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INST. NO 98
REGISTER OF DEEDS
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39

98R-195

Introduce: 6-29-98

RESOLUTION NO. A- 78912

SPECIAL PERMIT NO. 1423B

1 WHEREAS, Guy M. and Rita L. Lammle, David L. Lammle, and Dru W.
2 Lammle have submitted an application designated as Special Permit No. 1423B for
3 authority to develop a community unit plan and golf course on property bounded
4 generally by South 84th Street, Pioneers Blvd., South 98th Street, and Old Cheney
5 Road and legally described to wit:

6 Lots 30 I.T., Lot 33 I.T., Lot 38 I.T., Lot 45 I.T., Lot
7 47 I.T., Lot 50 I.T., Lot 51 I.T., Lot 52 I.T., Lot 53
8 I.T., a portion of Lot 26 I.T., a portion of Lot 32
9 I.T., and a portion of the Southeast Quarter of the
10 Southwest Quarter, all located in Section 11, Township
11 9 North, Range 7 East of the 6th P.M., Lancaster County,
12 Nebraska, more particularly described as:

13 Commencing at the South Quarter corner of said Section
14 11; thence on an assumed bearing of north 00 degrees 00
15 minutes 53 seconds west along the east line of the
16 Southwest Quarter of said Section 11, a distance of
17 33.00 feet to a point, said point being the true point
18 of beginning; thence north 00 degrees 00 minutes 53
19 seconds west along the east line of the Southwest
20 Quarter of said Section 11, a distance of 17.00 feet to
21 a point; thence north 89 degrees 56 minutes 50 seconds
22 west along a line 50.00 feet north of and parallel with
23 the south line of said Southwest Quarter, a distance of
24 196.41 feet to a point; thence south 00 degrees 01
25 minutes 51 seconds east, a distance of 17.00 feet to a
26 point; thence north 89 degrees 56 minutes 50 seconds
27 west along a line 33.00 feet north of and parallel with
28 the south line of said Southwest Quarter, a distance of
29 1115.62 feet to a point of intersection with the west
30 line of the Southeast Quarter of the Southwest Quarter
31 of said Section 11; thence north 00 degrees 10 minutes
32 13 seconds west along the west line of the Southeast
33 Quarter of the Southwest Quarter of said Section 11, a
34 distance of 7.00 feet to the southeast corner of said
35 Lot 47 I.T.; thence north 89 degrees 56 minutes 50

SW 1/4 L 30, 33, 38, 47, 7+26,
SE 1/4 L 45, 7+32
NE 1/4 L 50, 53
NW 1/4 L 51, 52
P + SE SW 1/4

1 seconds west along the south line of said Lot 47 I.T.,
2 a distance of 463.00 feet to the southwest corner of
3 said Lot 47 I.T.; thence south 00 degrees 07 minutes 29
4 seconds east along the east line of said Lot 26 I.T., a
5 distance of 7.00 feet to a point; thence north 89
6 degrees 56 minutes 50 seconds west along a line 33.00
7 feet north of and parallel with the south line of the
8 Southwest Quarter of said Section 11, a distance of
9 556.01 feet to a point of intersection with the west
10 line of said Lot 26 I.T.; thence north 00 degrees 12
11 minutes 53 seconds west along the west line of said Lot
12 26 I.T., a distance of 185.00 feet to the northeast
13 corner of Lot 48 I.T.; thence north 89 degrees 56
14 minutes 50 seconds west along the south line of said Lot
15 26 I.T., a distance of 84.00 feet to the southeast
16 corner of Lot 2 I.T.; thence north 00 degrees 12 minutes
17 53 seconds west along the west line of said Lot 26 I.T.,
18 a distance of 298.00 feet to the northeast corner of Lot
19 2 I.T.; thence north 89 degrees 56 minutes 50 seconds
20 west along the south line of said Lot 26 I.T., a
21 distance of 159.00 feet to the southwest corner of said
22 Lot 26 I.T.; thence north 00 degrees 12 minutes 53
23 seconds west along the west line of said Lot 26 I.T.,
24 and Lot 30 I.T., said line being 50.00 feet east of and
25 parallel with the west line of said Southwest Quarter,
26 a distance of 1859.80 feet to the northwest corner of
27 said Lot 30 I.T.; thence south 89 degrees 50 minutes 00
28 seconds east along the north line of said Lot 30 I.T.,
29 a distance of 990.02 feet to the southeast corner of Lot
30 29 I.T.; thence north 00 degrees 12 minutes 53 seconds
31 west along the west line of said Lot 30 I.T., a distance
32 of 264.05 feet to the northeast corner of Lot 29 I.T.;
33 thence south 89 degrees 50 minutes 10 seconds east along
34 the north line of said Lot 30 I.T., a distance of 276.56
35 feet to the southwest corner of said Lot 51 I.T.; thence
36 north 00 degrees 06 minutes 34 seconds west along the
37 west line of said Lots 51 I.T., and 52 I.T., a distance
38 of 1320.27 feet to a point; thence north 00 degrees 06
39 minutes 34 seconds west along the west line of said Lot
40 52 I.T., a distance of 1239.66 feet to the northwest
41 corner of said Lot 52 I.T., said point being 80.61 feet
42 south of the north line of said Northwest Quarter;
43 thence south 88 degrees 19 minutes 04 seconds east along
44 the north line of said Lot 52 I.T., a distance of 528.38
45 feet to a point of deflection, said point being 95.02
46 feet south of the north line of said Northwest Quarter;
47 thence north 88 degrees 20 minutes 24 seconds east along

