

RESOLUTION NO. A- **61350**

WHEREAS, THE HIGHLAND, INC., has submitted an application designated as Special Permit No. 706 for authority to construct a community unit plan on the following described real property, to-wit:

All of the Southeast Quarter of the Southeast Quarter, and all of Lot 6, an irregular tract in said Southeast Quarter, Section 33, and all of Lot 3 of irregular tracts in the Southwest Quarter and all of Lot 4 of irregular tracts in the Southeast Quarter, Section 34, all in Township 11 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; also, all of the North Half of the Northeast Quarter, all of the Southeast Quarter of the Northeast Quarter, all of the Northeast Quarter of the Northwest Quarter, all of Lots 20 and 21 of irregular tracts in the Northwest Quarter and all of Lot 22 of irregular tracts in the Northeast Quarter, Section 4, and all of Lot 3, an irregular tract in the Southeast Quarter, all of Lot 5, an irregular tract in the Northeast Quarter, all of the Northwest Quarter, part of the West Half of the Southwest Quarter and all of C. W. Lyman's Subdivision, a subdivision located in the East Half of the Southwest Quarter, Section 3, and part of the North Half of the North Half of Section 10, all of Lots 30, 33, 34 and 35, irregular tracts in the West Half of the West Half of Section 2, all in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, said tract of land more particularly described as follows:

Beginning at the southeast corner of said Northeast Quarter of Section 4; thence north 89 degrees 53 minutes 17 seconds west (assumed bearing) along the south line of said Northeast Quarter of Section 4 a distance of 2,625.44 feet, to the point of intersection of said south line of the Northeast Quarter of Section 4 and the northeasterly right-of-way line of the Union Pacific Railroad; thence along said northeasterly right-of-way line of the Union Pacific Railroad on the following described courses; thence north 50 degrees 44 minutes 07 seconds west, a distance of 1,918.24 feet; thence north 49 degrees 49 minutes 32 seconds west, a distance of 210.21 feet; thence northwesterly on a curve to the right with a radius of 2,814.93 feet, a distance of 1,447.80 feet, said curve having a long chord which bears north 33 degrees 54 minutes 37 seconds west, a distance of 1,431.89 feet, to a point on the north line of said Section 4; thence north 89 degrees 58 minutes 38 seconds east, along said north line of Section 4, a distance of 2,422.46 feet, to the northwest corner of said Northeast Quarter of Section 4; thence south 89 degrees 59 minutes 53 seconds east, along said north line of Section 4, a distance of 1,323.10 feet, to the northeast corner of said Northwest Quarter of the Northeast Quarter of Section 4; thence north 00 degrees 20 minutes 11 seconds east, along the west line of the

19242

East Half of said Southeast Quarter of Section 33, a distance of 2,286.88 feet, to a point on the southerly right-of-way line of U.S. Highway No. 34; thence along said southerly right-of-way line of U.S. Highway No. 34, on the following described courses; thence southeasterly on a curve to the right with a radius of 11,284.16 feet, a distance of 1,543.23 feet, said curve to have a long chord which bears south 71 degrees 52 minutes 54 seconds east a distance of 1,542.02 feet; thence south 68 degrees 29 minutes 56 seconds east, a distance of 2,677.12 feet; thence south 67 degrees 57 minutes 50 seconds east, a distance of 1,983.25 feet; thence southeasterly on a curve to the right with a radius of 1,759.86 feet, a distance of 70.50 feet, said curve having a long chord which bears south 66 degrees 48 minutes 59 seconds east, a distance of 70.50 feet, to the point of intersection of said southerly right-of-way line of U.S. Highway No. 34 and the north right-of-way line of West Fletcher Avenue; thence south 83 degrees 20 minutes 21 seconds west, along said north right-of-way line of West Fletcher Avenue, a distance of 184.70 feet; thence south 00 degrees 00 minutes 01 seconds west, a distance of 33.00 feet, to a point on the north line of said Section 3; thence south 89 degrees 59 minutes 59 seconds east, along said north line of Section 3, a distance of 50.00 feet; thence south 00 degrees 00 minutes 01 seconds west, a distance of 33.00 feet to the point of intersection of the south right-of-way line of West Fletcher Avenue and the westerly right-of-way line of Interstate Highway No. 80; thence along said westerly right-of-way line of Interstate Highway No. 80 on the following described courses; thence south 84 degrees 30 minutes 57 seconds east, a distance of 196.71 feet; thence south 71 degrees 16 minutes 15 seconds east, a distance of 272.04 feet; thence south 40 degrees 47 minutes 18 seconds east, a distance of 294.08 feet, to the northwesterly corner of Lot 4, a lot in the Northeast Quarter of said Northeast Quarter of Section 3; thence south 00 degrees 00 minutes 26 seconds east, along the west line of said Lot 4, a distance of 728.23 feet, to the southwest corner of said Lot 4; thence north 89 degrees 59 minutes 34 seconds east, along the south line of said Lot 4, a distance of 217.80 feet, to a point on the east line of said Section 3; thence north 00 degrees 00 minutes 26 seconds west, along said east line of Section 3, a distance of 176.70 feet; thence north 89 degrees 59 minutes 34 seconds east, a distance of 33.00 feet, to a point on the east right-of-way line of North 1st Street; thence north 10 degrees 56 minutes 30 seconds east, along said east right-of-way line of North 1st Street, a distance of 194.78 feet to the point of intersection of said east right-of-way line of North 1st Street and said westerly right-of-way line of Interstate Highway No. 80; thence along said westerly right-of-way line of Interstate Highway No. 80 on the following described courses; thence southeasterly on a curve to the right with a radius of 1,734.86 feet, a distance of 306.22 feet, said curve having a long chord which bears south 23 degrees 24 minutes 57 seconds east, a distance of 305.83 feet; thence south 18 degrees 21 minutes 31 seconds east, a distance of 971.70 feet; thence south 13 degrees 13 minutes 01 seconds east, a distance of 478.43 feet; thence southeasterly on a curve to the right with a radius of 566.24 feet, a distance of 158.12 feet, said curve having a long chord which bears south 08 degrees 03 minutes 22 seconds east, a distance of 157.61 feet; thence southwesterly on a curve to the right with a radius of 327.73 feet, a distance of 157.30 feet, said curve having a long chord which bears south 13 degrees 41 minutes 35 seconds west, a distance of 155.79 feet; thence south 27 degrees 42 minutes 09 seconds west, a distance of 352.48 feet; thence south 16 degrees

