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INST. NO 97

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Introduce: 2-18-97

RESOLUTION NO. A- 77966

SPECIAL PERMIT NO. 1654

1 WHEREAS, Pine Lake Heights Limited Partnership has submitted an  
 2 application designated as Special Permit No. 1654 for authority to develop Pine  
 3 Lake Heights Community Unit Plan on property located south of Pine Lake Road and  
 4 west of South 40th Street, and legally described as:

5 OUTLOTS "A" AND "C", LOTS 1 THRU 7 BLOCK 1, LOTS 1 THRU 16 BLOCK 2,  
 6 LOTS 1 THRU 4 BLOCK 3, LOT 1 BLOCK 4, LOTS 1 THRU 6 BLOCK 5, LOTS 1  
 7 THRU 2 BLOCK 6, AND LOTS 1 THRU 10 BLOCK 7, PINE LAKE HEIGHTS  
 8 ADDITION, LOTS 1 THRU 6 BLOCK 1, LOTS 1 THRU 7 BLOCK 2, LOTS 1 THRU  
 9 8 BLOCK 3, AND LOTS 1 THRU 9 BLOCK 4, PINE LAKE HEIGHTS 1ST  
 10 ADDITION, OUTLOT "B", LOTS 1 THRU 3 BLOCK 1, LOTS 1 THRU 8 BLOCK 2,  
 11 LOTS 1 THRU 16 BLOCK 3, AND LOTS 1 THRU 8 BLOCK 4, PINE LAKE HEIGHTS  
 12 2ND ADDITION, LOT 1 BLOCK 1 PINE LAKE HEIGHTS 3RD ADDITION, OUTLOT  
 13 "A", LOT 1 BLOCK 1, LOTS 1 THRU 4 BLOCK 2, LOTS 1 THRU 2 BLOCK 3,  
 14 AND LOT 1 BLOCK 4, PINE LAKE HEIGHTS 4TH ADDITION, LOTS 1 THRU 10  
 15 BLOCK 1, LOTS 1 THRU 20 BLOCK 2, LOTS 1 BLOCK 3, LOTS 1 THRU 7 BLOCK  
 16 4, AND LOT 1 BLOCK 5, PINE LAKE HEIGHTS 5TH ADDITION, LOTS 1 THRU 16  
 17 BLOCK 1, AND LOTS 1 THRU 14 BLOCK 2, PINE LAKE HEIGHTS 6TH  
 18 ADDITION, OUTLOT "A", AND LOTS 1 THRU 2 PINE LAKE HEIGHTS 7TH  
 19 ADDITION, LOTS 1 THRU 9 BLOCK 1, LOTS 1 THRU 26 BLOCK 2, LOTS 1 THRU  
 20 5 BLOCK 3, AND LOT 1 BLOCK 4, PINE LAKE HEIGHTS 8TH ADDITION, OUTLOT  
 21 "A", LOTS 1 THRU 10 BLOCK 1, LOTS 1 THRU 23 BLOCK 2, AND LOTS 1 THRU  
 22 6 BLOCK 3, PINE LAKE HEIGHTS 9TH ADDITION, AND OUTLOT "A" PINE LAKE  
 23 HEIGHTS 10TH ADDITION, ALL LOCATED IN THE SECTION 19, TOWNSHIP 9  
 24 NORTH, RANGE 7 EAST, OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER  
 25 COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

26 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID  
 27 SECTION 19, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 02  
 28 MINUTES 43 SECONDS EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER  
 29 OF SAID SECTION 19, A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER  
 30 OF SAID OUTLOT "C" PINE LAKE HEIGHTS ADDITION, SAID POINT BEING THE  
 31 TRUE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 31 MINUTES 41  
 32 SECONDS EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF PINE LAKE ROAD,  
 33 SAID LINE BEING 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE  
 34 OF SAID SECTION 19, A DISTANCE OF 1799.77 FEET TO THE SOUTHEAST  
 35 CORNER OF THE RIGHT-OF-WAY INTERSECTION OF PINE LAKE ROAD AND SOUTH  
 36 38TH STREET, THENCE SOUTH 00 DEGREES 28 MINUTES 19 SECONDS WEST  
 37 ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTH 38TH STREET, A DISTANCE OF

