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LANCASTER COUNTY, NE

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03R-38

Introduce: 2-10-03

RESOLUTION NO. A- 81988

SPECIAL PERMIT NO. 1988

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. 1988 for authority to develop Tamarin Ridge Community Unit Plan
4 consisting of approximately 441 dwelling units with waivers of the maximum height and to
5 defer review and approval of site plans, ground signs, and required landscape plans for the
6 multi-family dwellings to the time of building permits, on property located at 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 Northeast Quarter of
9 Section 24, Township 9 North, Range 6 East of the 6th P.M.,
10 Lancaster County, Nebraska, more particularly described as
11 follows:

12 Beginning at the northwest corner of Lot 32 I.T.; thence in an
13 easterly direction on the northerly line of said Lot 32 I.T. and on
14 an assumed bearing of south 89 degrees 36 minutes 22
15 seconds east, a distance of 1808.33 feet; thence south 00
16 degrees 23 minutes 38 seconds west, a distance of 571.38 feet;
17 thence south 72 degrees 29 minutes 32 seconds east, a
18 distance of 265.60 feet; thence south 89 degrees 40 minutes 59
19 seconds east, a distance of 198.45 feet; thence south 00
20 degrees 19 minutes 01 seconds west, a distance of 311.00 feet;
21 thence north 89 degrees 40 minutes 59 seconds west, a
22 distance of 66.79 feet; thence on a curve to the right having a
23 radius of 300.00 feet, central angle of 42 degrees 20 minutes 11
24 seconds, on a chord bearing of north 68 degrees 30 minutes 53
25 seconds west, a chord distance of 216.66 feet to the point of
26 reverse curve; thence on a curve to the left having a radius of
27 300.00 feet, central angle of 51 degrees 31 minutes 30 seconds,
28 on a chord bearing of north 73 degrees 06 minutes 32 seconds
29 west, a chord distance of 260.79 feet to the point of tangency;

City Clerk

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thence south 81 degrees 07 minutes 43 seconds west, a distance of 149.59 feet; thence on a curve to the right having a radius of 450.00 feet, central angle of 43 degrees 07 minutes 47 seconds, on a chord bearing of north 30 degrees 26 minutes 11 seconds west, a distance of 330.80 feet to the point of tangency; thence north 52 degrees 00 minutes 04 seconds west, a distance of 320.91 feet; thence on a curve to the left having a radius of 250.00 feet, central angle of 52 degrees 23 minutes 43 seconds on a chord bearing of south 64 degrees 11 minutes 47 seconds west, a distance of 220.73 to the point of tangency; thence north 89 degrees 36 minutes 22 seconds west, a distance of 131.66 feet; thence south 00 degrees 23 minutes 38 seconds west, a distance of 150.00 feet; thence north 89 degrees 36 minutes 22 seconds west, a distance of 369.00 feet; thence south 84 degrees 57 minutes 13 seconds west, a distance of 52.59 feet; thence south 66 degrees 15 minutes 06 seconds west, a distance of 48.63 feet; thence south 47 degrees 35 minutes 46 seconds west, a distance of 48.62 feet; thence north 51 degrees 43 minutes 51 seconds west, a distance of 150.00 feet; thence on a curve to the left having a radius of 300.00 feet, a central angle of 21 degrees 46 minutes 49 seconds, on a chord bearing of south 27 degrees 22 minutes 45 seconds west, a chord distance of 113.36 feet; thence south 73 degrees 30 minutes 40 seconds east, a distance of 150.00 feet; thence south 06 degrees 58 minutes 45 seconds west, a distance of 50.55 feet; thence south 00 degrees 12 minutes 31 seconds east, a distance of 329.70 feet; thence south 06 degrees 38 minutes 21 seconds west, a distance of 30.00 feet; thence on a curve to the right having a radius of 150.00 feet, a central angle of 83 degrees 40 minutes 41 seconds, on a chord bearing of south 41 degrees 31 minutes 19 seconds east, a chord distance of 200.11 feet to the point of tangency of said curve; thence south 00 degrees 19 minutes 01 seconds west, a distance of 59.94 feet to a point on the south line of Lot 32 I.T.; thence along the south line of Lot 32 I.T. north 89 degrees 40 minutes 59 seconds west, a distance of 428.00 feet to the southwest corner of Lot 32 I.T.; thence along the westerly line of Lot 32 I.T. on a bearing of north 00 degrees 12 minutes 31 seconds west, a distance of 1327.62 feet to the point of beginning and containing a calculated area of 1,399,012.66 square feet, or 32.12 acres, more or less;

1 WHEREAS, the real property adjacent to the area included within the site plan
2 for this community unit plan 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 Tamarin Ridge Community Unit Plan, on the property legally described above, be and
11 the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of
12 the Lincoln Municipal Code upon condition that construction and operation of said community
13 unit plan be in strict compliance with said application, the site plan, and the following
14 additional express terms, conditions, and requirements:

- 15 1. This permit approves 441 dwelling units.
- 16 2. This permit approves a waiver to the maximum height in the R-4 Zoning
17 District from 35' to 45'.
- 18 3. The Planning Director is hereby authorized to approve the site plans,
19 ground signs, and required landscape plans for the multi-family dwellings at the time building
20 permits are issued.
- 21 4. Before receiving building permits:

- a. A recreation plan must be approved which includes recreation facilities for small children on-site with the apartments.
- b. A site plan showing building layout, including a landscape plan showing all required landscaping and the required screening for apartments, and any proposed signs.
- c. The construction plans must conform to the approved plans.

5. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

6. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

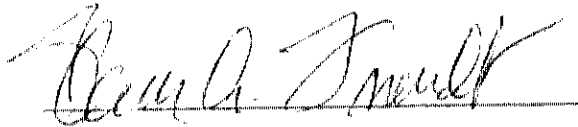
7. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

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

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

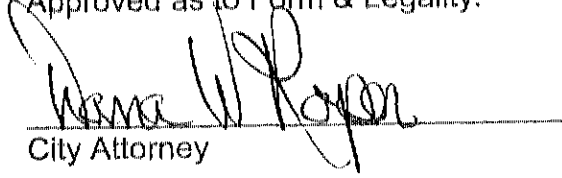
See further Council Proceedings
on next page.

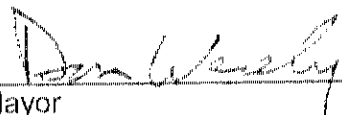
Introduced by:



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-38

02/24/03 Council Proceedings:

SVOBODA Moved to delay action on Bill 03R-38 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 1988** granted by **Resolution No. A-81968** 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 **Special Permit 1988** approved by **Resolution No. A-81968** 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
