



Please file against the legal description found on page 5

14R-160

Introduce: 6-9-14

RESOLUTION NO. A- 88336

USE PERMIT NO. 57E

Correct legals on page 5

1 WHEREAS, Center Associates has submitted an application in
2 accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Use
3 Permit No. 57E for authority to amend the Lincoln Crossing Use Permit to remove the
4 theater and to allow a hotel and other commercial pad sites, with a request to increase
5 the maximum height for the hotel on property generally located at North 27th Street and
6 Folkways Boulevard, and legally described as follows:

7 Lots 3-10 and Outlot A, King Ridge Addition, Lots 4-7, and
8 Outlots A and B, Lincoln Crossing Addition, Lots 1-9 and
9 Outlot A, Lincoln Crossing 1st Addition, Lots 1 and 2, Lincoln
10 Crossing 2nd Addition, Lots 1-3, Lincoln Crossing 3rd
11 Addition, Lots 1 and 2, Lincoln Crossing 4th Addition, and
12 Lot 47 I.T., located in the West Half of Section 6, Township
13 10 North, Range 7 East of the 6th P.M., Lancaster County,
14 Nebraska; and

15 WHEREAS, the real property adjacent to the area included within the site
16 plan for removal of the theater and to allow a hotel and other commercial pad sites,
17 including a waiver to the maximum height requirement, within this Use Permit will not be
18 adversely affected; and

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

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

6 That the application of Center Associates, hereinafter referred to as
7 "Permittee", to amend the Lincoln Crossing Use Permit to remove the theater and to
8 allow a hotel and other commercial pad sites, including a waiver to the maximum height
9 requirement be and the same is hereby granted under the provisions of Section
10 27.37.070 and Chapter 27.64 of the Lincoln Municipal Code upon condition that all
11 construction be in substantial compliance with the application, the site plan, and the
12 following additional express terms, conditions, and requirements:

13 1. This permit approves 872,769 square feet of floor area, 110 room
14 hotel, and a waiver to increase the height of the hotel to 66 feet.

15 2. Before receiving building permits the Permittee shall:

16 a. Cause to be prepared and submitted to the Planning
17 Department a revised and reproducible final plot plan
18 including 5 copies with all required revisions and documents
19 as listed below:

20 i. Change uses for all pad sites to commercial, except
21 for the hotel.

22 ii. Show a building envelope for the hotel and new pad
23 sites. Dimension the building envelope from the lot
24 lines.

25 iii. Add the dimensions of the lots/building sites.

26 iv. Add a note that the site plan is conceptual and will be

1 finalized at time of building permit without the need for
2 an administrative amendment

3 v. In the Building and Parking Stall Summary change
4 Building U to 18,000 sq. ft. commercial and enter 81
5 under required stalls, 125 for actual stalls and 6.94 for
6 ratio.

7 vi. In the Building and Parking Stall Summary show
8 Building T as the hotel only. Add new building
9 numbers for the each of the other buildings and
10 change the use to commercial for all of the buildings.

11 vii. Show 8,000 sq. ft. as unassigned in the Building and
12 Parking Stall Summary.

13 viii. Change the front yard setback along Folkways Blvd.
14 to 20 feet. Delete the note 86' setback from
15 centerline.

16 ix. Delete the note below the Building and Parking Stall
17 Summary referring to parking for the theater.

18 x. Change the layout of Building "I" to match AA#10021.

19 b. Provide documentation from the Register of Deeds that the
20 letter of acceptance as required by the approval of the use
21 permit has been recorded.

22 c. The construction plans substantially comply with the
23 approved plans.

24 3. Before occupying the buildings all development and construction
25 must be completed in conformance to the approved plans.

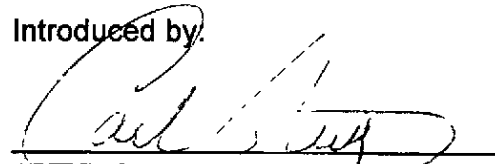
26 4. The physical location of all setbacks and yards, buildings, parking
27 and circulation elements, and similar matters must be in substantial compliance with the
28 location of said items as shown on the approved site plan.

29 5. The terms, conditions, and requirements of this resolution shall run
30 with the land and be binding on the Permittee, its successors, and assigns.

1 6 The Permittee shall sign and return the letter of acceptance to the
2 City Clerk. This step should be completed within 60 days following the approval of the
3 use permit. The City Clerk shall file a copy of the resolution approving the use permit
4 and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in
5 advance by the Permittee. Building permits will not be issued unless the letter of
6 acceptance has been filed.

7 7. The site plan as approved with this resolution voids and supersedes
8 all previously approved site plans, however the terms and conditions of all resolutions
9 approving previous permits shall remain in force and effect except as specifically
10 amended by this resolution.

Introduced by:


AYES: Camp, Christensen, Cook,
Eskrdiged, Gaylor Baird; NAYS:
Emery; ABSENT: Fellers.


Approved as to Form & Legality:


City Attorney

ADOPTED

JUN 16 2014

BY CITY COUNCIL

Approved this 20th day of June, 2014:

Mayor

Please file against this legal description:

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Lots 3-8 and Outlot A, King Ridge Addition;
Lots 1-2 and Outlot A, King Ridge 4th Addition;
Lots 4-7 and Outlots A & B, Lincoln Crossing Addition;
Lots 1-6, 9 and Outlot A, Lincoln Crossing 1st Addition;
Lots 1-2, Lincoln Crossing 2nd Addition;
Lots 1-3, Lincoln Crossing 3rd Addition;
Lots 1-2, Lincoln Crossing 4th Addition,
Lot 2, Lincoln Crossing 5th Addition;
Lots 1-2, Lincoln Crossing 6th Addition;
Located in the West Half of Section 6, Township 10 North, Range 7 East of the 6th P.M.,
Lancaster County, Nebraska

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: Use Permit No. 57E

To The City Clerk:

The undersigned, "Permittee" under **Use Permit No. 57E** granted by **Resolution A-88336**, adopted by the City Council of the City of Lincoln, Nebraska, on **June 16, 2014**, 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 21st day of AUGUST, 2014.

Center Associates, LLC, Permittee

Deborah Beckm
Signature

Member
Title

STATE OF Nebraska
COUNTY OF Lancaster ss.

The foregoing instrument was acknowledged before me this 21 day of August, 2014, by Center Associates, LLC

Judy Reiners
Notary Public




CERTIFICATE

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss:
CITY OF LINCOLN)

I, Sandy L. Dubas, 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 No. 57E** approved by **Resolution A-88336**, adopted by the City Council on **June 16, 2014**, 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 23rd day of June, 2014.

Sandy L. Dubas
Deputy City Clerk

The seal of the City of Lincoln, Nebraska, is circular. It features a central profile of a man's head facing right. The text around the inner border of the seal reads "CITY OF LINCOLN" at the top, "FOUNDED JULY 23, 1867" on the left, "SEAL" below the profile, and "INCORPORATED APRIL 1, 1889" on the right. The outer border of the seal contains the text "LANCASTER COUNTY, NEBRASKA".