

\$65.50

Dan Joltz

INST. NO 99

1999 SEP 17 P 4:27

050848

BLOCK
CODE
CHECKED
ENTERED
EDITED

99R-177

Introduce: 6-21-99

RESOLUTION NO. A- 79698

USE PERMIT NO. 117

1 WHEREAS, South Industrial Park, L.L.C.; Security Mutual Life Insurance
2 Company, Lincoln Public Schools, and Gary Pickering and John Rallis have submitted
3 an application in accordance with Section 27.27.080 of the Lincoln Municipal Code
4 designated as Use Permit No. 117 for authority to develop Horizon Business Center
5 consisting of 529,500 sq. ft. of retail, office, and industrial space on property generally is
6 located at South 14th Street and Pine Lake Road, and legally described to wit:

7 A portion of Lots 9 I.T., 39 I.T., all of Lots 38 I.T., 23 I.T., and
8 Lot 22 I.T., all located in Section 23, Township 9 North,
9 Range 6 East of the 6th P.M., Lancaster County, Nebraska,
10 and more particularly described as follows:

11 Beginning at the northeast corner of said Lot 38 I.T., said
12 point being on the south line of Lot 7 I.T., and the true point
13 of beginning; thence on an assumed bearing of south 00
14 degrees 00 minutes 02 seconds east, along the east line of
15 said Lot 38 I.T. and Lot 39 I.T., said line being 50 feet west
16 of and parallel with the east line of said Section 23, a
17 distance of 2199.65 feet to the southeast corner of said Lot
18 39 I.T.; thence south 00 degrees 05 minutes 00 seconds
19 east, along the east line of said Lot 23 I.T., said line being
20 50 feet west of and parallel with the east line of said Section
21 23, a distance of 548.35 feet to the southeast corner of said
22 Lot 23 I.T.; thence south 89 degrees 59 minutes 53 seconds
23 east, along the north line of said Lot 22 I.T., a distance of
24 16.98 feet to the northeast corner of said Lot 22 I.T.; thence
25 south 00 degrees 04 minutes 47 seconds east along the
26 east line of said Lot 22 I.T., said line being 33 feet west of
27 and parallel with the east line of said Section 23, a distance
28 of 637.99 feet to the southeast corner of said Lot 22 I.T.;
29 thence south 89 degrees 55 minutes 48 seconds west,
30 along the south line of said Lot 22 I.T., a distance of 462.43
31 feet to the southwest corner of said Lot 22 I.T.; thence north
32 28 degrees 30 minutes 56 seconds west, along the west line
33 of said Lot 22 I.T., said line being the east right-of-way line

