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21108
81R-288

#10

Introduce: 10-12-81

RESOLUTION NO. A- 67764

SPECIAL PERMIT NO. 431A

01 WHEREAS, Dr. and Mrs. Otto Gasper have submitted an
02 application designated as Special Permit No. 431A for authority
03 to amend an existing community unit plan to provide for an addi-
04 tional 16 dwelling units consisting of two 6-plexes and one 4-
05 plex for a total of 241 dwelling units on the following described
06 real property, to wit:

07 Lots 189 Irregular Tract, 238 Irregular Tract,
08 and 239 Irregular Tract, in the Northwest Quarter
09 of Section 21, Township 10 North, Range 7 East,
10 Lincoln, Lancaster County, Nebraska, containing
11 39.97 acres more or less.

12 WHEREAS, the real property adjacent to the area included
13 within the plot plan for this community unit plan will not be
14 adversely affected; and

15 WHEREAS, said plot plan together with the terms and
16 conditions hereinafter set forth are consistent with the intent
17 and purpose of Title 27 of the Lincoln Municipal Code to promote
18 the public health, safety, morals, and general welfare.

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

21 That the application of Dr. and Mrs. Otto Gasper,
22 hereinafter referred to as "Permittees," to amend the existing
23 community unit plan to provide for an additional 16 dwelling
24 units consisting of two 6-plexes and one 4-plex for a total of
25 241 dwelling units, be and the same is hereby granted under the
26 provisions of Section 27.65.060 of the Lincoln Municipal Code
27 upon condition that construction, development, and operation of
28 said community unit plan be in strict compliance with said application,
29 the plot plan, and the following additional express terms, conditions,
30 and requirements:

- 31 1. Prior to issuance of any building permits by the
32 City, the permittees shall prepare and submit to the Planning
33 Director for his review and approval a coordinated schedule of
34 development and occupancy which will govern the development of

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1 this community unit plan. Failure of the permittees to follow
2 such schedule, including failure to start and complete construction
3 as specified in the schedule, shall constitute noncompliance on
4 the part of the permittees. Noncompliance shall be cause for the
5 City to revoke this special permit, withhold building permits and
6 occupancy permits, or to institute other appropriate remedies.

7 2. Prior to the issuance of any building permits by
8 the City, permittees shall prepare and submit a revised landscape
9 plan related to the additional units including a screening plan
10 and a plan for trees along private roadways to the Planning
11 Director for his review and approval. The approved landscape
12 plan for each phase of development shall be implemented within
13 two planting seasons following the issuance of occupancy permits
14 to sixty percent (60%) of the total additional number of dwelling
15 units allowed within the community unit plan. The landscape plan
16 shall include, along with the plant material, the type of
17 seeding or sodding or other ground cover for the areas which are
18 not otherwise surfaced. The landscape material and grounds shall
19 be maintained by the owner so long as this special permit is in
20 effect to the satisfaction of the Planning Director.

21 3. Prior to the issuance of any building permits by
22 the City, permittees shall prepare and submit a recreation plan
23 serving the additional units including walkways to provide access
24 from the additional units to the proposed recreational facilities
25 to the Planning Director for his review and approval. The approved
26 recreational plan shall be implemented prior to the issuance of
27 occupancy permits to sixty percent (60) of the total additional
28 number of dwelling units allowed within the community unit plan.

29 4. Prior to the issuance of any building permits, the
30 permittees shall submit to the Codes Administration Division of
31 the Urban Development Department for review and approval an
32 ornamental street lighting plan for the private roadways and
33 pedestrian ways serving the additional dwelling units within this
34 community unit plan.

35 5. Prior to the issuance of any building permits by
36 the City, the permittees shall cause to be prepared and submitted
37 to the Planning Department a permanent reproducible final plot

Amended 10/19/81.

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and a current drainage study that is in accordance with adopted design standards.

01 plan. This final plot plan shall include all revisions to the
02 community unit plan required by the City.

03 6. That development and construction of this community
04 unit plan shall be in strict compliance with the approved plot
05 plan or as amended by the City, or amended by administrative
06 amendment of the Planning Director.

07 7. The construction of all improvements shall be in
08 compliance with the adopted design standards of the City.

