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2003 DEC 30 P 2:50

INST NO 2003

LANCASTER COUNTY, NE

123345

19

03R-328

Introduce: 11-17-03

RESOLUTION NO. A- 82475

SPECIAL PERMIT NO. 1423G

1 WHEREAS, D & M Development, L.L.C. has submitted an application
 2 designated as Special Permit No. 1423G for authority to amend HiMark Estates
 3 Community Unit Plan to add ¹⁹~~20~~ single family dwelling units in the southern portion of Outlot
 4 A, HiMark Estates 3rd Addition, for a total of ⁵⁵⁸~~559~~ dwelling units, and to waive the
 5 requirements for a minimum cul-de-sac radius, sidewalks on the south side of Sandhills
 6 Court, and the preliminary plat process on property generally located at South 90th Street
 7 and Medinah Drive and legally described to wit:

See Attached Legal

8 All of the Lots, Blocks, and Outlots in HiMark Estates Addition,
 9 HiMark Estates 1st Addition, HiMark Estates 2nd Addition,
 10 HiMark Estates 3rd Addition, HiMark Estates 4th Addition,
 11 HiMark Estates 5th Addition Corrected, HiMark Estates 6th
 12 Addition, HiMark Estates 7th Addition, and Iron Gates Estates,
 13 all located in Section 11, Township 9 North, Range 7 East of
 14 the 6th P.M., Lincoln, Lancaster County, Nebraska;

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

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

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

City Clerk (Teresa)

AMENDED 11/24/03

1 That the application of D & M Development, L.L.C., hereinafter referred to as
2 "Permittee", to amend HiMark Estates Community Unit Plan to add ¹⁹~~20~~ single family
3 dwelling units for a total of ⁵⁵⁸~~559~~ dwelling units, on the property legally described above, be
4 and the same is hereby granted under the provisions of Section 27.63.320 and Chapter
5 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said
6 community unit plan be in strict compliance with said application, the site plan, and the
7 following additional express terms, conditions, and requirements:

8 1. This permit approves the addition of ¹⁹~~20~~ single family dwelling units in
9 the southern portion of Outlot A, HiMark Estates 3rd Addition, thereby increasing the total
10 number of dwelling units within the community unit plan to ⁵⁵⁸~~559~~ dwelling units.

11 2. This permit approves the following waivers:

12 a. The requirement of the Private Roadway Design Standards
13 regarding the minimum cul-de-sac radius is waived to allow a
14 radius of 35' for Sandhills Court.

15 b. The requirement of Lincoln Municipal Code § 26.27.020 that
16 sidewalks be constructed along the south side of Sandhills
17 Court is waived.

18 c. The requirement of Lincoln Municipal Code § 26.11.020 that a
19 preliminary plat be submitted is waived for the area of this
20 application. This approved amendment to the community unit
21 plan shall serve the purpose of a preliminary plat for the area
22 of this amendment (i.e. the southern portion of Outlot A, HiMark
23 Estates 3rd Addition). Final plats in this area may be
24 approved based upon this amendment.

1 3. The waiver of the filing of a preliminary plat and the approval of this
2 amendment to the community unit plan in lieu of a preliminary plat shall only be effective for
3 a period of ten (10) years from the date of approval, and shall be of no force or effect
4 thereafter. If any final plat on all or a portion of the area included within this amendment is
5 submitted five (5) years or more after the date of approval, the City may require that a new
6 community unit plan amendment for this area be submitted, pursuant to all the provisions of
7 Section 26.31.015. A new community unit plan amendment for this area may be required
8 if the subdivision ordinance, the design standards, or the required improvements have
9 been amended by the City and as a result, this amendment to the community unit plan as
10 originally approved does not comply with the amended rules and regulations.

11 4. Before receiving building permits:

- 12 a. Permittee must submit one original and five copies of the
- 13 plans as approved.
- 14 b. Final plats within the area of this community unit plan must be
- 15 approved by the City.
- 16 c. The construction plans must conform to the approved plans.

17 5. Before occupying the dwelling units all development and construction
18 must be completed in conformance with the approved plans.

19 6. The site plan approved by this permit shall be the basis for all
20 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
21 elements, and similar matters.

