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INST. NO 200<sup>5</sup>

2005 AUG 12 P 3:35

047155

LANCASTER COUNTY, NE

\$47.50

LACOCE / BLOCK LACOCE LANDCO  
CITY CLERK  
ENTERED  
ENTERED  
ENTERED

05R-140

Introduce: 6-21-05

RESOLUTION NO. A- 83406

USE PERMIT NO. 123D

1 WHEREAS, North 33rd L.L.C. has submitted an application in accordance  
 2 with Sections 27.31.100 and 27.51.100 of the Lincoln Municipal Code for authority to  
 3 amend Use Permit No. 123C Landmark Corporate Center to waive the 20' rear yard  
 4 setback on Outlot D and Lots 9 and 10, Block 2, to accommodate driving aisles, to  
 5 waive the 50' front yard setback on Lots 9 and 10, Block 2, and to waive the 20' side  
 6 yard setback between Lots 4 - 11, Block 2, and Outlot D, for the location of shared  
 7 access drives, on property generally located at North 33rd Street and Folkways Blvd.  
 8 and legally described to wit:

9 Lots 1 and 2, Block 1; Lots 1, 2, and 3, Block 2; Lots 1, 2,  
 10 and 3, Block 3; Lots 1 and 2, Block 4; Lots 1, 2, 3, 4, and 5,  
 11 Block 5; Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 6; and Outlots  
 12 A, B, and E; all of Landmark Corporate Center Addition,  
 13 Lots 1, 2, 3, 4, 5, and 6, all of Landmark Corporate Center  
 14 1st Addition, Lincoln Lancaster County, Nebraska;

15 WHEREAS, the real property adjacent to the area included within the site  
 16 plan for this adjustment of the rear and side yard setbacks will not be adversely  
 17 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 waive the 20'

LOT 2 BIKI NEA LOTS A-C LANDMARK CORPORATE CENTER

ENG 015 \$16.50

City Clerk Teresa

1 rear yard setback on Outlot D and Lots 9 and 10, Block 2, to accommodate driving  
2 aisles, to waive the 50' front yard setback on Lots 9 and 10, Block 2, and to waive the  
3 20' side yard setback between Lots 4 - 11, Block 2, and Outlot D, for the location of  
4 shared access drives, on the property legally described above be and the same is  
5 hereby granted under the above-described provisions of the Lincoln Municipal Code  
6 upon condition that construction and operation of said commercial space be in strict  
7 compliance with said application, the site plan, and the following additional express  
8 terms, conditions, and requirements:

9 1. This permit approves a waiver of the 20' rear yard setback on  
10 Outlot D and Lots 9 and 10, Block 2 to accommodate driving aisles, to waive the 50'  
11 front yard setback on Lots 9 and 10, Block 2, and to waive the 20' side yard setback  
12 between Lots 4-11, Block 2 and Outlot D for the location of shared access drives.

13 2. Before receiving building permits:

14 a. The Permittee must submit a final plan including 6 copies.

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

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

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

21 5. The site plan approved by this permit shall be the basis for all  
22 interpretations of setbacks, yards, locations of buildings, location of parking and  
23 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.

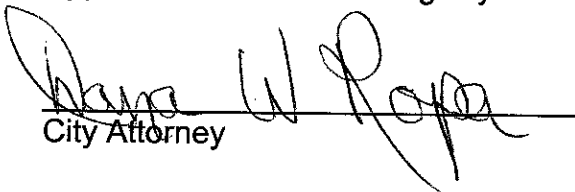
11           8.       The site plan as approved with this resolution voids and supersedes  
12 all previously approved site plans, however, all resolutions approving previous permits  
13 remain in force unless specifically amended by this resolution.

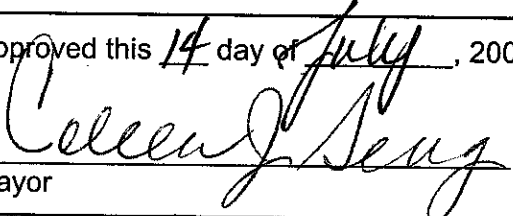
Introduced by:



AYES: Camp, Cook, Eschliman,  
Marvin, McRoy, Newman,  
Svoboda; NAYS: None.

Approved as to Form & Legality:

  
City Attorney

Approved this 14 day of July, 2005:  
  
Mayor

**ADOPTED**

JUL 11 2005

BY CITY COUNCIL

**LETTER OF ACCEPTANCE**

City of Lincoln  
Lincoln, Nebraska

RE: Use Permit No. 123D

To The City Clerk:

The undersigned, "Permittee" under **Use Permit 123D** granted by **Resolution A-83406**, adopted by the City Council of the City of Lincoln, Nebraska, on **July 11, 2005**, hereby files this Letter of Acceptance and certifies to the City of Lincoln that the Permittee is fully aware of and understands all the conditions of said Resolution and that Permittee consents to and agrees to comply with the same.

Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Special Permit.

Dated this 10 day of August, 2005.

North 33<sup>rd</sup> LLC, Permittee  
By: *David M. Smith*  
Title: Managing Member

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_, an individual.

\_\_\_\_\_  
Notary Public

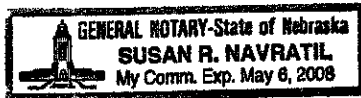
STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_, general partner of \_\_\_\_\_, a Nebraska general partnership.

\_\_\_\_\_  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 10 day of August, 2005, by Donald W. Lencott, Member, on behalf of North 33rd LLC, a Nebraska limited liability company.



Susan R. Navratil  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_, President of \_\_\_\_\_, a Nebraska corporation.

\_\_\_\_\_  
Notary Public

# 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 123D** approved by **Resolution A-83406** adopted by the City Council on **July 11, 2005** 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 12<sup>th</sup> day of August, 2005.

*Teresa J. Meier*  
Deputy City Clerk

