



HIMES A
HIMES 1
HIMES 2
HIMES 3
HIMES 5
HIMES 6
HIMES 7
HIMES 8

RESOLUTION NO. PC-01221

SPECIAL PERMIT NO. 1423J

1 WHEREAS, Himark Property LLC has submitted an application designated as
2 Special Permit No. 1423J for authority to amend the Himark Estates Community Unit Plan
3 to add 23 lots at the north end of the development adjacent to Pioneers Blvd. and to add
4 seven lots at the south end near South 88th Street and Old Cheney Road, together with a
5 request for a waiver of Sanitary Sewer Design Standards to allow sanitary sewers to flow
6 opposite street grades, on property generally located between Pioneers Blvd. and Old
7 Cheney Road at South 84th Street and legally described as:

8 Lots 1 through 9, Block 1, Lots 1 through 6, Block 2, Lots 2
9 through 17, Block 3, Lots 1 through 12, Block 4, Outlots "A",
10 "B", "C" and "F", all in Himark Estates Addition; Lots 1 and 2,
11 Block 1, Lots 1 through 9, Block 2, Lots 1 through 4, Block 3,
12 Lots 1 through 10, Block 4, and Outlot "C", all in Himark
13 Estates 1st Addition; Lots 1 through 24, Block 1, and Lots 28
14 through 39, Block 1, all in Himark Estates 2nd Addition; Lots 1
15 through 16, Block 1, Lots 1 through 14, Block 2, Lots 1 through
16 6, Block 3, Outlots "C" and "G", all in Himark Estates 3rd
17 Addition; Lots 1 through 4, Block 2, all in a Corrected Plat of
18 Himark Estates 5th Addition; Lots 1 through 3, Block 1, Lots 1
19 through 4, Block 2, and Lots 1 through 5, Block 3, all in Himark
20 Estates 6th Addition, Lots 1 through 4 and Outlot "B", all in
21 Himark Estates 7th Addition; Lots 1 through 9, Block 1, Lots
22 14 through 23, Block 1, Lots 1 through 25, Block 2, Lots 1
23 through 6, Block 3, and Outlot "D", all in Himark Estates 8th

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1 Addition; Lots 1 through 12, Block 1, Lots 2 through 11, Block
2 2, Lots 15 through 24, Block 2, Outlots "B" and "C", all in
3 Himark Estates 9th Addition; Lots 1 through 13, Block 1, Lot 1,
4 Block 2, and Outlot "A", all in Himark Estates 10th Addition;
5 Lots 1 through 21, Outlots "A" and "B", all in Himark Estates
6 11th Addition; Lots 1 through 26, Outlots "A" and "B", all in
7 Himark Estates 12th Addition; Lots 1 and 2, Himark Estates
8 13th Addition; Lots 1 through 4, and Outlot "A", all in Himark
9 Estates 14th Addition; Lots 1 and 2, and Outlot "A", all in
10 Himark Estates 15th Addition; Lots 4 through 11, Block 1, Lots
11 16, 19, 23 and 24, Block 1, and Outlots "A" and "B", all in
12 Irongate Estates Addition; Lots 1 and 2, all in Irongate Estates
13 First Addition; Lot 2, Irongate Estates Second Addition; Lots 1
14 through 6, and Outlot "A", Irongate Estates Third Addition; all
15 located in Section 11, Township 9 North, Range 7 East of the
16 6th P.M., Lancaster County, Nebraska and more particularly
17 described as follows.

18 Commencing at the south quarter corner of said Section 11;
19 thence on an assumed bearing of north 00 degrees 00
20 minutes 53 seconds west along the east line of the Southwest
21 Quarter of said Section 11, a distance of 33.00 feet to a point,
22 said point being the true point of beginning; thence north 00
23 degrees 00 minutes 53 seconds west along the east line of the
24 Southwest Quarter of said Section 11, a distance of 17.00 feet
25 to a point; thence north 89 degrees 56 minutes 50 seconds
26 west along a line 50.00 feet north of and parallel with the south
27 line of said Southwest Quarter, a distance of 196.41 feet to a
28 point; thence south 00 degrees 01 minutes 51 seconds east, a
29 distance of 17.00 feet to a point; thence north 89 degrees 56
30 minutes 50 seconds west along a line 33.00 feet north of and
31 parallel with the south line of said Southwest Quarter, a
32 distance of 1115.62 feet to a point of intersection with the west
33 line of the Southeast Quarter of the Southwest Quarter of said
34 Section 11; thence north 00 degrees 07 minutes 29 seconds
35 west along the west line of the Southeast Quarter of the
36 Southwest Quarter of said Section 11, a distance of 7.00 feet
37 to a point; thence north 89 degrees 56 minutes 50 seconds
38 west, a distance of 463.00 feet to a point; thence south 00
39 degrees 07 minutes 29 seconds east, a distance of 7.00 feet
40 to a point; thence north 89 degrees 56 minutes 50 seconds
41 west along a line 33.00 feet north of and parallel with the south
42 line of the Southwest Quarter of said Section 11, a distance of
43 556.01 feet to a point; thence north 00 degrees 12 minutes 53

