

850⁵⁰

Carroll

INST. NO 99

REGISTER OF DEEDS

1999 MAR -5 P 3:05

012965

BLOCK	<i>M</i>
CODE	<i>KIRI</i>
CHECKED	<input checked="" type="checkbox"/>
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850.50 s

99R-35

Introduce: 2-16-99

RESOLUTION NO. A- 79302

USE PERMIT NO. 103A

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OLA, F-K AP Block 1, Lot 1-10

WHEREAS, Ridge Development Company has submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 103A for authority to develop a 237,200 sq. ft. commercial/retail floor area and 7,460 sq. ft. of tire/auto retail floor area, for a total of 244,660 sq. ft. of floor area on property generally located east of North 27th Street and Folkways Blvd., and legally described to wit:

Lot 1, Outlots "F", "G", "H", "I", "J", and "K", a portion of Outlot "A", and a portion of Lots 2 and 3, all in Block 1, King Ridge 1st Addition, Lots 1 through 10 and Outlot "A", all of King Ridge Addition, and a portion of Folkways Blvd. right-of-way, all located in the Northwest Quarter of Section 6, Township 10 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Beginning at the southeast corner of said Northwest Quarter; thence on an assumed bearing of south 89 degrees 20 minutes 38 seconds west along the south line of said Northwest Quarter, a distance of 1307.93 feet to a corner of said Lot 10; thence north 00 degrees 39 minutes 22 seconds west along a west line of said Lot 10, a distance of 16.50 feet to a point of deflection; thence south 89 degrees 20 minutes 38 seconds west along the south line of said Lots 10, 9, 8, 6, 4, and 2, King Ridge Addition, a distance of 1269.78 feet to the southwest corner of said Lot 2; thence north 00 degrees 15 minutes 23 seconds east along the west line of said Lots 2 and 1, a distance of 410.31 feet to a point of deflection; thence north 45 degrees 15 minutes 23 seconds east along a northwest line of said Lot 1, a distance of 28.28 feet to a point of deflection; thence south 89 degrees 44 minutes 37 seconds east along the north line of said Lot 1, a distance of 60.00 feet to a point; thence north 00 degrees 15 minutes 23 seconds east along a west line of said Lot 1, Block 1, King Ridge 1st

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Addition, and its extension, a distance of 110.50 feet to a point of deflection; thence north 50 degrees 05 minutes 21 seconds west along a southwest line of said Lot 1, a distance of 75.33 feet to a point of deflection; thence north 00 degrees 15 minutes 23 seconds east along the west line of said Lot 1, a distance of 94.88 feet to the northwest corner of said Lot 1; thence south 89 degrees 44 minutes 37 seconds east along the north line of said Lot 1, a distance of 335.40 feet to the northeast corner of said Lot 1; thence south 00 degrees 15 minutes 23 seconds west along the east line of said Lot 1, a distance of 168.45 feet to the southeast corner of said Lot 1; thence south 89 degrees 44 minutes 37 seconds east along the north right-of-way line of Folkways Blvd., a distance of 290.10 feet to a point of deflection; thence south 87 degrees 27 minutes 11 seconds east along the north line of said right-of-way, a distance of 162.63 feet to a point of deflection; thence south 89 degrees 44 minutes 37 seconds east along the north line of said right-of-way, a distance of 13.70 feet to a point of curvature; thence along a curve in a clockwise direction having a radius of 561.00 feet, arc length of 359.19 feet, delta angle of 36 degrees 41 minutes 06 seconds, a chord bearing of south 71 degrees 24 minutes 04 seconds east along the north line of said right-of-way, and a chord length of 353.09 feet to a point of tangency; thence south 53 degrees 03 minutes 31 seconds east along the north line of said right-of-way, a distance of 137.86 feet to the southwest corner of said Outlot "F"; thence north 36 degrees 56 minutes 29 seconds east along a west line of said Outlot "F", a distance of 350.00 feet to a north corner of said Outlot "F"; thence south 53 degrees 03 minutes 31 seconds east along a north line of said Outlot "F", a distance of 285.24 feet to a point of curvature; thence along a curve in a counterclockwise direction having a radius of 139.00 feet, arc length of 91.21 feet, delta angle of 37 degrees 35 minutes 50 seconds, a chord bearing of south 71 degrees 51 minutes 26 seconds east, and a chord length of 89.58 feet to a point of tangency; thence north 89 degrees 20 minutes 39 seconds east along the north line of said Outlots "G", "H", "I", "J", and "K", a distance of 790.49 feet to a point of intersection with the east line of said Outlot "A"; thence south 01 degrees 02 minutes 06 seconds west along the east line of said Outlot "A", said line being the east line of said Northwest Quarter, a distance of 386.16 feet to the true point of

