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p.m.m.

Introduce: 9-6-94

RESOLUTION NO. A- 76359

SPECIAL PERMIT NO. 622B

1 WHEREAS, Daugherty Construction, Inc. has submitted an application
2 designated as Special Permit No. 622B for authority to amend an existing
3 community unit plan for authority to develop 16 two family dwellings (32 units),
4 38 townhouses units and 308 multiple dwelling units on property located at W. "S"
5 and N. Coddington, and legally described to wit:

6 Lot 99 and part of Lot 100, Irregular Tracts located in
7 Section 21, Township 10 North, Range 6 East of the 6th
8 P.M., Lancaster County, Nebraska, and more particularly
9 described by metes and bounds as follows:

10 Referring to the center one-sixteenth corner of the
11 Southwest Quarter of Section 21, Township 10 North,
12 Range 6 East of the 6th P.M., Lancaster County,
13 Nebraska; thence north 00 degrees 00 minutes 30 seconds
14 east, (an assumed bearing), and on the west line of the
15 Northeast Quarter of the Southwest Quarter of said
16 Section 21, a distance of 33.00 feet to a point on the
17 north right-of-way line of West "S" Street and the
18 southwest corner of Lot 100 Irregular Tract of said
19 Section 21 and also the point of beginning; thence
20 continuing on the last described course, north 00
21 degrees 00 minutes 30 seconds east, a distance of 89.67
22 feet to a point on the easterly right-of-way line of
23 U.S. Interstate Highway 80 and also said point is on the
24 westerly line of Lot 100 Irregular Tract of said Section
25 21; thence north 27 degrees 13 minutes 11 seconds east,
26 and on the easterly right-of-way line of said U.S.
27 Interstate Highway 80 and also on the westerly line of
28 Lots 99 and 100 Irregular Tracts of said Section 21, a
29 distance of 1402.88 feet to the northwesterly corner of
30 Lot 99 Irregular Tract of said Section 21; thence south
31 62 degrees 46 minutes 56 seconds east, and on the
32 northerly line of Lot 99 Irregular Tract of said Section
33 21, a distance of 158.16 feet to a point on the westerly
34 right-of-way line of West Lakeshore Drive; thence south
35 62 degrees 44 minutes 43 seconds east, and on the
36

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northerly line of Lot 99 Irregular Tract of said Section 21, a distance of 39.94 feet to a point on the easterly right-of-way line of said West Lakeshore Drive and also said point is the northeasterly corner of Lot 99 Irregular Tract of said Section 21 and also to a point on a curve to the right; thence on a curve to the right and also on the easterly line of Lot 99 Irregular Tract of said Section 21, having a radius of 154.15 feet, an arc length of 126.07 feet, and a central angle of 46 degrees 51 minutes 29 seconds, with a chord bearing of south 50 degrees 38 minutes 34 seconds west, a chord distance of 122.58 feet to a point on the easterly right-of-way line of Coddington Street and also the point of tangency; thence south 74 degrees 03 minutes 43 seconds west, and on the easterly line of Lot 99 Irregular Tract of said Section 21, a distance of 79.89 feet to a point on the westerly right-of-way line of said Coddington Street; thence south 15 degrees 58 minutes 18 seconds east, and on the easterly line of Lot 99 Irregular Tract of said Section 21 and also on the westerly right-of-way line of said Coddington Street, a distance of 414.42 feet; thence north 73 degrees 56 minutes 06 seconds east, and on the easterly line of Lot 99 Irregular Tract of said Section 21 and also on the westerly right-of-way line of said Coddington Street and also on the easterly line of Lot 99 Irregular Tract of said Section 21, a distance of 7.03 feet to a point on a curve to the left; thence on a curve to the left and on the westerly right-of-way line of said Coddington Street, having a radius of 368.62 feet, an arc length of 178.05 feet, and central angle of 27 degrees 40 minutes 29 seconds, with a chord bearing of south 30 degrees 01 minutes 34 seconds east, a chord distance of 176.32 feet to a point on the easterly line of Lot 99 Irregular Tract of said Section 21; thence south 37 degrees 22 minutes 36 seconds east, and on the easterly line of Lot 99 Irregular Tract of said Section 21 and also on the westerly right-of-way line of said Coddington Street, a distance of 23.77 feet to the southeasterly corner of Lot 99 or the northerly corner of Lot 100 Irregular Tracts of said Section 21; thence north 42 degrees 29 minutes 52 seconds east, and on the westerly right-of-way line of said Coddington Street, a distance of 3.44 feet to a point on a curve to the left; thence on a curve to the left, having a radius of 368.62 feet, an arc length of 2.89 feet, and a central angle of 00 degrees 26 minutes 59 seconds, with a chord bearing of

