

21930
76R-196

Introduce: 8-30-76

RESOLUTION NO. A- 63047
SPECIAL PERMIT NO. 706A

01 WHEREAS, The Highlands Development Corp. has submitted an
02 application, designated as Special Permit No. 706A, to amend Special
03 Permit No. 706, granted by Resolution No. A-61350 on November 4, 1974,
04 by the City Council of the City of Lincoln, Nebraska, by adjusting
05 the location of the residential development within the community
06 unit plan, because of the impact of the Municipal Airport on said
07 residential housing of this community unit plan on the following
08 described real property, to wit:

09 All of the Southeast Quarter of the Southeast Quarter, and
10 all of Lot 6, Irregular Tract in said Southeast Quarter,
11 Section 33, and all of Lot 3, Irregular Tract in the Southwest
12 Quarter and all of Lot 4, Irregular Tracts in the Southeast
13 Quarter, Section 34, all in Township 11 North, Range 6 East
14 of the Sixth Principal Meridian, Lancaster County, Nebraska;
15 also, all of the North One-half of the Northeast Quarter, all
16 of the Southeast Quarter of the Northeast Quarter, all of the
17 Northeast Quarter of the Northwest Quarter, all of Lots 20
18 and 21, Irregular Tracts in the Northwest Quarter, all of
19 Lot 22 of Irregular Tracts in the Northeast Quarter, and part
20 of the Northeast Quarter of the Southeast Quarter, Section 4,
21 and all of Lot 3, Irregular Tract in the Southeast Quarter, all
22 of Lot 5, Irregular Tract in the Northeast Quarter, all of
23 the Northwest Quarter, part of the West One-half of the Southwest
24 Quarter and all of C. W. Lymans Subdivision, a subdivision
25 located in the East One-half of the Southwest Quarter, Section
26 3, and part of the North One-half of the North One-half of
27 Section 10, all of Lots 30, 33, 34 and 35, Irregular Tracts
28 in the West One-half of the West One-half of Section 2, all in
29 Township 10 North, Range 6 East of the Sixth Principal Meridian,
30 Lancaster County, Nebraska, said tract of land more particularly
31 described as follows: Commencing at the southeast corner
32 of said Northeast Quarter of Section 4; thence north 89 degrees
33 53 minutes 17 seconds west (assumed bearing) along the south
34 line of said Northeast Quarter of Section 4, a distance of
35 196.89 feet to the point of beginning; thence continuing
36 north 89 degrees 53 minutes 17 seconds west, along said south
37 line of the Northeast Quarter of Section 4, a distance of
38 666.85 feet; thence north 00 degrees 06 minutes 43 seconds east,
39 a distance of 370.0 feet; thence northwesterly on a curve
40 to the left with a radius of 466.98 feet, a distance of 366.77
41 feet; thence north 44 degrees 53 minutes 17 seconds west, a
42 distance of 264.48 feet; thence northwesterly on a curve to
43 the left with a radius of 466.98 feet, a distance of 138.81
44 feet, said curve having a long chord which bears north 53
45 degrees 24 minutes 21 seconds west, a distance of 138.30 feet;
46 thence north 00 degrees 06 minutes 43 seconds east, a distance
47 of 1522.44 feet; thence westerly on a curve to the right with
48 a radius of 1256.04 feet, a distance of 30.63 feet, said curve
49 having a long chord which bears south 89 degrees 18 minutes
50 32 seconds west, a distance of 30.63 feet; thence north 00
51 degrees 00 minutes 07 seconds west, a distance of 50.00 feet

