

RESOLUTION NO. A- **68299**

## SPECIAL PERMIT NO. 384A

01 WHEREAS, Dean Tiemann, for Tabitha Home, has submitted an application desig-  
02 nated as Special Permit No. 384A for authority to operate a preschool or daycare center on  
03 property generally located at South 46th and "J" Streets, and legally described to wit:

04 The north 150 feet of the west 200 feet of Lot 22 Irregular Tract,  
05 Section 29, Township 10 North, Range 7 East, Lincoln, Lancaster  
06 County, Nebraska.

07 WHEREAS, the real property adjacent to the area included within the plot plan for  
08 this preschool or daycare center will not be adversely affected; and

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

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

14 That the application of Tabitha Home, hereinafter referred to as "Permittee," to  
15 operate a preschool or daycare center be and the same is hereby granted under the provisions of  
16 Sections 27.17.040(b) and 27.63.070 of the Lincoln Municipal Code upon condition that opera-  
17 tion of said preschool or daycare center be in strict compliance with said application, the plot  
18 plan, and the following additional express terms, conditions, and requirements:

19 1. That the property is developed in accordance with the approved plot plan.  
20 2. That prior to occupancy and use of the building for preschool purposes, the appli-  
21 cant obtains the necessary permits from the Health Department of the City of Lincoln and be in  
22 complete compliance with Chapter 5.44 of the Lincoln Municipal Code.

23 3. That the applicant meets the requirements of the State of Nebraska for operat-  
24 ing a child care center, or submits a letter of exemption from the State of Nebraska to such re-  
25 quirements for a daycare center.

26 4. That no development or construction of the proposed special permit shall pro-  
27 ceed until the same has been approved by the Building Official of the City of Lincoln; and the  
28 building shall not be occupied or otherwise used until said Building Official has found that  
29 permittee has complied with all the terms, conditions, and requirements of the City in author-  
30 izing the special permit.

31 5. That the permittee, its successors and assigns, agree that if the Building Official  
32 finds at any time that the terms, conditions, and requirements of this special permit have not  
33 been complied with, or that any phase thereof has not been completed as required under said  
34 special permit or any administrative amendment thereto, the Building Official shall report this  
35 fact to the City Council which may, after a hearing of which the permittee shall be notified,  
36 revoke such special permit for failure to comply with such terms, conditions, and requirements,  
37 or take such other action as it may deem necessary to obtain compliance.

38 6. Within thirty (30) days from the adoption of this resolution, permittee shall  
39 properly execute the Letter of Acceptance attached hereto as Appendix "A" and file the Letter  
40 with the City Clerk, evidencing the permittee's unqualified acceptance of all the terms, condi-  
41 tions, and requirements of this resolution and permit. If the permittee fails to so execute and  
42 file the Letter of Acceptance, then the City Clerk shall inform the City Council and the permit-  
43 tee of such failure, and this special permit may be declared void and revoked by the City  
44 Council. The permittee may request an administrative amendment to the Planning Director for  
45 an extension of time in which to file the Letter of Acceptance, but not to exceed six (6) months  
46 from approval of this resolution.

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7. That all the terms, conditions, and requirements of this special permit herein granted shall be binding and obligatory on permittee, its successors, and assigns. That within ten (10) days from the date the Letter of Acceptance is filed, the City Clerk shall cause a certified copy of said executed Letter of Acceptance to be filed in the Office of the Register of Deeds for Lancaster County, filing fees shall be paid in advance by permittee.

Introduced by:

Margaret Ahlschwede

Approved as to Form and Legality:

Vote: AYES: Ahlschwede, Danley,  
Frohardt, Hampton,  
Shackelford, Steinman;  
NAYS: None; ABSENT:  
Youngberg.

William J. Hester  
City Attorney

Staff Review Completed:

E. Hester  
Administrative Director

APPROVED ADOPTED

AUG 31 1982

AUG 23 1982

John B. ...  
MAYOR

By City Council

15423

APPENDIX "A"

City Council  
City of Lincoln  
Lincoln, Nebraska

Re: Letter of Acceptance  
Special Permit No. 384A

TO THE CITY COUNCIL:

I, CLYDE J. CHRISTMAS, President or authorized representative of TABITHA HOME, herein called Permittee under Special Permit No. 384A, granted by Resolution No. A-68299, adopted by the City Council of the City of Lincoln, Nebraska, on August 23, 1982, 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 HOME

Clyde Christmas Jr  
President/authorized representative

Dec 9/30/82

C E R T I F I C A T E

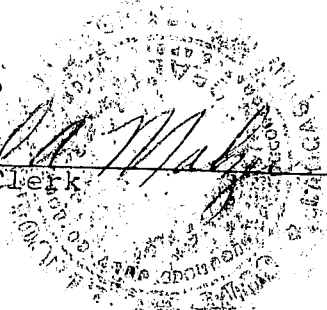
STATE OF NEBRASKA :  
COUNTY OF LANCASTER :  
CITY OF LINCOLN :

I, Paul A. Malzer, City Clerk of the City of Lincoln, Nebraska, do certify that the above and foregoing is a true and correct copy of RESOLUTION NO. A-68299 AND LETTER OF ACCEPTANCE (S.P. # 384 A)

as passed and approved by the City Council of the City of Lincoln, Nebraska, at its meeting held AUGUST 23, 1982 as the original appears of record in my 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 5th day of OCTOBER <sup>82</sup>, 1980.

*Paul A. Malzer*  
City Clerk



INDEXED  
MICRO-FILED  
GENERAL

*7/12 - 302-A  
misc*

LANCASTER COUNTY NEBR.  
*Richard S. Thompson*  
REGISTER OF DEEDS

1982 OCT -5 PM 1:23

ENTERED ON  
NUMERICAL INDEX  
FILED FOR RECORD AS:

INST. NO. 82- 15463

\$12.25