

RESOLUTION NO. A- **64074**

SPECIAL PERMIT NO. 692D

01           WHEREAS, Tabitha Development Corporation by Harold  
02 Norby, President has submitted an application designated as  
03 Special Permit No. 692D to amend the community unit plan of  
04 Tabitha New Community previously approved as Special Permit  
05 No. 692 by Resolution No. A-60889 as amended by Special  
06 Permit No. 692A granted by Resolution No. A-61670, as amended  
07 by Special Permit No. 692B granted by Resolution No. A-62048, as  
08 amended by Special Permit No. 692C as granted by Resolution No. A-63737  
09 for the construction and development of single family lots to  
10 abut the public streets named Ventura Drive and Cloudburst Lane,  
11 on the following described real property, to wit:

12           Tabitha New Community Addition, 1st Addition  
13           and 2nd Addition, and a replat of Blocks 5 and  
14           7, Tabitha New Community Addition, and Tabitha  
15           New Community 1st Addition replat all located  
16           in the Northeast Quarter of Section 1, Township  
17           10 North, Range 6 East of the Sixth Principal  
18           Meridian, Lancaster County, Nebraska,

19           WHEREAS, the real property adjacent to the area included  
20 within the plot plan for this amended community unit plan will  
21 not be adversely affected; and

22           WHEREAS, said plot plan together with the terms and  
23 conditions hereinafter set forth are consistent with the intent  
24 and purpose of Title 27 of the Lincoln Municipal Code to promote  
25 the public health, safety, morals, and general welfare.

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

28           That the application of Tabitha Development Corporation  
29 by Harold Norby, President hereinafter referred to as "Permittee",  
30 under Special Permit No. 692D, for an amendment to Special Permit  
31 Nos. 692, 692A, 692B and 692C be and the same is hereby granted

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under the provisions of Sections 27.40.010 and 27.40.150 of the  
Lincoln Municipal Code upon condition that construction, development  
03 and operation of this amended community unit plan be in strict  
04 compliance with said application, the plot plan filed therewith,  
05 and the following additional express terms, conditions and requirements:

06 1. That prior to the issuance of any building permits  
07 by the City in the multiple family area designated "Block 2, Lot  
08 1, Tabitha New Community 2nd Addition," the Permittee shall  
09 prepare and submit to the Planning Director, for his review and  
10 approval, a coordinated time schedule of development and occupancy  
11 which will govern the development of this multiple family area.  
12 Failure of Permittee to follow such schedule, including failure  
13 to start and complete construction by the time specified in said  
14 schedule, shall constitute noncompliance on the part of the  
15 Permittee. Noncompliance shall be cause for revocation by the  
16 City of this special permit pertaining to Block 2, Lot 1, Tabitha  
17 New Community or the institution of other appropriate remedies.

18 2. That phase development shall be allowed based on  
19 the approval and acceptance of final plats by the City Council.  
20 Each phase shall meet the requirements of the City.

21 3. That Permittee shall prepare and submit to the  
22 Planning Director, for his review and approval, a plan showing  
23 additional walkways extending to the western boundaries in this  
24 proposed amended community unit plan which could eventually  
25 connect with additional sidewalks which may be required by the  
26 City for future additions.

27 4. That Permittee shall construct the private storm  
28 sewer system for this proposed community unit plan as follows:

- 29 a. an inlet in the low spot in the drive north  
30 of the main building in Lot 1, Block 6,  
31 Tabitha New Community Addition and a 12-inch  
32 R.C.P. from the inlet to the outlet in the  
33 ditch along Fletcher Avenue; and,  
34 b. the inlets and pipes shown by the Permittee  
35 on the plans submitted with Special Permit  
36 No. 692B previously adopted for the main  
37 building in Lot 1, Block 4, Tabitha New  
38 Community Addition.

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5. That prior to the issuance of any building permits

by the City for Blocks 1, 2, 3, 4, 6, 8, 9, 10 and 11, Tabitha New Community Addition, and in all of Tabitha New Community 2nd Addition, Permittee shall prepare and submit a landscape screening plan to the Planning Director, for his review and approval. The landscape screening plan for each phase of development shall be implemented within two planting seasons following the issuance of occupancy permits to 60 percent of the total number of dwelling units allowed within each phase of development. The landscape plan shall include, along with the plant material, the type of seeding or sodding or other ground cover for the areas which are not otherwise surfaced. The plant material and grounds shall be maintained by the Permittee so long as this special permit is in effect to the satisfaction of the Director of the Planning Department.

6. That the approved landscape plans for Blocks 5 and 7, a replat of Block 5 and 7, Tabitha New Community Addition and Tabitha New Community 1st Addition shall be implemented within two planting seasons following the issuance of occupancy permits to sixty (60) percent of the total number of dwelling units allowed within each addition.