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35 minutes 17 seconds west, a distance of 399.71 feet; thence south 07 degrees 34 minutes 33 seconds east, a distance of 606.10 feet; thence south 34 degrees 47 minutes 33 seconds west, a distance of 402.16 feet; thence north 52 degrees 32 minutes 51 seconds west, a distance of 206.24 feet, to a point on the west line of said Section 2; thence south 00 degrees 01 minutes 25 seconds east, along said west line of Section 2, a distance of 50.00 feet, to the point of intersection of said west line of Section 2 and the northwesterly right-of-way line of Interstate Highway No. 80; thence south 37 degrees 02 minutes 24 seconds west, along said northwesterly right-of-way line of Interstate Highway No. 80, a distance of 1,140.18 feet, to the point of intersection of said northwesterly right-of-way line of Interstate Highway No. 80 and the south line of said Section 3; thence north 89 degrees 36 minutes 27 seconds east, along said south line of Section 3, a distance of 219.80 feet to the point of intersection of said south line of Section 3 and said northwesterly right-of-way line of Interstate Highway No. 80; thence south 28 degrees 19 minutes 34 seconds west, along said northwesterly right-of-way line of Interstate Highway No. 80, a distance of 164.82 feet; thence south 37 degrees 02 minutes 24 seconds west, along said northwesterly right-of-way line of Interstate Highway No. 80, a distance of 508.74 feet; thence south 89 degrees 54 minutes 36 seconds west, a distance of 4,169.44 feet, to a point on the northerly extension of the west right-of-way line of Northwest 12th Street; thence north 00 degrees 05 minutes 24 seconds west, along said northerly extension of the west right-of-way line of Northwest 12th Street, a distance of 3,172.97 feet, to a point on said north line of the Southwest Quarter of Section 3; thence south 89 degrees 38 minutes 33 seconds west, along said north line of the Southwest Quarter of Section 3, a distance of 253.28 feet, to the point of beginning.

Said tract of land contains an area of 1,083.609 acres, more or less.

WHEREAS, the real property adjacent to the area included in the revised plot plan 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 THE HIGHLAND, INC., hereinafter referred to as "Permittee" under Special Permit No. 706, be and the same hereby is granted under the provisions of Sections 27.40.010 and 27.40.150 of the Lincoln Municipal Code upon condition that development and construction of said community unit plan be in strict compliance with the application, the revised plot plan filed with the

19242
Planning Director on the 23rd day of October, 1974, and the following additional express terms, conditions, and requirements:

1. That the preliminary plat of the Highland North be approved, and that Permittee prepare and submit a final plat thereof in accordance with the land subdivision ordinance of the City of Lincoln.

2. That if Permittee elects to phase the construction of this community unit development, said phasing shall be submitted to the Planning Director, delineating the phases of development, for his review and approval. Each phase shall be governed individually by the conditions of approval of this special permit resolution and each phase of development shall not have an average lot area of less than 6,000 square feet per dwelling unit.

