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*Don Joltz*

REGISTER OF DEEDS

INST. NO 99

1999 OCT 25 P 4: 21

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BLOCK

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99R-235

Introduce: 8-30-99

RESOLUTION NO. A- 79749

SPECIAL PERMIT NO. 1762

Pine Lake Development L.L.C.

WHEREAS, ~~Hampton Development Services~~ has submitted an application

designated as Special Permit No. 1762 for authority to develop Vintage Heights 2nd

Community Unit Plan consisting of 392 multiple family dwelling units, 170 two-family

dwelling units, 24 three-family dwelling units, 15 acreage single family dwelling units, and

360 single family lots, on property located between Old Cheney Road and Pine Lake Road

west of South 98th Street, and legally described to wit:

Lots 4 I.T., 37 I.T., 40 I.T., 42 I.T., 43 I.T., 49 I.T., a portion of the remaining portion of Lot 50 I.T., Lots 51 I.T., 52 I.T., 56 I.T., 58 I.T., and 59 I.T., all located in Section 14, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northeast corner of said Section 14, thence southerly on the east line of said Section 14, on an assumed bearing of south 00 degrees 2 minutes 08 seconds west, a distance of 450.54 feet to a point; thence north 89 degrees 48 minutes 52 seconds west, a distance of 33 feet to a point, said point being the true point of beginning; thence south 00 degrees 11 minutes 08 seconds west along the east line of said remaining portion of Lot 50 I.T. and the east line of said Lot 49 I.T., a distance of 2186.63 feet to the southeast corner of said Lot 49 I.T.; thence south 00 degrees 11 minutes 16 seconds west along the east line of said Lots 51 I.T., 52 I.T., 58 I.T., and 59 I.T., a distance of 2237.49 feet to a point of deflection; thence north 89 degrees 48 minutes 44 seconds west along the south line of said Lot 59 I.T., a distance of 17.00 feet to a point of deflection; thence south 00 degrees 11 minutes 16 seconds west along the east line of said Lot 59 I.T., a distance of 350.00 feet to the southeast corner of said Lot 59 I.T.; thence south 89 degrees 52 minutes 59 seconds west along the south line of said Lots 59 I.T., 37 I.T., 43 I.T., and 42 I.T., a distance of 1458.33 feet to a point of deflection; thence

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1 north 82 degrees 21 minutes 07 seconds west along the south  
2 line of said Lot 42 I.T., a distance of 222.04 feet to a point of  
3 deflection; thence south 83 degrees 46 minutes 03 seconds  
4 west along the south line of said Lot 42 I.T., a distance of  
5 281.60 feet to a point of deflection; thence south 89 degrees  
6 52 minutes 59 seconds west along the south line of said Lot 42  
7 I.T., a distance of 562.80 feet to the southwest corner of said  
8 Lot 42 I.T.; thence north 00 degrees 40 minutes 35 seconds  
9 west along the west line of said Lot 42 I.T., a distance of  
10 414.01 feet to the southeast corner of said Lot 40 I.T.; thence  
11 north 89 degrees 30 minutes 38 seconds west along the south  
12 line of said Lot 40 I.T., a distance of 790.03 feet to a point of  
13 deflection; thence south 00 degrees 40 minutes 32 seconds  
14 east along the east line of said Lot 40 I.T., a distance of  
15 414.00 feet to the southeast corner of said Lot 40 I.T.; thence  
16 north 89 degrees 30 minutes 37 seconds west along the south  
17 line of said Lot 40 I.T., a distance of 403.21 feet to a point of  
18 intersection with the east line of said Lot 4 I.T.; thence south  
19 00 degrees 14 minutes 46 seconds east along the east line of  
20 said Lot 4 I.T., a distance of 50.00 feet to the southeast corner  
21 of said Lot 4 I.T.; thence north 89 degrees 30 minutes 37  
22 seconds west along the south line of said Lot 4 I.T., a distance  
23 of 150.01 feet to the southwest corner of said Lot 4 I.T.; thence  
24 north 00 degrees 14 minutes 46 seconds west along the west  
25 line of said Lots 4 I.T. and 40 I.T., a distance of 1321.98 feet  
26 to the northwest corner of said Lot 40 I.T.; thence south 89  
27 degrees 39 minutes 11 seconds east along the north line of  
28 said Lot 40 I.T., a distance of 1333.64 feet to the northeast  
29 corner of said Lot 40 I.T., thence north 00 degrees 40 minutes  
30 35 seconds west along the west line of said Lot 42 I.T., a  
31 distance of 1325.47 feet to the northwest corner of Lot 42 I.T.;  
32 thence north 89 degrees 47 minutes 53 seconds west along  
33 the south line of Lot 56 I.T., a distance of 1323.66 feet to the  
34 southwest corner of Lot 56 I.T.; thence north 00 degrees 25  
35 minutes 55 seconds west along the west line of Lot 56 I.T., a  
36 distance of 1318.58 feet to the northwest corner of Lot 56 I.T.;  
37 thence south 89 degrees 57 minutes 42 seconds east along  
38 the north line of Lot 56 I.T., a distance of 343.46 feet to a point  
39 of deflection; thence south 08 degrees 04 minutes 26 seconds  
40 east along the east line of Lot 56 I.T., a distance of 165.28 feet  
41 to a point of deflection; thence south 16 degrees 01 minutes  
42 11 seconds east along the east line of Lot 56 I.T., a distance  
43 of 44.97 feet to a point of deflection; thence south 40 degrees  
44 01 minutes 36 seconds west along the east line of Lot 56 I.T.,  
45 a distance of 30.00 feet to a point of deflection; thence south