1 the north line of said Lot 52 I.T., a distance of 792.98
2 feet to the northeast corner of said Lot 52 I.T., said
3 point being 70.40 feet south of the north line of said
4 Northwest Quarter; thence north 88 degrees 22 minutes 55
5 seconds east along the north line of said Lot 53 I.T.,
6 a distance of 366.66 feet to the northeast corner of
7 said Lot 53 I.T., said point being 59.02 feet south of
8 the north line of the Northeast Quarter of said Section
9 11; thence south 00 degrees 00 minutes 53 seconds east
10 along the east line of said Lot 53 I.T., a distance of
11 986.59 feet to a point of deflection; thence south 89
12 degrees 50 minutes 16 seconds east along the north line
13 of said Lot 53 I.T., a distance of 217.25 feet to a
14 point of deflection; thence south 00 degrees 00 minutes
15 53 seconds east along the east line of said Lot 53 I.T.,
16 a distance of 559.99 feet to the northwest corner of
17 said Lot 50 I.T.; thence south 89 degrees 50 minutes 16
18 seconds east along the north line of said Lot 50 I.T.,
19 a distance of 739.75 feet to the northeast corner of
20 said Lot 50 I.T.; thence south 00 degrees 02 minutes 33
21 seconds east along the east line of said Lot 50 I.T., a
22 distance of 1036.00 feet to the southeast corner of said
23 Lot 50 I.T., said point being the northwest corner of
24 said Lot 45 I.T.; thence south 89 degrees 50 minutes 10
25 seconds east along the north line of said Lot 45 I.T.,
26 a distance of 1324.02 feet to the northeast corner of
27 said Lot 45 I.T., said point being the northeast corner
28 of the Southeast Quarter of said Section 11; thence
29 south 00 degrees 04 minutes 07 seconds east along the
30 east line of said Lot 45 I.T., said line being the east
31 line of said Southeast Quarter, a distance of 1320.14
32 feet to the southeast corner of the Northeast Quarter of
33 the Southeast Quarter; thence south 00 degrees 04
34 minutes 07 seconds east along the east line of said Lot
35 45 I.T., said line being the east line of said Southeast
36 Quarter, a distance of 1019.93 feet to a point of
37 deflection; thence south 89 degrees 55 minutes 53
38 seconds west along the south line of said Lot 45 I.T.,
39 a distance of 50.00 feet to a point of deflection;
40 thence south 00 degrees 04 minutes 07 seconds east along
41 the east line of said Lot 45 I.T., said line being 50.00
42 feet west of and parallel with the east line of said
43 Southeast Quarter, a distance of 250.00 feet to the
44 southeast corner of said Lot 45 I.T.; thence north 89
45 degrees 43 minutes 01 seconds west along the south line
46 of said Lot 45 I.T., said line being 50.00 feet north of
47 and parallel with the south line of said Southeast

1 Quarter, a distance of 1275.25 feet to the southwest
2 corner of said Lot 45 I.T.; thence north 00 degrees 02
3 minutes 30 seconds west along the west line of said Lot
4 45 I.T., a distance of 1297.24 feet to a point; thence
5 north 89 degrees 40 minutes 33 seconds west, a distance
6 of 876.72 feet to a point; thence south 00 degrees 07
7 minutes 10 seconds east, a distance of 1314.88 feet to
8 a point, said point being 33.00 feet north of the south
9 line of said Southeast Quarter; thence north 89 degrees
10 43 minutes 01 seconds west along a line 33.00 feet north
11 of and parallel with the south line of said Southeast
12 Quarter, a distance of 450.33 feet to the true point of
13 beginning, said tract contains a calculated area of
14 401.69 acres, or 17,497,479.98 square feet more or less;

15 WHEREAS, the real property adjacent to the area included within the
16 site plan for this community unit plan and golf course will not be adversely
17 affected; and

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

22 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
23 Lincoln, Nebraska:

24 That the application of Guy M. and Rita L. Lammle, David L. Lammle,
25 and Dru W. Lammle, hereinafter referred to as "Permittees", to develop a
26 community unit plan and golf course, on the property legally described above, be
27 and the same is hereby granted under the provisions of Sections 27.63.130,
28 27.63.320, and Chapter 27.65 of the Lincoln Municipal Code upon condition that
29 development of said community unit plan and golf course be in strict compliance
30 with said application, the site plan, and the following additional express terms,

1 conditions, and requirements:

2 1. This permit authorizes the development of a maximum of 507
3 dwelling units and a golf course.