09 8. The total number of dwelling units within the
10 limits of this community unit plan shall not exceed 241.

11 9. The approval of this special permit shall in no
12 way relieve the permittees from the conditions of the City in
13 approving Special Permit No. 431, except as expressly modified by
14 this special permit.

15 10. No development or construction whatsoever of the
16 proposed amended community unit plan shall proceed until the same
17 has been approved by the Building Official for the City of Lincoln;
18 and no dwelling units shall be occupied or otherwise used until
19 said Building Official has found that permittees have complied
20 with all the terms, conditions, and requirements of the City in
21 authorizing the special permit.

22 11. That the permittees, their successors and assigns
23 agree that if the building official finds at any time that the
24 terms, conditions, and requirements of this special permit have
25 not been complied with, or that any phase thereof has not been
26 completed as required under said special permit or any administrative
27 amendment thereto, the building official shall report this fact
28 to the City Council which may, after a hearing of which the
29 permittee shall be notified, revoke such special permit for
30 failure to comply with such terms, conditions, and requirements
31 or take such other action as it may deem necessary to obtain
32 compliance.

33 12. Within 30 days from the date of adoption of this
34 resolution, permittees shall properly execute the Letter of
35 Acceptance attached hereto as Appendix "A" and file the Letter
36 with the City Clerk, evidencing the permittees' unqualified
37 acceptance of all the terms, conditions, and requirements of this

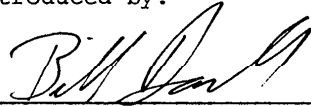
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01 resolution and permit. If the permittee fails to so execute and
02 file the Letter of Acceptance, then the City Clerk shall inform
03 the City Council and the permittees of such failure, and this
04 special permit may be declared void and revoked by the City
05 Council. The permittees may request an administrative amendment
06 of the Planning Director for an extension of time in which to
07 file the Letter of Acceptance but not to exceed six (6) months
08 from approval of this resolution.

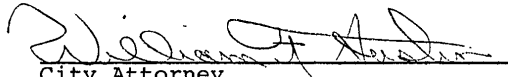
09 13. That all the terms, conditions, and requirements
10 of this special permit herein granted shall be binding and obligatory
11 on permittees, their successors, and assigns, and that within 10
12 days from the date the letter of acceptance is filed, the City
13 Clerk shall cause a certified copy of the Resolution together
14 with a certified copy of said executed Letter of Acceptance to be
15 filed in the Office of the Register of Deeds for Lancaster
16 County, filing fees shall be paid in advance by permittees.

17

Introduced by:



Approved as to Form and Legality: AYES: Ahlschwede, Danley, Frohardt,
Hampton, Shackelford, Steinman
Youngberg;
NAYS: None.


City Attorney

Staff Review Completed:

APPROVED

ADOPTED


Administrative Director

OCT 26 1981

OCT 19 1981


MAYOR By City Council

10/19/81 COUNCIL PROCEEDINGS:

AHLSCHWEDE Moved to amend Bill #81R-288 on page 3, line 1 insert the following after the word "plan", "and a current drainage study that is in accordance with adopted design standards".

Seconded by Frohardt, and carried by the following vote: AYES: Ahlschwede, Frohardt, Hampton, Shackelford, Steinman, Youngberg; NAYS: Danley.

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APPENDIX "A"

City Council
City of Lincoln
Lincoln, Nebraska

Re: Letter of Acceptance
Special Permit No. 431A

TO THE CITY COUNCIL:

I, Dick H. Hartsock, President or authorized representative of Dr. and Mrs. Otto Gasper, herein called Permittee under Special Permit No. 431A, granted by Resolution No. A- 67764, adopted by the City Council of the City of Lincoln, Nebraska, on October 19, 1981, do hereby certify that I have thoroughly read said resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.

Dick H. Hartsock
President or authorized representative

C E R T I F I C A T E

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

I, Paul A. Malzer, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of Resolution No. A-67764, Special Permit No.

431A

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held October 19, 1981, as the original appears of record in my 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 3rd day of November, 1981.

Paul A. Malzer
City Clerk

INDEXED
MICRO-FILED
GENERAL

712-2240
M.A.

LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1981 NOV-4 PM 1:45

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:
INST. NO. 81-21108

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City Clerk

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