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2003 MAR 27 P 4: 25
LANCASTER COUNTY, NE

INST NO 2003
027978

FOLSON
CODE
CHECKED
MADE
[Signature]

03R-40

Introduce: 2-10-03

RESOLUTION NO. A- 81970
SPECIAL PERMIT NO. 1989

1 WHEREAS, Susan and Donald Brouse, Thomas Folsom and National Bank of
2 Commerce Trust and Savings Association have submitted an application designated as
3 Special Permit No. 1989 for authority to develop a planned service commercial development
4 consisting of approximately 115,000 sq. ft. of office/commercial floor area, including an
5 automobile dealership, with waivers to the required front, side, and rear yard setbacks, and
6 to defer the review and approval of site plans, ground signs, and required landscape plans to
7 the time of building permits, on property located at southwest of the intersection of South 27th
8 Street and Porter Ridge Road, and legally described to wit:

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

13 Beginning at the northeast corner of Lot 32 I.T. on an assumed
14 bearing along the westerly right-of-way of South 27th Street,
15 south 01 degrees 06 minutes 54 seconds west, a distance of
16 117.55 feet; thence south 01 degrees 04 minutes 03 seconds
17 west, a distance of 450.08 feet; thence south 05 degrees 42
18 minutes 20 seconds west, a distance of 74.08 feet; thence south
19 01 degrees 55 minutes 16 seconds east, a distance of 7.51 feet;
20 thence north 89 degrees 40 minutes 59 seconds west, a
21 distance of 514.04 feet; thence north 72 degrees 29 minutes 32
22 seconds west, a distance of 265.60 feet; thence north 00
23 degrees 23 minutes 38 seconds east, a distance of 571.38 feet
24 to a point on the northerly line of Lot 32 I.T.; thence along the
25 northerly lot line of Lot 32 I.T. south 89 degrees 36 minutes 22
26 seconds east, a distance of 781.21 feet to the point of beginning
27 and containing a calculated area of 494,526.19 square feet or
28 11.35 acres, more or less;

City Clerk

1 WHEREAS, the real property adjacent to the area included within the site plan
2 for this office/commercial development 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 Code
5 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 National
9 Bank of Commerce Trust and Savings Association, hereinafter referred to as "Permittee", to
10 develop a planned service commercial development consisting of approximately 115,000 sq.
11 ft. of office/commercial floor area, including an automobile dealership, with waivers to the
12 required front, side, and rear yard setbacks, and to defer the review and approval of site
13 plans, ground signs, and required landscape plans to the time of building permits, on the
14 property legally described above, be and the same is hereby granted under the provisions of
15 Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and
16 operation of said planned service commercial development be in strict compliance with said
17 application, the site plan, and the following additional express terms, conditions, and require-
18 ments:

19 1. This permit approves 115,000 square feet of retail/commercial floor area
20 including 80,000 square feet of floor area for an automotive dealership.

21 2. This permit approves a waiver of the front yard setback along South 27th

1 Street from 50 feet to 40 feet.

2 3. This permit approves a waiver of the side yard setback from 50 feet to
3 10 feet except along the north property line where the setback reduction is from 50 feet to 20
4 feet.

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

7 5. Before receiving building permits:

- 8 a. A site plan showing building layout, including a landscape plan
9 showing all required landscaping and any proposed signs.
10 b. The construction plans must conform to the approved plans.
11 c. A formal agreement concerning the developer's obligation for
12 traffic improvements to the surrounding arterial street system.

13 6. Before occupying any buildings all development and construction must
14 be completed in conformance with the approved plans.

15 7. All privately-owned improvements must be permanently maintained by
16 the Permittee or an appropriately established property owners association approved by the
17 City Attorney.

18 8. 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.

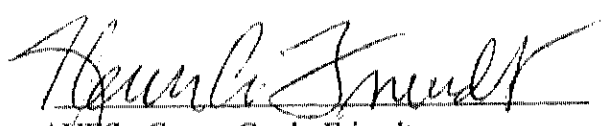
21 9. The terms, conditions, and requirements of this resolution shall be

1 binding and obligatory upon the Permittee, their successors, and assigns. The building official
2 shall report violations to the City Council which may revoke the special permit or take such
3 other action as may be necessary to gain compliance.

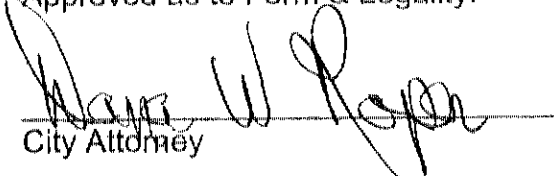
4 10. The Permittee shall sign and return the City's letter of acceptance to the
5 City Clerk within 30 days following approval of the special permit, provided, however, said 30-
6 day period may be extended up to six months by administrative amendment. The City Clerk
7 shall file a copy of the resolution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

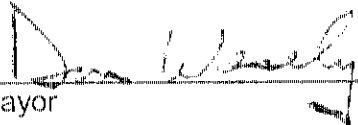
Introduced by:

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-40

02/24/03 Council Proceedings:

SVOBODA Moved to delay action on Bill 03R-40 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 **Special Permit 1989** granted by **Resolution No. A-81970** 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 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 **Special Permit 1989** approved by **Resolution No. A-81970** 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.



Deputy City Clerk
