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INST. NO 2004

2004 JUN 29 P 4: 06

043118

LANCASTER COUNTY, NE

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04R-116

Introduce: 5-24-04

RESOLUTION NO. A- 02282

USE PERMIT NO. 123B

1 WHEREAS, North 33rd L.L.C. has submitted an application in accordance
 2 with Sections 27.31.100, 27.51.100, 27.69.046(e), and 27.69.081(f) of the Lincoln
 3 Municipal Code for authority to amend Use Permit No. 123A Landmark Corporate
 4 Center to adjust the front yard setback from 50' to 15' for the location of one ground
 5 sign per lot, and to waive the required 30' maximum setback from building pad site to
 6 such ground sign, on property generally located at North 33rd Street and Superior
 7 Street and legally described to wit:

8 Outlot A, Outlot B, Outlot C, Outlot D, and Outlot E, Lots 1
 9 and 2, Block 1, Lots 1, 2, and 3, Block 2, Lots 1, 2, and 3,
 10 Block 3, Lots 1 and 2, Block 4, Lots 1, 2, 3, 4, and 5, Block
 11 5, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 6, Landmark
 12 Corporate Center Addition, all located in the North Half and
 13 Southeast Quarter of Section 6, Township 10 North, Range
 14 7 East of the 6th P.M., Lincoln Lancaster County, Nebraska,

15 WHEREAS, the real property adjacent to the area included within the site
 16 plan for this adjustment of the front yard setback and setback from building pad site to
 17 ground sign will not be adversely affected; and

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

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

23 That the application of North 33rd L.L.C., hereinafter referred to as
 24 "Permittee", to amend the use permit for Landmark Corporate Center to adjust the front

Teresa-CityClerk

1 yard setback from 50' to 15' for the location of one ground sign per lot, and to waive the
2 required 30' maximum setback from building pad site to such ground sign on the
3 property legally described above be and the same is hereby granted under the above-
4 described provisions of the Lincoln Municipal Code upon condition that construction
5 and operation of said commercial space be in strict compliance with said application,
6 the site plan, and the following additional express terms, conditions, and requirements:

7 1. This permit approves the adjustment of the front yard setback from
8 50' to 15' for the location of one ground sign per lot and waives the required 30'
9 maximum setback from building pad site for such ground sign.

10 2. Before receiving building permits:

- 11 a. The Permittee must submit a revised and reproducible final
12 plan and six copies to the Planning Department.
13 b. The construction plans must conform to the approved plans.

14 3. Before operating and occupying the industrial buildings all
15 development and construction must be completed in conformance with the approved
16 plans.

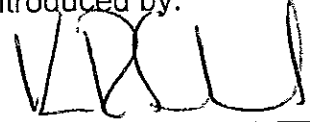
17 4. All privately-owned improvements including shall be permanently
18 maintained by the Permittee or an appropriately established property owners
19 association approved by the City Attorney.

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

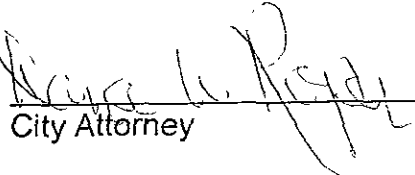
1 6. The terms, conditions, and requirements of this resolution shall be
2 binding and obligatory upon the Permittee, its successors and assigns. The building
3 official shall report violations to the City Council which may revoke this use permit or
4 take such other action as may be necessary to gain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

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

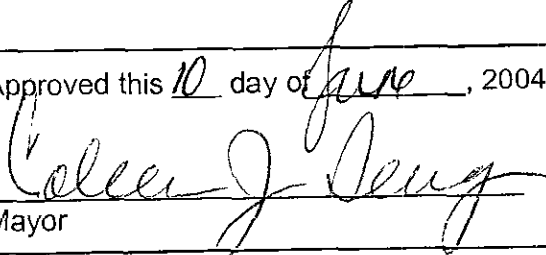
11 8. The site plan as approved with this resolution voids and
12 supersedes all previously approved site plans, however, all resolutions approving
13 previous permits remain in force unless specifically amended by this resolution.

Introduced by:


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

Approved as to Form & Legality:


City Attorney

Approved this 10 day of June, 2004:


Mayor

ADOPTED
JUN 07 2004
BY CITY COUNCIL

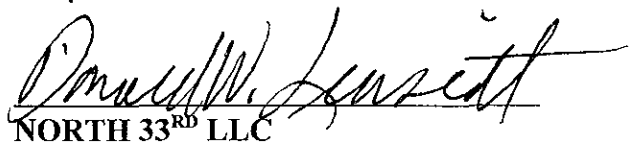
LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, Donald W. Linscott the undersigned representative(s) of **NORTH 33RD LLC**, Permittee(s) in Use Permit 123B granted by Resolution A-82782 adopted by the City Council of the City of Lincoln, Nebraska, on **June 7, 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 28 day of JUNE, 2004.


NORTH 33RD 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 Use Permit 123B approved by Resolution A-82782 adopted by the City Council on June 7, 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 29th day of July, 2004.

