



RESOLUTION NO. PC- 01581

SPECIAL PERMIT NO. 1423K

1 WHEREAS, NuMark Golf, LLC has submitted an application designated as Special  
2 Permit No. 1423K to amend an existing Community Unit Plan to add 29 dwelling units for 397  
3 units shown out of a total of 585 units allowed, on property generally located at South 84<sup>th</sup> Street  
4 and Augusta Lane, and legally described as:

5 PART OF OUTLOT 'B', HIMARK ESTATES 20th ADDITION AND  
6 PART OF OUTLOT 'A', IRONGATE ESTATES THIRD ADDITION,  
7 LOCATED IN SECTION 11, T 9 N R 7 E, OF THE 6th P.M.,  
8 LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY  
9 DESCRIBED AS FOLLOWS;

10 BEGINNING AT THE NORTHEAST CORNER OF OUTLOT 'B'  
11 HIMARK ESTATES 20th ADDITION; THENCE ON THE EAST  
12 LINE OF SAID OUTLOT 'B' FOR THE NEXT TWO (2) COURSES,  
13 SOUTHERLY, S 38°13'50"E 52.32'; THENCE SOUTHERLY, S  
14 41°33'47"E 209.15', TO THE SOUTHEAST CORNER OF SAID  
15 OUTLOT 'B' SAID POINT BEING ON THE NORTH LINE OF  
16 OUTLOT 'A', IRONGATE ESTATES 3rd ADDITION; THENCE  
17 EASTERLY ON SAID NORTH LINE OF OUTLOT 'A', N  
18 90°00'00"E 61.95'; THENCE S 01°24'37"W 16.77'; THENCE S  
19 26°51'36"E 121.72'; THENCE S 01°32'19"E 226.96'; THENCE S  
20 05°48'34"W 78.14'; THENCE S 14°29'30"W 64.81'; THENCE S  
21 32°58'42"W 86.87'; THENCE S 35°21'20"W 88.80'; THENCE S  
22 18°56'35"W 77.15'; THENCE S 02°45'02"W 103.34'; THENCE S  
23 10°20'15"W 130.03'; THENCE S 25°57'03"W 116.26'; THENCE N  
24 68°21'12"W 130.42', TO A POINT ON A CIRCULAR CURVE  
25 TURNING IN A CLOCKWISE DIRECTION, HAVING A RADIUS  
26 OF 315.00', A CENTRAL ANGLE OF 21°48'45" AND AN ARC  
27 LENGTH OF 119.92'; THENCE ON SAID CURVE, HAVING A  
28 CHORD OF S 50°02'46"W 119.20'; THENCE S 60°57'08"W  
29 113.39', TO A POINT ON THE WESTERLY LINE OF SAID  
30 OUTLOT 'A'; THENCE ON SAID WESTERLY LINE, N  
31 27°30'29"W 144.66', TO THE SOUTHEAST CORNER OF LOT  
32 13, BLOCK 1, HIMARK ESTATES 10th ADDITION; THENCE ON

Return to:  
Teresa @ City Clerk

*7/10/17  
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1 THE EAST LINE OF SAID LOT 13 FOR THE NEXT Four (4)  
2 COURSES, N 00°06'34"W 263.32'; THENCE S 89°49'47"E 67.79';  
3 THENCE N 00°06'34"W 192.62'; THENCE N 89°53'26"E 120.00';  
4 THENCE NORTHERLY, N 00°06'34"W 396.42', TO A POINT ON  
5 SAID WESTERLY LINE; THENCE ON SAID WESTERLY LINE  
6 FOR THE NEXT TWO (2) COURSES, N 32°16'32"E 10.38';  
7 THENCE N 42°06'46"W 3.40'; THENCE NORTHERLY, N  
8 00°06'34"W 288.78', TO A POINT ON THE NORTH LINE OF  
9 SAID OUTLOT 'B', HIMARK ESTATES 20th ADDITION, SAID  
10 POINT BEING ON A CIRCULAR CURVE TURNING IN A  
11 COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF  
12 330.38', A CENTRAL ANGLE OF 22°58'25" AND AN ARC  
13 LENGTH OF 132.47'; THENCE ON SAID CURVE, HAVING A  
14 CHORD OF N 69°04'59"E 131.58', TO THE POINT OF  
15 BEGINNING, SAID TRACT CONTAINING AN AREA OF  
16 474,861.73 SQUARE FEET OR 10.90 ACRES, MORE OR LESS;