L23, L22 SE 1/4
L9, 39, 38 NE 1/4

2.00 long

City Clerk

1 of the Burlington Northern Santa Fe Railroad, a distance of
2 725.40 feet to the northwest corner of said Lot 22 I.T.;
3 thence north 28 degrees 30 minutes 24 seconds west, along
4 the west line of said Lot 23 I.T., said line being the east
5 right-of-way line of the Burlington Northern Santa Fe
6 Railroad, a distance of 630.92 feet to the northwest corner of
7 said Lot 23 I.T.; thence north 28 degrees 30 minutes 42
8 seconds west, along a west line of said Lot 39 I.T., said line
9 being the east right-of-way line of the Burlington Northern
10 Santa Fe Railroad, a distance of 351.69 feet to a point of
11 deflection; thence north 47 degrees 51 minutes 05 seconds
12 west, along a west line of Lot 39 I.T., said line being the east
13 right-of-way line of the Burlington Northern Santa Fe
14 Railroad, a distance of 75.63 feet to a point of deflection;
15 thence north 28 degrees 30 minutes 42 seconds west, along
16 a west line of said Lot 39 I.T., and Lot 9 I.T., said line being
17 the east right-of-way line of the Burlington Northern Santa
18 Fe Railroad, a distance of 1319.59 feet to a point of
19 deflection; thence north 14 degrees 07 minutes 38 seconds
20 east, along a west line of said Lot 9 I.T., said line being the
21 east right-of-way line of the Burlington Northern Santa Fe
22 Railroad, a distance of 36.91 feet to a point of deflection;
23 thence north 28 degrees 30 minutes 42 seconds west, along
24 a west line of said Lot 9 I.T., said line being the east right-of-
25 way line of the Burlington Northern Santa Fe Railroad, a
26 distance of 1062.35 feet to a point of deflection; thence
27 south 61 degrees 29 minutes 18 seconds west, along a west
28 line of said Lot 9 I.T., said line being the east right-of-way
29 line of the Burlington Northern Santa Fe Railroad, a distance
30 of 24.92 feet to a point of spiral curvature; thence along a
31 spiral curve to the right, along a west line of said Lot 9 I.T.,
32 said line being the east right-of-way line of the Burlington
33 Northern Santa Fe Railroad, having a chord bearing of north
34 27 degrees 03 minutes 50 seconds west, a chord distance
35 of 207.09 feet, an "X" value of 207.03 and a "Y" value of
36 5.23 to a northwest corner of said Lot 9 I.T.; thence south 89
37 degrees 51 minutes 27 seconds east, along the north line of
38 said Lot 9 I.T., and Lot 38 I.T., a distance of 2369.36 feet to
39 a northeast corner of said Lot 38 I.T.; thence south 00
40 degrees 00 minutes 12 seconds west, along an east line of
41 said Lot 38 I.T., a distance of 459.67 feet to a point; thence
42 south 89 degrees 44 minutes 04 seconds east, along the
43 north line of said Lot 38 I.T., a distance of 189.88 feet to the
44 true point of beginning; said tract contains a calculated area
45 of 130.78 acres, or 5,697,102 square feet, more or less;

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

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

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

8 That the application of South Industrial Park, L.L.C.; Security Mutual Life
9 Insurance Company, Lincoln Public Schools, and Gary Pickering and John Rallis,
10 hereinafter referred to as "Permittees", to develop Horizon Business Center on the
11 property legally described above be and the same is hereby granted under the
12 provisions of Section 27.51.100 of the Lincoln Municipal Code upon condition that
13 construction and operation of said business center be in strict compliance with said
14 application, the site plan, and the following additional express terms, conditions, and
15 requirements:

- 16 1. This permit approves 529,500 square feet of floor area.
- 17 2. Dock areas adjacent to railroad tracks shall comply with the
18 Parking Lot Lighting Design Standards for Parking Lots from the Design Standards for
19 Zoning Regulations in order to reduce the amount of lighting in the area nearest
20 Wilderness Park. ~~Said~~ Any lighting for the dock areas or in the western 300 feet of the
21 permit shall contain sharp cut off shields and all light fixtures located on free standing
22 poles shall face away from Wilderness Park.

1 3. Before receiving building permits the Permittees must amend the
2 landscape plan to (a) incorporate Exhibit "A", which is attached hereto and incorporated
3 herein by this reference, showing a detailed cross section for the 40 foot native
4 vegetation buffer area along the west boundary of the property; and (b) show additional
5 ~~vegetation~~ native trees to be planted in Wilderness Park to fill in areas to provide a one
6 hundred percent (100%) screen of the vertical plane extending along the entire length
7 of Horizon Business Center (excluding the school site) and from six feet (6') ~~the ground~~
8 ~~elevation~~ to a height of twenty ~~ten~~ feet (20) above the adjacent ground elevation from
9 the closest designated trail located in Wilderness Park to the satisfaction of the Parks
10 and Recreation Department; and (c) show additional native trees to be planted along
11 the west side of the property that together with the trees that are shown to remain
12 provides a one hundred percent (100%) screen of the vertical plane extending along the
13 entire length of Horizon Business Center (excluding the school site) and from six feet
14 (6') to a height of twenty feet (20') above the adjacent ground elevation.

15 4. Before receiving a building permit on any lot containing a service
16 station or a convenient store with gas pumps, Permittees shall file a protective covenant
17 on said lot with the Register of Deeds that states any lighting placed on said lot shall not
18 exceed the Service Station (at grade) standard set forth in the Illuminating Engineering
19 Society of North America (IESNA) Lighting Handbook (Reference & Application) 8th
20 Edition.

21 5. Before receiving building permits the Permittees must submit a
22 permanent reproducible final site plan as approved.