1 beginning, said tract contains a calculated area of
2 27.60 acres, or 1,202,483.82 square feet more or less;

3 WHEREAS, the real property adjacent to the area included within
4 the site plan for this commercial/auto/tire/retail center will not be
5 adversely affected; and

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

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

12 That the application of Ridge Development Company, hereinafter
13 referred to as "Permittee", to develop 237,200 sq. ft. of commercial/retail
14 space and 7,460 sq. ft. of tire/auto retail space on the property legally
15 described above be and the same is hereby granted under the provisions of
16 Section 27.31.100 of the Lincoln Municipal Code upon the condition that
17 construction and operation of said commercial/auto/tire/retail center be in
18 strict compliance with said application, the site plan, and the following
19 additional express terms, conditions, and requirements:

- 20 1. This permit approves:
- 21 a. 7,460 square feet of tire/auto retail floor area.
 - 22 b. 237,200 square feet of commercial/retail development.
 - 23 c. A reduction in the front yard from 50 feet to 40 feet
24 south of Folkways Blvd. along North 27th Street and
25 from a 50 foot front yard to an 86 foot setback north

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and south from the centerline of Folkways Blvd. along
the extra wide section of Folkways Blvd.

- d. A 20 foot yard along the south boundary of the development.
- e. A reduction of the side yard from 20 feet to 5 feet along the north side of Lot 7.

2. Before receiving building permits:

- a. The Permittee must submit a revised and reproducible final plan with five copies to the Planning Director for review and approval.
- b. An Administrative Amendment of a detailed site plan must be approved for each building site excluding Lot 7, Block 2.
- c. The construction plans must conform to the approved plans.
- d. Final plats for King Ridge must be approved by the City.
- e. Easements as requested by LES must be recorded in the Register of Deeds.

3. Before occupancy, all development and construction shall have been completed in conformance with the approved plans.

4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.

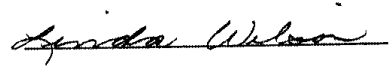
1 5. The site plan accompanying this permit shall be the basis
2 for all interpretations of setbacks, yards, locations of buildings, location
3 of parking and circulation elements, and similar matters.

4 6. The terms, conditions, and requirements of this resolution
5 shall be binding and obligatory upon the Permittee, its successors and
6 assigns. The building official shall report violations to the City Council
7 which may revoke this use permit or take such other action as may be necessary
8 to gain compliance.

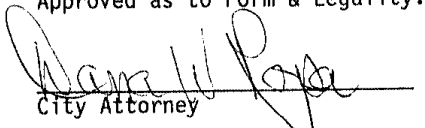
9 7. The Permittee shall sign and return the City's letter of
10 acceptance to the City Clerk within 30 days following approval of this use
11 permit, provided, however, said 30-day period may be extended up to six months
12 by administrative amendment. The City Clerk shall file a copy of the resolu-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

15 8. The site plan as approved with this resolution voids and
16 supersedes all previously approved site plans, however all resolutions
17 approving previous permits remain in force unless specifically amended by this
18 resolution.

Introduced by:



AYES: Donaldson, Fortenberry, Hecht,
Johnson, Seng, Shoecraft, Wilson;
NAYS: None.

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

[Handwritten Signature]
Administrative Assistant

APPROVED

FEB 25 1999

[Handwritten Signature]
MAYOR

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ADOPTED

FEB 22 1999

By City Council

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

We, Tom White and John Brager of Ridge Development Company, a Nebraska corporation, referred to as Permittees in **Use Permit No. 103A**, granted by **Resolution No. A-79302**, adopted by the City Council of the City of Lincoln, Nebraska, on **February 22, 1999**, do hereby certify that we 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 4th day of March, 1998.

Ridge Development Company, a Nebraska corporation

By: Thomas E White
Tom White, President of Development

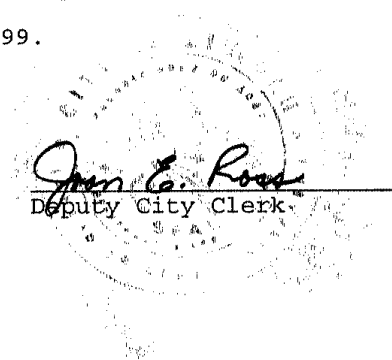
By: John Brager
John Brager, President of Construction

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 **Use Permit No. 103A** approved by Resolution No. A-79302 adopted by the City Council on February 22, 1999, 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 5th day of March, 1999.

A circular seal of the City of Lincoln, Nebraska, is stamped behind the signature. The seal contains the text "CITY OF LINCOLN, NEBRASKA" around the perimeter and "1870" in the center. The signature "Joan E. Ross" is written in cursive over the seal, and the words "Deputy City Clerk" are printed below it.

Joan E. Ross
Deputy City Clerk

Ret to City Clerk