

14528
86R-72

Introduce: 4-14-86

25

RESOLUTION NO. A- 70753

SPECIAL PERMIT NO. 1174

01 WHEREAS, Otto Gaspar, by Kyle Deppe, has submitted an
02 application designated as Special Permit No. 1174 for authority
03 to construct an additional 99 dwelling units to the Chateau
04 La Fleur and Charleston Court Community Unit Plan, located on
05 property north of Vine Street between North 56th and North 63rd
06 Streets, and legally described to wit:

07 Lots 189, 237, 238, 239, and 240, all Irregular
08 Tracts, located in the Northwest Quarter of Section
09 21, Township 10 North, Range 7 East of the Sixth
10 Principal Meridian, Lincoln, Lancaster County,
11 Nebraska.

12 WHEREAS, the real property adjacent to the area included
13 within the plot plan for these additional dwelling units will not
14 be 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 Otto Gaspar, by Kyle Deppe,
22 hereinafter referred to as "Permittee", to construct an additional
23 99 dwelling units to the Chateau La Fleur and Charleston Court
24 Community Unit Plan be and the same is hereby granted under the
25 provision of Section 27.63.320 of the Lincoln Municipal Code upon
26 condition that construction and operation of said dwelling units
27 be in strict compliance with said application, the plot plan, and
28 the following additional express terms, conditions, and
29 requirements:

30 1. The community unit plan shall be limited to 568
31 dwelling units.

32 2. The City Council shall approve Change of Zone
33 2231.

14528

Amended 4/28/86

- 01 3. Before receiving building permits:
- 02 a. The permittee shall complete the items as set
- 03 out in the "Development Notes" on sheet 1 of
- 04 5 of the site plan.
- 05 b. The permittee shall submit and receive
- 06 approval of the following:
- 07 (1) A permanent reproducible final plot plan
- 08 approved by the City Council.
- 09 (2) A plan for ornamental street lights for
- 10 streets, private roadways, and pedestrian
- 11 way easements approved by the Lincoln
- 12 Electric System.
- 13 (3) A recreation plan for the area south of
- 14 Deadman's Run and north of the Missouri-
- 15 Pacific Railroad tracks approved by the
- 16 Planning Director. (See Attachment "A").
- 17 c. The construction plans shall comply with the
- 18 approved plans and all applicable ordinances
- 19 and design standards of the City.
- 20 4. No building permits shall be issued for the
- 21 conversion of the three storage areas in existing buildings in
- 22 the Chateau La Fleur complex to three dwelling units as shown on
- 23 the plan until Permittee has obtained a marketable title to Lot
- 24 240, Irregular Tract, in the Northwest Quarter of Section 21,
- 25 Township 10 North, Range 7 East, either by deed or through an
- 26 action to quiet the title to said property. The maximum number
- 27 of dwelling units authorized hereunder shall be reduced from 568
- 28 to 565 in the event that Permittee fails to obtain marketable
- 29 title or does not, within six months from the date of passage of
- 30 this resolution, commence an action to quiet such title if
- 31 necessary to obtain marketable title.
- 32 5. Before occupying the new dwelling units, all
- 33 development and construction shall comply with the approved
- 34 plans.
- 35 6. All privately owned improvements, including
- 36 landscaping and recreational facilities, shall be permanently
- 37 maintained by the permittee.
- 38 7. The terms, conditions, and requirements of this
- 39 resolution shall be binding and obligatory upon the Permittee,
- 40 his successors, and assigns. The building official shall report
- 41 violations to the City Council which may revoke the special

145
01 permit or take such other action as may be necessary to gain
02 compliance.

03 8. The Permittee shall sign and return the City's
04 letter of acceptance to the City Clerk within 30 days following
05 approval of the special permit, provided, however, said 30-day
06 period may be extended up to six months by administrative amend-
07 ment. The City Clerk shall file a copy of the resolution approving
08 the special permit and the letter of acceptance with the Register
09 of Deeds, filing fees therefor to be paid in advance by the
10 Permittee.

11 9. Upon acceptance of the terms of this special
12 permit by Permittee through return of the letter of acceptance,
13 Special Permits 431 and 580, and all amendments thereto, shall be
14 superseded by this special permit.

Introduced by:

Donna Gayley

Approved as to Form and Legality: AYES: Ahlschwede, Danley, Gayley,
Hampton, Hoffman, Johnson, Minnick;
NAYS: None.

William F. Austin
City Attorney

Staff Review Completed:

J. Hampton
Administrative Assistant

APPROVED

MAY 6 1986 5:16 PM

MAY 2 1986

MAY 2 1986

MAY 2 1986

Donna Gayley
MAYOR

ADOPTED

APR 28 1986

By City Council

14528

APPENDIX "A"

City Council
City of Lincoln
Lincoln, Nebraska

Re: Letter of Acceptance
Special Permit No. 1174

TO THE CITY COUNCIL:

I, Otto Gaspar, herein called
Permittee under Special Permit No. 1174, granted by Resolution
No. A- 70723 adopted by the City Council of the City of
Lincoln, Nebraska, on April 28, 1986, 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.

Otto Gaspar
Applicant - ~~Permittee~~

CERTIFICATE

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

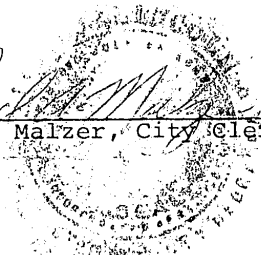
I Paul A. Malzer, Jr. City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. A-70723 approving Special Permit No. 1174 application of Otto Gaspar approved by the Lincoln City Council on April 28, 1986, as the original appears 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 20th day of May, A.D., 19 86.

INDEXED
MICRO-FILED
GENERAL

*7/12-785
mic*

[Signature]
Paul Malzer, City Clerk



✓ LANCASTER COUNTY, NEBR.
Don Falls
REGISTER OF DEEDS
1986 MAY 20 PM 1:21

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:
INST. NO. 86-14528

#25/50

*City Clerk
P. J. Pierson*