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INST. NO 2004

2004 OCT 11 P 4: 23

066866

LANCASTER COUNTY, NE

BLOCK

CODE

*Landco Assoc*

CHECKED

ENTERED

EDITED

17

04R-237

Introduce: 9-13-04

RESOLUTION NO. A- 82985

USE PERMIT NO. 123C

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. 123B Landmark Corporate  
 4 Center to reduce the rear yard setback of Lots 11 and 19, Block 2 to accommodate  
 5 driving aisles and to reduce the side yard setback between Lots 10 and 11, Block 2 for  
 6 a shared access drive, on property generally located at North 33rd Street and Folkways

7 Blvd. and legally described to wit:

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

17 WHEREAS, the real property adjacent to the area included within the site  
 18 plan for this adjustment of the rear and side yard setbacks will not be adversely  
 19 affected; and

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

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

\* Teresa City Clerk

1                   That the application of North 33rd L.L.C., hereinafter referred to as  
2 "Permittee", to amend the use permit for Landmark Corporate Center to reduce the rear  
3 yard setback of Lots 11 and 19, Block 2 to accommodate driving aisles and to reduce  
4 the side yard setback between Lots 10 and 11, Block for a shared access drive, on the  
5 property legally described above be and the same is hereby granted under the above-  
6 described provisions of the Lincoln Municipal Code upon condition that construction  
7 and operation of said commercial space be in strict compliance with said application,  
8 the site plan, and the following additional express terms, conditions, and requirements:

9                   1.     This permit approves a waiver of the 20' rear yard setback of Lots  
10 11 and 19, Block 2 to accommodate driving aisles and a waiver of the 20' side yard  
11 setback between Lots 10 and 11, Block 2 for the location of a shared access drive.

12                  2.     Before receiving building permits:

13                   a.     The permittee must submit a final plan including 6 copies.

14                   b.     The construction plans must conform to the approved plans.

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

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

*Charles Friendt*

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

Approved as to Form & Legality:

*Diana W. Papan*  
City Attorney

Approved this 3<sup>rd</sup> day of Sept., 2004:  
*Colleen J. Seay*  
Mayor

ADOPTED  
SEP 20 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 33<sup>rd</sup> LLC**, Permittee(s) in Use Permit 123C granted by Resolution A-82985 adopted by the City Council of the City of Lincoln, Nebraska, on **Sept. 20, 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 6 day of October, 2004.

Donald W. Linscott  
North 33<sup>rd</sup> 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 123C approved by Resolution A-82985 adopted by the City Council on Sept. 20, 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 11<sup>th</sup> day of October, 2004.

*Teresa J. Meier*  
Deputy City Clerk