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1 440.79 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A  
2 CLOCKWISE DIRECTION HAVING A RADIUS OF 349.06 FEET, ARC LENGTH OF  
3 239.13 FEET, DELTA ANGLE OF 39 DEGREES 15 MINUTES 04 SECONDS, A  
4 CHORD BEARING OF SOUTH 20 DEGREES 05 MINUTES 52 SECONDS WEST ALONG  
5 THE EAST RIGHT-OF-WAY LINE OF SOUTH 38TH STREET, AND A CHORD LENGTH  
6 OF 234.48 FEET TO THE NORTHEAST CORNER OF THE RIGHT-OF-WAY  
7 INTERSECTION OF SOUTH 38TH STREET AND EAGLE RIDGE ROAD, THENCE ALONG  
8 A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 570.00  
9 FEET, ARC LENGTH OF 322.79 FEET, DELTA ANGLE OF 32 DEGREES 26  
10 MINUTES 47 SECONDS, A CHORD BEARING OF SOUTH 73 DEGREES 46 MINUTES  
11 37 SECONDS EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF EAGLE RIDGE  
12 ROAD, AND A CHORD LENGTH OF 318.49 FEET TO A POINT OF TANGENCY,  
13 THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTH  
14 RIGHT-OF-WAY LINE OF EAGLE RIDGE ROAD, A DISTANCE OF 563.74 FEET TO  
15 THE NORTHWEST CORNER OF RIGHT-OF-WAY INTERSECTION OF EAGLE RIDGE  
16 ROAD AND SOUTH 40TH STREET, SAID POINT BEING 63.58 FEET WEST OF THE  
17 EAST LINE OF SAID SECTION 19, THENCE SOUTH 01 DEGREES 30 MINUTES 01  
18 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH 40TH STREET,  
19 A DISTANCE OF 241.34 FEET TO A POINT OF DEFLECTION, SAID POINT BEING  
20 68.00 FEET WEST OF THE EAST LINE OF SAID SECTION 19, THENCE SOUTH  
21 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY  
22 LINE OF SOUTH 40TH STREET, SAID LINE BEING 68.00 FEET WEST OF AND  
23 PARALLEL WITH THE EAST LINE OF SAID SECTION 19, A DISTANCE OF  
24 1606.17 FEET TO A POINT OF DEFLECTION, SAID POINT BEING ON THE SOUTH  
25 LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, THENCE SOUTH 00  
26 DEGREES 04 MINUTES 49 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE  
27 OF SOUTH 40TH STREET, SAID LINE BEING 68.00 FEET WEST OF AND  
28 PARALLEL WITH THE EAST LINE OF SAID SECTION 19, A DISTANCE OF 694.22  
29 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 00 DEGREES 46 MINUTES  
30 41 SECONDS EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTH 40TH  
31 STREET, A DISTANCE OF 120.80 FEET TO THE SOUTHEAST CORNER OF SAID  
32 OUTLOT "A" PINE LAKE HEIGHTS 4TH ADDITION, SAID POINT BEING 66.19  
33 FEET WEST OF THE EAST LINE OF SAID SECTION 19, THENCE NORTH 89  
34 DEGREES 36 MINUTES 14 SECONDS WEST ALONG THE SOUTH LINE OF SAID  
35 OUTLOT "A", AND LOT 1 BLOCK 1 PINE LAKE HEIGHTS 4TH ADDITION, AND  
36 THE SOUTH LINE OF SAID OUTLOT "B" PINE LAKE HEIGHTS 2ND ADDITION,  
37 A DISTANCE OF 2578.67 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT  
38 "B" PINE LAKE HEIGHTS 2ND ADDITION, SAID POINT BEING ON THE WEST  
39 LINE OF THE EAST HALF OF SAID SECTION 19, THENCE NORTH 00 DEGREES  
40 02 MINUTES 43 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHEAST  
41 QUARTER OF SAID SECTION 19, A DISTANCE OF 815.01 FEET TO THE CENTER  
42 OF SAID SECTION 19, THENCE NORTH 00 DEGREES 02 MINUTES 43 SECONDS  
43 WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION  
44 19, A DISTANCE OF 95.71 FEET TO A POINT OF INTERSECTION WITH THE  
45 SOUTH LINE OF SAID OUTLOT "A" PINE LAKE HEIGHTS 7TH ADDITION,  
46 THENCE NORTH 41 DEGREES 08 MINUTES 28 SECONDS WEST ALONG THE  
47 SOUTHWEST LINE OF SAID OUTLOT "A", AND LOTS 2 AND 1 PINE LAKE  
48 HEIGHTS 7TH ADDITION, A DISTANCE OF 189.16 FEET TO A POINT OF  
49 DEFLECTION, THENCE NORTH 26 DEGREES 40 MINUTES 50 SECONDS WEST  
50 ALONG THE SOUTHWEST LINE OF SAID LOT 1 PINE LAKE HEIGHTS 7TH