1 seconds west, a distance of 185.00 feet to a point; thence
2 north 89 degrees 56 minutes 50 seconds west, a distance of
3 84.00 feet to a point; thence north 00 degrees 12 minutes 53
4 seconds west, a distance of 298.00 feet to a point; thence
5 north 89 degrees 56 minutes 50 seconds west, a distance of
6 159.00 feet to a point; thence north 00 degrees 12 minutes 53
7 seconds west, said line being 50.00 feet east of and parallel
8 with the west line of said Southwest Quarter, a distance of
9 1859.80 feet to a point; thence south 89 degrees 50 minutes
10 00 seconds east, a distance of 990.02 feet to a point; thence
11 north 00 degrees 12 minutes 53 seconds west, a distance of
12 264.05 feet to a point; thence south 89 degrees 50 minutes 10
13 seconds east, a distance of 276.56 feet to a point, thence
14 north 00 degrees 06 minutes 34 seconds west, a distance of
15 1320.27 feet to a point; thence north 00 degrees 06 minutes
16 34 seconds west, a distance of 1239.66 feet to a point, said
17 point being 80.61 feet south of the north line of said Northwest
18 Quarter; thence south 88 degrees 19 minutes 04 seconds
19 east, a distance of 528.38 feet to a point of deflection, said
20 point being 95.02 feet south of the north line of said Northwest
21 Quarter; thence north 88 degrees 20 minutes 24 seconds
22 east, a distance of 792.98 feet to a point, said point being
23 70.40 feet south of the north line of said Northwest Quarter;
24 thence north 88 degrees 22 minutes 55 seconds east, a
25 distance of 366.66 feet to a point, said point being 59.02 feet
26 south of the north line of the Northeast Quarter of said Section
27 11; thence south 00 degrees 00 minutes 53 seconds east, a
28 distance of 986.59 feet to a point of deflection; thence south
29 89 degrees 50 minutes 16 seconds east, a distance of 217.25
30 feet to a point of deflection, thence south 00 degrees 00
31 minutes 53 seconds east, a distance of 559.99 feet to a point;
32 thence south 89 degrees 50 minutes 16 seconds east, a
33 distance of 739.75 feet to a point; thence south 00 degrees 02
34 minutes 33 seconds east, a distance of 1036.00 feet to a
35 point; thence south 89 degrees 50 minutes 10 seconds east, a
36 distance of 1324.02 feet to the northeast corner of the
37 Southeast Quarter of said Section 11; thence south 00
38 degrees 04 minutes 07 seconds east along the east line of
39 said Southeast Quarter, a distance of 1320.14 feet to the
40 southeast corner of the Northeast Quarter of the Southeast
41 Quarter; thence south 00 degrees 04 minutes 07 seconds east
42 along the east line of said Southeast Quarter, a distance of
43 1019.93 feet to a point of deflection; thence south 89 degrees
44 55 minutes 53 seconds west, a distance of 50.00 feet to a

1 point of deflection; thence south 00 degrees 04 minutes 07
2 seconds east along a line being 50.00 feet west of and parallel
3 with the east line of said Southeast Quarter, a distance of
4 250.00 feet to a point; thence north 89 degrees 43 minutes 01
5 seconds west along a line being 50.00 feet north of and
6 parallel with the south line of said Southeast Quarter, a
7 distance of 1275.25 feet to a point; thence north 00 degrees
8 02 minutes 30 seconds west, a distance of 1297.24 feet to a
9 point; thence north 89 degrees 40 minutes 33 seconds west, a
10 distance of 876.72 feet to a point; thence south 00 degrees 07
11 minutes 10 seconds east, a distance of 1314.88 feet to a
12 point, said point being 33.00 feet north of the south line of said
13 Southeast Quarter; thence north 89 degrees 43 minutes 01
14 seconds west along a line 33.00 feet north of a parallel with the
15 south line of said Southeast Quarter, a distance of 450.33 feet
16 to the true point of beginning, said tract contains a calculated
17 area of 401.69 acres, or 17,497,479.98 square feet more or
18 less;

19 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a
20 public hearing on said application; and

