



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 14<sup>th</sup> Street and Garret  
6 Lane, legally described as follows:

7  
8 A TRACT OF LAND COMPOSED OF A PORTION OF VACATED  
9 PINE LAKE ROAD RIGHT-OF-WAY, LOT 52 I.T., OUTLOT "A",  
10 HORIZON BUSINESS CENTER ADDITION, LOTS 7 THROUGH 9,  
11 LOT 11, LOTS 18 AND 19, BLOCK 1, HORIZON BUSINESS  
12 CENTER ADDITION, OUTLOT "A", HORIZON BUSINESS 1<sup>ST</sup>  
13 ADDITION, LOTS 1 THROUGH 4, BLOCK 1, HORIZON BUSINESS  
14 CENTER 1<sup>ST</sup> ADDITION, LOTS 1, 2 AND 4, HORIZON BUSINESS  
15 CENTER 2<sup>ND</sup> ADDITION, LOTS 1 THROUGH 4, HORIZON  
16 BUSINESS CENTER 3<sup>RD</sup> ADDITION, OUTLOT "A", HORIZON  
17 BUSINESS CENTER 4<sup>TH</sup> ADDITION, LOTS 1 THROUGH 5,  
18 HORIZON BUSINESS CENTER 4<sup>TH</sup> ADDITION (LOT 1, HORIZON  
19 BUSINESS CENTER 4<sup>TH</sup> ADDITION IS ALSO KNOWN AS UNITS  
20 1 AND 2, INFINITY COURT CONDOMINIUM), LOT 1, HORIZON  
21 BUSINESS CENTER 5<sup>TH</sup> ADDITION, OUTLOT "A", HORIZON  
22 BUSINESS CENTER 6<sup>TH</sup> ADDITION, LOTS 1 AND 2, HORIZON  
23 BUSINESS CENTER 6<sup>TH</sup> ADDITION, LOT 1, HORIZON BUSINESS  
24 CENTER 9<sup>TH</sup> ADDITION, OUTLOT "B", HORIZON BUSINESS  
25 CENTER 10<sup>TH</sup> ADDITION, LOT 1, HORIZON BUSINESS CENTER  
26 10<sup>TH</sup> ADDITION, LOT 1, HORIZON BUSINESS CENTER 11<sup>TH</sup>  
27 ADDITION, OUTLOT "A", HORIZON BUSINESS CENTER 12<sup>TH</sup>  
28 ADDITION, OUTLOTS "A" AND "B", HORIZON BUSINESS CENTER  
29 13<sup>TH</sup> ADDITION, LOTS 1 THROUGH 5, HORIZON BUSINESS  
30 CENTER 13<sup>TH</sup> ADDITION, LOTS 1 THROUGH 4, HORIZON  
31 BUSINESS CENTER 14<sup>TH</sup> ADDITION, ALL LOCATED IN EAST

Return to:  
Teresa @ City Clerk

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 3<sup>RD</sup>  
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

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NORTHEAST QUARTER, A DISTANCE OF 458.94' TO POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GARRET LANE; THENCE S89°57'15"W, ON A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 51.25' TO A POINT; THENCE S00°11'20"E, ON A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 100.00' TO A POINT; THENCE N89°57'15"E, ON A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 51.08' TO A POINT OF INTERSECTION WITH A WEST RIGHT-OF-WAY LINE OF SOUTH 14<sup>TH</sup> STREET, SAID POINT BEING 50.00' WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE S00°05'33"E, ON A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 643.71' TO THE SOUTHEAST CORNER OF OUTLOT "A", HORIZON BUSINESS CENTER ADDITION; THENCE S00°10'31"E, ON A WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 508.34' TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF INFINITY COURT; THENCE S00°10'41"E, A DISTANCE OF 80.00' TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF INFINITY COURT; THENCE S00°10'31"E, ON A WEST RIGHT-OF-WAY LINE OF SOUTH 14 STREET, SAID LINE BEING 50.00' WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 598.02' TO THE SOUTHEAST CORNER OF LOT 4, HORIZON BUSINESS CENTER 4<sup>TH</sup> ADDITION; THENCE S89°50'17"W, ON THE SOUTH LINE OF SAID LOT 4, SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.06' TO THE NORTHEAST CORNER OF LOT 1, HORIZON BUSINESS CENTER 9<sup>TH</sup> ADDITION, SAID POINT BEING 60.06' WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE S00°10'46"E, ON A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 804.21' TO THE MOST SOUTHERN CORNER OF LOT 1, HORIZON BUSINESS CENTER 11<sup>TH</sup> ADDITION, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD; THENCE N28°36'30"W, ON A EAST LINE OF SAID RAILROAD RIGHT-OF-WAY, A DISTANCE OF 914.64' TO A POINT; THENCE N28°36'24"W, ON A EAST LINE OF SAID RAILROAD RIGHT-OF-WAY, A DISTANCE OF 725.41' TO A POINT; THENCE N28°35'56"W, ON A EAST LINE OF SAID RAILROAD RIGHT-OF-WAY, A DISTANCE OF 630.91' TO A POINT; THENCE N28°36'13"W, ON A EAST LINE OF SAID RAILROAD RIGHT-OF-WAY, A DISTANCE OF 351.69' TO A POINT; THENCE N47°56'36"W, ON A EAST LINE OF SAID RAILROAD RIGHT-OF-WAY, A DISTANCE OF 75.63' TO A POINT; THENCE N28°36'13"W, ON A EAST LINE OF SAID RAILROAD 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:



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


Approved as to Form & Legality:

  
City Attorney

**ADOPTED**

JUN 15 2015

**BY CITY COUNCIL**

Approved this 19<sup>th</sup> day of June, 2015:  
  
Mayor

LETTER OF ACCEPTANCE

City of Lincoln  
Lincoln, Nebraska

RE: <sup>Use 79m</sup> ~~Special~~ Permit 117E

To The City Clerk:

The undersigned, "Permittee" under <sup>Use 79m</sup> ~~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 12<sup>th</sup> day of July, 2015.

PETERS PROPERTIES, PERMITTEE

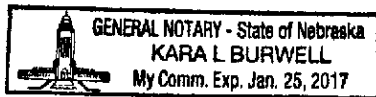
Jay Peters  
Signature

Manager  
Title

STATE OF Nebraska )

COUNTY OF Lancaster ) ss.

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of July, 2015, by Jay Peters, on behalf of Peters Properties LLC.



Kara L Burwell  
Notary Public

# 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 117E** approved by **Resolution A-89021**, adopted by the City Council on **June 15, 2015**, 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 7<sup>th</sup> day of June, 2015.

*Teresa J. Meier*  
City Clerk

