

B3600

BLOCK

Dan J. White

INST. NO 98

REGISTER OF DEEDS

1998 MAR 19 A 11:17

011911

CODE
ASPEN 4
CHECKED
ENTERED
EDITED

B3600 27

98R-35

Introduce: 2-17-98

RESOLUTION NO. A- 78618

SPECIAL PERMIT NO. 1713

1 WHEREAS, Krein Real Estate has submitted an application designated
2 as Special Permit No. 1713 for authority to develop Aspen 3rd Community Unit Plan
3 consisting of 382 dwelling units on property located at Stephanie Lane and Pine
4 Lake Road, and legally described to wit:

5 Outlot "A", Block 3, Aspen 4th Addition and Lot 42,
6 Block 1, Aspen 3rd Addition, all in the North Half of
7 the Northeast Quarter of Section 20, Township 9 North,
8 Range 7 East of the 6th P.M., Lincoln, Lancaster County,
9 Nebraska, more particularly described as follows:

10 Commencing at the northeast corner of said Section 20,
11 and extending thence south 89 degrees 43 minutes 49
12 seconds west on the north line of said Section 20,
13 631.50 feet; thence south 00 degrees 16 minutes 11
14 seconds east on a line 434.81 feet south of the north
15 line of said Section 20, 80.00 feet to the point of
16 beginning; thence continuing south 00 degrees 16 minutes
17 11 seconds east, 397.34 feet along the west line of
18 Stephanie Lane; thence south 89 degrees 53 minutes 36
19 seconds west of said west line, 45.86 feet; thence on a
20 curve to the left having a radius of 348.00 feet and an
21 arc length of 547.76 feet, being subtended by a chord of
22 south 44 degrees 47 minutes 28 seconds west for a
23 distance of 492.94 feet to the point of tangency of said
24 curve; thence south 00 degrees 18 minutes 04 seconds
25 east, 63.87 feet; thence south 02 degrees 35 minutes 31
26 seconds east, 75.05 feet to the south line of the North
27 Half of said Northeast Quarter; thence south 89 degrees
28 42 minutes 18 seconds west, on said line, 1623.32 feet;
29 thence north 0 degrees 04 minutes 25 seconds west,
30 358.03 feet; thence north 89 degrees 43 minutes 49
31 seconds east, 185.94 feet; thence north 0 degrees 16
32 minutes 11 seconds west, 27.00 feet; thence north 89
33 degrees 43 minutes 49 seconds east, 110.17 feet; thence
34 north 0 degrees 16 minutes 11 seconds west, 207.22 feet;
35 thence north 18 degrees 39 minutes 17 seconds east,
36 189.26 feet; thence south 71 degrees 19 minutes 56

7

1 seconds east, 249.24 feet; thence south 43 degrees 40
2 minutes 07 seconds east, 335.94 feet; thence south 30
3 degrees 16 minutes 11 seconds east, 135.00 feet; thence
4 north 59 degrees 43 minutes 49 seconds east, 110.00
5 feet; thence north 66 degrees 47 minutes 56 seconds
6 east, 60.46 feet; thence north 59 degrees 43 minutes 49
7 seconds east, 120.00 feet; thence north 30 degrees 16
8 minutes 11 seconds west, 105.00 feet; thence north 59
9 degrees 43 minutes 49 seconds east, 240.44 feet; to the
10 point of curvature of a circular curve to the left
11 having a radius of 212.58 feet and an arc length of
12 111.31 feet being subtended by a chord of north 74
13 degrees 43 minutes 49 seconds east for a distance of
14 110.04 feet to the point of tangency of said curve;
15 thence north 89 degrees 43 minutes 49 seconds east,
16 105.00 feet; thence on a curve to the right having a
17 radius of 272.58 feet and an arc length of 142.72 feet,
18 being subtended by a chord of north 74 degrees 43
19 minutes 49 seconds east for a distance of 141.10 feet to
20 the point of tangency of said curve; thence north 59
21 degrees 43 minutes 49 seconds east, 250.00 feet; thence
22 on a curve to the left having a radius of 120.00 feet
23 and an arc length of 62.83 feet, being subtended by a
24 chord of north 74 degrees 43 minutes 49 seconds east for
25 a distance of 62.12 feet to the point of tangency of
26 said curve; thence north 89 degrees 43 minutes 49
27 seconds east, 87.00 feet to the point of beginning
28 containing 24.53 acres; and

29 Commencing at the northeast corner of said Section 20,
30 and extending thence south 89 degrees 43 minutes 49
31 seconds west, on the north line of said Section 20,
32 628.50 feet; thence south 00 degrees 16 minutes 11
33 seconds east on a line 50.00 feet south of the north
34 line of said Section 20, 80.00 feet to the point of
35 beginning; thence continuing south 89 degrees 43 minutes
36 49 seconds west, 90.00 feet along the west line of
37 Stephanie Lane; to the point of curvature of a circular
38 curve to the left having a radius of 180.00 feet and an
39 arc length of 94.25 feet, being subtended by a chord of
40 south 74 degrees 43 minutes 49 seconds west for a
41 distance of 93.18 feet to the tangency of said curve;
42 thence south 59 degrees 43 minutes 49 seconds west,
43 250.00 feet; to the point of curvature of a circular
44 curve to the right having a radius of 212.58 feet and an
45 arc length of 111.31 feet, being subtended by a chord of
46 south 74 degrees 43 minutes 49 seconds west for a