1 ADDITION, A DISTANCE OF 72.38 FEET TO THE SOUTHWEST CORNER OF SAID  
2 LOT 1, THENCE NORTH 63 DEGREES 19 MINUTES 18 SECONDS EAST ALONG THE  
3 NORTHWEST LINE OF SAID LOT 1, A DISTANCE OF 109.21 FEET TO THE  
4 NORTHWEST CORNER OF SAID LOT 1, THENCE ALONG A CURVE IN A COUNTER  
5 CLOCKWISE DIRECTION HAVING A RADIUS OF 436.00 FEET, ARC LENGTH OF  
6 107.00 FEET, DELTA ANGLE OF 14 DEGREES 03 MINUTES 39 SECONDS, A  
7 CHORD BEARING OF SOUTH 33 DEGREES 42 MINUTES 31 SECONDS EAST ALONG  
8 THE SOUTH RIGHT-OF-WAY LINE OF SCOTTSDALE LANE, AND A CHORD LENGTH  
9 OF 106.73 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE  
10 NORTHEAST QUARTER OF SAID SECTION 19, THENCE NORTH 00 DEGREES 02  
11 MINUTES 43 SECONDS WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER  
12 OF SAID SECTION 19, A DISTANCE OF 131.92 FEET TO A POINT OF INTER-  
13 SECTION WITH THE NORTH RIGHT-OF-WAY LINE OF SCOTTSDALE LANE, THENCE  
14 ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 364.00  
15 FEET, ARC LENGTH OF 12.78 FEET, DELTA ANGLE OF 02 DEGREES 00 MINUTES  
16 42 SECONDS, A CHORD BEARING OF SOUTH 25 DEGREES 47 MINUTES 45  
17 SECONDS EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SCOTTSDALE LANE,  
18 AND A CHORD LENGTH OF 12.78 FEET TO THE NORTHWEST CORNER OF LOT 8  
19 BLOCK 4 PINE LAKE HEIGHTS 2ND ADDITION, THENCE NORTH 63 DEGREES 11  
20 MINUTES 54 SECONDS EAST ALONG THE NORTH WEST LINE OF SAID LOT 8, A  
21 DISTANCE OF 110.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 8,  
22 THENCE NORTH 19 DEGREES 30 MINUTES 25 SECONDS WEST ALONG THE WEST  
23 LINE OF SAID LOTS 6 AND 7 BLOCK 2 PINE LAKE HEIGHTS 5TH ADDITION,  
24 A DISTANCE OF 64.50 FEET TO A POINT OF DEFLECTION, THENCE NORTH 12  
25 DEGREES 12 MINUTES 43 SECONDS WEST ALONG THE WEST LINE OF SAID LOT  
26 7, A DISTANCE OF 101.93 FEET TO THE NORTHWEST CORNER OF SAID LOT 7,  
27 THENCE SOUTH 77 DEGREES 47 MINUTES 17 SECONDS WEST ALONG THE SOUTH  
28 LINE OF SAID LOT 20 BLOCK 2 PINE LAKE HEIGHTS 5TH ADDITION, A  
29 DISTANCE OF 23.62 FEET TO THE SOUTHWEST CORNER OF SAID LOT 20,  
30 THENCE NORTH 11 DEGREES 50 MINUTES 23 SECONDS WEST ALONG THE WEST  
31 LINE OF SAID LOT 20, A DISTANCE OF 105.00 FEET TO THE NORTHWEST  
32 CORNER OF SAID LOT 20, THENCE SOUTH 77 DEGREES 47 MINUTES 17  
33 SECONDS WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF CANYON ROAD, A  
34 DISTANCE OF 16.62 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE  
35 OF THE NORTHEAST QUARTER OF SAID SECTION 19, THENCE NORTH 00  
36 DEGREES 02 MINUTES 43 SECONDS WEST ALONG THE WEST LINE OF THE NORTH  
37 EAST QUARTER OF SAID SECTION 19, A DISTANCE OF 1906.65 FEET TO THE  
38 POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 188.31  
39 ACRES, OR 8,203,888.76 SQUARE FEET MORE OR LESS.

