

\$81.00

Dan Jolte

REGISTER OF DEEDS

2002 APR 30 P 3: 56

LANCASTER COUNTY, NE

INST NO 2002

028312

BLOCK

CODE

ASHHET

CHECKED

ENTERED

EDITED

02R-60

Introduce: 3-25-02

RESOLUTION NO. A- 81422

SPECIAL PERMIT NO. 1833A

1 WHEREAS, M & S Construction has submitted an application designated as
 2 Special Permit No. 1833A for authority to amend the Ashley Heights Community Unit Plan
 3 to add two dwelling units, revise the grading plan, relocate the park, and reconfigure a
 4 portion of the lots on property located at N.W. 48th Street and West Huntington Ave., and
 5 legally described to wit:

6 Outlots A, B, and D; Lots 1-22, Block 1; Lots 1-10, Block 2;
 7 Lots 1-21, Block 3; Lots 1-14, Block 4; Lot 1, Block 5; Lots 1
 8 and 2, Block 6; Lots 1 and 2, Block 7; Lots 1-10, Block 8; and
 9 Lots 1-27, Block 9; Ashley Heights Addition, all located in the
 10 Northeast Quarter of Section 18, Township 10 North, Range 6
 11 East of the 6th P.M., City of Lincoln, Lancaster County,
 12 Nebraska;

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

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

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
 19 Lincoln, Nebraska:

20 That the application of M & S Construction, hereinafter referred to as
 21 "Permittee", to amend the Ashley Heights Community Unit Plan to add two dwelling units,
 22 revise the grading plan, relocate the park, and reconfigure a portion of the lots, on the
 23 property legally described above, be and the same is hereby granted under the provisions

112 lots

Teresa City Clerk

1 of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
2 construction and operation of said community unit plan be in strict compliance with said
3 application, the site plan, and the following additional express terms, conditions, and
4 requirements:

- 5 1. This permit approves 297 dwelling units.
- 6 2. Before receiving building permits:
 - 7 a. The Permittee must submit an acceptable, revised, and
8 reproducible final plan including five copies.
 - 9 b. The construction plans must conform to the approved plans.
 - 10 c. Final plans within the Ashley Heights Community Unit Plan
11 must be approved by the City.
- 12 3. Before occupying the dwelling units all development and construction
13 must be completed in conformance with the approved plans.
- 14 4. All privately-owned improvements must be permanently maintained
15 by the Permittee or an appropriately established homeowners association approved by the
16 City Attorney.
- 17 5. The site plan approved by this permit shall be the basis for all
18 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
19 elements, and similar matters.
- 20 6. The terms, conditions, and requirements of this resolution shall be
21 binding and obligatory upon the Permittee, its successors, and assigns. The building
22 official shall report violations to the City Council which may revoke the special permit or
23 take such other action as may be necessary to gain compliance.

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

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

Introduced by:

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

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this 5 day of April, 2002:

Mayor

ADOPTED

APR 1 2002

By City Council

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, Paul Muff the undersigned representative(s) of **M & S Construction**, Permittee in **Special Permit 1833A** granted by **Resolution No. A-81422** adopted by the City Council of the City of Lincoln, Nebraska, on **April 1, 2002** 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 30 day of April, 2002.



M & S Construction

CERTIFICATE

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

I, Teresa J. Meier-Brock, 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 1833A** approved by **Resolution No. A-81422** adopted by the City Council on **April 1, 2002** 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 April, 2002.

Teresa J. Meier-Brock
The seal of the City of Lincoln, Nebraska, is circular. It features a central figure, possibly a person or a symbol, surrounded by the text "CITY OF LINCOLN" at the top and "FOUNDED JULY 23, 1831" and "INCORPORATED APRIL 1, 1856" around the inner border. Below the seal, the text "LANCASTER COUNTY, NEBRASKA" is visible.