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to the northeast corner of said Northwest Quarter of the Northeast Quarter of Section 4; thence north 00 degrees 20 minutes 11 seconds east along the west line of the East One-half of said Southeast Quarter of Section 33, a distance of 2286.88 feet to a point on the southerly right-of-way line of U.S. Highway No. 34; thence along said southerly right-of-way line of U.S. Highway No. 34 on the following described course; thence southeasterly on a curve to the right with a radius of 11,284.16 feet, a distance of 1543.23 feet, said curve having a long chord which bears south 71 degrees 52 minutes 54 seconds east, a distance of 1542.02 feet; thence south 68 degrees 29 minutes 56 seconds east, a distance of 2677.12 feet; thence south 67 degrees 57 minutes 50 seconds east, a distance of 1983.25 feet; thence southeasterly on a curve to the right with a radius of 1759.86 feet, a distance of 70.50 feet, said curve having a long chord which bears south 66 degrees 48 minutes 59 seconds east, a distance of 70.50 feet, to the point of intersection of said southerly right-of-way line of U.S. Highway No. 34 and the north right-of-way line of West Fletcher Avenue; thence south 83 degrees 20 minutes 21 seconds west along said north right-of-way line of West Fletcher Avenue, a distance of 184.70 feet; thence south 00 degrees 00 minutes 01 seconds west, a distance of 33.00 feet to a point on the north line of said Section 3; thence south 89 degrees 59 minutes 59 seconds east along said north line of Section 3, a distance of 50.00 feet; thence south 00 degrees 00 minutes 01 seconds west, a distance of 33.00 feet to the point of intersection of the south right-of-way line of West Fletcher Avenue and the westerly right-of-way line of Highway No. 34; thence along said westerly right-of-way line of Highway No. 34 on the following described courses; thence south 84 degrees 30 minutes 57 seconds east, a distance of 196.71 feet; thence south 71 degrees 16 minutes 15 seconds east, a distance of 272.04 feet; thence south 40 degrees 47 minutes 18 seconds east, a distance of 294.08 feet to the northwesterly corner of Lot 4, a lot in the Northeast Quarter of said Northeast Quarter of Section 3; thence south 00 degrees 00 minutes 26 seconds east along the west line of said Lot 4, a distance of 728.23 feet to the southwest corner of said Lot 4; thence north 89 degrees 59 minutes 34 seconds east along the south line of said Lot 4, a distance of 217.80 feet to a point on the east line of said Section 3; thence north 00 degrees 00 minutes 26 seconds west along said east line of Section 3, a distance of 176.70 feet; thence north 89 degrees 59 minutes 34 seconds east, a distance of 33.00 feet to a point on the east right-of-way line of North 1st Street; thence north 10 degrees 56 minutes 30 seconds east along said east right-of-way line of North 1st Street, a distance of 194.78 feet to the point of intersection of said east right-of-way line of North 1st Street and said westerly right-of-way line of Highway No. 34; thence along said westerly right-of-way line of Highway No. 34 on the following described courses; thence southeasterly on a curve to the right with a radius of 1734.86 feet, a distance of 306.22 feet, said curve having a long chord which bears south 23 degrees 24 minutes 57 seconds east, a distance of 305.83 feet; thence south 18 degrees 21 minutes 31 seconds east, a distance of 971.70 feet; thence south 13 degrees 13 minutes 01 seconds east, a distance of 478.43 feet; thence southeasterly on a curve to the right with a radius of 566.24 feet, a distance of 158.12 feet, said curve having a long chord which bears south 08 degrees 03 minutes 22 seconds east, a distance of 157.61 feet; thence southwesterly on a curve to the right with a radius of 327.73 feet, a distance of 157.30 feet, said curve having a long chord which bears south 13 degrees 41 minutes 35 seconds west, a distance of 155.79 feet; thence south 27 degrees 42 minutes 09 seconds west, a distance of 352.48 feet; thence south 16 degrees 35 minutes 17 seconds west, a distance of 399.71 feet; thence south 07 degrees 34 minutes 33 seconds east, a distance of 606.10 feet; thence

