

7470

RESOLUTION NO. A- 62768

SPECIAL PERMIT NO. 755

01 WHEREAS, BUCKINGHAM DEVELOPMENT COMPANY has submitted an  
02 application designated as Special Permit No. 755 for authority  
03 to construct and operate a community unit plan on the following  
04 described real property, to-wit:

05 Beginning at the center of Section 17, Township 9 North,  
06 Range 7 East of the Sixth Principal Meridian, Lancaster  
07 County, Nebraska; thence north along the west line of  
08 the Northeast Quarter of said Section 17 a distance of  
09 1779.95 feet; thence right 90 degrees 01 minutes 55  
10 seconds from the last described course a distance of  
11 657.12 feet; thence left 90 degrees 04 minutes 48 seconds  
12 from the last described course a distance of 612.00 feet;  
13 thence right 90 degrees 00 minutes 00 seconds from the  
14 last described course a distance of 12.00 feet; thence  
15 left 90 degrees 00 minutes 00 seconds from the last  
16 described course a distance of 203.24 feet; thence right  
17 90 degrees 13 minutes 59 seconds from the last described  
18 course a distance of 644.12 feet; thence left 90 degrees  
19 16 minutes 35 seconds from the last described course a  
20 distance of 7.00 feet; thence right 90 degrees 16 minutes  
21 22 seconds from the last described course a distance of  
22 367.79 feet; thence right 89 degrees 39 minutes 23 seconds  
23 from the last described course a distance of 537.15 feet;  
24 thence left 89 degrees 39 minutes 23 seconds from the  
25 last described course a distance of 382.00 feet;  
26 thence right 89 degrees 39 minutes 23 seconds from the  
27 last described course a distance of 456.16 feet; thence  
28 left 0 degrees 00 minutes 04 seconds from the last  
29 described course a distance of 1308.00 feet; thence left  
30 90 degrees 00 minutes 00 seconds from the last described  
31 course a distance of 530.00 feet; thence right 90 degrees  
32 00 minutes 00 seconds from the last described course a  
33 distance of 285.06 feet; thence right 89 degrees 53  
34 minutes 48 seconds from the last described course a  
35 distance of 1282.98 feet; thence left 0 degrees 01 minutes  
36 14 seconds from the last described course a distance of  
37 1316.69 feet to the point of beginning; said tract  
38 containing a calculated area of 109.29 acres more or less.

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

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

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

2470

That the application of Buckingham Development Company, 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 plot plan, and the following additional express terms, conditions, and requirements:

1. That Permittee receives approval of the preliminary plat and prepares and submits final plats and receives approval and acceptance of said final plats in accordance with Title 26 of the Lincoln Municipal Code.

2. That prior to the issuance of any building permits or the approval of any final plat for Lots 16-32 in Block 4, the Permittee shall prepare and submit to the Planning Director, for his review and approval, a recreation plan for Outlot "D", and that said approved recreation facilities shall be constructed and installed prior to the issuance of occupancy permits to 60 percent of the total number of dwelling units allowed within Lots 16-32, and that the tennis courts located south of Old Cheney Road and east of 52nd Street shall be constructed prior to the issuance of occupancy permits to 60 percent of the total number of dwelling units allowed within this community unit plan. The Permittee agrees to post a bond at the time of approval and acceptance of the final plats in connection with this community unit plan to guarantee construction of all recreation facilities.

3. That prior to the issuance of any building permits for Lots 16-32, Block 4, and the multiple family lots located in Block 9, the Permittee shall prepare and submit to the Planning Director, for his review and approval, a landscape plan for the common open areas surrounding the multiple family lots, and that said landscape plan be implemented within two planting seasons following the issuance of occupancy permits to 60 percent of the total number of multiple family units within each phase in this community unit plan. The Permittee agrees to post a bond at the time of approval

2470

and acceptance of the final plats in connection with this area to  
02 guarantee construction of the landscape screen plan.

03 4. That the yard area adjustments as shown on the attached  
04 plot plan for this community unit plan be approved.

05 5. That all driveways serving more than 30 parking stalls  
06 shall be at least 26 feet in width, and driveways serving 30 or less  
07 parking stalls shall be at least 20 feet in width. The driveways  
08 and private roadways shall be paved to the standards recommended  
09 by the Public Works Department and the Permittee agrees to post a  
10 bond at the time of approval and acceptance of the final plats to  
11 guarantee said construction. It shall be the Permittee's option  
12 to install curb and gutters in the private roadways and driveways.

