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MONSTER COUNTY, NE

INST. NO 2004

001265 JRES

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8-56

03R-341

Introduce: 12-8-03

RESOLUTION NO. A- 82508

SPECIAL PERMIT NO. 1423H

WHEREAS, Hampton Enterprises on behalf of Jackie Snyder has submitted an application designated as Special Permit No. 1423H for authority to amend HiMark Estates Community Unit Plan to add 26 single family attached units in Lot 11, Block 4, HiMark Estates 1st Addition for a total of 585 dwelling units, including waivers to the required intersection separation, minimum lot area, side yard setback, minimum width for major street, and the preliminary plat process, on property generally located at South 90th Street and Old Cheney Road, and legally described to wit:

Lots 1-9, Block 1, Lots 1-6, Block 2, Lots 2-17, Block 3, Lots 1-12, Block 4, Outlots A, B, C, D, E, and F, HiMark Estates Addition; Lots 1 and 2, Block 1, Lots 1-9, Block 2, Lots 1-4, Block 3, Lots 1-11, Block 4, Outlots C, D, and E, HiMark Estates 1st Addition; Lots 1-24 and 26-39, Outlot A, HiMark Estates 2nd Addition; Lots 1-16, Block 1, Lots 1-14, Block 2, Lots 1-6, Block 3, Outlots A, B, C, and G, HiMark Estates 3rd Addition; Lots 1-4, Outlot A, HiMark Estates 4th Addition; Block 1, HiMark Estates 5th Addition; Lots 1-4, Block 2, HiMark Estates 5th Addition Corrected; Lots 1-3, Block 1, Lots 1-4, Block 2, Lots 1-5, Block 3, Outlot A, HiMark Estates 6th Addition; Lots 1-4, Outlots A and B, HiMark Estates 7th Addition; Lots 1-24, Block 1, Outlots A and B, Iron Gate Estates, all located in Section 11, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the community unit plan will not be adversely affected; and

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

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

City Clerk-Somn

1 That the application of Hampton Enterprises on behalf of Jackie Snyder,
2 hereinafter referred to as "Permittee", to amend HiMark Estates Community Unit Plan to add 26
3 single family attached units in Lot 11, Block 4, HiMark Estates 1st Addition for a total of 585
4 dwelling units, on the property legally described above, be and the same is hereby granted under
5 the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon
6 condition that construction and operation of said community unit plan be in strict compliance with
7 said application, the site plan, and the following additional express terms, conditions, and
8 requirements:

- 9 1. This permit approves a total of 585 dwelling units.
- 10 2. The R-3 Residential District 5,000 square feet minimum lot area is waived
11 for Lots 13-20, Block 6 as shown on the Community Unit Plan to allow these lots to have a
12 minimum lot area of 4,800 square feet.
- 13 3. The required non-common wall side yard setback of 10 feet is waived for
14 Lots 1-26, Block 6, as shown on the Community Unit Plan to allow these lots to have a non-
15 common wall side yard setback of 0 feet, provided there is a minimum 10 foot separation
16 between buildings.
- 17 4. The Land Subdivision Ordinance requirement that a final plat may not be
18 filed without an approved preliminary plat is waived for the area of this application. The approved
19 community unit plan shall serve the purpose of a preliminary plat for the area of this amendment.
20 Final plats in this area may be approved based upon the approved community unit plan.
- 21 5. The waiver of the filing of a preliminary plat for the area of this application
22 and the approval of this community unit plan in lieu of a preliminary plat shall only be effective for
23 a period of ten (10) years from the date of approval of this amendment, and shall be of no force
24 or effect thereafter. If any final plat on all or a portion of the approved community unit plan for the
25 area of this application is submitted five (5) years or more after the date of approval, the City

1 may require that a new community unit plan for said area be submitted, pursuant to all the
2 provisions of Section 26.31.015. A new community unit plan may be required if the subdivision
3 ordinance, the design standards, or the required improvements have been amended by the City
4 and as a result, the community unit plan as originally approved does not comply with the
5 amended rules and regulations.

6 6. Before receiving building permits:

7 a. The Permittee must submit one original and five copies of the
8 plans as approved.

9 b. Final Plats within the area of this community unit plan must be
10 approved by the City.

11 c. The construction plans must conform to the approved plans.

12 7. Before occupying the dwelling units all development and construction
13 must be completed in conformance with the approved plans.

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

17 9. The terms, conditions, and requirements of this resolution shall be binding
18 and obligatory upon the Permittee, its successors, and assigns. The building official shall report
19 violations to the City Council which may revoke the special permit or take such other action as
20 may be necessary to gain compliance.

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

1 11. The site plan approved with this resolution voids and supersedes all
2 previously approved site plans, however all resolutions approving previous permits remain in
3 force unless specifically amended by this resolution.

Introduced by:

Jonathan Cook

Approved as to Form & Legality:

Dana W. Pope
City Attorney

AYES: Camp, Cook, Friendt,
McRoy, Newman, Svoboda,
Werner; NAYS: None.

Approved this ____ day of _____, 2003:

Mayor

ADOPTED
DEC 15 2003
TROY CITY COUNCIL

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, Joseph R. Hampton the undersigned representative(s) of **HAMPTON ENTERPRISES ON BEHALF OF JACKIE SNYDER**, Permittee(s) in **Special Permit 1423H** granted by **Resolution A-82508** adopted by the City Council of the City of Lincoln, Nebraska, on **Dec. 15, 2003** 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.

Dated this 31 day of December, 2003.

Joseph R. Hampton
HAMPTON ENTERPRISES

CERTIFICATE

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

I, Joan E. Ross, City Clerk of the City of Lincoln, Nebraska, hereby certify that the foregoing is a true and correct copy of **Special Permit No. 1423H** as approved by **Resolution No. A-82508** of the Lincoln City Council on December 15, 2003, as the original appears of record in my said office.

In Witness Whereof, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, January 7, 2004.


Joan E. Ross, City Clerk



certify.jer

Ret to City Clerk