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01 south 34 degrees 47 minutes 33 seconds west, a distance
02 of 402.16 feet; thence north 52 degrees 32 minutes 51
03 seconds west, a distance of 206.24 feet to a point on
04 the west line of said Section 2; thence south 00 degrees
05 01 minutes 25 seconds east along said west line of Section
06 2, a distance of 50.00 feet to the point of intersection
07 of said west line of Section 2 and the northwesterly right-
08 of-way line of Interstate Highway No. 80; thence south
09 37 degrees 02 minutes 24 seconds west along said northwesterly
10 right-of-way line of Interstate Highway No 80; thence south
11 37 degrees 02 minutes 24 seconds west, along said north
12 westerly right-of-way line of Interstate Highway No. 80, a
13 distance of 1140.18 feet to the point of intersection
14 of said northwesterly right-of-way line of Interstate
15 Highway No. 80 and the south line of said Section 3; thence
16 north 89 degrees 36 minutes 27 seconds east along said
17 south line of Section 3, a distance of 219.80 feet to
18 the point of intersection of said south line of Section
19 3 and said northwesterly right-of-way line of Interstate
20 Highway No. 80; thence south 28 degrees 19 minutes 34
21 seconds west along said northwesterly right-of-way line
22 of Interstate Highway No. 80, a distance of 164.82 feet;
23 thence south 37 degrees 02 minutes 24 seconds west along
24 said northwesterly right-of-way line of Interstate Highway
25 No. 80, a distance of 508.74 feet; thence south 89 degrees
26 54 minutes 36 seconds west, a distance of 4169.44 feet;
27 thence north 00 degrees 05 minutes 24 seconds west, a distance
28 of 2720.72 feet; thence westerly on a curve to the left
29 with a radius of 451.77 feet, a distance of 708.05 feet,
30 said curve having a long chord which bears north 44 degrees
31 59 minutes 21 seconds west, a distance of 637.77 feet
32 to the point of beginning, except the following described
33 tracts:

34 A tract of land located in the Northeast Quarter of Section
35 3 and the Northwest Quarter of Section 2, all in Township 10
36 North, Range 6 East of the Sixth Principal Meridian, Lancaster
37 County, Nebraska more particularly described as follows:
38 Commencing at the northeast corner of said Section 3; thence
39 south 00 degrees 00 minutes 26 seconds east (assumed bearing)
40 along the east line of said Section 3, a distance of 609.03
41 feet; thence south 89 degrees 59 minutes 34 seconds west, a
42 distance of 476.62 feet, to the point of beginning; thence
43 south 20 degrees 19 minutes 25 seconds east, a distance of
44 361.93 feet; thence southeasterly on a curve to the left with
45 a radius of 268.88 feet, a distance of 191.47 feet, said curve
46 having a long chord which bears south 40 degrees 43 minutes
47 27 seconds east, a distance of 187.46 feet; thence southeasterly
48 on a curve to the right with a radius of 1260.66 feet, a
49 distance of 865.16 feet, said curve having a long chord which
50 bears south 41 degrees 27 minutes 51 seconds east, a distance
51 of 848.28 feet; thence south 61 degrees 10 minutes 32 seconds
52 west, a distance of 932.61 feet; thence north 28 degrees
53 49 minutes 28 seconds west, a distance of 1234.45 feet; thence
54 north 61 degrees 10 minutes 32 seconds east, a distance of
55 120.00 feet; thence northeasterly on a curve to the left with
56 a radius of 710.04 feet, a distance of 168.35 feet; thence north
57 47 degrees 35 minutes 26 seconds east, a distance of 488.73
58 feet to the point of beginning. Said tract of land contains an
59 area of 24.486 acres, more or less.

60 A tract of land located in the South One-half of Section 3,
61 Township 10 North, Range 6 East of the Sixth Principal
62 Meridian, Lancaster County, Nebraska, more particularly
63 described as follows: Commencing at the southeast corner
64 of Section 3; thence westerly along the south line of Section
65 3, a distance of 813.06 feet more or less to the point of
66 beginning; thence continuing westerly along said south line
67 of Section 3, a distance of 2208.12 feet more or less; thence
68 north 00 degrees 00 minutes 23 seconds west (assumed bearing)
69 a distance of 64.32 feet more or less; thence northeasterly
70 on a curve to the left with a radius of 2523.90 feet and a
71 central angle of 27 degrees 16 minutes 01 seconds, and whose
72 initial tangent is north 79 degrees 43 minutes 38 seconds