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1 south 47 degrees 43 minutes 38 seconds east, a chord
2 distance of 2.89 feet to the point of tangency; thence
3 south 47 degrees 57 minutes 08 seconds east, and on the
4 westerly right-of-way line of said Coddington Street, a
5 distance of 404.00 feet to the point of curvature;
6 thence on a curve to the right and on the westerly
7 right-of-way line of said Coddington Street, having a
8 radius of 342.00 feet, an arc length of 287.81 feet, and
9 a central angle of 48 degrees 13 minutes 00 seconds,
10 with a chord bearing of south 23 degrees 50 minutes 38
11 seconds east, a chord distance of 279.39 feet to the
12 point of tangency; thence south 00 degrees 15 minutes 52
13 seconds west, and on the westerly right-of-way line of
14 said Coddington Street, a distance of 43.95 feet to a
15 point on the northerly right-of-way line of said West
16 "S" Street and also said point is on the south line of
17 Lot 100 Irregular Tract of said Section 21; thence south
18 89 degrees 34 minutes 57 seconds west, and on the
19 northerly right-of-way line of said West "S" Street and
20 the south line of Lot 100 Irregular Tract of said
21 Section 21 which is also parallel to the south line of
22 the Northeast Quarter of the Southwest Quarter of said
23 Section 21, a distance of 1286.93 feet to the point of
24 beginning and containing a calculated area of 818,687.33
25 square feet or 18.794 acres, more or less; and

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27 Lot 85, and parts of Lots 65 and 100, Irregular Tracts
28 located in Section 21, Township 10 North, Range 6 East
29 of the 6th P.M., Lancaster County, Nebraska, and more
30 particularly described by metes and bounds as follows:

31 Referring to the east one-sixteenth corner of the
32 Southwest Quarter of Section 21, Township 10 North,
33 Range 6 East of the 6th P.M., Lancaster County,
34 Nebraska; thence north 90 degrees 00 minutes 00 seconds
35 east, (an assumed bearing), and on the south line of the
36 Northwest Quarter of the Southeast Quarter of said
37 Section 21, a distance of 33.00 feet; thence north 00
38 degrees 15 minutes 52 seconds east, a distance of 33.15
39 feet to a point on the north right-of-way line of West
40 "S" Street and easterly right-of-way line of Coddington
41 Street and also said point is on the south line of Lot
42 65 Irregular Tract of said Section 21 and also the point
43 of beginning; thence continuing on the last described
44 course, north 00 degrees 15 minutes 52 seconds east, a
45 distance of 43.41 feet to the point of curvature; thence
46 on a curve to the left and on the easterly right-of-way
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line of said Coddington Street, having a radius of 408.00 feet, an arc length of 343.35 feet, and a central angle of 48 degrees 13 minutes 00 seconds, with a chord bearing of north 23 degrees 50 minutes 38 seconds west, a chord distance of 333.31 feet to the point of tangency; thence north 47 degrees 57 minutes 08 seconds west, and on the easterly right-of-way line of said Coddington Street, a distance of 404.00 feet to the point of curvature; thence on a curve to the right and on the easterly right-of-way line of said Coddington Street, having a radius of 302.62 feet, an arc length of 54.04 feet, and a central angle of 10 degrees 13 minutes 52 seconds, with a chord bearing of north 42 degrees 50 minutes 12 seconds west, a chord distance of 53.97 feet; thence north 52 degrees 28 minutes 17 seconds east, a distance of 6.50 feet to the southwesterly corner of Lot 4, Block 8, Capitol Beach Manor Second Addition, a replat of that part of Lots 49 and 56, Irregular Tracts in the South Half of Section 21, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; thence on the southerly lines of Block 8 of said Capitol Beach Manor Second Addition for the next (4) four courses, north 52 degrees 28 minutes 17 seconds east, a distance of 102.38 feet; thence south 63 degrees 38 minutes 11 seconds east, a distance of 123.20 feet; thence north 53 degrees 59 minutes 01 seconds east, a distance of 50.00 feet; thence north 80 degrees 09 minutes 24 seconds east, a distance of 125.10 feet to the southeasterly corner of Lot 1, Block 8 of said Capitol Beach Manor Second Addition and also said point is on the westerly right-of-way line of N.W. 20th Street; thence north 79 degrees 27 minutes 29 seconds east, a distance of 59.78 feet to the southwesterly corner of Lot 3, Block 7 of said Capitol Beach Manor Second Addition and said point is on the easterly right-of-way line of said N.W. 20th Street; thence on the southerly lines of Block 7 of said Capitol Beach Manor Second Addition for the next (5) five courses, north 80 degrees 05 minutes 01 seconds east, a distance of 95.19 feet; thence south 05 degrees 26 minutes 44 seconds west, a distance of 35.00 feet; thence south 72 degrees 57 minutes 08 seconds east, a distance of 53.57 feet; thence north 21 degrees 33 minutes 38 seconds east, a distance of 19.93 feet; thence south 75 degrees 09 minutes 36 seconds east, a distance of 107.11 feet to the southeasterly corner of Lot 1, Block 7 of said Capitol Beach Manor Second Addition and also said point

