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INST. NO 2005

2005 FEB -4 P 4: 13

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LANCASTER COUNTY, NE

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BLOCK

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05R-10

Introduce: 1-10-05

RESOLUTION NO. A- 83172

USE PERMIT NO. 04004

WHEREAS, ~~Cameron Corporation~~ ^{Highlands Townhomes, LLC} has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04004 for authority to construct 94 dwelling units in the O-3 Office Park District, one lot for future development, and one outlot for open space and private roadways with requests to allow sanitary sewers to flow opposite street grades, and to waive the filing of a preliminary plat, on property generally located at W. Fletcher Avenue and N.W. 13th Street, and legally described to wit:

^{Block 2 19m}
Outlot F, Highlands Coalition located in Sections 3 and 4, Township 10 North, Range 6 East and Sections 33 and 34, Township 11 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this development of 94 dwelling units in the O-3 District will not be adversely affected; and

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

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

That the application of Highlands Townhomes LLC ~~Cameron Corporation~~, hereinafter referred to as "Permittee", to construct 94 dwelling units, one lot for future development and one outlot for open space on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the

AMENDED 1/24/05

City Clerk Terisa

1 site plan, and the following additional express terms, conditions, and requirements:

- 2 1. This permit approves 94 dwelling units and two outlots.
3 2. The following waivers to the Land Subdivision Ordinance and Design

4 Standards are approved:

- 5 a. The requirement of Section 3.5 of the Sanitary Sewer Design
6 Standards is waived to allow sewers to flow opposite street
7 grades.
8 b. The requirement of Lincoln Municipal Code § 26.11.020 that a
9 preliminary plat is required for a subdivision is waived, except that
10 this waiver of the preliminary plat shall only be effective for a
11 period of ten years from the date of the this approval, and shall be
12 of no force or effect thereafter. This waiver is further subject to
13 the requirement that if any final plat on all or a portion of the
14 approved use permit is submitted five years or more after the
15 effective date of the use permit, the City may require that a new
16 use permit be submitted, pursuant to all the provisions of Section
17 26.31.015. A new use permit may be required if the subdivision
18 ordinance, the design standards, or the required improvements
19 have been amended by the city; and as a result, the use permit as
20 originally approved does not comply with the amended rules and
21 regulations.

22 3. Final plats will be approved by the Planning Director after:

- 23 a. The Permittee must submit a revised and reproducible final
24 plan including 7 copies.
25 b. The sidewalks, streets, drainage facilities, street lighting,
26 landscape screens, street trees, temporary turnarounds and
27 barricades, and street name signs have been completed or
28 the Permittee has submitted a bond or an escrow of security
29 agreement to guarantee their completion.
30 c. The Permittee has signed an agreement that binds the
31 Permittee, its successors and assigns:
32 i. To complete the street paving of all streets shown on
33 the final plat within two (2) years following the
34 approval of the final plat.
35 ii. To complete the installation of sidewalks along both
36 sides of all internal streets and along the west side of
37 NW 12th/13th Street and the south side of W.

1 Fletcher Avenue as shown on the final plat within four
2 years following the approval of the final plat.

3 iii. To complete the public water distribution system to
4 serve this plat within two years following the approval
5 of the final plat.

6 iv. To complete the public wastewater collection system
7 to serve this plat within two years following the
8 approval of the final plat.

9 v. To complete the enclosed drainage facilities shown
10 on the approved drainage study to serve this plat
11 within two years following the approval of the final
12 plat.

13 vi. To complete land preparation including storm water
14 detention/retention facilities and open drainageway
15 improvements to serve this plat prior to the installation
16 of utilities and improvements but not more than two
17 years following the approval of the final plat.

18 vii. To complete the installation of private street lights
19 along streets within this plat within two years following
20 the approval of the final plat.

21 viii. To complete the planting of the street trees along
22 streets within this plat within four years following the
23 approval of the final plat.

24 ix. To complete the planting of the landscape screen
25 within this plat within two years following the approval
26 of the final plat.

27 x. To complete the installation of the street name signs
28 within two years following the approval of the final
29 plat.

30 xi. To submit to the Director of Public Works a plan
31 showing proposed measures to control sedimentation
32 and erosion and the proposed method to temporarily
33 stabilize all graded land for approval.

34 xii. To complete the public and private improvements
35 shown on the preliminary plat and use permit.

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- xiii. To retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the Permittee may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The Permittee shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
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- xiv. To continuously and regularly maintain the street trees along the private roadways and landscape screens.
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- xv. To submit to the lot buyers and home builders a copy of the soil analysis.
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- xvi. To pay all design, engineering, labor, material, inspection, and other improvement costs.
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- xvii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
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- xviii. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
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- xix. To timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.

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- xx. To post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.
- xxi. To acknowledge that the land is within the airport environs noise district.
- xxii. To acknowledge this parcel is adjacent a golf course and near one of the golf greens.
- xxiii. To grant the city access to the city installed 8' high chain link fence for maintenance purposes.

4. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans, including design criteria.

5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

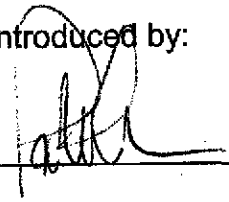
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

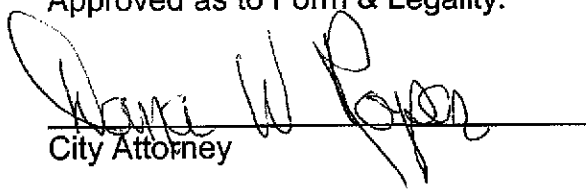
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving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

1. permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
2. paid in advance by the Permittee.

Introduced by:



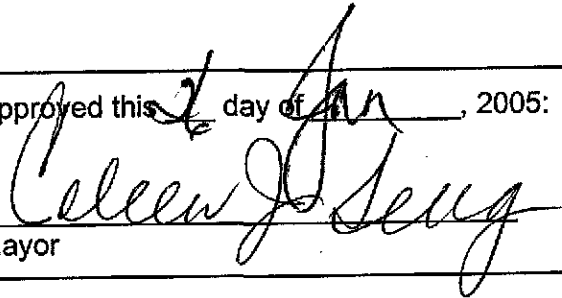
Approved as to Form & Legality:



City Attorney

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

Approved this 2 day of Jan, 2005:



Mayor

ADOPTED
 JAN 24 2005
 BY CITY COUNCIL

1/24/05 Council Proceedings:

CAMP Moved to amend Bill No. 05R-10 on page 1, lines 1 and 19 by deleting the words "Cameron Corporation" and inserting the words Highlands Townhomes LLC.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, Breck Collingsworth the undersigned representative(s) of **Highlands Townhomes, LLC**, Permittee(s) in Use Permit 04004 granted by Resolution A-83172 adopted by the City Council of the City of Lincoln, Nebraska, on Jan. 24, 2005 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 21 day of January, 2005.


Highlands Townhomes, LLC

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 Use Permit 04004 approved by Resolution A-83172 adopted by the City Council on Jan. 24, 2005 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 4th day of February, 2005.

Teresa J. Meier
Deputy City Clerk

