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RESOLUTION NO. PC- 01006

SPECIAL PERMIT NO. 04020A

1 WHEREAS, Orchid Enterprises, L.L.C., has submitted an application
2 designated as Special Permit No. 04020A for authority to renew the operation of a
3 limited landfill for an additional 24 months on property located west of S.W. 27th Street
4 and West O Street, and legally described to wit:

5 A part of Lot 105 I.T. and a part of Lot 106 I.T., located in the
6 Northeast Quarter of Section 29, Township 10 North, Range
7 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska,
8 described as follows:

9 Beginning at the northeast corner of said Lot 106 I.T., said
10 point also being the northwest corner of Lot 81 I.T., said
11 point also being 60.00 feet south of the north line of said
12 Northeast Quarter and lying on the south right-of-way line of
13 West O Street, and extending thence south 00 degrees 00
14 minutes 21 seconds west (assumed) on the east line of said
15 Lot 106 I.T., a distance of 300.15 feet to a southeast corner
16 of said Lot 106 I.T., said point being also the southwest
17 corner of Lot 81 I.T. and a northeast corner of Lot 105 I.T.;
18 thence south 00 degrees 02 minutes 30 seconds east on the
19 east line of said Lot 105 I.T., a distance of 59.84 feet to the
20 southwest corner of Lot 93 I.T.; thence south 89 degrees 13
21 minutes 53 seconds west, a distance of 343.15 feet to a
22 point of intersection with the west line of said Lot 105 I.T.,
23 60.00 feet south of the northwest corner of said Lot 105 I.T.;
24 thence continuing south 89 degrees 13 minutes 53 seconds
25 west, a distance of 342.68 feet to a point of intersection with
26 the west line of said Lot 106 I.T.; thence north 00 degrees 03
27 minutes 53 seconds west on the west line of said Lot 106
28 I.T., a distance of 359.73 feet to a point of intersection with

Return to:
Teresa, City Clerk

1 the south right-of-way line of West O Street, said point also
2 being the northwest corner of said Lot 106 I.T.; thence north
3 89 degrees 16 minutes 06 seconds east on the north line of
4 said Lot 106 I.T., a distance of 686.83 feet to the point of
5 beginning, containing an area of 5.67 acres;

6 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
7 held a public hearing on said application; and

8 WHEREAS, the community as a whole, the surrounding neighborhood,
9 and the real property adjacent to the area included within the site plan for this limited
10 landfill will not be adversely affected by granting such a permit; and

11 WHEREAS, said site plan together with the terms and conditions
12 hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln
13 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the
14 public health, safety, and general welfare.

15 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster
16 County Planning Commission of Lincoln, Nebraska:

17 That the application of Orchid Enterprises, L.L.C., hereinafter referred to
18 as "Permittee", to operate a limited landfill be and the same is hereby granted under the
19 provisions of Section 27.43.040(p) and 27.63.560 the Lincoln Municipal Code upon
20 condition that construction and operation of said limited landfill be in strict compliance
21 with said application, the site plan, and the following additional express terms,
22 conditions, and requirements:

23 1. This permit approves a limited landfill operation for a period of 24
24 months from the date of approval by the Planning Commission. The operation shall be
25 limited to the operating hours of 7:30 a.m. to 6:00 p.m., Monday through Saturday.

1 2. Before operating the limited landfill:

2 a. The Permittee shall complete the following instructions and submit
3 the documents and plans to the Planning Department office for
4 review and approval.

5 i. Receive required NPDES permit.

6 ii. Provide to the City documentation that states that the State
7 Department of Roads approves of the connection and
8 extension of storm sewer and grading within the right-of-way
9 of US Highway 6 along the frontage of this lot.

10 iii. Provide to the City documentation that states that the
11 owners of Lots 67 and 105 agree to the grading on their
12 property as shown on the site plan.

13 b. The limited landfill shall meet all local, state, and federal
14 regulations.

15 c. Provide documentation from the Register of Deeds that the letter of
16 acceptance as required by the approval of the special permit has
17 been recorded.

18 3. Before operation of this limited landfill all development and construction
19 must comply with the approved plans.

20 4. 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 5. This resolution's terms, conditions, and requirements bind and obligate the
2 Permittee, its successors and assigns.

3 6. The Permittee shall sign and return the letter of acceptance to the City
4 Clerk within 60 days following the approval of the special permit, provided, however,
5 said 60-day period may be extended up to six months by administrative amendment.
6 The City Clerk shall file a copy of the resolution approving the special permit and the
7 letter of acceptance with the Register of Deeds, filling fees therefor to be paid in
8 advance by the Permittee.

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

12 The foregoing Resolution was approved by the Lincoln City-Lancaster County
13 Planning Commission on this 19th day of July, 2006.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 04020A**
(Limited landfill - S.W. 27th Street and West O Street)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 04020A**, granted by **Resolution No. PC-01006**, adopted by the Lincoln City-Lancaster County Planning Commission on July 19, 2006, 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.

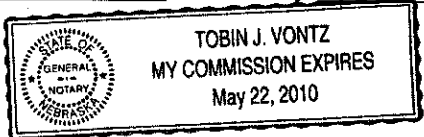
Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Special Permit.

DATED the 14 day of September, 2006.

Orchard Enterprises LLC, Permittee
By: Thomas D. Fried
Title: Member

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 14 day of September, 2006, by Thomas Friedman, an individual.



[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, 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 _____ day of _____, 2006, by _____, Member, on behalf of _____, a Nebraska limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, 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 **Special Permit 04020A** as adopted and approved by **Resolution No. PC-01006** of the Lincoln City-Lancaster County Planning Commission at its meeting held **July 19, 2006** 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 24th day of July, 2006.

Teresa J. Meier
Deputy City Clerk