1 6. Before receiving building permits the Permittees must install a drop
2 structure of stone or other similar materials that meets Natural Resources Conservation
3 Service standards near the confluence of Salt Creek & the tributary that collects and
4 deposits the stormwater runoff from Horizon Business Center into Salt Creek to the
5 satisfaction of the Public Works Department and Parks Department.

6 7. Before receiving building permits the Permittees must amend the
7 site plan as shown on Exhibit "B", which is ^{on file in the Office of the City Clerk} ~~attached hereto and incorporated herein by~~
8 ~~this reference.~~

9 8. In order to address other minor individual impacts to Wilderness
10 Park, the Permittees agree, before receiving building permits, to contribute Twenty
11 Thousand Dollars (\$20,000) to the City of Lincoln to be used for the acquisition of
12 additional real estate interests for Wilderness Park and/or improvements within
13 Wilderness Park.

14 9. Before receiving certificate of occupancy the Permittees must
15 submit to the Planning Department the approved Letter of Map Revision (LOMR) from
16 FEMA.

17 10. Before occupying any building, all development and construction
18 must conform to the approved plans.

19 11. All privately-owned improvements, including landscaping, must be
20 permanently maintained by the owner.

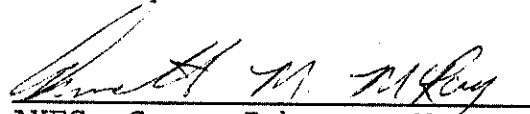
21 12. The site plan approved by this permit shall be the basis for all
22 interpretations of setbacks, yards, locations of buildings, location of parking and
23 circulation elements, and similar matters.

1 13. The terms, conditions, and requirements of this resolution shall be
2 binding and obligatory upon the Permittees, their successors and assigns. The building
3 official shall report violations to the City Council which may revoke this use permit or
4 take action as may be necessary to gain compliance.

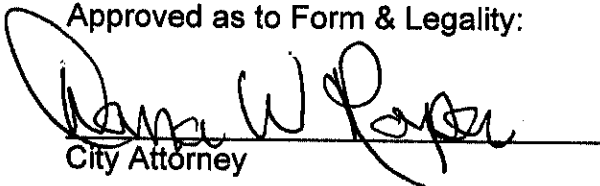
5 14. The Permittees shall sign and return the City's letter of acceptance
6 to the City Clerk within 30 days following approval of this use permit, provided, however,
7 said 30-day period may be extended up to six months by administrative amendment.
8 The City Clerk shall file a copy of the resolution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

(See Council Proceedings on
next page.)

Introduced by:


AYES: Camp, Johnson, McRoy,
Seng, Shoecraft;
NAYS: Cook, Fortenberry.

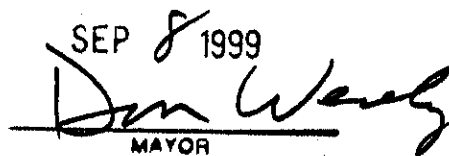
Approved as to Form & Legality:


City Attorney

Staff Review Completed:


Administrative Assistant

APPROVED

SEP 8 1999

MAYOR

ADOPTED

AUG 30 1999

By City Council

99R-177

6/28/99 Council Proceedings:

COOK Moved to continue Pub. Hearing for 1 week to 7/6/99 with Action on 7/12/99.
Seconded by McRoy & carried by the following vote: AYES: Cook, Fortenberry,
McRoy, Seng, Shoecraft; NAYS: Camp, Johnson.

7/12/99 Council Proceedings:

JOHNSON Moved to delay action on Bill 99R-177 until 8/30/99.
Seconded by Cook & carried by the following vote: AYES: Cook, Fortenberry,
Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.

8/23/99 Council Proceedings:

JOHNSON Moved to remove Bill 99R-177 from Pending for Action on 8/30/99.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

8/30/99 Council Proceedings:

JOHNSON Moved to amend Bill 99R-177 by substituting paragraphs 1 thru 9 with new
paragraphs 1 thru 14 as shown in the attached amendment.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MOTION TO AMEND

I hereby move to amend the additional express terms, conditions, and requirements of Resolution No. A- 79698, Use Permit No. 117 (99R-177) to read as follows:

1. This permit approves 529,500 square feet of floor area.

2. Dock areas adjacent to railroad tracks shall comply with the Parking Lot Lighting Design Standards for Parking Lots from the Design Standards for Zoning Regulations in order to reduce the amount of lighting in the area nearest Wilderness Park. Said Any lighting for the dock areas or in the western 300 feet of the permit shall contain sharp cut off shields and all light fixtures located on free standing poles shall face away from Wilderness Park.

