



05006805

INST. NO 2005

2005 FEB -4 P 4: 13

006805

LANCASTER COUNTY, NE

\$45.50

BLOCK

CODE

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05R-10

Introduce: 1-10-05

RESOLUTION NO. A- **83172**

USE PERMIT NO. 04004

1 WHEREAS, ~~Cameron Corporation~~ <sup>Highlands Townhomes, LLC</sup> has submitted an application in accordance  
 2 with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04004 for  
 3 authority to construct 94 dwelling units in the O-3 Office Park District, one lot for future  
 4 development, and one outlot for open space and private roadways with requests to allow  
 5 sanitary sewers to flow opposite street grades, and to waive the filing of a preliminary plat, on  
 6 property generally located at W. Fletcher Avenue and N.W. 13th Street, and legally described  
 7 to wit:

8 <sup>Block 2 19m</sup>  
 9 Outlot F, Highlands Coalition located in Sections 3 and 4,  
 10 Township 10 North, Range 6 East and Sections 33 and 34,  
 11 Township 11 North, Range 6 East of the 6th P.M., Lincoln,  
 12 Lancaster County, Nebraska;

13 WHEREAS, the real property adjacent to the area included within the site plan  
 14 for this development of 94 dwelling units in the O-3 District will not be adversely affected; and

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

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

20 That the application of Highlands Townhomes LLC  
~~Cameron Corporation~~, hereinafter referred to as  
 21 "Permittee", to construct 94 dwelling units, one lot for future development and one outlot for  
 22 open space on the property legally described above be and the same is hereby granted under  
 23 the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that  
 construction and operation of said development be in strict compliance with said application, the

AMENDED 1/24/05

City Clerk Terisa

1 site plan, and the following additional express terms, conditions, and requirements:

- 2 1. This permit approves 94 dwelling units and two outlots.
- 3 2. The following waivers to the Land Subdivision Ordinance and Design

4 Standards are approved:

- 5 a. The requirement of Section 3.5 of the Sanitary Sewer Design  
6 Standards is waived to allow sewers to flow opposite street  
7 grades.
- 8 b. The requirement of Lincoln Municipal Code § 26.11.020 that a  
9 preliminary plat is required for a subdivision is waived, except that  
10 this waiver of the preliminary plat shall only be effective for a  
11 period of ten years from the date of the this approval, and shall be  
12 of no force or effect thereafter. This waiver is further subject to  
13 the requirement that if any final plat on all or a portion of the  
14 approved use permit is submitted five years or more after the  
15 effective date of the use permit, the City may require that a new  
16 use permit be submitted, pursuant to all the provisions of Section  
17 26.31.015. A new use permit may be required if the subdivision  
18 ordinance, the design standards, or the required improvements  
19 have been amended by the city; and as a result, the use permit as  
20 originally approved does not comply with the amended rules and  
21 regulations.

22 3. Final plats will be approved by the Planning Director after:

- 23 a. The Permittee must submit a revised and reproducible final  
24 plan including 7 copies.
- 25 b. The sidewalks, streets, drainage facilities, street lighting,  
26 landscape screens, street trees, temporary turnarounds and  
27 barricades, and street name signs have been completed or  
28 the Permittee has submitted a bond or an escrow of security  
29 agreement to guarantee their completion.
- 30 c. The Permittee has signed an agreement that binds the  
31 Permittee, its successors and assigns:
  - 32 i. To complete the street paving of all streets shown on  
33 the final plat within two (2) years following the  
34 approval of the final plat.
  - 35 ii. To complete the installation of sidewalks along both  
36 sides of all internal streets and along the west side of  
37 NW 12th/13th Street and the south side of W.

1 Fletcher Avenue as shown on the final plat within four  
2 years following the approval of the final plat.

3 iii. To complete the public water distribution system to  
4 serve this plat within two years following the approval  
5 of the final plat.