1 49 degrees 58 minutes 24 seconds east along the east line of  
2 Lot 56 I.T., a distance of 99.99 feet to a point of deflection;  
3 thence north 40 degrees 01 minutes 36 seconds east along  
4 the east line of Lot 56 I.T., a distance of 28.97 feet to a point  
5 of deflection; thence south 48 degrees 01 minutes 52 seconds  
6 east along the east line of Lot 56 I.T., a distance of 215.96  
7 feet to a point of deflection; thence south 43 degrees 00  
8 minutes 18 seconds east along the east line of Lot 56 I.T., a  
9 distance of 1041.42 feet to a point of deflection, thence south  
10 39 degrees 42 minutes 56 seconds east along the east line of  
11 Lot 56 I.T., a distance of 79.72 feet to a point of deflection;  
12 thence south 29 degrees 16 minutes 04 seconds east along  
13 the east line of Lot 56 I.T., a distance of 33.53 feet to a point  
14 of deflection; thence south 13 degrees 19 minutes 23 seconds  
15 east along the east line of Lot 56 I.T., a distance of 31.95 feet  
16 to a point of deflection; thence south 07 degrees 06 minutes  
17 08 seconds east along the east line of Lot 56 I.T., a distance  
18 of 23.76 feet to a point of intersection with the north line of said  
19 Lot 42 I.T., thence south 89 degrees 49 minutes 04 seconds  
20 east along the north line of said Lot 42 I.T., a distance of  
21 697.24 feet to a southwest corner of said remaining portion of  
22 Lot 50 I.T.; thence north 00 degrees 10 minutes 56 seconds  
23 east along the west line of said remaining portion of Lot 50 I.T.,  
24 a distance of 130.00 feet to a point of deflection; thence south  
25 89 degrees 49 minutes 04 seconds east along the west line of  
26 said remaining portion of Lot 50 I.T., a distance of 31.33 feet  
27 to a point of deflection; thence north 00 degrees 10 minutes 56  
28 seconds east along the west line of said remaining portion of  
29 Lot 50 I.T., a distance of 379.00 feet to a point of deflection;  
30 thence north 15 degrees 17 minutes 08 seconds west along  
31 the west line of said remaining portion of Lot 50 I.T., a distance  
32 of 193.40 feet to a point of deflection; thence north 01 degrees  
33 39 minutes 50 seconds west along the west line of said  
34 remaining portion of Lot 50 I.T., a distance of 102.28 feet to a  
35 point of deflection; thence south 65 degrees 34 minutes 11  
36 seconds west along the west line of said remaining portion of  
37 Lot 50 I.T., a distance of 76.00 feet to a point of deflection;  
38 thence north 24 degrees 25 minutes 49 seconds west along  
39 the west line of said remaining portion of Lot 50 I.T., a  
40 distance of 120.00 feet to a point of deflection; thence north 65  
41 degrees 34 minutes 11 seconds east along the west line of  
42 said remaining portion of Lot 50 I.T., a distance of 29.00 feet  
43 to a point of deflection; thence north 24 degrees 25 minutes 49  
44 seconds west along the west line of said remaining portion of  
45 Lot 50 I.T., a distance of 158.71 feet to a point of deflection,