4 2. Before receiving building permits:

5 a. The Permittees must submit a revised and reproducible
6 final plan which is acceptable to the Planning Director.

7 b. The construction plans must conform to the approved
8 plans.

9 c. A final plat of HiMark Estates must be approved by the
10 City.

11 3. Before occupying the dwelling units, all development and
12 construction must be completed in conformance with the approved plans.

13 4. All privately-owned improvements shall be permanently
14 maintained by the Permittee or an appropriately established homeowners
15 association approved by the City Attorney.

16 5. The site plan accompanying this permit shall be the basis for
17 all interpretations of setbacks, yards, locations of buildings, location of
18 parking and circulation elements, and similar matters.

19 6. The terms, conditions, and requirements of this resolution
20 shall be binding and obligatory upon the Permittees, their successors, and
21 assigns. The building official shall report violations to the City Council which
22 may revoke the special permit or take such other action as may be necessary to
23 gain compliance.

24 7. The Permittee shall sign and return the City's letter of

1 acceptance to the City Clerk within 30 days following approval of the special
2 permit, provided, however, said 30-day period may be extended up to six months
3 by administrative amendment. The City Clerk shall file a copy of the resolution
4 approving the special permit and the letter of acceptance with the Register of
5 Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Lynda Wilson

Approved as to Form & Legality:

AYES: Fortenberry, Johnson, Seng,
Shoecraft, Wilson, Young;
NAYS: None;
ABSENT: Donaldson.

William F. Shuster
City Attorney

Staff Review Completed:

Jeri McClung
Administrative Assistant

7/6/98 Council Proceedings:

SENG Moved to delay action on Bill 98R-195 for 1 week to 7/13/98.
Seconded by Young & carried by the following vote: AYES: Donaldson, Fortenberry,
Seng, Shoecraft, Wilson, Young; NAYS: None; ABSENT: Johnson.

7/13/98 Council Proceedings:

YOUNG Moved to delay action on Bill 98R-195 for one week to 7/20/98.
Seconded by Seng & carried by the following vote: AYES:
Donaldson, Fortenberry, Seng, Shoecraft, Wilson, Young; NAY_S: None;
ABSENT: Johnson.

7/20/98 Council Proceedings:

YOUNG Moved to delay action on Bill 98R-195 for 1 week to 7/27/98.
Seconded by Seng & carried by the following vote: AYES: Donaldson, Fortenberry,
Seng, Shoecraft, Wilson, Young; NAYS: None; ABSENT: Johnson.

APPROVED

ADOPTED

6

JUL 30 1998
[Signature]
MAYOR

JUL 27 1998

By City Council

LETTER OF ACCEPTANCE

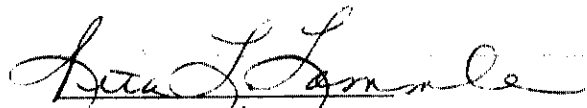
City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

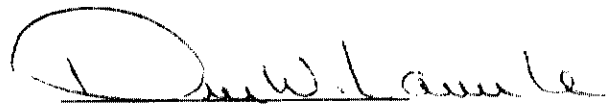
We, Guy M and Rita L. Lammle, David L. Lammle and Dru W. Lammle, Permittees under **Special Permit No. 1423B** granted by **Resolution No. A-78912**, adopted by the Lincoln City Council on **July 27, 1998**, do hereby certify that we have thoroughly read said resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.

Dated this 15 day of August, 1998.


Guy M Lammle


Rita L. Lammle


David L. Lammle

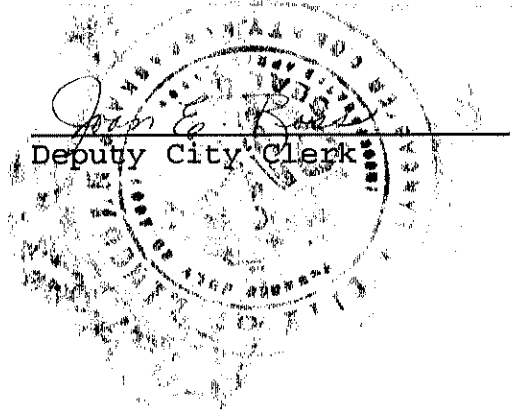

Dru W. Lammle

C E R T I F I C A T E

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

I, Joan E. Ross, 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 No. 1423B** approved by **Resolution No. A-78912** adopted by the City Council on July 27 1998, 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 19th day of August, 1998.



Ret to City Clerk