAST
40 QUARTER, A DISTANCE OF 437.00' TO THE SOUTHEAST
41 CORNER OF SAID LOT 52 I.T., SAID POINT BEING ON THE
42 NORTH LINE OF LOT 2, HORIZON BUSINESS CENTER 3RD
43 ADDITION; THENCE N89°48'40"E, ON THE NORTH LINE OF SAID
44 LOT 2, SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-
45 WAY, A DISTANCE OF 10.00' TO THE NORTHEAST CORNER OF
46 SAID LOT 2, SAID POINT BEING 50.00' WEST OF THE EAST LINE
47 OF SAID NORTHEAST QUARTER; THENCE S00°05'33"E, ON A
48 WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00'
49 WEST OF AND PARALLEL WITH THE EAST LINE OF SAID

1 NORTHEAST QUARTER, A DISTANCE OF 458.94' TO POINT OF
2 INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF
3 GARRET LANE; THENCE S89°57'15"W, ON A NORTH LINE OF
4 SAID RIGHT-OF-WAY, A DISTANCE OF 51.25' TO A POINT;
5 THENCE S00°11'20"E, ON A WEST LINE OF SAID RIGHT-OF-
6 WAY, A DISTANCE OF 100.00' TO A POINT; THENCE
7 N89°57'15"E, ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A
8 DISTANCE OF 51.08' TO A POINT OF INTERSECTION WITH A
9 WEST RIGHT-OF-WAY LINE OF SOUTH 14TH STREET, SAID
10 POINT BEING 50.00' WEST OF THE EAST LINE OF SAID
11 NORTHEAST QUARTER; THENCE S00°05'33"E, ON A WEST LINE
12 OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' WEST OF
13 AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST
14 QUARTER, A DISTANCE OF 643.71' TO THE SOUTHEAST
15 CORNER OF OUTLOT "A", HORIZON BUSINESS CENTER
16 ADDITION; THENCE S00°10'31"E, ON A WEST LINE OF SAID
17 RIGHT-OF-WAY, SAID LINE BEING 50.00' WEST OF AND
18 PARALLEL WITH THE EAST LINE OF THE SOUTHEAST
19 QUARTER OF SAID SECTION 23, A DISTANCE OF 508.34' TO A
20 POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY
21 LINE OF INFINITY COURT; THENCE S00°10'41"E, A DISTANCE
22 OF 80.00' TO A POINT OF INTERSECTION WITH THE SOUTH
23 RIGHT-OF-WAY LINE OF INFINITY COURT; THENCE
24 S00°10'31"E, ON A WEST RIGHT-OF-WAY LINE OF SOUTH 14
25 STREET, SAID LINE BEING 50.00' WEST OF AND PARALLEL
26 WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A
27 DISTANCE OF 598.02' TO THE SOUTHEAST CORNER OF LOT 4,
28 HORIZON BUSINESS CENTER 4TH ADDITION; THENCE
29 S89°50'17"W, ON THE SOUTH LINE OF SAID LOT 4, SAID LINE
30 BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF
31 10.06' TO THE NORTHEAST CORNER OF LOT 1, HORIZON
32 BUSINESS CENTER 9TH ADDITION, SAID POINT BEING 60.06'
33 WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER;
34 THENCE S00°10'46"E, ON A WEST LINE OF SAID RIGHT-OF-
35 WAY, A DISTANCE OF 804.21' TO THE MOST SOUTHERN
36 CORNER OF LOT 1, HORIZON BUSINESS CENTER 11TH
37 ADDITION, SAID POINT BEING ON THE EAST RIGHT-OF-WAY
38 LINE OF THE BURLINGTON NORTHERN AND SANTA FE
39 RAILROAD; THENCE N28°36'30"W, ON A EAST LINE OF SAID
40 RAILROAD RIGHT-OF-WAY, A DISTANCE OF 914.64' TO A
41 POINT; THENCE N28°36'24"W, ON A EAST LINE OF SAID
42 RAILROAD RIGHT-OF-WAY, A DISTANCE OF 725.41' TO A
43 POINT; THENCE N28°35'56"W, ON A EAST LINE OF SAID
44 RAILROAD RIGHT-OF-WAY, A DISTANCE OF 630.91' TO A
45 POINT; THENCE N28°36'13"W, ON A EAST LINE OF SAID
46 RAILROAD RIGHT-OF-WAY, A DISTANCE OF 351.69' TO A
47 POINT; THENCE N47°56'36"W, ON A EAST LINE OF SAID
48 RAILROAD RIGHT-OF-WAY, A DISTANCE OF 75.63' TO A POINT;
49 THENCE N28°36'13"W, ON A EAST LINE OF SAID RAILROAD
50 RIGHT-OF-WAY, A DISTANCE OF 1,319.65' TO A POINT; THENCE