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

19 WHEREAS, the community as a whole, the surrounding neighborhood, and the real  
20 property adjacent to the area included within the site plan for this amendment of an existing  
21 Community Unit Plan will not be adversely affected by granting such a permit; and

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

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

28 That the application of NuMark Golf, LLC, hereinafter referred to as "Permittee", for a  
29 special permit to amend an existing Community Unit Plan to add 29 dwelling units for 397 units  
30 shown out of a total of 585 units allowed, on the property described above, be and the same is  
31 hereby granted under the provisions of Section 27.63.320 of the Lincoln Municipal Code upon  
32 condition that the development be in substantial compliance with said application, the site plan,  
33 and the following additional express terms, conditions, and requirements:

1           1.       This approval permits an amendment to the HiMark Community Unit Plan to add  
2 29 dwelling units for 397 units shown out of a total of 585 units allowed.

3           2.       City Council approves associated requests:

4           a.       Annexation #17022

5           b.       Change of Zone #17034

6           3.       The Permittee shall cause to be prepared and submitted to the Planning  
7 Department a revised and reproducible final plot plan including 3 copies with all required  
8 revisions and documents as listed below:

9           a.       Make the following revisions to the CUP plan set:

10           i.       Revise the land table/density calculations to include that the total  
11 approved density is 585 dwelling units, and that there are now 397  
12 units shown.

13           ii.      Revise the label for Outlot Z to state 'Driveway Connection and  
14 Public Access Easement'.

15           iii.     Show a conceptual street and lot layout for Outlot X behind Lots  
16 82-86 and Lots 143-152.

17           b.       Revise the grading and drainage plan to the satisfaction of the Public  
18 Works and Utilities Department per their attached report.

19           c.       Permittee shall provide verification from the Register of Deeds that the  
20 letter of acceptance as required by the approval of the special permit has been recorded with  
21 the Register of Deeds.

22           4.       Before occupying the dwelling units all development and construction shall  
23 substantially comply with the approved plans.

24           5.       All privately-owned improvements, including landscaping and recreational  
25 facilities, shall be permanently maintained by the Permittee or an appropriately established  
26 homeowners association approved by the City.

27           6.       The physical location of all setbacks and yards, buildings, parking and circulation  
28 elements, and similar matters must be in substantial compliance with the location of said items  
29 as shown on the approved site plan.

1           7.     The terms, conditions, and requirements of this resolution shall run with the land  
2 and be binding upon the Permittee, its successors, and assigns.

3           8.     The Permittee shall sign and return the letter of acceptance to the City Clerk.  
4 This step should be completed within 60 days following the approval of the special permit. The  
5 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
6 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
7 Permittee. Building permits will not be issued until the letter of acceptance has been filed.

8           The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning  
9 Commission on this 6<sup>th</sup> day of December, 2017.

ATTEST:

*Dann O'Sneal*  
Chair

Approved as to Form & Legality:

*[Signature]*  
Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln  
Lincoln, Nebraska

RE: **Special Permit No. 1423K** - to revise the existing HiMark Community Unit Plan to add  
29 single-family lots  
(South 84th Street and Augusta Drive)

TO THE CITY CLERK:

The undersigned, "Permittee" under Special Permit No. 1423K, granted by **Resolution No. PC-01581**, adopted by the Lincoln City-Lancaster County Planning Commission on December 6, 2017, 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 the 22<sup>nd</sup> day of December, 2017.

NuMark Golf, LLC, Permittee

By Kinsey Bauer  
Title: OWNER

STATE OF NEBRASKA )  
COUNTY OF LANCASTER ) ss.

The foregoing Instrument was acknowledged before me this 22 day of December, 2017, by Kinsey Bauer, the OWNER of NuMark Golf, LLC, as permittee.

Abigail L. Wingen  
Notary Public



# CERTIFICATE

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

I, Teresa J. Meier, 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 1423K** as adopted and approved by **Resolution No. PC-01581** of the Lincoln City-Lancaster County Planning Commission at its meeting held **December 6, 2017** as the original appears of record in my office, and is now in my charge remaining as City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 21<sup>st</sup> day of December, 2017.

*Teresa J Meier*  
City Clerk