7. That Permittee shall prepare and submit to the Planning Director, for his review and approval, a recreation plan showing the proposed recreational facilities for Block 2, Lot 1, Tabitha New Community 2nd Addition. The approved recreation plan shall be implemented prior to the issuance of occupancy permits to sixty (60) percent of the total number of dwelling units allowed within the multiple family area. The recreation plan shall be submitted prior to the approval of the final plat creating the multiple family lot, designated as Block 2, Lot 1, Tabitha New Community 2nd Addition. At the time the City Council approves and accepts the final plat of Block 2, Lot 1, Tabitha New Community 2nd Addition, Permittee shall agree to post a bond in an amount fixed by the City Council prior to the issuance of any building permits in said lot to guarantee construction of the recreational facilities.

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8. That any driveway serving more than 30 parking stalls shall be at least 26 feet in width, and any driveway serving 30 or less parking stalls shall be at least 20 feet in width. Said parking areas shall be designed in accordance with City standards relating to stall width, aisle widths and pavings.

9. That the driveways abutting Enterprise Drive shall be designed as standard curb cuts, whereby the driveway meets the usual sidewalk area at grade.

10. That the driveways and parking areas in the multiple family areas and in the cluster developments shall be constructed according to standards of the City and shall be reviewed and approved by the Director of Public Works. At the time the City Council approves and accepts the final plat of the multiple family area in Tabitha New Community 2nd Addition, Permittee shall post a bond in an amount fixed by the City Council to guarantee construction of the driveways and parking areas. The bond shall be posted prior to the issuance of of any building permits in the multiple family area, Lot 1, Block 2, Tabitha New Community 2nd Addition.

11. That no development or construction, whatsoever, of this proposed amended community unit plan shall 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.

12. That within 30 days from the date of adoption of this resolution, Permittee shall properly execute the Letter of Acceptance attached hereto as Appendix "A" 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. 692D herein granted shall be null and void and of no force and effect.

13. That all the terms, conditions and requirements of the special permit herein granted shall be binding and obligatory on Permittee, its successors and assigns. That within 40 days

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02 from the effective date of this special permit, the City Clerk  
03 shall cause a certified copy hereof together with a certified  
04 copy of said executed Letter of Acceptance to be filed in the  
05 office of the Register of Deeds for Lancaster County, filing fees  
06 shall be paid in advance by Permittee.

07 14. That upon the adoption of this resolution granting  
08 Special Permit No. 692D, Resolution No. A-60889 approving Special  
09 Permit No. 692, Resolution No. A-61670 approving Special Permit  
10 No. 692A, Resolution No. A-62048 approving Special Permit No.  
11 692B and Resolution No. A-63737 approving Special Permit No. 692C  
are hereby repealed and rescinded.

Introduced by:

Frederick Schyke

Approved as to Form and Legality:

Vote: AYES: Baker, Cook, Hampton,  
Jeambey, Robinson, Scherer,  
Sikyta; NAYS: None.

William F. Quisenberry  
City Attorney

Staff Review Completed:

[Signature]  
Administrative Director

**ADOPTED**

JUL 25 1977

By City Council

**APPROVED**

AUG 1 - 1977

Allen B. Borralis  
MAYOR

24487

APPENDIX "A"

RECEIVED  
AUG 5 1977  
CITY COUNCIL'S  
OFFICE

City Council  
City of Lincoln  
Lincoln, Nebraska

Re: Letter of Acceptance  
Special Permit No. 692D

TO THE CITY COUNCIL:

I, Harold Norby, President or authorized representative of Tabitha Development Corporation, herein called Permittee under Special Permit No. 692D, granted by Resolution No. A-64084, adopted by the City Council of the City of Lincoln, Nebraska, on 7-25-77, 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.

TABITHA DEVELOPMENT CORPORATION

Harold Norby  
President or authorized representative

CERTIFICATE

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

I, Paul A. Malzer, Deputy 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-64084 and Letter of Acceptance (S.P. #692D)

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held JULY 25, 1977

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

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 9th day of September, 19 77.

INDEXED  
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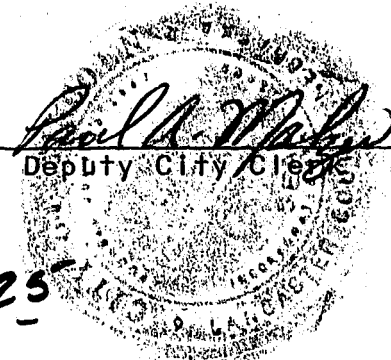
LANCASTER COUNTY REC.  
*Kenneth L. Ferguson*  
REGISTER OF DEEDS

1977 SEP -9 AM 10:34

ENTERED ON  
NUMERICAL INDEX  
FILED FOR RECORD AS:

INST. NO. 77- 24187

# 2625



*City Clerk*

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