3. Before receiving building permits the Permittees must amend the landscape plan to (a) incorporate Exhibit "A", which is attached hereto and incorporated herein by this reference, showing a detailed cross section for the 40 foot native vegetation buffer area along the west boundary of the property, and (b) show additional vegetation native trees to be planted in Wilderness Park to fill in areas to provide a one hundred percent (100%) screen of the vertical plane extending along the entire length of Horizon Business Center (excluding the school site) and from six feet (6') the ground elevation to a height of twenty feet (20') above the adjacent ground elevation from the closest designated trail located in Wilderness Park to the satisfaction of the Parks and Recreation Department, and (c) show additional native trees to be planted along the west side of the property that together with the trees that are shown to remain provides a one hundred percent (100%) screen of the vertical plane extending along the entire length of Horizon Business Center (excluding the school site) and from six feet (6') to a height of twenty feet (20') above the adjacent ground elevation.

4. Before receiving a building permit on any lot containing a service station or a convenient store with gas pumps, Permittees shall file a protective covenant on said lot with the Register of Deeds that states any lighting placed on said lot shall not exceed the Service Station (at grade) standard set forth in the Illuminating Engineering Society of North America (IESNA) Lighting Handbook (Reference & Application) 8th Edition.

5. Before receiving building permits the Permittees must submit a permanent reproducible final site plan as approved.

6. Before receiving building permits the Permittees must install a drop structure of stone or other similar materials that meets Natural Resources Conservation Service standards near the confluence of Salt Creek and the tributary that collects and deposits the stormwater runoff from Horizon Business Center into Salt Creek to the satisfaction of the Public Works Department and Parks Department.

7. Before receiving building permits the Permittees must amend the site plan as shown on Exhibit "B", which is attached hereto and incorporated herein by this reference.

~~8. In order to address other minor individual impacts to Wilderness Park, the Permittees agree, before receiving building permits, to contribute Twenty Thousand Dollars (\$20,000.00) to the City of Lincoln to be used for the acquisition of additional real estate interests for Wilderness Park and/or improvements within Wilderness Park.~~

94. Before receiving certificate of occupancy the Permittees must submit to the Planning Department the approved Letter of Map Revision (LOMR) from FEMA.

105. Before occupying any building, all development and construction must conform to the approved plans.

116. All privately-owned improvements, including landscaping, must be permanently maintained by the owner.

127. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

138. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittees, their successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take action as may be necessary to gain compliance.

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

Introduced by:



AYES: Camp, Cook, Fortenberry,
Johnson, McRoy, Seng, Shoecraft;
NAYS: None.

