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2003 MAR 27 P 4: 24
LANCASTER COUNTY, NE

INST NO 2003
027977

BLOCK
CODE
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MVA
CITY

Introduce: 2-10-03

03R-41

RESOLUTION NO. A- 81971

USE PERMIT NO. 147

1 WHEREAS, Susan and Donald Brouse, Thomas Folsom, and National Bank
2 of Commerce Trust and Savings Association has submitted an application in accordance
3 with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 147
4 for authority to construct 26,500 sq. ft. of office space, including a drive-thru bank facility,
5 and to defer the review and approval of site plans, ground signs, and required landscape
6 plans to the time of building permits, on property generally located southwest of the
7 intersection of South 27th Street and Porter Ridge Road and legally described to wit:

8 A portion of Lot 32 I.T. located in the South Half of the
9 Northeast Quarter of Section 24, Township 9 North, Range 6
10 East of the 6th P.M., Lancaster County, Nebraska, and more
11 particularly described as follows:

12 Beginning at the northeast corner of Lot 32 I.T. on an assumed
13 bearing along the westerly right-of-way of South 27th Street,
14 south 01 degrees 06 minutes 54 seconds west, a distance of
15 117.55 feet; thence south 01 degrees 04 minutes 03 seconds
16 west, a distance of 450.08 feet; thence south 05 degrees 42
17 minutes 20 seconds west, a distance of 74.08 feet; thence
18 south 01 degrees 55 minutes 16 seconds east, a distance of
19 7.51 feet to the point of beginning; thence continuing along the
20 westerly right-of-way of South 27th Street south 01 degrees 55
21 minutes 16 seconds east, a distance of 311.24 feet; thence
22 north 89 degrees 40 minutes 59 seconds west, a distance of
23 327.75 feet; thence north 00 degrees 19 minutes 01 seconds
24 east, a distance of 311.00 feet; thence south 89 degrees 40
25 minutes 59 seconds east, a distance of 315.60 feet to the
26 point of beginning and containing a calculated area of
27 100,040.42 square feet or 2.30 acres more or less;

City Clerk

1 WHEREAS, the real property adjacent to the area included within the site
2 plan for this development of office space will not be adversely affected; and

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

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

8 That the application of Susan and Donald Brouse, Thomas Folsom, and
9 National Bank of Commerce Trust and Savings Association, hereinafter referred to as
10 "Permittee", to construct 26,500 sq. ft. of office space, including a drive-thru bank facility,
11 and to defer the review and approval of site plans, ground signs, and required landscape
12 plans to the time of building permits on the property legally described above be and the
13 same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal
14 Code upon condition that construction and operation of said office building be in strict
15 compliance with said application, the site plan, and the following additional express terms,
16 conditions, and requirements:

17 1. This permit approves 26,500 square feet of office floor space which
18 includes 4,500 square feet of floor area for a drive-thru bank facility.

19 2. The Planning Director is hereby authorized to approve the site plans,
20 ground signs, and required landscape plans at the time building permits are issued.

21 3. Before receiving building permits:

- 1 a. The Permittee must submit a revised site plan showing
2 building layout, including a landscape plan showing all
3 required landscaping and screening, and any proposed signs.
4 b. The construction plans must conform to the approved plans.
5 c. A formal agreement concerning the developer's obligation for
6 traffic improvements to the surrounding arterial street system.

7 4. Before occupying the buildings all development and construction must
8 be completed in conformance with the approved plans.

9 5. All privately-owned improvements must be permanently maintained
10 by the Permittee or an appropriately established property owners association approved by
11 the City Attorney.

12 6. The site plan approved by the permit shall be the basis for all
13 interpretations of setbacks, yards, locations, of buildings, location of parking and
14 circulation elements, and similar matters.


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

19 8. The Permittee shall sign and return the City's letter of acceptance to
20 the City Clerk within 30 days following approval of this use permit, provided, however, said
21 30-day period may be extended up to six months by administrative amendment. The City

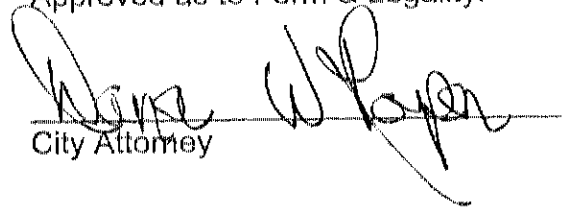
1 Clerk shall file a copy of the resolution approving this use permit and the letter of
2 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
3 Permittee.

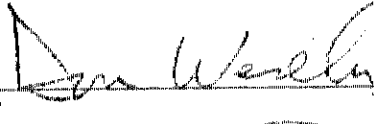
Introduced by:

See further Council Proceedings
on next page.


AYES: Camp, Cook, Friendt,
McRoy, Seng, Svoboda, Werner;
NAYS: None.

Approved as to Form & Legality:


City Attorney

Approved this 12 day of March, 2003:

Mayor

ADOPTED
MAR 03 2003
BY CITY COUNCIL

Bill 03R-41

02/24/03 Council Proceedings:

SVOBODA Moved to delay action on Bill 03R-41 for one week to 3/3/03.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

We, Susan & Donald Brouse and
Thomas Folsom the undersigned representative(s) of Susan &

~~Donald Brouse, Thomas Folsom, and National Bank of Commerce Trust & Savings Assoc.,~~

Permittees in Use Permit 147 granted by Resolution No. A-81971 adopted by the City Council of the City of Lincoln, Nebraska, on March 3, 2003 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 17 day of March, 2003.

Susan Brouse
Susan Brouse

Donald R. Brouse
Donald Brouse

Thomas Folsom
Thomas Folsom


(no longer an owner)
~~National Bank of Commerce Trust & Savings Assoc.~~

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 147 approved by Resolution No. A-81971 adopted by the City Council on March 3, 2003 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 27th day of March, 2003.


Teresa J. Meier
Deputy City Clerk