1 N14°05'55"E, ON A EAST LINE OF SAID RAILROAD RIGHT-OF-
2 WAY, A DISTANCE OF 36.86' TO A POINT; THENCE N28°36'13"W,
3 ON A EAST LINE OF SAID RAILROAD RIGHT-OF-WAY, A
4 DISTANCE OF 1,062.35' TO A POINT; THENCE S61°23'47"W, ON
5 A EAST LINE OF SAID RAILROAD RIGHT-OF-WAY, A DISTANCE
6 OF 24.92' TO A POINT OF CURVATURE FOR A SPIRAL CURVE
7 IN A CLOCKWISE DIRECTION ON A EAST LINE OF SAID
8 RAILROAD RIGHT-OF-WAY, HAVING A CHORD BEARING OF
9 N27°09'21"W, A CHORD DISTANCE OF 207.09', AN 'X' VALUE OF
10 207.03', AND AN 'Y' VALUE OF 5.23' TO THE NORTHWEST
11 CORNER OF SAID LOT 52 I.T.; THENCE S89°56'58"E, ON THE
12 NORTH LINE OF SAID LOT 52 I.T., A DISTANCE OF 2,369.36' TO
13 THE POINT OF BEGINNING, SAID TRACT CONTAINS A
14 CALCULATED AREA 5,827,871.47 SQUARE FEET OR 133.79
15 ACRES, MORE OR LESS.

16 WHEREAS, the real property adjacent to the area included within the site plan for
17 this amendment to the use permit will not be adversely affected; and

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

21 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
22 Lincoln, Nebraska:

23 That the application of Peters Properties, LLC, hereinafter referred to as
24 "Permittee", to remove the land use table, maximum floor area tables, and land area
25 calculations from the site plan and approve the waiver to eliminate the specific use regulation as
26 defined in Section 27.51.030(c)(1) of the LMC , be and the same is hereby granted under the
27 provisions of Section 27.64.010 of the Lincoln Municipal Code upon condition that construction
28 and operation of said development be in substantial compliance with said application, the site
29 plan, and the following additional express terms, conditions, and requirements:

30 1. This permit removes the land use table, maximum floor area tables, and
31 land area calculations from the site plan and approves the waiver to eliminate the specific use
32 regulation as defined in Section 27.51.030(c)(1) of the LMC.

- 1 2. Before receiving building permits or a new final plat is approved:
- 2 a. The Permittee shall submit to the Planning Department a revised
3 and reproducible final plot plan including 5 copies showing the
4 following revisions:
- 5 i. Add "internal setbacks are zero" at the end of note #20.
- 6 ii. Remove all extraneous notes including notes 2, 4, 6, 7, 8,
7 12, 14, 17, 18, 19, 22, 24, 30, 33, 34, 37, and 41.
- 8 b. City Council approves Text Amendment #15006.
- 9 3. Before occupying the buildings, all development and construction shall
10 substantially comply with the approved plans.
- 11 4. All privately-owned improvements, including landscaping, are to be
12 permanently maintained by the Permittee or an appropriately established association approved
13 by the City.
- 14 5. The site plan accompanying this permit shall be the basis for all
15 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
16 elements, and similar matters.
- 17 6. The terms, conditions, and requirements of this resolution shall run with
18 the land and be binding upon the Permittee, its successors, and assigns.
- 19 7. The Permittee shall sign and return the letter of acceptance to the City
20 Clerk. This step should be completed within 60 days following the approval of the use permit.
21 The City Clerk shall file a copy of the resolution approving the use permit and the letter of
22 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
23 Permittee. Building permits will not be issued unless the letter of acceptance has been filed.
- 24 8. The site plan as approved with this resolution voids and supersedes all
25 previously approved site plans; however, the terms and conditions of all resolutions approving
26 previous permits shall remain in force and effect except as specifically amended by this
27 resolution.

Introduced by:



A YES: Camp, Christensen,
Eskridge, Fellers, Gaylor Baird,
Lamm, Raybould; NAYS: None.

Approved as to Form & Legality:

Jeffrey R. Christensen
City Attorney

ADOPTED

JUN 15 2015

BY CITY COUNCIL

Approved this 19th day of June, 2015:
Chris Baird
Mayor

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit 117E**

To The City Clerk:

The undersigned, "Permittee" under **Special Permit 117E** granted by **Resolution A-89021**, adopted by the City Council of the City of Lincoln, Nebraska, on **June 15, 2015**, hereby files this Letter of Acceptance and certifies to the City of Lincoln that the Permittee is fully aware of and understands all the conditions of said Resolution and that Permittee consents to and agrees to comply with the same.

Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Special Permit.

Dated this 21 day of July, 2015.

PETERS PROPERTIES, PERMITTEE



Signature



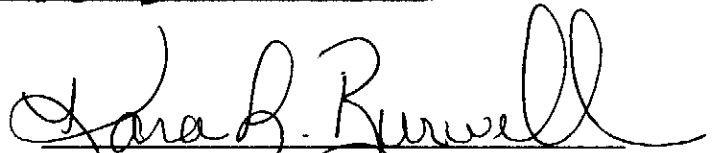
Title

STATE OF Nebraska)

COUNTY OF Lancaster) ss.

The foregoing instrument was acknowledged before me this 21st day of July, 2015, by Jay D. Peters, on behalf of Peters Properties LLC.




Notary Public