

Dan Galte

REGISTER OF DEEDS

2000 MAR 17 P 1:47

\$ 41.00

INST. NO 2000

010852

BLOCK

CODE

KRI
CHECKED

ENTERED

EDITED

4 32

00R-55

Introduce: 2-14-00

RESOLUTION NO. A- 80050

USE PERMIT NO. 123

1 WHEREAS, North 33rd Street, L.L.C. has submitted an application in
 2 accordance with Sections 27.31.100 and 27.51.100 of the Lincoln Municipal Code
 3 designated as Use Permit No. 123 for authority to construct 136,000 sq. ft. of retail
 4 space, 204,000 sq. ft. of office space, and 751,000 sq. ft. of industrial/warehouse
 5 space, on property generally located at north 33rd Street and Folkways Blvd., and
 6 legally described to wit:

7 Outlot "A", King Ridge 1st Addition, Lot 9 I.T., Lot 55 I.T., Lot
 8 64 I.T., a portion of Lot 66 I.T., and Lot 56 I.T., all located in
 9 the North Half and the Southeast Quarter of Section 6,
 10 Township 10 North, Range 7 East of the 6th P.M., Lancaster
 11 County, Nebraska, and more particularly described as
 12 follows:

13
 14 Beginning at the northwest corner of said Lot 9 I.T., said
 15 point being the northwest corner of the Northeast Quarter of
 16 said Section 6 and the true point of beginning; thence on an
 17 assumed bearing of south 89 degrees 32 minutes 01
 18 seconds east along the north line of said Lots 9 I.T., 55 I.T.,
 19 and 56 I.T., said line being the north line of said Northeast
 20 Quarter, a distance of 2081.80 feet to the northeast corner
 21 of said Lot 56 I.T.; thence south 19 degrees 48 minutes 14
 22 seconds west along the east line of said Lot 56 I.T., a
 23 distance of 308.00 feet to a point of deflection; thence south
 24 27 degrees 40 minutes 14 seconds west along the east line
 25 of said Lot 56 I.T., a distance of 191.00 feet to a point of
 26 deflection; thence south 14 degrees 39 minutes 14 seconds
 27 west along the east line of said Lot 56 I.T., a distance of
 28 430.00 feet to a point of deflection; thence south 20 degrees
 29 17 minutes 14 seconds west, a distance of 430.00 feet to a
 30 point of deflection; thence south 25 degrees 27 minutes 14
 31 seconds west along the east line of said Lot 56 I.T., a
 32 distance of 216.00 feet to a point of deflection; thence south
 33 18 degrees 58 minutes 46 seconds east along the east line
 34 of said Lot 56 I.T., a distance of 300.00 feet to a point of
 35 deflection; thence south 35 degrees 32 minutes 46 seconds

Lot 4 + pt L66e NKA Lot 7 + pt L66e SE 1/4

City Clerk (JOAN)

1 east along the east line of said Lot 56 I.T., a distance of
2 260.00 feet to a point of deflection; thence south 44 degrees
3 52 minutes 46 seconds east along the east line of said Lot
4 56 I.T., a distance of 340.00 feet to a point of deflection;
5 thence south 25 degrees 12 minutes 46 seconds east along
6 the east line of said Lot 56 I.T., a distance of 238.00 feet to
7 a point of deflection; thence south 15 degrees 52 minutes 46
8 seconds east along the east line of said Lot 56 I.T., a
9 distance of 131.40 feet to the southeast corner of said Lot
10 56 I.T.; thence south 89 degrees 20 minutes 18 seconds
11 west along the south line of said Northeast Quarter, a
12 distance of 247.88 feet to a point; thence south 14 degrees
13 09 minutes 24 seconds east, a distance of 45.07 feet to a
14 point; thence south 30 degrees 44 minutes 24 seconds east,
15 a distance of 112.47 feet to a point; thence south 18
16 degrees 11 minutes 27 seconds east, a distance of 425.18
17 feet to a point; thence south 89 degrees 21 minutes 45
18 seconds west, a distance of 612.60 feet to a point; thence
19 north 19 degrees 52 minutes 12 seconds west, a distance of
20 110.44 feet to a point; thence south 44 degrees 39 minutes
21 07 seconds west, a distance of 86.32 feet to a point; thence
22 north 45 degrees 20 minutes 53 seconds west, a distance of
23 40.21 feet to a point; thence south 44 degrees 39 minutes
24 07 seconds west, a distance of 11.82 feet to a point; thence
25 south 20 degrees 54 minutes 33 seconds west, a distance of
26 166.64 feet to a point; thence south 24 degrees 58 minutes
27 57 seconds west, a distance of 189.53 feet to a point;
28 thence south 38 degrees 28 minutes 38 seconds west, a
29 distance of 441.81 feet to a point; thence south 33 degrees
30 31 minutes 48 seconds west, a distance of 211.58 feet to a
31 point of intersection with the south line of said Lot 66 I.T.;
32 thence south 89 degrees 24 minutes 30 seconds west along
33 the south line of said Lots 66 I.T. and 64 I.T., said line being
34 the south line of the Northwest Quarter of said Southeast
35 Quarter, a distance of 757.17 feet to the southwest corner of
36 said Lot 64 I.T.; thence north 16 degrees 42 minutes 23
37 seconds west along the west line of said Lot 64 I.T., a
38 distance of 342.29 feet to a point of curvature; thence along
39 a curve in a clockwise direction having a radius of 1000.00
40 feet, arc length of 309.56 feet, delta angle of 17 degrees 44
41 minutes 12 seconds, a chord bearing of north 07 degrees 50
42 minutes 17 seconds west, and a chord length of 308.33 feet
43 to a point of tangency; thence north 01 degrees 01 minutes
44 49 seconds east along the west line of said Lot 64 I.T., said
45 line being the west line of the Northwest Quarter of said
46 Southeast Quarter, a distance of 690.46 feet; thence north

