



RESOLUTION NO. PC- 01550

SPECIAL PERMIT NO. 04054B

1 WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special
2 Permit No. 04054B to expand an existing Community Unit Plan by approximately 1.03 acres to
3 add 7 new lots and to make minor revisions to the existing lot layout, on property generally
4 located at Southwest 27th Street and West A Street, and legally described as:

5 Lot 31 of Irregular Tracts; Lots 1-34, Block 1, Lots 1 & 2, Block 2,
6 Lots 1-23, Block 3, Lots 1-18, Block 4, Lots 1-39, Block 5, Lots 1-
7 14, Block 6, and Outlots B, C & D, Hartland Homes Southwest 4th
8 Addition; Lots 1-10, Block 1, Lots 1-14, Block 2, Lots 1-5, Block 3,
9 Lots 1-19, Block 4, Lots 1-10, Block 5, Lots 1-15, Block 6, Lot 1,
10 Block 7, Lots 1-13, Block 8, and Outlots A, B, & E, Hartland
11 Homes Southwest 5th Addition; Lots 1-12, Block 1, Lots 1-4,
12 Block 2, Lots 1-9, Block 3, Hartland Homes Southwest 6th; Lots 1-
13 3, Block 1, Lots 1-8, Block 2, Lots 1-10, Block 3 and Outlots A &
14 B, Hartland Homes Southwest 7th Addition; and the adjacent
15 right-of-way of S.W. 29th Street, S.W. 30th Street, W. Arlington
16 Street, S.W. Derek Street, W. Jordan Street, W. Kyle Lane, S.W.
17 Lacey Lane, W. Peach Street, W. Rose Street, W. Shane Street,
18 W. Sumner Street and W. Washington Street; all located in the
19 Northeast Quarter of Section 32 Township 10 North Range 6 East
20 of the Sixth Principal Meridian, Lincoln, Lancaster County,
21 Nebraska, more particularly described as follows:

22 Commencing at the North Quarter Corner of Section 32, Township
23 10 North, Range 6 East of the 6th P.M.; thence S89°43'52"E (an
24 assumed bearing) on the north line of the Northeast Quarter of
25 said Section 32, a distance of 530.30 feet; thence S00°10'36"E, a
26 distance of 60.00 feet, to the POINT OF BEGINNING; thence
27 S89°43'52"E, on the south right-of-way line of West A Street, a
28 distance of 712.96 feet, to a point on the west line of Lot 31
29 Irregular Tract; thence N00°13'01"E, on the west line of Lot 31
30 Irregular Tract, a distance of 27.00 feet, to the northwest corner of
31 said Lot 31 Irregular Tract; thence S89°44'25"E, on the north line
32 of Lot 31 Irregular Tract, a distance of 300.31 feet, to the

Return to:
Teresa @ City Clerk

1 northeast corner of said Irregular Tract Lot 31 Irregular Tract;
2 thence S00°16'27"W, on the east line of Lot 31 Irregular Tract, a
3 distance of 27.00 feet, to a point on the south right-of-way of West
4 A Street; thence S89°43'37"E, on the said right-of-way line of
5 West A Street, a distance of 689.65 feet, to a point on the west
6 line of Lot 32 Irregular Tract; thence S00°17'35"W, on the west
7 line of Lot 32 Irregular Tract, a distance of 123.00 feet; thence
8 S89°43'48"E, on the south line of Lots 32 and 34 Irregular Tracts,
9 a distance of 384.95 feet, to a point on the west right-of-way of
10 S.W. 27th Street; thence S00°17'35"W, on the said west right-of-
11 way, a distance of 1806.53 feet, to a point on the north line of
12 vacated Maple Street; thence S89°59'33"W, on the north line of
13 vacated Maple Street, Lot 23 and Lot 18 Irregular Tracts, a
14 distance of 2071.98 feet, to the southeast corner of Outlot A,
15 Timber Valley Addition; thence N00°10'36"W, on the east line of
16 Timber Valley Addition, a distance of 1939.59 feet to the POINT
17 OF BEGINNING, and containing a calculated area of
18 3,984,459.70 square feet or 91.47 acres;

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 real
22 property adjacent to the area included within the site plan for this expansion of an existing
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 forth
25 are consistent with the Comprehensive Plan of the City of Lincoln and with the intent and
26 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and
27 general welfare.

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

30 That the application of Hartland Homes, Inc., hereinafter referred to as "Permittee", for a
31 special permit to expand an existing Community Unit Plan by approximately 1.03 acres to add 7
32 new lots and to make minor revisions to the existing lot layout, on the property described above,
33 be and the same is hereby granted under the provisions of Section 27.63.320 of the Lincoln
34 Municipal Code upon condition that the development be in substantial compliance with said

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

3 1. Final plat(s) shall be submitted and approved by the City.

