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RESOLUTION NO. A- 59669

WHEREAS, Capitol Beach, Inc., a corporation, has submitted an application designated as Special Permit No. 622 for authority to construct, develop and operate a community unit plan on the following described real property, to-wit:

Lots 59, 65, 69, and Capitol Beach Manor 3rd Addition, as platted and recorded, all in the North One-Half of the South One-Half of Section 21, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lincoln, Lancaster County, Nebraska.

WHEREAS, the real property adjacent to the area included within the revised plot plan hereinafter required for this proposed community unit plan will not be adversely affected;

WHEREAS, said revised plot 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, morals and general welfare.

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

That the application of Capitol Beach, Inc., a corporation, hereinafter referred to as "Permittee" under Special Permit No. 622 be and the same is hereby granted under the provisions of Sections 27.40.010 and 27.40.150 of the Lincoln Municipal Code upon condition that construction, development and operation of said community unit plan be in strict compliance with the application, the revised plot plan hereinafter required, and the following additional express terms, conditions and requirements:

1. That all private roadways, driveways and the outer edge of parking areas, except in individual driveway to a garage in a townhouse be designed and constructed with curbs; and that all roadways shall be 26 feet in width from face of curb to face of curb and access from public streets shall be designed and constructed as curb cuts with materials used in construction of roadways to meet design criteria established by the City.

2. That the maximum grade for roadways shall be 6 percent and the minimum grade 1/2 percent with a 2 percent ± grade at all approaches to public streets.

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3. That the design of medians within roadways meet standards established by the City.

4. That entrance signs and walls be designed and located outside of the triangular site distance area required by law for street intersections.

5. That Permittee shall construct the interior private sanitary sewer system to City standards and at his own cost and expense, and that the maintenance of said sanitary sewer system be the responsibility of Permittee; and that the cost of the necessary public sanitary sewer from the point where the private sanitary sewer system discharges into the public sanitary sewer in Manchester Drive west of Capitol Beach Boulevard to the 27 inch Air Base trunk sewer north of Oak Creek is to be shared by both the Permittee and the City with Permittee paying the equivalent cost of an 8 inch sanitary sewer plus the cost of the lift stations and creek crossing and the City paying the remaining cost. Said public sanitary sewer shall be constructed by the City.

6. That Permittee shall construct the interior private water system to City standards at its own cost and expense, with maintenance to be the responsibility of Permittee; and that construction of the necessary public water mains to serve this area be handled by assessment district with the equivalent cost of a 6 inch water main being assessed to the properties receiving benefit and the City paying the remaining cost.

7. That Permittee shall prepare a revised drainage study for this community unit plan upon completion of final site grading plans and roadway grades; and that a storm sewer system shall be developed for this community unit plan which shall meet standards established by the City.

8. That Permittee shall prepare and submit to the Planning Director for review and approval a revised plan for the walkway system connecting the townhouse area to the public sidewalks located in Coddington Avenue, Surfside Drive, Northwest 16th Street and West "S" Street.

9. That Permittee develop and submit a landscape plan to the Planning Director for his approval, and that landscape plan as approved be implemented within two planting seasons following

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60 percent of the total number of dwelling units authorized for this community unit plan receiving initial occupancy permits.

10. That the proposed clubhouse and pool for this community unit plan be constructed prior to 60 percent of the total number of dwelling units authorized for this community unit plan receiving initial occupancy permits.

11. That Permittee install backflow preventors and fireflow meters where private water main systems connect to the public water system.

12. That proposed ornamental roadway lighting be provided in accordance with requirements of the city for residential streets and that adequate ornamental lighting be installed along interior walkways.

13. That prior to construction of any portion of this community unit plan, Permittee shall file with the Building Inspections Division five copies of a revised plot plan which shall comply with the requirements, terms and conditions of this special use permit resolution.