1 01 degrees 02 minutes 06 seconds east along the west line
2 of said Lot 9 I.T.; said line being the west line of said
3 Northeast Quarter, a distance of 42.52 feet to the southeast
4 corner of said Outlot "A"; thence south 89 degrees 20
5 minutes 39 seconds west along the south line of said Outlot
6 "A", a distance of 50.02 feet to the southwest corner of said
7 Outlot "A"; thence north 01 degrees 02 minutes 06 seconds
8 east along the west line of said Outlot "A", a distance of
9 1702.88 feet to a point of curvature; thence along a curve in
10 a counterclockwise direction having a radius of 950.00 feet,
11 arc length of 144.20 feet, delta angle of 08 degrees 41
12 minutes 49 seconds, a chord bearing of north 03 degrees 18
13 minutes 49 seconds west along the west line of said Outlot
14 "A", and a chord length of 144.06 feet to a point; thence
15 south 65 degrees 00 minutes 33 seconds west along the
16 south line of said Outlot "A", a distance of 16.09 feet to a
17 point of deflection; thence north 24 degrees 59 minutes 27
18 seconds west along the west line of said Outlot "A", a
19 distance of 80.00 feet to a point of deflection; thence north
20 65 degrees 00 minutes 33 seconds east along a north line of
21 said Outlot "A", a distance of 22.71 feet to a point of
22 deflection; thence north 21 degrees 15 minutes 03 seconds
23 east along the west line of said Outlot "A", a distance of
24 40.86 feet to a point of deflection; thence along a curve in a
25 clockwise direction having a radius of 1050.00 feet; arc
26 length of 137.43 feet, delta angle of 07 degrees 29 minutes
27 58 seconds, a chord bearing of north 17 degrees 30 minutes
28 49 seconds west along the west line of said Outlot "A", and
29 a chord length of 137.34 feet to a point of tangency; thence
30 north 13 degrees 45 minutes 50 seconds west along the
31 west line of said Outlot "A", a distance of 476.53 feet to the
32 northwest corner of said Outlot "A"; thence south 89 degrees
33 32 minutes 57 seconds east along the north line of said
34 Outlot "A"; said line being the north line of said Northwest
35 Quarter, a distance of 241.37 feet to the true point of
36 beginning; said tract contains a calculated area of 155.40
37 acres, or 6,769,342.64 square feet more or less;

38
39 WHEREAS, the real property adjacent to the area included within the site
40 plan for this development of retail, office, and industrial space will not be adversely
41 affected; and

42 WHEREAS, said site plan together with the terms and conditions
43 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln

1 Municipal Code to promote the public health, safety, and general welfare.

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

4 That the application of North 33rd Street, L.L.C., hereinafter referred to as
5 "Permittee", to construct 136,000 sq. ft. of retail space, 204,000 sq. ft. of office space,
6 and 751,000 sq. ft. of industrial/warehouse space, on the property legally described
7 above be and the same is hereby granted under the provisions of Sections 27.31.100
8 and 27.51.100 of the Lincoln Municipal Code upon condition that construction and
9 operation of said retail, office, and industrial space be in strict compliance with said
10 application, the site plan, and the following additional express terms, conditions, and
11 requirements:

12 1. This permit approves 751,000 square feet of warehouse/industrial
13 space, 204,000 square feet of office space, 136,000 square feet of retail space, and a
14 reduction in the front yard setbacks adjacent to Lot 14, Block 2, Lot 3, Block 4, and Lot
15 2, Block 3, to accommodate dedication of additional right-of-way for right turn lanes,
16 provided a minimum setback of 100 feet from the centerline of the road is maintained,
17 as shown on the approved site plan.