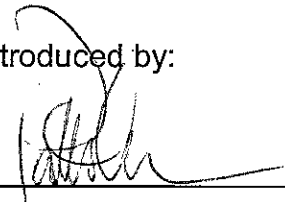
22 7. The terms, conditions, and requirements of this resolution shall be
23 binding and obligatory upon the Permittee, its successors, and assigns. The building

1 official shall report violations to the City Council which may revoke the special permit or
2 take such other action as may be necessary to gain compliance.

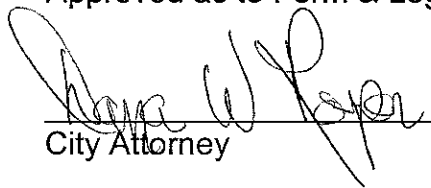
3 8. The Permittee shall sign and return the City's letter of acceptance to
4 the City Clerk within 30 days following approval of the special permit, provided, however,
5 said 30-day period may be extended up to six months by administrative amendment. The
6 City Clerk shall file a copy of the resolution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

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

See further Council Proceedings
on next page.

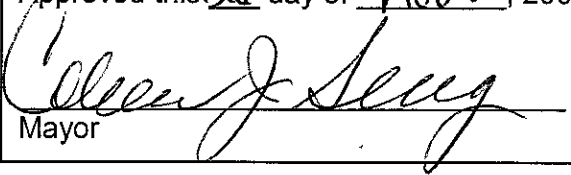
Introduced by:


Approved as to Form & Legality:



City Attorney

AYES: Camp, Cook, Friendt,
McRoy, Newman, Svoboda,
Werner; NAYS: None.

Approved this ^{4th} 20 day of nov., 2003:


Mayor

ADOPTED
NOV 24 2003
BY CITY COUNCIL

11/24/03 Council Proceedings:

FRIENDT Moved to amend Bill No. 03R-328 in the following manner:

1. On page 1, line 3, delete the number "20" and insert in lieu thereof the number 19.
2. On page 1, line 4, delete the number "559" and insert in lieu thereof the number 558.
3. On page 2, line 2, delete the number "20" and insert in lieu thereof the number 19.
4. On page 2, line 3, delete the number "559" and insert in lieu thereof the number 558.
5. On page 2, line 8, delete the number "20" and insert in lieu thereof the number 19.
6. On page 2, line 10, delete the number "559" and insert in lieu thereof the number 558.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.



Gregory S Czaplewski

12/11/03 10:10 AM

To: Teresa J Meier/Notes@Notes

CC:

Subject: HiMark Estates legal description

Sorry for the mistake. This description should be accurate now.

Lots 1-9, Block 1, Lots 1-6, Block 2, Lots 2-17, Block 3, Lots 1-12, Block 4, Outlots A, B, C, D, E, and F, HiMark Estates Addition; Lots 1 and 2, Block 1, Lots 1-9, Block 2, Lots 1-4, Block 3, Lots 1-11, Block 4, Outlots C, D, and E, HiMark Estates 1st Addition; Lots 1-24 and 26-39, Outlot A, HiMark Estates 2nd Addition; Lots 1-16, Block 1, Lots 1-14, Block 2, Lots 1-6, Block 3, Outlots A, B, C, and G, HiMark Estates 3rd Addition; Lots 1-4, Outlot A, HiMark Estates 4th Addition; Lot 1, Block 1, Lots 1-4, Block 2, HiMark Estates 5th Addition Corrected; Lots 1-3, Block 1, Lots 1-4, Block 2, Lots 1-5, Block 3, Outlot A, HiMark Estates 6th Addition; Lots 1-4, Outlots A and B, HiMark Estates 7th Addition; Lots 1-24, Block 1, Outlots A and B, Iron Gate Estates.

- Greg

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, John Arrigo the undersigned representative(s) of D+M Development, LLC
Permittee(s) in ^{Special} Permit 14236 granted by **Resolution A-82475** adopted by the City Council of
the City of Lincoln, Nebraska, on **Nov. 24, 2003** 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.

Dated this 22nd day of December, 2003.

John Arrigo - S.V.P.
WEST GATE BANK

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 1423G** approved by **Resolution No. A-82475** adopted by the City Council on **Nov. 24, 2003** 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 30th day of Dec., 2003.