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

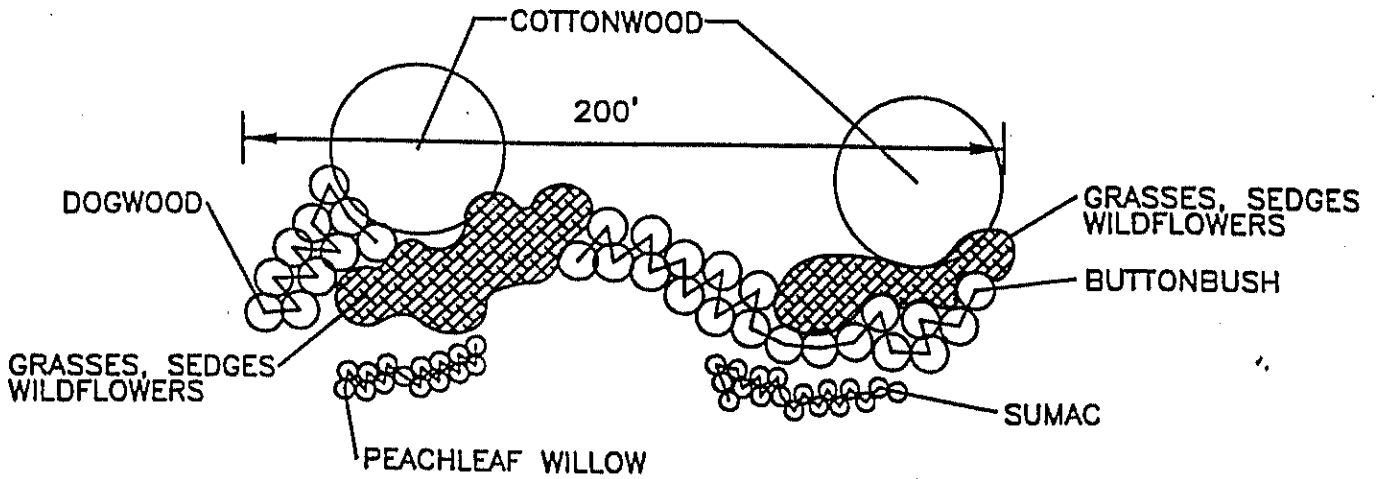
Requested by: _____

ADOPTED

AUG 30 1999

By City Council

Exhibit "A"



SCREEN CONSISTS OF THE FOLLOWING PLANT MATERIALS RANDOMLY PLANTED

- | | |
|------------------|------------------|
| COTTONWOOD | RED TOP |
| GRAY DOGWOOD | BIG BLUE STEM |
| PEACHLEAF WILLOW | VIRGINIA WILDRYE |
| FRAGRANT SUMAC | CANADA WILDRYE |
| BUTTONBUSH | SWITCHGRASS |

TYPICAL SCREENING DETAIL

SCALE: 1"=50'

1. 105014 CIV. ENGINEERING 11/18/86 7299 110445

HORIZON BUSINESS CENTER

OLSSON ASSOCIATES

CONSULTING ENGINEERS

1111 Lincoln Mall, P.O. Box 84608, Lincoln, NE 68507

BUFFER
7/2/99

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

TO THE CITY COUNCIL:

We, the undersigned, referred to as "Permittees" under Use Permit No. 117, granted by Resolution No. A-79698, adopted by the City Council of the City of Lincoln on August 30, 1999, do hereby certify that we have thoroughly read said resolution, understand the contents thereof, and do hereby accept without qualification all of the terms, conditions and requirements therein.

Dated the 16 day of September, 1999

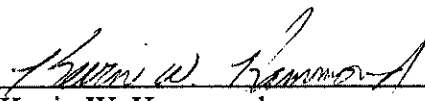
SOUTH INDUSTRIAL PARK LLC,
a Nebraska limited liability company


By: Lin-Keo Investment Co., L.L.C., a Nebraska
limited liability company, Manager

By: Donald W. Linscott
Donald W. Linscott, Member

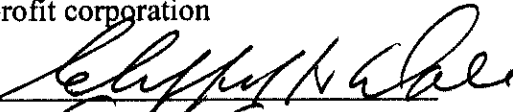
By: Michelle E. Keogh
Michelle E. Keogh, Member

**THE SECURITY MUTUAL LIFE
INSURANCE COMPANY OF LINCOLN,
NEBRASKA, a Nebraska corporation**

By: 
Kevin W. Hammond
Vice President

By: 
William R. Schmeckle,
Second Vice President

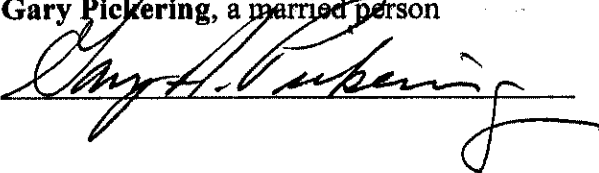
**LINCOLN SCHOOL DISTRICT
LEASING CORPORATION, a Nebraska
nonprofit corporation**

By: 
Title: Asset Super.

John Rallis, a married person



Gary Pickering, a married person



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. 117** approved by Resolution No. A-79698 adopted by the City Council on August 30, 1999, 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 September, 1999.


Joan E. Ross
Deputy City Clerk