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Introduce: 3/24/75

61663

RESOLUTION NO. A-
SPECIAL USE PERMIT NO. 692

WHEREAS, TABITHA VILLAGE CORPORATION, a Nebraska corporation, has previously submitted an application designated as Special Use Permit No. 692 for authority to construct and operate a community unit plan on the following described real property, to-wit:

38040
1.2.1

Part of the north one-half of the Northeast Quarter and a part of the Southeast Quarter of the Northeast Quarter, all in Section 1, Township 10 North, Range 6 East of the 6th Principal Meridian, in Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence west along the north line of said Northeast Quarter a distance of 33.0 feet to the point of beginning; thence continuing westerly along the north line of said Northeast Quarter a distance of 597.00 feet; thence left 96 degrees 45 minutes 00 seconds from the last described course in a southerly direction a distance of 195.00 feet; thence right 48 degrees 00 minutes 00 seconds from the last described course in a southwesterly direction a distance of 272.00 feet; thence left 33 degrees 15 minutes 00 seconds from the last described course in a southerly direction a distance of 542.00 feet; thence right 17 degrees 00 minutes 00 seconds from the last described course in a southwesterly direction a distance of 165.00 feet; thence left 27 degrees 40 minutes 00 seconds from the last described course in a southerly direction a distance of 368.00 feet; thence left 59 degrees 00 minutes 00 seconds from the last described course in a southeasterly direction a distance of 195.00 feet; thence right 63 degrees 45 minutes 00 seconds from the last described course in a southerly direction a distance of 167.00 feet; thence left 61 degrees 00 minutes 00 seconds from the last described course in a southeasterly direction a distance of 161.43 feet; thence right 58 degrees 56 minutes 54 seconds from the last described course in a southerly direction a distance of 304.97 feet; thence left 58 degrees 50 minutes 54 seconds from the last described course in a southeasterly direction a distance of 70.00 feet; thence right 39 degrees 50 minutes 04 seconds from the last described course in a southerly direction a distance of 80.00 feet; thence left along a circular curve bearing to the right, whose initial tangent makes an angle of 90 degrees 00 minutes 00 seconds from the last described course, and whose radius is 318.55 feet, an arc distance of 105.63 feet; thence easterly along the final tangent of the last described curve a distance of 387.00 feet; thence left 90 degrees 00 minutes 00 seconds from the last described course in a northerly direction along a line which is 33.00 feet west of and parallel to the east line of said Northeast Quarter a distance of 2194.60 feet to the point of beginning, except a portion commencing at the northeast corner of said Section 1; thence south along the east line of said Section 1 a distance of 1137.62 feet; thence west perpendicular to the east line of said Section 1 a distance of 100 feet to the point of beginning;

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thence west perpendicular to the east line of said Section 1 a distance of 100 feet; thence south parallel to the east line of said Section 1 a distance of 180 feet; thence east perpendicular to the east line of said Section 1 a distance of 100 feet; thence north parallel to and 100 feet from the east line of said Section 1 a distance of 180 feet to the point of beginning, generally located at 27th and Fletcher Avenue.

WHEREAS, the real property adjacent to the area included within the revised plot plan for this proposed community unit plan will not be adversely affected; and

WHEREAS, said revised plot 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, morals, and general welfare; and

WHEREAS, Resolution No. A-60889 granting such special permit was rendered null and void by Permittee's failure to timely file the required Letter of Acceptance, through inadvertence only and not as a rejection of any of the terms and conditions of the special permit.

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

That the application of Tabitha Village Corporation, a Nebraska corporation, hereinafter referred to as "Permittee", for authority to construct and operate a community unit plan be and the same is hereby granted under the provisions of Sections 27.40.010 and 27.40.150 of the Lincoln Municipal Code upon condition that construction, development and operation of said community unit plan be in strict compliance with said application, the revised plot plan, and the following additional express terms, conditions, and requirements:

1. Permittee shall prepare and submit a landscape plan to the planning director for his review and approval prior to the issuance of any building permits by the City; and said landscape plan shall be implemented within two planting seasons following the issuance of occupancy permits to sixty percent (60%) of the total number of dwelling units allowed within said community unit plan.

2. Driveways serving more than 30 parking stalls shall be at least 26 feet in width, and driveways serving 30 or less parking stalls shall be at least 20 feet in width. Said parking areas shall

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be designed in accordance with City standards relating to stall widths, aisle widths, and paving.

3. The dwelling units indicated "F" on the community unit plan shall be redesigned or relocated to provide for at least 20 feet of separation between the garage and the street right-of-way.

4. Permittee shall prepare and submit a plan to the planning director for his review and approval showing additional walkways extending to the west in the community unit plan.

5. Prior to the issuance of building permits in the area set aside for the public housing, detailed drawings showing location of buildings, driveways, parking areas, and walkways shall be submitted to the City for review and approval by the City Council.

6. Permittee shall prepare and submit five copies of a revised plot plan in accordance with the conditions of this resolution to the planning director for his review and approval.

7. Construction of the proposed community unit plan shall not proceed until the same has been approved by the superintendent of building inspections for the City of Lincoln; and no dwelling units shall be occupied or otherwise used until said superintendent has found that Permittee has complied with all the terms, conditions, and requirements of the City.

8. Within 30 days from the date of this resolution, Permittee shall properly execute the Letter of Acceptance and file the same with the City Clerk evidencing its unqualified acceptance of all the terms, conditions, and requirements herein set forth, otherwise Special Permit No. 692 herein granted shall be null and void and of no force and effect.

9. All the terms, conditions, and requirements of the special permit granted herein shall be binding and obligatory on Permittee, its successors, and assigns. Within 40 days from the effective date of this resolution, City shall cause a certified copy of said resolution together with a certified copy of the executed letter of acceptance to be filed in the office of the

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Register of Deeds for Lancaster County, Nebraska. The cost of said filing shall be paid by Permittee.

Introduced by

Max A. Denney

Approved as to Form and Legality:

William F. Austin
Chief Assistant City Attorney

Staff Review Completed:

Michael Merurek
Administrative Assistant to the Mayor

ADOPTED

MAR 24 1975

By City Council

APPROVED

APR 1 1975

Samuel H. [Signature]
MAYOR

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APPENDIX "A"

City Council
City of Lincoln
Lincoln, Nebraska

RE: Letter of Acceptance
Special Permit No. 692

TO THE CITY COUNCIL:

I, Dorothy M. Decker, President of Tabitha Village, Inc., Applicant under Special Permit No. 692, granted by Resolution No. A-61683, adopted by the City Council on March 24, 1975, do hereby certify that I have thoroughly read said resolution, understand the contents thereof, and do hereby accept on behalf of the Applicant, without qualification, the terms and conditions set forth therein.

TABITHA VILLAGE, INC.

Dorothy M. Decker
President

DATED:
April 24, 1975

C E R T I F I C A T E

STATE OF NEBRASKA :
: :
COUNTY OF LANCASTER : SS
: :
CITY OF LINCOLN :

I, Harold W. Springer, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. A-61683 and letter of acceptance attached thereto

as the original appears of record in my said office, and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 25th day of April, 19 75.



Harold W. Springer
City Clerk
LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1975 APR 25 PM 2:44

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 78- 5507

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City Clerk