04038988

$136.00

BLOCK

HIMES
HIMES1
HIMES2
HIMES3
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HIMES5
HIMES6
HIMES7

CODE
IRES

CHECKED
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ENTERED

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INST. NO 2004

038988

2004 JUN 14 P 4:26

LANCASTER COUNTY, NE

04R-101

Introduce: 5-3-04

RESOLUTION NO. A-82744

SPECIAL PERMIT NO. 1423-I

WHEREAS, HiMark Golf L.L.C. has submitted an application designated as Special Permit No. 1423-I for authority to amend HiMark Estates Community Unit Plan to replace 272 multiple-family units with 31 single-family units for a reduced total of 344 dwelling units, including requested waivers to the required preliminary plat process, minimum lot area, and minimum width for major streets, on property generally located at South 90th Street and Old Cheney Road, and legally described to wit:

> All of the Lots, Blocks, and Outlots in the following subdivisions: HiMark Estates Addition, HiMark Estates 1st Addition, HiMark Estates 2nd Addition, HiMark Estates 3rd Addition, HiMark Estates 4th Addition, HiMark Estates 5th Addition Corrected, HiMark Estates 6th Addition, HiMark Estates 7th Addition, and Iron Gates Estates, all located in Section 11, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; (See attached list)

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the community unit plan will not be adversely affected; and

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

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

That the application of HiMark Golf, L.L.C., hereinafter referred to as "Permittee", to amend HiMark Estates Community Unit Plan to replace 272 multiple-family units with 31 single-family units for a reduced total of 344 dwelling units, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and

Teresa - City Clerk

Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:

   a. A total of 344 dwelling units.

   b. A waiver of minimum lot area for Outlot S.

   c. A waiver of the requirement that a preliminary plat be submitted for the area of this application.

2. The approved community unit plan shall serve the purpose of a preliminary plat for the area of this amendment. Final plats in this area may be approved based upon the approved community unit plan.

3. The waiver of the filing of a preliminary plat and the approval of this community unit plan in lieu of a preliminary plat shall only be effective for a period of ten (10) years from the date of approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the date of approval, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

4. Before receiving building permits:

   a. The Permittee must submit one original and five copies of the plans as approved.

   b. Final Plats within the area of this community unit plan must be approved by the City.

   c. The construction plans must conform to the approved plans.

A-82744

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

6. 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.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its 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.

8. 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.

9. The site plan approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

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

ADOPTED

MAY 10 2004

BY CITY COUNCIL

Approved this 13th day of May, 2004:

Mayor

Lots 1-9, Block 1, Lots 1-6, Block 2, Lots 2-17, Block 3, Lots 1-12, Block 4, Outlots A, B, C, D, E, and F, HiMark Estates Addition; Lots 1 and 2, Block 1, Lots 1-9, Block 2, Lots 1-4, Block 3, Lots 1-11, Block 4, Outlots C, D, and E, HiMark Estates 1st Addition; Lots 1-24 and 26-39, Outlot A, HiMark Estates 2nd Addition; Lots 1-16, Block 1, Lots 1-14, Block 2, Lots 1-6, Block 3, Outlots A, B, C, and G, HiMark Estates 3rd Addition; Lots 1-4, Outlot A, HiMark Estates 4th Addition; Lot 1,Block 1, Lots 1-4, Block 2, HiMark Estates 5th Addition Corrected; Lots 1-3, Block 1, Lots 1-4, Block 2, Lots 1-5, Block 3, Outlot A, HiMark Estates 6th Addition; Lots 1-4, Outlots A and B, HiMark Estates 7th Addition; Lots 1-24, Block 1, Outlots A and B, Iron Gate Estates.

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, GUY LAMMLE the undersigned representative(s) of **HIMARK GOLF LLC,** Permittee(s) in **Special Permit 1423I** granted by **Resolution A-82744** adopted by the City Council of the City of Lincoln, Nebraska, on **May 10, 2004** 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 4th day of June, 2004.

HIMARK GOLF LLC

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 1423I** approved by **Resolution No. A-82744** adopted by the City Council on **May 10, 2004** 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 8th day of June, 2004.

Teresa J. Meier
Deputy City Clerk

CITY OF LINCOLN FOUNDED JULY 2, 1859 SEAL INCORPORATED APRIL 1, 1869 LANCASTER COUNTY, NEBRASKA