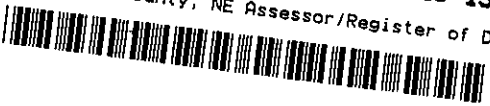


\$37.00
TABITHA
WIGA
PETPL

Inst # 2010003982 Thu Jan 28 13:56:54 CST 2010
Filing Fee: \$37.00
Lancaster County, NE Assessor/Register of Deeds
cpotsc
Office
Pages 6 RESOL



RESOLUTION NO. PC- 01186

SPECIAL PERMIT NO. 384G

1 WHEREAS, Tabitha, Inc. has submitted an application designated as
2 Special Permit No. 0384G for authority to add a 12 bed hospice care facility and expand
3 the Tabitha campus to include two 12 bed assisted living units on property generally
4 located northwest of the intersection of South 48th Street and Randolph Street and legally
5 described as:

6 Lots 1 and 2, Tabitha Addition; Lot 99 south 40', Lot 100, Lot
7 101 south 60', Lot 102, Lot 114 except the south 60', Lot 115
8 south 45' and north 75', Lot 116 north half and south 60', Lots
9 117 and 119, Witherbee Gardens; Lots 8-10, Peterson Place,
10 all located in the Northwest Quarter of Section 29, Township
11 10 North, Range 7 East of the 6th P.M., Lancaster County,
12 Nebraska;

13 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
14 held a public hearing on said application; and

15 WHEREAS, the community as a whole, the surrounding neighborhood, and
16 the real property adjacent to the area included within the site plan for this 12 bed hospice
17 care facility and expansion of the Tabitha campus for two 12 bed assisted living units, will
18 not be adversely affected by granting such a permit; and

Return to:
Teresa @ City Clerk

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

5 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster
6 County Planning Commission of Lincoln, Nebraska:

7 That the application of Tabitha, Inc., hereinafter referred to as "Permittee", to
8 add a new 12 bed hospice care facility and an expansion of the campus to include two 12
9 bed assisted living units, be and the same is hereby granted under the provisions of
10 Section 27.63.080 of the Lincoln Municipal Code upon condition that operation of said
11 hospice care facility and assisted living units be in substantial compliance with said
12 application, the site plan, and the following additional express terms, conditions, and
13 requirements:

14 1. This approval permits a new 12 bed hospice care facility and an
15 expansion of the campus to include two 12 bed assisted living units.

16 2. Before receiving building permits, the Permittee shall:

17 a. Cause to be prepared and submitted to the Planning
18 Department a revised and reproducible final plot plan including
19 5 copies showing the following revisions:

20 i. Show the north setback for the existing north parking lot.

21 ii. Show a 10' setback from the rear lot line to the new
22 parking lot between the dwellings in the Northwest Area
23 and to include a 6' solid fence and provide 80%
24 evergreen landscaping from 6' to 12' high in the 10'
25 setback west of the parking, as shown on the site plan.

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- iii. Increase the side yard setback along the north lot line for the northmost assisted living dwelling to 20'.
- iv. Revise Note #1 to include the statement: A 10' tall, 100% landscape screen shall be provided along the north lot line of the northmost assisted living dwelling located west of South 47th Street and north of J Street.
- v. Revise the term "green house" to another which does not conflict with the Zoning Ordinance.
- vi. Show the sanitary sewer and manhole to the satisfaction of Public Works.

b. The construction plans substantially comply with the approved plans.

3. Before occupying buildings, all development and construction shall substantially comply with the approved plans.

4. All privately-owned improvements, including landscaping and screening, are to be permanently maintained by the Permittee.

5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

6. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

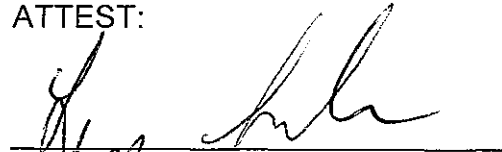
7. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of

1 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
2 Permittee.

3 8. The site plan as approved with this resolution voids and supersedes
4 all previously approved site plans, however all prior resolutions approving this permit
5 remain in full force and effect except as specifically amended by this resolution.

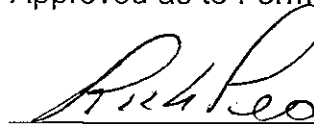
6 The foregoing Resolution was approved by the Lincoln City-Lancaster
7 County Planning Commission on this 16 day of December, 2009.

ATTEST:



Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 384G**
(Tabitha - South 48th and Randolph Streets)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 384G**, granted by **Resolution No. PC-01186**, adopted by the Lincoln City-Lancaster County Planning Commission on December 16, 2009, hereby files this Letter of Acceptance and certifies to the City of Lincoln that the Permittee is fully aware of and understands all the conditions of said Resolution and that Permittee consents to and agrees to comply with the same.

Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Special Permit.

DATED the 6 day of January, 2009¹⁰.

TABITHA, INC., Permittee

By Christina R. Hinrichs
Title: Interim President/CEO

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss.

The foregoing Instrument was acknowledged before me this 6 day of January, 2009, by Christina R. Hinrichs, President of Tabitha, Inc., a Nebraska corporation.



Janice K. Haynes
Notary Public

CERTIFICATE

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

I, Teresa J. Meier, 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 384G** as adopted and approved by **Resolution No. PC-01186** of the Lincoln City-Lancaster County Planning Commission at its meeting held **December 16, 2009** 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 21st day of December, 2009.

Teresa J. Meier
Deputy City Clerk