14. That by acceptance hereof, Permittee unconditionally waives any defense it or its successors and assigns may have to any proportionate future assessments against the above described real property for the installation of sanitary sewer and water mains in West "S" Street where the same abuts said real property by reason of the use of said real property as a community unit plan or by reason of the availability or use of other connections to the City sanitary sewer or water main systems; provided this condition shall not be construed as waiving any other defense that Permittee or its successors or assigns may have in challenging any such special assessment which may be in excess of benefits accruing to the land assessed.

15. That Permittee provide at least two off street parking spaces per dwelling unit within a reasonable distance of the dwelling unit which they will serve; provided, the Planning Director in his discretion may reduce this requirement if it is shown by Permittee that a smaller number of parking spaces will serve the needs of the residents of this community unit plan.

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16. That final location and design of the extension of Surfside Drive southeast of its intersection with Manchester Drive be approved by the Director of Public Works prior to construction on any part of this community unit plan.

17. That all buildings within this community unit plan be setback from the right of way line of any public street a distance equal to the height of the building, but in no event less than 25 feet.

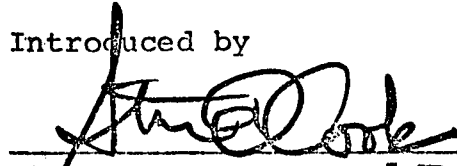
18. That spacing between buildings 3 stories or more in height be at least 40 feet.

19. That all the terms, conditions and requirements of this special use permit resolution shall be binding and obligatory on Permittee and its successors and assigns; and that Permittee shall within 40 days from the effective date of this resolution, at its own cost and expense file a certified copy hereof together with a certified copy of the executed Letter of Acceptance attached hereto in the office of the Register of Deeds of Lancaster County, Nebraska.

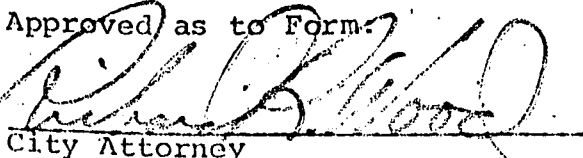
20. That construction of this proposed community unit plan shall not proceed until the same has been approved by the Superintendent of Building Inspections for the City of Lincoln and that no dwelling units within said community unit plan shall be occupied or otherwise used until said Superintendent of Building Inspections has found that the Permittee has complied with all the terms, conditions and requirements of the City Council set forth in this resolution.

21. That within 30 days from the date of this resolution, Permittee shall properly execute the Letter of Acceptance attached hereto as Appendix "A" and file the same with the City Clerk evidencing his unqualified acceptance of all terms, conditions and requirements herein set forth, otherwise Special Permit No. 622 herein granted shall be null and void and of no force and effect.

Introduced by



Approved as to Form:


City Attorney

ADOPTED

APPROVED

SEP 18 1972

SEP 26 1972

By City Council


MAYOR

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Appendix "A"

City Council
City of Lincoln
Lincoln, Nebraska

SEP 28 1972

Re: Letter of Acceptance
Special Permit No. 622

Gentlemen and Mrs. Boosalis:

I, S. E. Copple, the President of Capitol Beach, Inc., Applicant under Special Permit No. 622, granted by Resolution No. A-59669 adopted by the City Council on September 18, 1972, do hereby certify that I have thoroughly read said resolution, understand the contents thereof and do hereby accept on behalf of said Capitol Beach, Inc., all of the terms, conditions and requirements therein.

CAPITOL BEACH INC., a corporation

By: *S. E. Copple*
President S. E. Copple

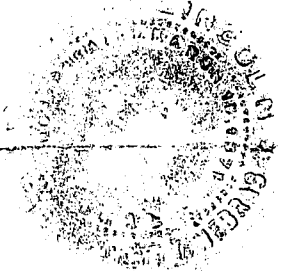
Ed Copple
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C E R T I F I C A T E

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

I, Harold W. Springer, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of Res. No. A-59669 and a copy of 'Letter of acceptance' as the original appears of record in my said office, and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 12th day of October, 19 72.



Harold W. Springer
City Clerk.

LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1972 OCT 27 PM 12:53

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 72- 20498

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