

7831

RESOLUTION NO. A- 60026

18

WHEREAS, Capitol Beach, Inc., a corporation, and Viking Investments, Inc., a corporation, have submitted an application to amend Special Permit No. 622, heretofore granted by Resolution No. A-59669 authorizing the construction of a community unit plan on the following described real property, to-wit:

Lots 59, 65, 69, Irregular Tracts and Capitol Beach Manor 3rd Addition, as platted and recorded, all in the North One-Half of the South One-Half of Section 21, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lincoln, Lancaster County, Nebraska.

WHEREAS, the real property adjacent to the area included within the revised plot plan hereinafter required for this community unit plan will not be adversely affected; and

WHEREAS, said revised plot 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, morals and general welfare.

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

That the application of Capitol Beach, Inc., a corporation and Viking Investments, Inc., a corporation, hereinafter referred to as "Permittees" for an amendment to Special Permit No. 622 be and the same is hereby granted under the provisions of Sections 27.40.010 and 27.40.150 of the Lincoln Municipal Code upon condition that construction, development and operation of said community unit plan as amended be in strict compliance with said application, the revised plot plan hereinafter required, and the following additional express terms, conditions and requirements:

1. That all private roadways, driveways and outer edge of parking areas, except an individual driveway to a garage in a townhouse, be designed and constructed with curbs, and that all roadways shall be 26 feet in width from face of curb to face of curb and access from public streets shall be designed and constructed as curb cuts, all of which construction shall comply with standards and specifications established by the City.

2. That the maximum grade for roadways shall be 6 percent

7831  
and the minimum grade 1/2 percent with a 2 percent ± grade at all approaches to public streets.

3. That the design of medians within roadways meet standards and specifications established by the City.

4. That entrance signs and walls be designed and located outside of the triangular site distance area required by law for street intersections.

5. That Permittees at their own cost and expense shall construct an interior private sanitary sewer system to serve this community unit plan; and that the maintenance of said private sanitary sewer system shall be the perpetual and continuing responsibility of Permittees.

6. That the cost of constructing the necessary public sanitary sewer from the private sanitary sewer system from this community unit plan in Manchester Drive west of Capitol Beach Boulevard to the 27 inch airbase trunk sewer north of Oak Creek be shared by both the Permittees and the City with Permittees paying the equivalent cost of an 8 inch sanitary sewer plus the cost of the lift stations and creek crossing and the City paying all remaining costs; and that said public sanitary sewer be constructed by the City.

7. That Permittees shall at their own cost and expense construct an interior public water system to serve this community unit plan in accord with standards and specifications established by the City and that Permittees shall cause necessary utility easements to be conveyed to the City in order to provide for the future operation and maintenance of said water system.

8. That construction of necessary public water mains to serve this community unit plan shall be accomplished through the creation of water districts as provided by the City Charter with the cost of a 6 inch water main being assessed to real estate receiving benefit from such water mains and the City paying all remaining costs.

9. That Permittees shall, when requested by the Department of Public Works for the City, prepare revised drainage studies for this community unit plan upon completion of final site grading plans

7831  
and roadway grades; and that Permittees shall at their own cost and expense construct a system of storm sewerage and drainage for this community unit plan which shall comply with standards and specifications established by the City.

10. That Permittees shall prepare and submit to the Planning Director for review and approval, a revised plan for the walkway system connecting the townhouse area of this community unit plan to the public sidewalks located in Coddington Avenue, Surfside Drive, Northwest 16th Street, and West "S" Street.

11. That Permittees develop and submit a landscape plan to the Planning Director for his review and approval and that such landscape plan as approved by implemented within two planting seasons following 60 percent of the total number of dwelling units authorized for each phase of development of this community unit plan receiving initial occupancy permits.

12. That Permittees at their own cost and expense install ornamental street and private roadway lighting within this community unit plan in accordance with requirements of the City for residential street lighting; and that adequate ornamental lighting also be installed by Permittees along interior walkways.

13. That by acceptance hereof, Permittees unconditionally waive any defense they or their successors and assigns may have to any proportionate future assessments against the above described real property for the installation of sanitary sewer or water mains in West "S" Street and Northwest 16th Street where the same abut said real property by reason of the use of said real property as a community unit plan or by reason of the availability or use of other connections to the City's sanitary sewer or water main systems; provided that this condition shall not be construed as waiving any other defense that Permittees or their successors or assigns may have in challenging any such special assessment which may be in excess of benefits accruing to the land assessed.

14. That Permittees provide at least two off-street parking spaces per dwelling unit within a reasonable distance of the dwelling unit which they will serve; provided, the Planning Director in the exercise of reasonable discretion may reduce this requirement

7831

if it is shown by Permittee that a smaller number of parking spaces will serve the needs of the residents of this community unit plan.

15. That all buildings within this community unit plan be set back from the right of way line of any public street a distance equal to the height of the building, but in no event less than 25 feet.

16. That spacing between buildings three stories or more in height be at least 40 feet.

17. That the following special terms, conditions and requirements set forth in this condition numbered 17 shall apply to that part of said Lot 69 of Irregular Tracts lying east of the proposed Northwest 16th Street:

(a) That Permittees prepare a revised landscape plan with additional screening material located along the exterior boundaries of said part of Lot 69 and submit the same to the Planning Director for review and approval; and that said revised landscape plan as approved be implemented within two planting seasons following the issuance of occupancy permits for 60 percent of the dwelling units authorized for said part of Lot 69.

