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CODE

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Lincoln Municipal Code
City of Lincoln
Nebraska

INST. NO 97

JUL 17 3 50 PM '97

028113

2

97R-170

Introduce: 6-2-97

(SUBSTITUTE) **78151**
RESOLUTION NO. A-_____

USE PERMIT NO. 97

PHOLA ASPEN 3 + ALL L 36 NE 1/4 20-9-7

1 WHEREAS, Bill Krein has submitted an application in accordance
2 with Sections 27.31.100 and 27.27.080 of the Lincoln Municipal Code designated
3 as Use Permit No. 97 for authority to develop 100,000 square feet of
4 commercial space on property generally located at S. 56th Street and Pine Lake
5 Road, legally described as:

6 A tract of land in the North Half of the Northeast
7 Quarter of Section 20, Township 9 North, Range 7 East
8 of the 6th P.M., Lancaster County, Nebraska, described
9 as follows:

10 Commencing at the northeast corner of said Section 20,
11 and extending thence south 0 degrees 07 minutes 01
12 seconds east on the east line of said Section 20,
13 50.00 feet; thence south 89 degrees 43 minutes 49
14 seconds west on a line parallel to and 50.00 feet
15 south of the north line of said Section 20, 80.00 feet
16 to the point of beginning; thence continuing south 89
17 degrees 43 minutes 49 seconds west, 488.67 feet to the
18 east line of Stephanie Lane; thence south 0 degrees 16
19 minutes 11 seconds east on said east line, 848.27
20 feet; thence south 89 degrees 53 minutes 00 seconds
21 west, 104.34 feet to the point of curvature of a
22 circular curve to the left having a central angle of
23 90 degrees 11 minutes 04 seconds, and a radius of
24 282.00 feet; thence on the arc of said circular curve,
25 443.87 feet to the point of tangency; thence south 0
26 degrees 18 minutes 04 seconds east, 138.90 feet to the
27 south line of the North Half of said Northeast
28 Quarter; thence north 89 degrees 42 minutes 18 seconds
29 east on said south line, 902.31 feet; thence north 0
30 degrees 07 minutes 01 seconds west, 368.00 feet;
31 thence north 3 degrees 55 minutes 52 seconds west,
32 300.67 feet; thence north 8 degrees 24 minutes 50
33 seconds east, 101.12 feet; thence north 0 degrees 07
34 minutes 01 seconds west, 300.00 feet; thence 7 north
35 degrees 12 minutes 47 seconds west, 202.37 feet to the
36 point of beginning, containing 18.20 acres;

1 WHEREAS, the real property adjacent to the area included within
2 the site plan for this commercial development will not be adversely affected;
3 and

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

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

10 That the application of Bill Krein, hereinafter referred to as
11 "Permittee", to develop 44,000 square feet of commercial space and 56,000
12 square feet of office space be and the same is hereby granted under the
13 provisions of Sections 27.31.100 and 27.27.080 of the Lincoln Municipal Code
14 upon condition that construction and operation of said commercial development
15 be in strict compliance with said application, the site plan, and the follow-
16 ing additional express terms, conditions, and requirements:

17 1. This permit approves the development of 44,000 square feet
18 of commercial space and 56,000 square feet of office space as shown on the
19 approved site plan.

20 2. Before receiving building permits:

21 a. The Permittee shall revise the site plan to show:

22 i. Revisions to the sanitary sewer system as
23 required by the Public Works Department.

24 ii. Revisions to the Grading and Drainage Plan as
25 required by the Public Works Department.

1 iii. Dimensions of building envelopes.

2 iv. The truck maneuvering/dock area on the east side
3 of the building.

4 b. The Permittee must submit a revised and reproducible
5 final plan.

6 c. The construction plans must conform to the approved
7 plans.

8 d. A final plat in accordance with the Aspen 2nd Addition
9 Preliminary Plat must be approved by the City.

10 e. The Permittee must have posted sureties to guarantee
11 construction of a northbound to eastbound right turn
12 lane in Stephanie Lane and a temporary northbound to
13 westbound left turn lane in South 56th Street.

14 3. Before occupying any of the commercial buildings, all develop-
15 ment and construction must be completed in conformance with the approved
16 plans.

17 4. All privately-owned improvements must be permanently main-
18 tained by the owner or an appropriately established property owners associ-
19 ation approved by the City Attorney.

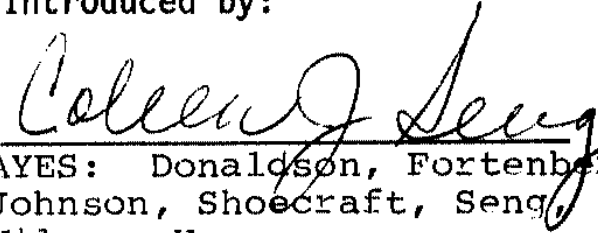
20 5. The site plan accompanying this permit shall be the basis
21 for all interpretations of setbacks, yards, locations of buildings, location
22 of parking and circulation elements, and similar matters.

23 6. The terms, conditions, and requirements of this resolution
24 shall be binding and obligatory upon the Permittee, its successors and
25 assigns. The building official shall report violations to the City Council

1 which may revoke this use permit or take such other action as may be necessary
2 to gain compliance.

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

Introduced by:



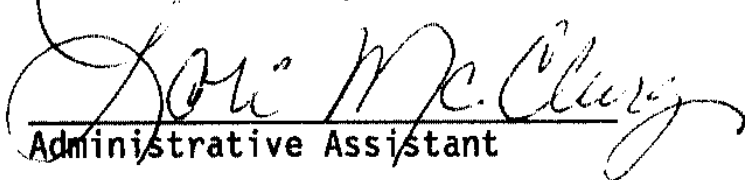
AYES: Donaldson, Fortenberry,
Johnson, Shoecraft, Seng,
Wilson, Young;
NAYS: None.

Approved as to Form & Legality:



City Attorney

Staff Review Completed:



Administrative Assistant

APPROVED

JUN 20 1997



MAYER

ADOPTED
JUN. 16, 1997
BY CITY COUNCIL

6/9/97 Council Proceedings:

SENG Moved to delay action on Bill #97R-170 for one week to 6/16/97.
Seconded by Johnson & carried by the following vote: AYES: Donaldson,
Fortenberry, Johnson, Seng, Shoecraft, Wilson; NAYS: None; ABSENT: Young.

6/16/97 Council Proceedings:

SENG Moved to accept a substitute resolution.
Seconded by Young & carried by the following vote: AYES: Donaldson,
Fortenberry, Johnson, Seng, Shoecraft, Wilson, Young; NAYS: None.


LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, Bill Krein under **Use Permit No. 97** granted by **Resolution No. A-78151**, adopted by the Lincoln City Council on **June 16, 1997**, 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 7th day of July, 1997


Bill Krein

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 Use Permit No. 97 approved by Resolution No. A-78151 as passed and approved by the Lincoln City Council at its meeting held June 16, 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 17th day of July, 1997.


Joan E. Ross
Deputy City Clerk

Ret to City Clerk