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01 east, a distance of 1201 feet more or less; thence north
02 52 degrees 27 minutes 37 seconds east, a distance of 513.52
03 feet more or less; thence northeasterly on a curve to
04 the right with a radius of 1779.14 feet and a central
05 angle of 25 degrees 50 minutes 19 seconds, a distance
06 of 802 feet more or less; thence south 08 degrees 23 minutes
07 44 seconds east, a distance of 453.09 feet more or less; thence
08 southeasterly on a curve to the left with a radius of 685.39
09 feet, a distance of 431 feet more or less to a point 100 feet
10 northwesterly of the northwesterly right-of-way line of
11 Interstate Highway No.80; thence southwesterly on a line
12 parallel to and 100 feet northwesterly of said northwesterly
13 right-of-way line of Interstate Highway No. 80, a distance of
14 441.28 feet more or less to the point of beginning.

15 A tract of land located in the North One-half of Section 10,
16 Township 10 North, Range 6 East of the Sixth Principal Meridian,
17 Lancaster County, Nebraska, more particularly described as
18 follows: Commencing at the northeast corner of said Section 10;
19 thence westerly along the north line of said Section 10, a distance
20 of 813.06 feet more or less to the point of beginning; thence
21 south 37 degrees 05 minutes 46 seconds west (assumed bearing),
22 a distance of 477.55 feet more or less; thence south 89 degrees
23 59 minutes 32 seconds west, a distance of 1920 feet more or
24 less; thence north 00 degrees 00 minutes 28 seconds west, a
25 distance of 369.91 feet more or less to a point on said north
26 line of Section 10; thence easterly along said north line of
27 Section 10, a distance of 2208.12 feet more or less to the
28 point of beginning.

29 A tract of land located in the Northeast Quarter of Section 3,
30 Township 10 North, Range 6 East of the Sixth Principal Meridian,
31 Lancaster County, Nebraska, more particularly described as follows:
32 Commencing at the northeast corner of said Section 3; thence
33 north 89 degrees 59 minutes 59 seconds west (assumed bearing),
34 along the north line of said Section 3, a distance of 863.31
35 feet to the point of beginning; thence south 00 degrees 00
36 minutes 01 seconds west, a distance of 33.00 feet to the point
37 of intersection of the south right-of-way line of West Fletcher
38 Avenue and the westerly right-of-way line of Highway No. 34;
39 thence south 84 degrees 30 minutes 57 seconds east, along said
40 westerly right-of-way line of Highway No. 34, a distance of
41 196.71 feet; thence south 71 degrees 16 minutes 15 seconds east,
42 along said westerly right-of-way line of Highway No. 34, a
43 distance of 57.44 feet; thence southeasterly on a curve to the
44 right with a radius of 790.00 feet, a distance of 315.66 feet,
45 said curve having a long chord which bears south 25 degrees
46 28 minutes 12 seconds east, a distance of 313.57 feet; thence
47 south 25 degrees 21 minutes 20 seconds west, a distance of
48 184.99 feet; thence south 47 degrees 35 minutes 26 seconds west,
49 a distance of 488.73 feet; southwesterly on a curve to the right
50 with a radius of 590.04 feet, a distance of 139.90 feet; thence
51 south 61 degrees 10 minutes 32 seconds west, a distance of
52 120.00 feet; thence north 28 degrees 49 minutes 28 seconds west,
53 a distance of 140.00 feet; thence northeasterly on a curve to
54 the left with a radius of 558.52 feet, a distance of 226.12
55 feet, said curve having a long chord which bears north 40
56 degrees 25 minutes 25 seconds west, a distance of 224.58 feet;
57 thence north 32 degrees 07 minutes 15 seconds east, a distance
58 of 821.36 feet, to a point on said north line of Section 3;
59 thence south 89 degrees 59 minutes 59 seconds east, along said
60 north line of Section 3, a distance of 50.00 feet to the point
61 of beginning. Said tract of land contains an area of 10.794
62 acres, more or less.