1 distance of 110.04 feet to the tangency of said curve;
2 thence south 89 degrees 43 minutes 49 seconds west,
3 105.00 feet; to the point of curvature of a circular
4 curve to the left having a radius of 272.58 feet and an
5 arc length of 83.62 feet, being subtended by a chord of
6 south 80 degrees 56 minutes 32 seconds west for a
7 distance of 83.29 feet to the tangency of said curve;
8 thence north 17 degrees 50 minutes 02 seconds west,
9 82.54 feet; thence north 03 degrees 10 minutes 01
10 seconds east, 262.48 feet; thence north 32 degrees 07
11 minutes 44 seconds west, 205.38 feet; thence north 89
12 degrees 43 minutes 49 seconds east, 807.69 feet to the
13 point of beginning; containing 7.15 acres more or less;

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

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

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

22 That the application of Krein Real Estate, hereinafter referred to
23 as "Permittee", to develop Aspen 3rd Community Unit Plan consisting of 382
24 dwelling units, on the property legally described above, be and the same is
25 hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the
26 Lincoln Municipal Code upon condition that construction and operation of said
27 community unit plan be in strict compliance with said application, the site plan,
28 and the following additional express terms, conditions, and requirements:

29 1. This permit authorizes the development of a community unit plan
30 with a maximum of 382 dwelling units.

AMENDED, 3/2/98.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24


2. Before receiving building permits:
 - a. The Permittee must submit an acceptable revised and reproducible final site plan.
 - b. The construction plans must conform to the approved plans.
 - c. The final plat of Aspen 3rd Addition must be approved by the City.
 - d. The required easements as shown on the site plan must be recorded with the Register of Deeds.
 - e. The City Council must approve Change of Zone 3098.
 - f. The Permittee must complete an administrative amendment to Special Permit 1529 revising the site plan and legal description for the remaining area of the Aspen 1st Community Unit Plan.
3. Before occupying this community unit plan, all development and construction must conform to the approved plans.
4. All privately-owned improvements, including landscaping and recreational facilities, ^(see amendment below) must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.
5. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns.

AMENDMENT: "& the off-site storm water detention cell located upon that portion of Outlot "A" Aspen Add. to be replatted as Outlot "A" Aspen 1st Addition."

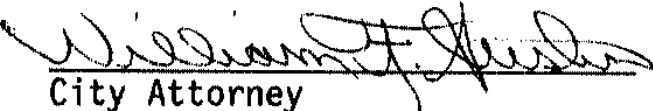
1 The building official shall report violations to the City Council which may
2 revoke the special permit or take such other action as may be necessary to gain
3 compliance.

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


Introduced by:


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

Approved as to Form & Legality:


City Attorney

Staff Review Completed:


Administrative Assistant

2/23/98 Council Proceedings:

SENG Moved to delay action on Bill 98R-35 for 1 week to 3/2/98.

Seconded by Young & carried by the following vote: AYES:
Donaldson, Fortenberry, Johnson, Seng, Shoecraft, Wilson, Young;
NAYS: None.

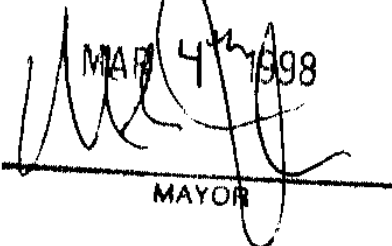
3/2/98 Council Proceedings:

SENG Moved to amend Bill 98R-35 as shown in the attached Motion to Amend.

Seconded by Johnson & carried by the following vote: AYES:
Donaldson, Fortenberry, Johnson, Seng, Shoecraft, Wilson; NAYS: None;
ABSENT: Young.

APPROVED

5


MAYOR

ADOPTED

MAR 2 1998

By City Council


LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, William Krein, authorized representative of Krein Real Estate, referred to as Permittee in **Special Permit No. 1713**, granted by **Resolution No. A-78618**, adopted by the City Council of the City of Lincoln, Nebraska, on March 2, 1998, 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 15 day of MARCH, 1998.


Permittee

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. 1713** approved by **Resolution No. A-78618** adopted by the City Council on March 2, 1998, 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 19th day of March, 1998.

A circular seal of the City of Lincoln, Nebraska, is stamped over the signature. The seal contains the text "CITY OF LINCOLN, NEBRASKA" around the perimeter and "1870" in the center.
Joan E. Ross
Deputy City Clerk

Ret to City Clerk