3. That no building permits shall be issued for the multiple family areas (Lots 1164, 1165, 1166, 1167, 1168, 1171, and 1173 as identified on the community unit plan), until Permittee has submitted detailed plans to the City, delineating the buildable areas, the buildings, parking spaces, landscaping, recreation facilities, drive-ways, walkways, water lines, sanitary sewer lines, ornamental street lights, roadway grade profiles, and cross sections and a storm sewer system from a drainage study conforming to the City of Lincoln storm sewer design criteria. Said plans shall be reviewed by the Planning Commission and approved by the City Council.

4. That Permittee prepare and submit to the Planning Director for his review and approval a recreation plan showing proposed recreation facilities for each multiple family area and for the common open areas abutting the single family lots prior to the issuance of any building permits within each phase of development for this community unit plan; and that said recreation plan as approved be implemented prior to the issuance of occupancy permits for 60 percent of the total number of dwelling units allowed within each such phase.

5. That Permittee prepare and submit to the Planning Director a landscape plan for his review and approval prior to the issuance of any building permits within each phase of development for this community unit plan; and that said landscape plans as approved

1924

be implemented within two planting seasons following issuance of occupancy permits to 60 percent of the total number of dwelling units allowed within each such phase.

6. That vehicular access from the single family lots onto the outer circular street shall be permanently prohibited; and that vehicular access from the multiple family area Lot 1167 shall be restricted to ~~only~~ the outer circular street ^{only.} ~~shall be permanently prohibited.~~

amended 11-4-74

7. That Lots 1163 (library), Outlot "R" (golf course), 1170 (office park), 1169 (auto service), 1174 (church), 1175 (school), and 1176 (industrial park), and that part of Lot 1172 (commercial) not within the A-2 Single Family Zoning District shall be excluded from this community unit plan.

8. That Permittee dedicate to public use the park land, designated as Outlot "A", at no cost and free and clear from any cost liability or encumbrance for sidewalks, street lights, water mains, sanitary sewer systems, storm sewers, and paving in abutting public streets.

amended 11-4-74

9. That ~~notwithstanding what may otherwise be shown on the plot plan~~ Permittee and its successors and assigns shall cause all improvements for this community unit development in the form of streets, sidewalks, storm sewers, sanitary sewers, water mains, fire hydrants, off-street parking facilities, park and recreational areas, and public and private street lighting to be developed, constructed, installed, operated, and maintained in accord with the minimum specifications and standards of the City of Lincoln.

10. That construction 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 said community unit plan shall be occupied or otherwise used until said Superintendent of Building Inspections has found that Permittee has complied with all the terms, conditions, and requirements of the City.

11. That within 30 days from the date of approval of this resolution, Permittee shall properly execute the Letter of Acceptance attached hereto as Appendix "A" and file the same with the City Clerk evidencing its unqualified acceptance of all terms, conditions, and requirements herein set forth; otherwise, Special Permit No. 706 herein granted shall be null and void and of no force and effect.

1924
12. That all terms, conditions and requirements of this special permit shall be binding and obligatory on Permittee, its successors and assigns and that the City Clerk shall within 40 days from the effective date of this resolution cause a certified copy hereof together with a certified copy of said executed letter of acceptance to be filed in the Office of the Register of Deeds for Lancaster County, filing fees to be paid in advance by Permittee.

Introduced by

W. Richard Baker

Approved as to Form and Legality:

Richard A. Wood
City Attorney

Staff Review Completed:

Michael L. Merriam
Administrative Assistant to the Mayor

ADOPTED

NOV 4 1974

By City Council

APPROVED

NOV 12 1974

James M. [Signature]
MAYOR

1924

APPENDIX "A"

City Council
City of Lincoln
Lincoln, Nebraska

Re: Letter of Acceptance
Special Permit No. 706

TO THE CITY COUNCIL:

I, E. GENE WILCZEWSKI, _____ President

of THE HIGHLANDS INC., a Nebraska corporation,
Applicant under Special Permit No. 706, granted by Resolution
No. A- _____, adopted by the City Council on _____,
19____, do hereby certify that I have thoroughly read said resolu-
tion, understand the contents thereof, and do hereby accept on
behalf of the Applicant, without qualification, the terms and condi-
tions set forth therein.

ATTEST:

THE HIGHLAND, INC., a Nebraska
Corporation,

Secretary

By: *Robert H. Miller*
President

(SEAL)

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. A-61350 and the letter of acceptance attached thereto.

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 6th day of December, 1974.



Harold W. Springer
City Clerk

LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1974 DEC -6 AM 11:03

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 74- 19212

INDEXED
MICRO - FILED
GENERAL

6 1/2 - 421, 425

6-567

571

26-50

misc.

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City Clerk