18 2. Before receiving building permits:

19 a. The Permittee must submit a revised and reproducible final
20 plan.

21 b. The construction plans shall comply with the approved
22 plans.

23 c. Final plats within the area of this Use Permit must be
24 approved by the City.

1 d. A permanent conservation easement has been established
2 over the wetlands in Outlot "A" and over all of Outlot "B", and
3 "C", or the wetlands on Outlot "A" and all of Outlots "B" and
4 "C" have been deeded to a conservation organization or
5 resource agency.

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

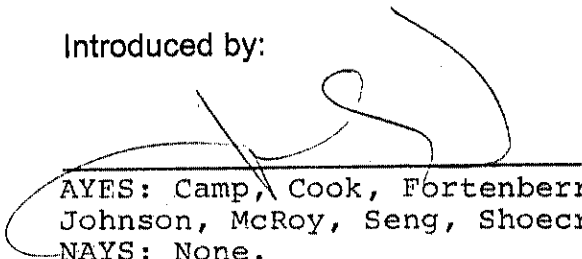
8 4. All privately-owned improvements shall be permanently maintained
9 by the owner or an appropriately established homeowners association approved by the
10 City Attorney.

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

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

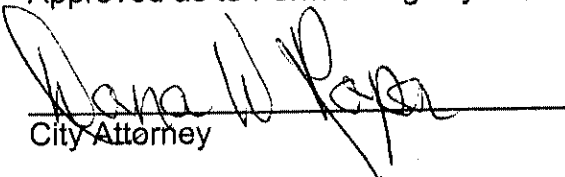
18 7. The Permittee shall sign and return the City's letter of acceptance
19 to the City Clerk within 30 days following approval of this use permit, provided,
20 however, said 30-day period may be extended up to six months by administrative
21 amendment. The City Clerk shall file a copy of the resolution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

Introduced by:



AYES: Camp, Cook, Fortenberry,
Johnson, McRoy, Seng, Shoecraft;
NAYS: None.

Approved as to Form & Legality:


City Attorney

Staff Review Completed:

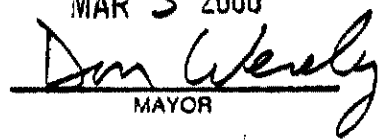

Administrative Assistant

2/22/00 Council Proceedings:

COOK Moved to delay action on Bill 00R-55 to 2/28/00.
Seconded by Camp & Carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVED

MAR 3 2000


MAYOR

ADOPTED

FEB 28 2000

By City Council

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

RE: Use Permit No. 123

TO THE CITY COUNCIL:

I, Don Linscott, authorized representative of North 33rd Street, L.L.C., herein called "Permittee" under **Use Permit No. 123**, granted by Resolution No. A-80050, adopted by the City Council of the City of Lincoln on February 28, 2000, 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 14 day of March, 2000.

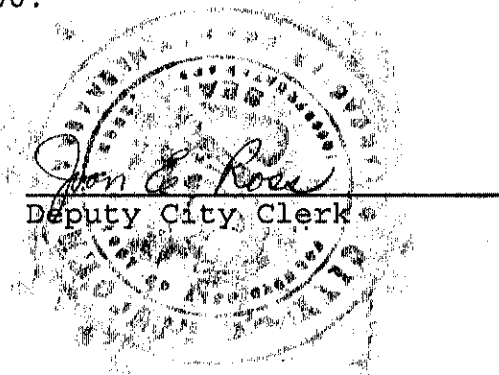
Donald W. Linscott
President/Authorized Representative
Manager Member
North 33rd St. LLC

C E R T I F I C A T E

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss:
CITY OF LINCOLN)

I, Joan E. Ross, 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 No. 123 approved by Resolution No. A-80050 adopted by the City Council on February 28, 2000 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 17 day of March, 2000.



Ret to City Clerk