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WHEREAS, the real property adjacent to the area included within the revised plot plan for this proposed amendment to the community unit plan heretofore adopted by the City Council will not be adversely affected; and

WHEREAS, said application was considered to be consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code and did promote the public health, safety, morals, and general welfare of the City.

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

That the application of The Highlands Development Corp., hereinafter referred to as "Permittee," under Special Permit No. 706A, to amend Special Permit No. 706, granted by the City Council on November 4, 1974, be and the same is hereby granted under the provisions of Sections 27.40.010 and 27.40.150 of the Lincoln Municipal Code to adjust the location of the residential development because of the impact of the Municipal Airport on said residential development upon condition that construction of the community unit plan be in strict compliance with the application and the revised plot plan filed therewith, and the following additional express terms, conditions, and requirements:

1. That Permittee received approval of the amended preliminary plat and submits a final plat in accordance with the Land Subdivision Ordinance and receives approval and acceptance of said final plat from the City Council.

2. That Permittee shall, prior to the issuance of any building permits by the City, prepare and submit to the Planning Director, for his review and approval, a coordinated time schedule of development and occupancy which will govern the development of this proposed community unit plan. Failure of the Permittee to follow such schedule, including failure to start and complete construction by the time specified in the schedule, shall constitute noncompliance on the part of the Permittee. Noncompliance shall be cause for revocation by the City Council or the invocation of other appropriate remedies. Each phase of development shall not have less land area than an average lot area of 6,000 square feet per dwelling unit.

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01 3. No building permits shall be issued by the City for the
02 multiple family areas which are identified on the community unit plan
03 until the Permittee has submitted detailed plans to the City delineating
04 the buildable areas, the buildings, parking spaces, landscaping,
05 recreation facilities, driveways, walkways, water lines, sanitary sewer
06 lines, ornamental street lights, roadway grades, profiles and cross
07 sections, and a storm sewer system. These plans for the multiple family
08 areas shall be reviewed by the Planning Commission and approved by the City
09 Council.

10 4. If a recreation plan for the multiple family areas is not
11 submitted and approved by the City at the time the other detailed
12 drawings are submitted as required in the above paragraph, the Permittee
13 shall, prior to the issuance of any building permits within each
14 multiple family area within this proposed community unit plan, prepare
15 and submit to the Planning Director, for his review and approval, a
16 recreation plan showing the proposed recreational facilities. The
17 recreation plan, as approved, shall be implemented prior to the issuance
18 of occupancy permits to 60 percent of the total number of dwelling
19 units allowed within each particular multiple family area within this
20 proposed community unit plan.

21 5. If the landscape plan for each multiple family area is not
22 submitted and reviewed and approved by the City at the time other
23 detailed drawings are submitted as required in the above paragraph, the
24 Permittee shall, prior to the issuance of any building permits within
25 each multiple family area, prepare and submit to the Planning Director
26 for his review and approval a landscape plan which shall also include
27 the type of seeding or sodding or other ground cover for the areas.
28 The landscape plan as approved shall be implemented within two planting
29 seasons following the issuance of occupancy permits to 60 percent
30 of the total number of dwelling units allowed within each multiple
31 family area within this community unit plan. Further, prior to the
32 issuance of building permits within each phase of development,
33 the Permittee shall prepare and submit/a landscape screen plan to be
34 installed along the rear of the lots which back upon the major streets
35 within this community unit plan and said approved landscape plan shall
36 be implemented within two planting seasons following the issuance of
37 occupancy permits to 60 percent of the total number of lots which abut
38 the major streets.

amended Aug. 30, 1976

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01 6. The area identified as "school" and "public service" shall
02 not be considered a part of this proposed community unit plan.

03 7. The Permittee shall deed to the City the two areas identified
04 as "park" at no cost to the City and free of any cost for sidewalk,
05 street lights, water mains, sanitary sewers, storm sewers and paving
06 in the abutting public streets. The park land shall be deeded to
07 the City of Lincoln upon request of the City Council.