13 6. That ornamental street lights in conformance with the  
14 Design Standards of the City of Lincoln for residential streets  
15 shall be installed along all private roadways within this develop-  
16 ment and the Permittee agrees to post a bond at the time of approval  
17 of the final plats of this area to guarantee said construction.

18 7. That the Permittee abandon the individual sewage disposal  
19 system serving the existing residents on the above described real  
20 property in accordance with Section 24.38.080 of the Lincoln Municipal  
21 Code, and that Permittee also abandon the existing water well located  
22 on said real property in accordance with the Lincoln Municipal Code  
23 when public utilities become available.

24 8. That the four tennis courts located south of Old Cheney  
25 Road and east of South 52nd Street be located to provide at least a  
26 30-foot distance between the paved portion of the tennis courts and  
27 the east property line of this community unit plan. The tennis  
28 courts shall not be equipped with area lighting for play after dark;  
29 however, this shall not be construed to prevent low intensity area  
30 lighting.

31 9. That the Permittee be allowed to phase development  
32 based on the approval of the final plats, and each individual phase  
33 shall be governed individually by the conditions of this resolution.

34 10. That no development or construction whatsoever for this  
35 proposed community unit plan shall proceed until the same has  
36 been approved by the Superintendent of Building Inspections for the

2490

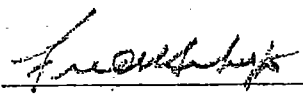
01 City of Lincoln, and that no dwelling units within this community  
02 unit plan shall be occupied or used until said Superintendent of  
03 Building Inspections has found that the Permittee has complied with  
04 all the terms, conditions and requirements of the City Council set  
05 forth herein.

06 11. That Resolution No. 60993 approving Special Permit  
07 No. 697, Resolution No. A-62328 approving Special Permit No. 633A,  
08 and Resolution No. A-59794 approving Special Permit No. 633 are  
09 hereby rescinded and shall be null and void and of no force and  
10 effect upon the approval of this Special Permit No. 755.

11 12. That within 30 days from the date of this resolution,  
12 Permittee shall properly execute the Letter of Acceptance and file  
13 the same with the City Clerk evidencing its unqualified acceptance  
14 of all the terms, conditions, and requirements herein set forth,  
15 otherwise Special Permit No. 755 herein granted shall be null  
16 and void and of no force and effect.

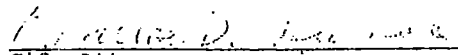
17 13. That all terms, conditions and requirements of the special  
18 permit granted herein shall be binding and obligatory on the Permittee,  
19 its successors and assigns. Within 40 days from the effective date  
20 of this resolution, City shall cause a certified copy of said  
21 resolution together with a certified copy of the executed Letter of  
22 Acceptance to be filed in the Office of the Register of Deeds for  
23 Lancaster County, Nebraska. The cost of said filing shall be paid  
24 by Permittee.

Introduced by:

  
\_\_\_\_\_

Approved as to Form and Legality:

All present - All ayes

  
\_\_\_\_\_  
City Attorney

**ADOPTED**

Staff Review Completed:

**APPROVED** MAY 27 1976

  
\_\_\_\_\_  
Administrative Director

JUN 1 - 1976 By City Council

  
\_\_\_\_\_  
MAYOR

2470

APPENDIX "A"

City Council  
City of Lincoln  
Lincoln, Nebraska

Re: Letter of Acceptance  
Special Permit No.

TO THE CITY COUNCIL:

I, Walter H. Hall <sup>W. H. Hall</sup> Applicant  
under Special Permit No. 755, granted by Resolution No.  
A- 1.276.8, adopted by the City Council on Dec. 24 1926  
19 26, 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 require-  
ments therein.

Walter H. Hall  
Applicant  
Walter H. Hall

C E R T I F I C A T E

STATE OF NEBRASKA )

COUNTY OF LANCASTER )

CITY OF LINCOLN )

I, M. E. Spaedt, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of Res. No. A-627868 and Letter of acceptance

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 2nd day of February, A.D., 19 77.



INDEXED 31=280-300-304-308-316  
MICRO-FILED 34= 77-91-95-97-91-  
GENERAL 35= 109-113-117-121-125-  
129-133-137-141

7=588  
M. E. Spaedt  
F.F.

LANCASTER COUNTY REGR.  
Kenneth L. Ferguson  
REGISTER OF DEEDS  
1977 FEB-2 AM 10:24

ENTERED ON  
NUMERICAL INDEX  
FILED FOR RECORD AS:

INST. NO. 77- 2470

#23<sup>00</sup>

60510  
Frankie Hall  
111 Pineapple Lane