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1 is on the westerly right-of-way line of N.W. 19th
2 Street; thence south 38 degrees 41 minutes 17 seconds
3 east, a distance of 80.74 feet to the southwesterly
4 corner of Lot 3, Block 6 of said Capitol Beach Manor
5 Second Addition and also said point is on the easterly
6 right-of-way line of said N.W. 19th Street; thence on
7 the southerly lines of Block 6 of said Capitol Beach
8 Manor Second Addition for the next (4) four courses;
9 south 81 degrees 27 minutes 03 seconds east, a distance
10 of 72.96 feet; thence south 48 degrees 05 minutes 29
11 seconds east, a distance of 75.02 feet; thence north 53
12 degrees 27 minutes 23 seconds east, a distance of 19.98
13 feet; thence south 86 degrees 26 minutes 22 seconds
14 east, a distance of 105.70 feet to the southeasterly
15 corner of Lot 1, Block 6 of said Capitol Beach Manor
16 Second Addition and also said point is on the westerly
17 right-of-way line of N.W. 18th Street; thence north 73
18 degrees 22 minutes 14 seconds east, a distance of 41.00
19 feet to a point on the southerly line of Capitol Beach
20 Manor Second Addition and also to the northeasterly
21 corner of Lot 85 Irregular Tract of said Section 21 and
22 also said point is the northwesterly corner of Capitol
23 Beach Park; thence south 18 degrees 53 minutes 42
24 seconds east, and on the easterly line of Lot 85
25 Irregular Tract of said Section 21 or the westerly line
26 of said Capitol Beach Park, a distance of 72.17 feet;
27 thence south 01 degrees 11 minutes 03 seconds east, and
28 on the easterly line of Lot 85 Irregular Tract of said
29 Section 21 or the westerly line of said Capitol Beach
30 Park, a distance of 264.89 feet to the southwesterly
31 corner of said Capitol Beach Park or the northeasterly
32 corner of Lot 85 Irregular Tract of said Section 21;
33 thence north 68 degrees 47 minutes 28 seconds east, and
34 on the southerly line of said Capitol Beach Park or the
35 northerly line of Lot 85 Irregular Tract of said Section
36 21, a distance of 188.99 feet to the northeasterly
37 corner of Lot 85 or the northwesterly corner of Lot 86
38 Irregular Tracts of said Section 21; thence south 14
39 degrees 11 minutes 30 seconds east, and on the easterly
40 line of Lot 85 or the easterly line of Lot 86 Irregular
41 Tracts of said Section 21, a distance of 214.29 feet;
42 thence south 02 degrees 16 minutes 12 seconds east, and
43 on the easterly line of Lot 85 or the easterly line of
44 Lot 86 Irregular Tracts of said Section 21, a distance
45 of 109.38 feet to the southeasterly corner of Lot 85 or
46 the southwesterly corner of Lot 86 Irregular Tracts of
47 said Section 21 and also said point is on the northerly

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right-of-way line of said West "S" Street; thence north 90 degrees 00 minutes 00 seconds west, and on the southerly line of Lots 65 and 85 Irregular Tracts and parallel to the south line of the Northwest Quarter of the Southeast Quarter of said Section 21 and also on the northerly right-of-way line of said West "S" Street, a distance of 801.69 feet to the point of beginning and containing a calculated area of 552,051.53 square feet or 12.673 acres, more or less; and

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

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

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

9 That the application of Daugherty Construction, Inc., hereinafter
0 referred to as "Permittee", to amend a community unit plan for development and
1 construction of 16 two family dwellings, 38 townhouses and 308 multiple dwelling
2 units be and the same is hereby granted under the provisions of Section 27.63.320
3 and Chapter 27.65 of the Lincoln Municipal Code upon condition that development
4 of said community unit plan be in strict compliance with said application, the
5 plot plan, and the following additional express terms, conditions, and require-
6 ments:

- 7 1. This permit approves a community unit plan consisting of 16 two
8 family dwellings, 38 townhouses and 308 multiple dwelling units.
9 2. Before receiving building permits:

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- a. The permittee must submit a permanent and reproducible final plan showing all revisions, as approved by the City Council.
- b. The permittee shall submit and receive approval on the following:
 - i. A coordinated development and occupancy schedule approved by the Director of Planning.
 - ii. A landscape plan approved by the Director of Planning that:
 - (1) Provides required screening in all parking areas.
 - (2) Indicates preservation of all trees in the vacated West "S" Street right-of-way, except those necessary to construct the proposed garages.
 - (3) Provides at least a 50% screen, from 6' to 15' in height, of multiple dwellings, structures, garages, maintenance buildings, etc. (preservation of trees in the vacated right-of-way may satisfy this requirement).
 - (4) Provides sufficient growing space for all trees.
 - iii. A recreation plan approved by the Director of Planning that:

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- (1) Relocates the eastern most playground to a more central location, east of Coddington Avenue.