08 ~~8. The Permittee shall prepare and submit to the Planning~~
09 ~~Director five (5) copies of a revised community unit plan incorporating~~
10 ~~all of the conditions and requirements as set forth above. Said revised~~
11 ~~plan shall be submitted prior to the approval of this proposed community~~
12 ~~unit plan by the City Council.~~

13 8. That no development or construction whatsoever of this
14 proposed community unit plan shall proceed until the same has been
15 approved by the Superintendent of Building Inspections for the City of
16 Lincoln; and, no dwelling units shall be occupied or otherwise used
17 until said Superintendent has found that Permittee has complied with
18 all the terms, conditions, and requirements of the City.

19 9. That within 30 days from the date of approval of this
20 resolution, Permittee shall properly execute the Letter of Acceptance
21 and file the same with the City Clerk evidencing its unqualified
22 acceptance of all the terms, conditions, and requirements set forth
23 herein, otherwise Special Permit No. 706A, herein granted shall be
24 null and void and of no force and effect.

25 10. That all terms, conditions, and requirements of the
26 special permit granted herein shall be binding and obligatory on
27 Permittee, its successors and assigns. That within 40 days from the
28 effective date of this resolution, the City shall cause a certified
29 copy of said resolution together with a certified copy of the executed
30 Letter of Acceptance to be filed in the office of the Register of
31 Deeds for Lancaster County, Nebraska. The cost of said filing shall
32 be paid by Permittee.

33 That the subdivision agreement between The Highlands Development
34 Corp. and the City of Lincoln dated November 21, 1974, and the First,
35 Second and Third Addendums thereto are hereby ratified, confirmed and
36 approved.

*See last page for new paragraph No. 11.

amended 8-30-76

2-1970

Introduced by:

Sam Bailey

Approved as to Form and Legality:

Charles P. Humble
City Attorney

All ayes - All present

Staff Review Completed:

[Signature]
Administrative Director

ADOPTED

AUG 30 1976

By City Council

amended 8-30-76

11. The term "Permittee" as used in the context of this Resolution will be defined so that the items of work and installation of improvements which are permissible by virtue of State Statutes may be performed, installed and paid for by Sanitary and Improvement District No. 7 of Lancaster County, pursuant to the Subdivision Agreement as amended between the City, the developer (Permittee) and Sanitary and Improvement District.

APPROVED

SEP - 7 1976

[Signature]
MAYOR

21430

Don't say

City Council
City of Lincoln
Lincoln, Nebraska

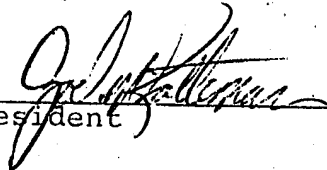
Re: Letter of Acceptance
Special Permit No. 706A

TO THE CITY COUNCIL:

I, JOEL M. KATLEMAN, President

of The Highlands Development Corp.
Applicant under Special Permit No. 706A, granted by Resolution
No. A- 63047, adopted by the City Council on August 30,
1976, do hereby certify that I have thoroughly read said resolu-
tion, understand the contents thereof, and do hereby accept on
behalf of the Applicant, without qualification, the terms and condi-
tions set forth therein.

The Highlands Development Corp.



President

C E R T I F I C A T E

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

PAUL A. MALZER, DEPUTY

I, ~~M. B. Speedt~~, City Clerk of the City of Lincoln,

Nebraska, do hereby certify that the above and foregoing is a

true and correct copy of RESOLUTION NO. A-63047, Special Permit #706A
and Letter of Acceptance

as passed and approved by the City Council of the City of
Lincoln, Nebraska at the meeting held Aug. 30, 1976

as the original appears of record in my said 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, Nebr-
aska, this 22nd day of September, 19 76.

INDEXED
MICRO-FILED
GENERAL

LANCASTER COUNTY REC.

Kenneth L. Ferguson

REGISTER OF DEEDS

1976 SEP 22 AM 10:15

268-850

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 76- 21930

6-572

6-567

6-563

6-696

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City Clerk