(b) That construction of the proposed clubhouse and pool be completed prior to the issuance of occupancy permits for 60 percent of the total number of dwelling units authorized for said part of Lot 69.

(c) That Permittees prepare detailed plans for said swimming pool and submit the same to the Lincoln City-Lancaster County Health Department and the State Department of Health for review and approval prior to construction of said swimming pool; and that said swimming pool be constructed so as to provide drain outlets into a storm sewer, the design and construction of which drain outlets shall be approved by the Director of Public Works.

(d) That Permittees construct public sidewalks in the sidewalk space along the north side of West "S" Street and along the east side of proposed Northwest 16th Street; and that construction of said public sidewalks shall be coordinated with the development of said part of Lot 69.

(e) That Permittees cause the filing of the necessary

7831  
petitions to vacate Surfside Drive southeasterly from its inter-  
section with Manchester Drive and Surfside Drive west from the west  
line of Capitol Beach Boulevard.

(f) That Permittees cause the dedication of a 60 foot wide  
public street for the purpose of extending Northwest 16th Street  
south from its existing point of termination to the north line of  
West "S" Street.

(g) That Permittees redesign and construct parking islands  
within said part of Lot 69 so as to conform with the standard curb  
section of the City.

(h) That Permittees revise the buildable limits of multiple  
structures and garages where the same extend into private roadways,  
adjacent parking areas, and exterior open areas shown on the amended  
plot plan for said part of Lot 69.

(i) That Permittees revise the parking data to correspond  
with the number of spaces shown on the amended plot plan for said  
part of Lot 69.

(j) That Permittees provide a horizontal distance of no  
less than 40 feet between buildings numbered 10 and 11 as shown  
on the amended plot plan for said part of Lot 69.

(k) That the location of fire hydrants be reviewed and  
approved by the Chief of the Lincoln Fire Department.

(l) That entrances to private roadways from West "S" Street  
and from proposed Northwest 16th Street be designed and constructed  
as standard curb cuts.

(m) That no occupancy permits be issued to any dwelling  
unit until two parking spaces are provided for such dwelling units  
and that vehicular and pedestrian access is available.

(n) That Permittee submit to the Planning Director for re-  
view and approval a new roadway name for Lawrence Place.

(o) That prior to construction of any portion of said part  
of Lot 69, Permittees shall file with the Building Inspections  
Division five copies of a revised plot plan which shall comply with  
all applicable terms, conditions and requirements of this special  
use permit resolution.

18. That all terms, conditions and requirements of this

special use permit resolution shall be binding and obligatory upon Permittees and their successors and assigns; and that Permittees shall at their own cost and expense within 40 days from the effective date of this resolution, cause a certified copy hereof together with a certified copy of the executed Letter of Acceptance attached hereto to be filed in the office of the Register of Deeds for Lancaster County, Nebraska.

19. That construction of any phase of development of this proposed community unit plan shall not proceed until the same has been approved by the Superintendent of Building Inspections for the City of Lincoln and that no dwelling units within any phase of development for this community unit plan shall be occupied or otherwise used until said Superintendent of Building Inspections has found that Permittees have complied with all the terms, conditions and requirements of the City Council set forth herein.

20. That within 30 days from the date of this resolution, Permittees shall properly execute the Letter of Acceptance attached hereto as Appendix "A" and file the same with the City Clerk evidencing their unqualified acceptance of all terms, conditions, and requirements herein set forth, otherwise Special Permit No. 622 heretofore granted by Resolution No. A-59669 and amended herein shall be null and void and of no force and effect.

21. That the driveway shown opposite the intersection of Northwest 13th Street and "S" Street, be relocated westerly to approximately the midway point between Northwest 13th Street and Northwest 14th Street.

BE IT FURTHER RESOLVED that Resolution No. A-59669 be and the same is hereby rescinded and repealed.

Introduced by

ADOPTED

APR 9 1973

By City Council

Richard A. Hartsock

Approved as to Form:

\_\_\_\_\_  
City Attorney

APPROVED

APR 17 1973

Ann Hartsock

AMENDED -4/9/73

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C E R T I F I C A T E

STATE OF NEBRASKA )  
                          )  
COUNTY OF LANCASTER ) SS.  
                          )  
CITY OF LINCOLN        )

I, Harold W. Springer, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 60026

as the original appears of record in my said office, and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 27th day of April, A.D., 1973.



*Harold W. Springer*  
City Clerk

7

Appendix "A"

City Council  
City of Lincoln  
Lincoln, Nebraska

Re: Special Permit No. 622  
Letter of Acceptance

Gentlemen and Mrs. Boosalis:

We, S. E. Copple, President of Capitol Beach, Inc., a corporation, and James E. Hird, Vice-President of Viking Investment Corporation, a Kansas corporation, Permittees under Special Permit No. 622, granted by Resolution No. A-60026, on the 9th day of April, 1973, do hereby certify that we have thoroughly read said resolution, understand the contents thereof, and do hereby accept, without qualification, all of the terms, conditions and requirements set forth therein.

CAPITOL BEACH, INC., a corporation

S. E. Copple  
President

VIKING INVESTMENT CORPORATION, a  
Kansas corporation

James E. Hird  
Vice-President

INDEXED  
MICRO-FILED  
GENERAL

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msd.

LANCASTER COUNTY, MO.  
REGISTER OF DEEDS

1973 APR 27 PM 1:45

ENTERED  
FILED FOR RECORDS

INST. NO. 73- 7831

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Comments to  
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