



03096431

2003 SEP 23 P 4: 18

INST NO 2003

096431

WYOMING COUNTY, NE

\$40.50

BLOCK

NO
CODE
PILHSY
CHECKED
ENTERED
EDITED

03R-237

Introduce: 8-25-03

RESOLUTION NO. A- 82308
SPECIAL PERMIT NO. 2010

1 WHEREAS, Ridge Development and Southview, Inc. have submitted an application
2 designated as Special Permit No. 2010 for authority to develop Pine Lake Heights South 8th Addition
3 Community Unit Plan for 66 residential units, with requested waivers of the requirement to submit
4 a preliminary plat, that final plats be based upon preliminary plats, that final plats accepting the
5 dedication of public streets and private roadways be heard before the Planning Commission, and
6 requests to waive the required yard setbacks, Community Outdoor Recreation Plan, minimum lot
7 area, pavement width, and cul-de-sac geometry on property generally located northeast of the
8 intersection of South 30th Street and Yankee Hill Road, and legally described to wit:

9 A portion of Outlot E Pine Lake Heights South 4th Addition, located in
10 the Southwest Quarter of Section 19, Township 9 North, Range 7
11 East of the 6th P.M., City of Lincoln, Nebraska, and more particularly
12 described as follows:

13 Commencing at the southeast corner of said Outlot "E", said point
14 being the true point of beginning; thence along an assumed bearing
15 of south 88 degrees 45 minutes 30 seconds west along the south
16 line of said Outlot "E", said line being 60.00 feet north of and parallel
17 with the south line of said Southwest Quarter, a distance of 281.19
18 feet to a point; thence north 01 degrees 14 minutes 30 seconds west,
19 a distance of 398.42 feet to a point of curvature; thence along a curve
20 in a clockwise direction, having a radius of 4967.00 feet, arc length
21 of 79.86 feet, delta angle of 05 degrees 55 minutes 16 seconds, a
22 chord bearing of north 00 degrees 46 minutes 52 seconds west, and
23 a chord length of 79.86 feet to a point of tangency; thence north 00
24 degrees 19 minutes 13 seconds west along an extension of a west
25 line of said Outlot "E", and a west line of said Outlot "E", a distance
26 of 383.62 feet to a north corner of said Outlot "E"; thence along a
27 curve in a counter clockwise direction, having a radius of 833.00 feet,
28 arc length of 178.69 feet, delta angle of 12 degrees 17 minutes 26
29 seconds, a chord bearing of north 12 degrees 17 minutes 26
30 seconds east along a north line of said Outlot "E", and a chord length
31 of 178.35 feet to a point of reverse curvature; thence along a curve
32 in a clockwise direction, having a radius of 467.00 feet, arc length of
33 306.35 feet, delta angle of 37 degrees 35 minutes 09 seconds, a
34 chord bearing of south 86 degrees 05 minutes 19 seconds east

teresa city clerk

1 along a north line of said Outlot "E", and a chord length of 300.89 feet
2 to a point of tangency; thence south 67 degrees 17 minutes 45
3 seconds east along a north line of said Outlot "E", a distance of 62.22
4 feet to the northeast corner of said Outlot "E"; thence south 22
5 degrees 42 minutes 15 seconds west along an east line of said
6 Outlot "E", a distance of 468.42 feet to a point of curvature; thence
7 along a curve in a counter clockwise direction, having a radius of
8 800.00 feet, arc length of 334.35 feet, delta angle of 23 degrees 56
9 minutes 45 seconds, a chord bearing of south 10 degrees 43
10 minutes 53 seconds west along an east line of said Outlot "E", and
11 a chord length of 331.92 feet to a point of tangency; thence south 01
12 degrees 14 minutes 30 seconds east along an east line of said Outlot
13 "E", a distance of 80.03 feet to the point of beginning, said tract
14 contains a calculated area of 334,401.54 square feet or 7.68 acres,
15 more or less;

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

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

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

23 That the application of Ridge Development and Southview, Inc., hereinafter referred
24 to as "Permittee", to develop Pine Lake Heights South 8th Addition Community Unit Plan for 66
25 dwelling units on the property legally described above, be and the same is hereby granted under the
26 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
27 construction and operation of said community unit plan be in strict compliance with said application,
28 the site plan, and the following additional express terms, conditions, and requirements:

- 29 1. This permit approves a community unit plan for up to 66 dwelling units.
- 30 2. The requirement that the Permittee submit a preliminary plat is waived, except
31 that this waiver of the preliminary plat shall only be effective for a period of ten years from the date
32 of the this approval, and shall be of no force or effect thereafter. If any final plat on all or a portion

1 of the approved community unit plan is submitted five years or more after the effective date of the
2 community unit plan, the City may require that a new community unit plan be submitted, pursuant
3 to all the provisions of Section 26.31.015. A new community unit plan may be required if the
4 subdivision ordinance, the design standards, or the required improvements have been amended by
5 the city; and as a result, the community unit plan as originally approved does not comply with the
6 amended rules and regulations..