6 iv. To complete the public wastewater collection system  
7 to serve this plat within two years following the  
8 approval of the final plat.

9 v. To complete the enclosed drainage facilities shown  
10 on the approved drainage study to serve this plat  
11 within two years following the approval of the final  
12 plat.

13 vi. To complete land preparation including storm water  
14 detention/retention facilities and open drainageway  
15 improvements to serve this plat prior to the installation  
16 of utilities and improvements but not more than two  
17 years following the approval of the final plat.

18 vii. To complete the installation of private street lights  
19 along streets within this plat within two years following  
20 the approval of the final plat.

21 viii. To complete the planting of the street trees along  
22 streets within this plat within four years following the  
23 approval of the final plat.

24 ix. To complete the planting of the landscape screen  
25 within this plat within two years following the approval  
26 of the final plat.

27 x. To complete the installation of the street name signs  
28 within two years following the approval of the final  
29 plat.

30 xi. To submit to the Director of Public Works a plan  
31 showing proposed measures to control sedimentation  
32 and erosion and the proposed method to temporarily  
33 stabilize all graded land for approval.

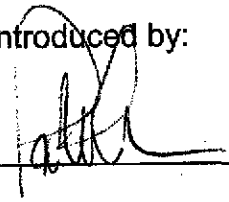
34 xii. To complete the public and private improvements  
35 shown on the preliminary plat and use permit.

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- xiii. To retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the Permittee may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The Permittee shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
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- xiv. To continuously and regularly maintain the street trees along the private roadways and landscape screens.
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- xv. To submit to the lot buyers and home builders a copy of the soil analysis.
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- xvi. To pay all design, engineering, labor, material, inspection, and other improvement costs.
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- xvii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
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- xviii. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
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- xix. To timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.



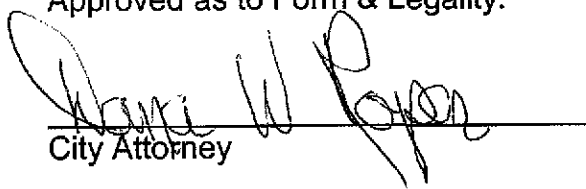
1. permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
2. paid in advance by the Permittee.

Introduced by:




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Approved as to Form & Legality:

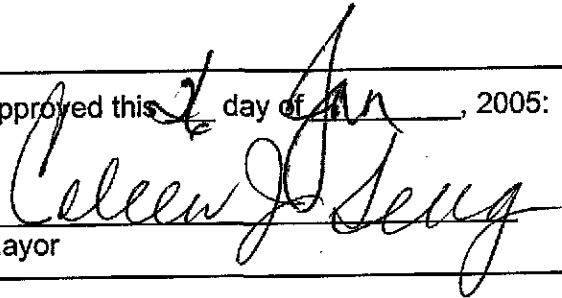



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City Attorney

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

Approved this 2 day of Jan, 2005:




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Mayor

**ADOPTED**  
 JAN 24 2005  
 BY CITY COUNCIL

1/24/05 Council Proceedings:

CAMP Moved to amend Bill No. 05R-10 on page 1, lines 1 and 19 by deleting the words "Cameron Corporation" and inserting the words Highlands Townhomes LLC.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**LETTER OF ACCEPTANCE**

City Council  
City of Lincoln  
Lincoln, Nebraska

To The City Council:

I, Breck Collingsworth the undersigned representative(s) of **Highlands Townhomes, LLC**, Permittee(s) in Use Permit 04004 granted by Resolution A-83172 adopted by the City Council of the City of Lincoln, Nebraska, on Jan. 24, 2005 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 21 day of January, 2005.

  
**Highlands Townhomes, LLC**



# 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 Use Permit 04004 approved by Resolution A-83172 adopted by the City Council on Jan. 24, 2005 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 4<sup>th</sup> day of February, 2005.

*Teresa J. Meier*  
Deputy City Clerk