- (2) Provides detailed plans for the playground areas.

- iv. Ornamental street light plan for private roadways and pedestrian way easements approved by LES.

- c. The construction plans shall comply with the approved plans.

- d. The required easements as shown on the plan must be recorded with the Register of Deeds.

- e. The City must approve the vacation of West "S" Street from the proposed cul-de-sac west of N. Coddington west to the easterly right-of-way line of I-80.

- f. The original Special Permit 622 site plan shall be revised to reflect the special permit as amended by this Resolution.

3. Before occupying buildings in any Phase, as shown on the approved Phasing Plan, all development and construction shall have been completed in compliance with the approved plans.

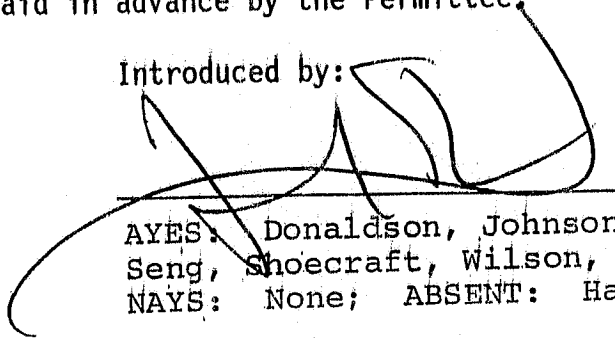
4. All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

5. The terms, conditions, and requirements of this resolution

1 shall be binding and obligatory upon the Permittee, its successors, and assigns.
2 The building official shall report violations to the City Council which may
3 revoke the special permit or take such other action as may be necessary to gain
4 compliance.

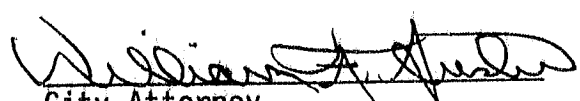
5 6. The Permittee shall sign and return the City's letter of
6 acceptance to the City Clerk within 30 days following approval of the special
7 permit, provided, however, said 30-day period may be extended up to six months
8 by administrative amendment. The City Clerk shall file a copy of the resolution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

Introduced by:

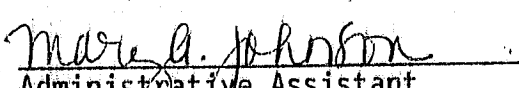


AYES: Donaldson, Johnson,
Seng, Shoecraft, Wilson, Young;
NAYS: None; ABSENT: Haar.

Approved as to Form & Legality:

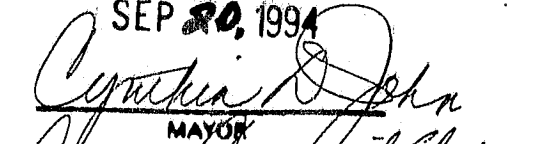
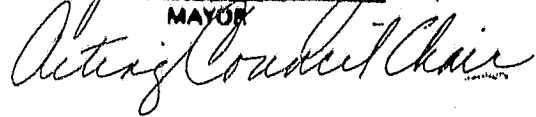

City Attorney

Staff Review Completed:


Administrative Assistant

APPROVED

SEP 20, 1994


MAYOR

Acting Council Chair

ADOPTED

SEP 12 1994

By City Council

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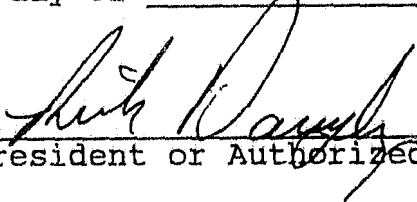
LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I RICK DAUGHERTY, President or authorized representative of Daugherty Construction, Inc. herein called Permittee under Special Permit No. 622B, granted by Resolution No. A-76359, adopted by the City Council of the City of Lincoln, Nebraska, on September 12, 1994, 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 11 day of OCTOBER, 1994.


President or Authorized Representative

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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 **Special Permit No. 622B approved by Resolution No. A-76359** as passed and approved by the Lincoln City Council at its meeting held **September 12, 1994**, 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 12th day of October, 1994.

Joan E. Ross
Deputy City Clerk

NO
SWESCO
[Handwritten signature]

RECORDED
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INST. NO. 94- 44508

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Ret. to City Clerk

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