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thence north 29 degrees 33 minutes 43 seconds east along the west line of said remaining portion of Lot 50 I.T., a distance of 36.21 feet to a point of deflection; thence north 65 degrees 34 minutes 11 seconds east along the west line of said remaining portion of Lot 50 I.T., a distance of 122.71 feet to a point of deflection; thence north 24 degrees 25 minutes 49 seconds west along the west line of said remaining portion of Lot 50 I.T., a distance of 73.45 feet to a point of deflection; thence south 78 degrees 29 minutes 26 seconds east, a distance of 621.26 feet to a point; thence south 89 degrees 48 minutes 52 seconds east, a distance of 195.52 feet to a point; thence north 00 degrees 11 minutes 08 seconds east, along a westerly line of said Lot 50 I.T. and its extension, a distance of 1127.78 feet to a point of deflection; thence south 89 degrees 48 minutes 52 seconds east, a distance of 1089.67 feet to the true point of beginning. Said tract contains a calculated area of 282.88 acres, or 12,322,242.64 square feet more or less.

WHEREAS, the real property adjacent to the area included within the site plan for this Community Unit Plan 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 ~~Hampton Development Services~~ <sup>Pine Lake Development, L.L.C.</sup>, hereinafter referred to as "Permittee", to develop Vintage Heights 2nd Community Unit Plan consisting of 392 multiple family dwelling units, 170 two-family dwelling units, 24 three-family dwelling units, 15 acreage single family dwelling units, and 360 single family lots, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that

1 construction and operation of said Community Unit Plan be in strict compliance with said  
2 application, the site plan, and the following additional express terms, conditions, and  
3 requirements:

4 1. This permit approves a maximum of 961 dwelling units, however, no  
5 building permit will be issued for the two multiple family lots until the final layout and  
6 number of dwelling units has been approved, after a public hearing, by the Planning  
7 Commission and City Council.

8 2. Before receiving building permits:

- 9 a. The Permittee must submit a revised and reproducible final  
10 plan along with five copies.  
11 b. The construction plans must conform to the approved plans.  
12 c. Final plats within the area of Vintage Heights 2nd CUP must  
13 be approved by the City.

14 3. Before occupying the dwelling units all development and construction  
15 must be completed in conformance with the approved plans.

16 4. All privately-owned improvements shall be permanently maintained by  
17 the Permittee or an appropriately established homeowners association approved by the  
18 City Attorney.

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

22 6. The terms, conditions, and requirements of this resolution shall be  
23 binding and obligatory upon the Permittee, its successors, and assigns. The building

1 official shall report violations to the City Council which may revoke the special permit or  
2 take such other action as may be necessary to gain compliance.

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

9 8. That Resolution No. A-78930 approved by the City Council on August  
10 3, 1998, which resolution approved Special Permit 1716 to develop Vintage Heights 1st  
11 Community Unit Plan on property generally located at South 93rd Street and Old Cheney  
12 Road, be and the same is hereby rescinded and of no further force and effect.

*(See further Council Proceedings on  
next page.)*

Introduced by:

*Cynthia Johnson*

AYES: Camp, Cook, Fortenberry,  
Johnson, McRoy, Seng, Shoecraft;  
NAYS: None.

Approved as to Form & Legality:

*Asst. Rick P.*  
\_\_\_\_\_  
City Attorney

Staff Review Completed:

*Ann Turner*  
\_\_\_\_\_  
Administrative Assistant

**APPROVED**

OCT 6 1999

*Don Wesely*  
\_\_\_\_\_  
MAYOR

**ADOPTED**

SEP 27 1999

By City Council

**99R-235**

9/7/99 Council Proceedings:

JOHNSON Moved to continue Public Hearing & to delay Action on Bill 99R-235 for 1 week to 9/13/99.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; NAYS: None; ABSENT: Shoecraft.

9/13/99 Council Proceedings:

CAMP Moved to continue Public Hearing & Action on Bill 99R-235 for 1 week to 9/20/99.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

9/20/99 Council Proceedings:

FORTENBERRY Moved to continue Pub. Hearing & to delay Action on Bill 99R-235 for 1 week to 9/27/99.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**LETTER OF ACCEPTANCE**

City Council  
City of Lincoln  
Lincoln, Nebraska

To The City Council:

I, Robert D. Hampton, the undersigned, referred to as Permittee in **Special Permit No. 1762**, granted by **Resolution No. A-79749** adopted by the City Council of the City of Lincoln, Nebraska, on September 27, 1999, 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 18 day of October, 1999.

  
Pine Lake Development L. L. C.



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. 1762** approved by Resolution No. A-79749 adopted by the City Council on September 27, 1999, 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 October, 1999.

A circular seal of the City of Lincoln, Nebraska, featuring a central emblem and the text "CITY OF LINCOLN, NEBRASKA" around the perimeter. A signature is written across the seal.  
Deputy City Clerk

*Ref to City Clerk*