4 2. Before receiving approval of a final plat:

5 a. The Permittee shall cause to be prepared and submitted to the Planning
6 Department a revised and reproducible final plot plan including 3 copies.

7 b. Permittee shall provide verification from the Register of Deeds that the
8 letter of acceptance as required by the approval of the special permit has been recorded with
9 the Register of Deeds.

10 c. The public streets, drainage facilities, land preparation and grading,
11 sediment and erosions control measures, storm water detention/ retention facilities,
12 drainageway improvements, temporary turnaround and barricades, and street name signs, must
13 be completed or provisions (bond, escrow or security agreement) to guarantee completion must
14 be approved by the City Law Department. The improvements must be completed in
15 conformance with adopted design standards and within the time period specified in the Land
16 Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security
17 agreement may be furnished for sidewalks and street trees along major streets that have not
18 been improved to an urban cross section. A cash contribution to the City in lieu of a bond,
19 escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer
20 lots.

21 d. Permittee, as subdivider, shall enter into an agreement with the City
22 whereby Permittee agrees:

23 i. to complete the street paving of public streets, and temporary
24 turnarounds and barricades located at the temporary dead-end of
25 the streets shown on the final plat within two (2) years following
26 the approval of the final plat.

27 ii. to complete the public water distribution system to serve this plat
28 within two (2) years following the approval of the final plat.

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- iii. to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
 - iv. to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
 - v. to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.
 - vi. to complete the installation of public street lights on all streets within this plat within two (2) years following the approval of the final plat.
 - vii. to complete the planting of street trees along all streets within this plat within six (6) years following the approval of the final plat.
 - viii. to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
 - ix. to complete the installation of the street name signs within two (2) years following the approval of the final plat.
 - x. to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
 - xi. to complete any other public or private improvement or facility required by the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
 - xii. to submit to Public Works and Utilities a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - xiii. to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - xiv. to complete the public improvements shown on the Community Unit Plan.
 - xv. to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.
 - xvi. to pay all design, engineering, labor, material, inspection, and other improvement costs.
 - xvii. to inform all prospective purchasers and users of land located within the Airport Environs Noise District, that the land is subject to

1 an aviation and noise easement granted to Lincoln Airport
2 Authority, and that the land is potentially subject to aircraft noise
3 levels which may affect users of the property and interfere with its
4 use.

5 3. Notwithstanding the above, if any final plat on all or a portion of the approved
6 community unit plan is submitted five (5) years or more after the approval of the community unit
7 plan, the city may require that a new community unit plan be submitted, pursuant to all the
8 provisions of Section 26.31.015. A new community unit plan may be required if the subdivision
9 ordinance, the design standards, or the required improvements have been amended by the city;
10 and as a result, the community unit plan as originally approved does not comply with the
11 amended rules and regulations.

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

14 5. The physical location of all setbacks and yards, buildings, parking and circulation
15 elements, and similar matters must be in substantial compliance with the location of said items
16 as shown on the approved site plan.

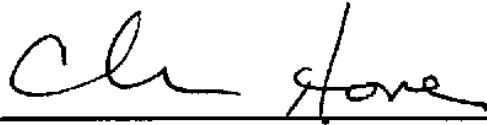
17 6. The terms, conditions, and requirements of this resolution shall run with the land
18 and be binding upon the Permittee, its successors, and assigns.

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

24 8. The site plan as approved with this resolution voids and supersedes all
25 previously approved site plans, however the terms and conditions of all prior resolutions
26 approving this permit remain in full force and effect except as specifically amended by this
27 resolution.

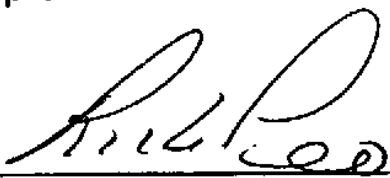
1 The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning
2 Commission on this 26 day of April, 2017.

ATTEST:



Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 04054B** - adding approximately 1.03 acres, more or less, into the boundary associated with 7 new lots along with other minor revisions to the lot layout - SW 27th and West A Streets.

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 04054B**, granted by **Resolution No. PC-01550**, adopted by the Lincoln City-Lancaster County Planning Commission on April 26, 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 10th day of May, 2017.

Hartland Homes, Inc., Permittee

By:

Title:

[Handwritten Signature]
President.

STATE OF Nebraska)
COUNTY OF Lancaster) ss.

The foregoing Instrument was acknowledged before me this 10th day of May, 2017, by Andrew Hartman, the President of Hartland Homes, Inc., as permittee.



[Handwritten Signature]
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 04054B** as adopted and approved by **Resolution No. PC-01550** of the Lincoln City-Lancaster County Planning Commission at its meeting held **April 26, 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 4th day of May, 2017.

Teresa J. Meier
City Clerk