7 3. The Planning Director is hereby authorized to approve an Administrative Final
8 Plat based upon the approved Community Unit Plan.

9 4. The Planning Director is hereby authorized to approve an Administrative Final
10 Plat that includes accepting the dedication of public streets and private roadways within this
11 Community Unit Plan.

12 5. A waiver to the required yard setback is approved as shown on the site plan.

13 6. A waiver to the minimum lot area is approved.

14 7. A waiver to the cul-de-sac geometry is approved to allow a 30' radius.

15 8. Reduction of pavement width to 24 feet is approved.

16 9. Administrative Final Plats will be approved by the Planning Director after:

17 a. The Permittee has completed or posted a surety to guarantee the
18 completion of the public streets, private roadway improvements,
19 sidewalks, sanitary sewer system, water system, drainage facilities,
20 land preparation and grading, sediment and erosions control
21 measures, storm water detention/retention facilities, drainageway
22 improvements, street lights, landscaping screens, street trees,
23 temporary turnaround and barricades, and street name signs.

24 b. The Permittee has signed an agreement that binds the subdivider, its
25 successors and assigns:

- 1 i. to submit to the Director of Public Works a plan showing
2 proposed measures to control sedimentation and erosion and
3 the proposed method to temporarily stabilize all graded land
4 for approval.
- 5 ii. To complete the private improvements shown on the
6 Community Unit Plan.
- 7 iii. To maintain the outlots and private improvements on a
8 permanent and continuous basis and to recognize that there
9 may be additional maintenance issues or costs associated
10 with providing for the proper functioning of stormwater
11 detention/retention facilities as they were designed and
12 constructed. However, the Permittee may be relieved and
13 discharged of this maintenance obligation upon creating in
14 writing a permanent and continuous association of property
15 owners who would be responsible for said permanent and
16 continuous maintenance. The Permittee shall not be relieved
17 of such maintenance obligation until the document or
18 documents creating said property owners association have
19 been reviewed and approved by the City Attorney and filed of
20 record with the Register of Deeds.
- 21 iv. To continuously and regularly maintain the street trees along
22 South 30th Street, Grainger Parkway, the private roadways
23 and the landscape screens.
- 24 v. To submit to the lot buyers and home builders a cop of the
25 soil analysis.

- 1 vi. To pay all improvement costs.
- 2 vii. To comply with the provisions of the Land Preparation and
- 3 Grading requirements of the Land Subdivision Ordinance.
- 4 viii. To protect the trees that are indicated to remain during
- 5 construction and development.
- 6 10. Before receiving building permits:
- 7 a. The Permittee must submit an acceptable, revised and reproducible
- 8 final plan including six copies.
- 9 b. The construction plans must conform to the approved plans.
- 10 c. Final plats within this community unit plan must be approved by the
- 11 Planning Director.
- 12 11. Before occupying the dwelling units all development and construction must
- 13 be completed in conformance with the approved plans.
- 14 12. All privately-owned improvements must be permanently maintained by the
- 15 Permittee or an appropriately established homeowners association approved by the City Attorney.
- 16 13. The site plan approved by this permit shall be the basis for all interpretations
- 17 of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar
- 18 matters.
- 19 14. The terms, conditions, and requirements of this resolution shall be binding
- 20 and obligatory upon the Permittee, its successors, and assigns. The building official shall report
- 21 violations to the City Council which may revoke the special permit or take such other action as may
- 22 be necessary to gain compliance.
- 23 15. The Permittee shall sign and return the City's letter of acceptance to the City
- 24 Clerk within 30 days following approval of the special permit, provided, however, said 30-day period

1 may be extended up to six months by administrative amendment. The City Clerk shall file a copy
2 of the resolution approving the special permit and the letter of acceptance with the Register of
3 Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Tony M Werner

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

Approved as to Form & Legality:

William H. Payne
City Attorney

Approved this 11 day of Sept, 2003:

Colleen J. Jung
Mayor

ADOPTED
SEP 08 2003
BY CITY COUNCIL

LETTER OR ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

We, Thomas E. White, John C. Brager and Gerald L. Schleich the undersigned representatives of **Ridge Development Company** and **Southview, Inc.**, Permittees in **Special Permit 2010** granted by **Resolution No. A-82308** adopted by the City Council of the City of Lincoln, Nebraska, on **September 8, 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 23rd day of September, 2003.

RIDGE DEVELOPMENT COMPANY, a
Nebraska corporation

By: Thomas E. White

Thomas E. White
President of Development

By: John C. Brager

John C. Brager
President of Construction

SOUTHVIEW, INC., a Nebraska
corporation

By: Gerald L. Schleich

Gerald L. Schleich, President

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 2010** approved by **Resolution No. A-82308** adopted by the City Council on **Sept. 8, 2003** 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 23rd day of September, 2003.