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

42 WHEREAS, said site plan together with the terms and conditions  
43 hereinafter set forth are consistent with the intent and purpose of Title 27 of

1 the Lincoln Municipal Code to promote the public health, safety, and general  
2 welfare.

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

5 That the application of Pine Lake Heights Limited Partnership,  
6 hereinafter referred to as "Permittee", to develop Pine Lake Heights Community  
7 Unit Plan be and the same is hereby granted under the provisions of Section  
8 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that  
9 construction and operation of said community unit plan be in strict compliance  
10 with said application, the site plan, and the following additional express terms,  
11 conditions, and requirements:

12 1. The permit approves the development of a community unit plan  
13 with 505 single family dwelling units and 312 multiple family dwelling units.

14 2. The City Council must approve Change of Zone 3032 and  
15 Preliminary Plat 96022.

16 3. Before receiving building permits:

17 a. The Permittee must submit a revised and reproducible  
18 final plan.

19 b. The construction plans must conform to the approved  
20 plans.

21 c. This area shall have been platted into buildable lots.

22 4. Before occupying the dwelling units all development and  
23 construction must be in conformance with the approved plans.

1           5. All privately owned improvements shall be permanently  
2 maintained by the owner or an appropriately established homeowners association  
3 approved by the City Attorney.

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

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

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

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

Introduced by:

*Lynida Wilson*

AYES: Donaldson, Johnson, Shoecraft,  
Wilson, Young;

NAYS: None;

ABSENT: Haar, Seng.

Approved as to Form & Legality:

*Rich Peo*

*Asst* City Attorney

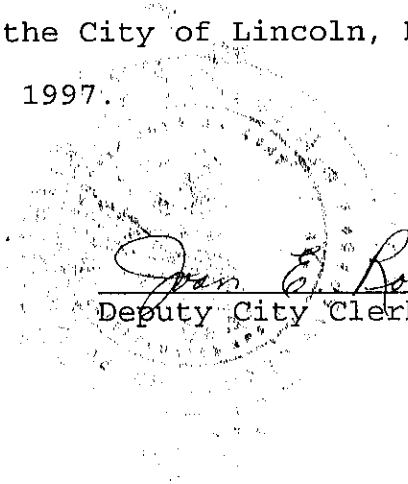


C E R T I F I C A T E

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

I, Joan E. Ross, 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 No. 1654** approved by **Resolution No. A-77956** as passed and approved by the Lincoln City Council at its meeting held **March 3, 1997**, 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 25<sup>th</sup> day of March, 1997.

  
Joan E. Ross  
Deputy City Clerk

*Ret to City Clerk*