21 WHEREAS, the community as a whole, the surrounding neighborhood, and the
22 real property adjacent to the area included within the site plan for this amendment to the
23 community unit plan will not be adversely affected by granting such a permit; and

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

28 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
29 Planning Commission of Lincoln, Nebraska:

30 That the application of Himark Property, LLC, hereinafter referred to as
31 "Permittee" to amend the Himark Estates Community Unit Plan to add 23 lots at the north

1 end of the development adjacent to Pioneers Blvd., and to add seven lots at the south end
2 near South 88th Street and Old Cheney Road, on the property described above, be and
3 the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65
4 of the Lincoln Municipal Code upon condition that construction of said community unit plan
5 be in substantial compliance with said application, the site plan, and the following
6 additional express terms, conditions, and requirements:

7 1. This permit approves a revised lot and golf course layout and a waiver to the
8 Design Standards to allow sanitary sewer to flow opposite street grades.

9 2 Before receiving building permits the Permittee shall:

10 a. Cause to be prepared and submitted to the Planning Department a
11 revised and reproducible final site plan including five copies with all
12 required revisions as listed below:

13 i. Revise the site plan to include the most recent amendments to the
14 Himark Estates CUP.

15 ii. Revise the density calculations using the updated requirements in
16 the Design Standards adopted in 2004 for CUPs.

17 iii. Add a general note that states, "The possible future office park
18 shown at Himark Lane is conceptual and requires additional
19 zoning action to be approved."
20

21 iv. Revise the legal description on Sheet 1 of 9 to reflect the current
22 legal description.

23 v. Revise the grading and drainage plan to the satisfaction of Public
24 Works and Utilities.

25 vi. Revise the utility plan to the satisfaction of Public Works and
26 Utilities.

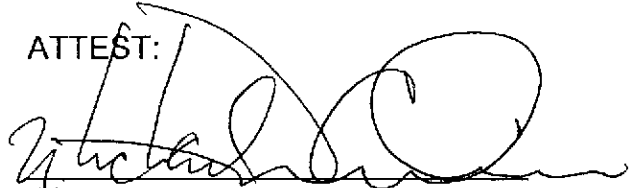
27 vii. Revise the site plan to show utility easements as noted by LES to
28 be dedicated at the time of final plat.

- 1 viii. Revise South 88th Street and South 91st Street to Himark Lane.
- 2 ix. Show and name a street stub projecting at the southeast curve of
3 Himark Lane.
- 4 b. Demonstrate compliance with recognized standards for golf course
5 design.
- 6 c. Provide documentation from the Register of Deeds that the letter of
7 acceptance as required by the approval of the special permit has been
8 recorded.
- 9 3. Before occupying the new dwelling units all development and construction
10 must substantially comply with the approved plans.
- 11 4. All privately-owned improvements must be permanently maintained by the
12 Permittee or an appropriately established owners association approved by the City
- 13 5. The physical location of all setbacks and yards, buildings, parking and
14 circulation elements, and similar matters must be in substantial compliance with the
15 location of said items as shown on the approved site plan.
- 16 6. The terms, conditions, and requirements of this resolution shall run with the
17 land and be binding upon the Permittee, its successors and assigns.
- 18 7. The Permittee shall sign and return the letter of acceptance to the City Clerk
19 within 60 days following the approval of the special permit, provided, however, said 60-day
20 period may be extended up to six months by administrative amendment. The City Clerk
21 shall file a copy of the resolution approving the special permit and the letter of acceptance
22 with the Register of Deeds, filing fees to be paid in advance by the Permittee
- 23 8. The site plan as approved with this resolution voids and supersedes all
24 previously approved site plans, however the terms and conditions in all resolutions

1 approving previous permits shall remain in full force and effect except as specifically
2 amended by this resolution.

3 The foregoing Resolution was approved by the Lincoln City-Lancaster County
4 Planning Commission on this 9th day of February, 2011

ATTEST:



Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit 1423J**

To The City Clerk:

The undersigned, "Permittee" under **Special Permit 1423J** granted by **Resolution PC-01221**, adopted by the Lincoln City-Lancaster County Planning Commission on **February 9, 2011**, 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 8 day of April, 2011.

Himark Property LLC, Permittee

Amy Wieseler
Signature

President
Title

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss.

The foregoing instrument was acknowledged before me this 11th day of April, 2011, by Amy Wieseler, on behalf of Himark Property LLC.

[Signature]

Notary Public



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 1423J** as adopted and approved by **Resolution No. PC-01221** of the Lincoln City-Lancaster County Planning Commission at its meeting held **February 9, 2011** 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 13th day of April, 2011.

Teresa J. Meier
Deputy City Clerk

