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INST. NO 98

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98R-209

Introduce: 7-6-98

RESOLUTION NO. A- 78897

SPECIAL PERMIT NO. 1722

1 WHEREAS, Pioneer Greens, L.L.C. has submitted an application
 2 designated as Special Permit No. 1722 for authority to develop Pioneer Greens
 3 Community Unit Plan consisting of 86 dwelling units on property located southeast
 4 of the intersection of South 84th Street and Pioneers Boulevard, and legally
 5 described to wit:

6 A portion of Lot 61 I.T., and a portion of Lot 62 I.T.,
 7 all located in the Northwest Quarter of Section 11,
 8 Township 9 North, Range 7 East of the 6th P.M.,
 9 Lancaster County, Nebraska, and more particularly
 10 described as follows:

11 Commencing at the northwest corner of said Section 11;
 12 thence on an assumed bearing of south 89 degrees 53
 13 minutes 34 seconds east along the north line of said
 14 Section 11, a distance of 50.27 feet to a point; thence
 15 south 00 degrees 06 minutes 26 seconds west along a line
 16 perpendicular from the north line of said Northwest
 17 Quarter, a distance of 50.00 feet to the northwest
 18 corner of said Lot 61 I.T.; thence south 89 degrees 53
 19 minutes 34 seconds east along the north line of said Lot
 20 61 I.T., said line being 50.00 feet south of and
 21 parallel with the north line of said Northwest Quarter,
 22 a distance of 149.32 feet to a point of deflection;
 23 thence south 88 degrees 19 minutes 48 seconds east along
 24 the north line of said Lot 61 I.T., a distance of 512.58
 25 feet to a point, said point being the true point of
 26 beginning; thence south 00 degrees 06 minutes 26 seconds
 27 west, a distance of 197.24 feet to a point; thence south
 28 89 degrees 53 minutes 34 seconds east, a distance of
 29 170.86 feet to a point of curvature; thence along a
 30 curve in a clockwise direction having a radius of 260.00
 31 feet, arc length of 231.33 feet, delta angle of 50
 32 degrees 58 minutes 42 seconds, a chord bearing of south
 33 64 degrees 24 minutes 13 seconds east, and a chord
 34 length of 223.78 feet to a point; thence south 51
 35 degrees 05 minutes 08 seconds west, a distance of 180.00

1 feet to a point; thence south 19 degrees 33 minutes 34
2 seconds east, a distance of 53.03 feet to a point;
3 thence south 00 degrees 12 minutes 16 seconds east, a
4 distance of 404.71 feet to a point; thence south 89
5 degrees 47 minutes 44 seconds west, a distance of 340.52
6 feet to a point of curvature; thence along a curve in a
7 counterclockwise direction having a radius of 500.00
8 feet, arc length of 125.00 feet, delta angle of 14
9 degrees 19 minutes 28 seconds, a chord bearing of south
10 82 degrees 38 minutes 00 seconds west, and a chord
11 length of 124.68 feet to a point of tangency; thence
12 south 75 degrees 28 minutes 16 seconds west, a distance
13 of 236.78 feet to a point of curvature; thence along a
14 curve in a clockwise direction having a radius of 345.00
15 feet, arc length of 86.25 feet, delta angle of 14
16 degrees 19 minutes 29 seconds, a chord bearing of south
17 82 degrees 38 minutes 01 seconds west, a distance of
18 86.03 feet to a point of tangency; thence south 89
19 degrees 47 minutes 45 seconds west, a distance of 130.99
20 feet to a point of intersection with the west line of
21 said Lot 62 I.T.; thence south 00 degrees 12 minutes 15
22 seconds east along the west line of said Lot 62 I.T.,
23 said line being 50.00 feet east of and parallel with the
24 west line of said Northwest Quarter, a distance of
25 605.15 feet to the southwest corner of said Lot 62 I.T.;
26 thence north 89 degrees 31 minutes 17 seconds east along
27 the south line of said Lot 62 I.T., a distance of
28 1267.06 feet to the southeast corner of said Lot 62
29 I.T.; thence north 00 degrees 03 minutes 13 seconds west
30 along the east line of said Lots 62 I.T. and 61 I.T., a
31 distance of 1526.87 feet to the northeast corner of said
32 Lot 61 I.T., said point being 80.61 feet south of the
33 north line of said Northwest Quarter; thence north 88
34 degrees 19 minutes 48 seconds west along the north line
35 of said Lot 61 I.T., a distance of 609.76 feet to the
36 true point of beginning; said tract contains a
37 calculated area of 27.19 acres, or 1,184,391.25 square
38 feet, more or less;

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

41 WHEREAS, said site plan together with the terms and conditions
42 hereinafter set forth are consistent with the intent and purpose of Title 27 of

1 the Lincoln Municipal Code to promote the public health, safety, and general
2 welfare.

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

5 That the application of Pioneer Greens, L.L.C., hereinafter referred
6 to as "Permittee", to develop Pioneer Greens Community Unit Plan consisting of
7 86 dwelling units, on the property legally described above, be and the same is
8 hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the
9 Lincoln Municipal Code upon condition that development of said community unit
10 plan be in strict compliance with said application, the site plan, and the
11 following additional express terms, conditions, and requirements:

12 1. This permit authorizes a maximum of 86 dwelling units with
13 public streets, private roadways, and open space.

14 2. Details of all signs, including type, location, height, and
15 size must be submitted separately for review with the building permit.

16 3. Based upon the traffic impact analysis prepared for this
17 project, the right-turn lane off of 84th Street, the right-turn lane off of
18 Pioneers Blvd., and the left-turn lane off 84th Street, as shown on the
19 preliminary plat, are adequate to serve this development. Permittee shall
20 construct the right-turn lane off of Pioneers Blvd. at its own cost and expense.
21 The right-turn and left-turn off of 84th Street shall be constructed as part of
22 the City's anticipated reconstruction of South 84th Street and the Permittee
23 shall reimburse the City the cost of construction of such turn lanes. The
24 Permittee, at the time of final platting, shall post a bond which shall include

1 an amount sufficient to ensure the construction of, and reimbursement by the City
2 for, the construction of such turn lanes.

3 4 Before receiving building permits:

4 a. The Permittee must submit a revised and reproducible
5 final plan, together with five copies thereof, approved
6 by the Planning Department.

7 b. The construction plans must conform to the approved
8 plans.

9 c. The final plat or plats of Pioneer Greens must be
10 approved by the City.

11 5. Before occupancy, all development and construction must be
12 completed in conformance to the approved plans.

13 6. All privately-owned improvements shall be permanently
14 maintained by the owner or an appropriately established homeowners association
15 approved by the City Attorney.

16 7. The site plan accompanying this permit shall be the basis for
17 all interpretations of setbacks, yards, locations of buildings, location of
18 parking and circulation elements, and similar matters.

19 8. The terms, conditions, and requirements of this resolution
20 shall be binding and obligatory upon the Permittee, its successors, and assigns.
21 The building official shall report violations to the City Council which may
22 revoke the special permit or take such other action as may be necessary to gain
23 compliance.

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

Introduced by:

Alde Young

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

Approved as to Form & Legality:

William F. Jordan
City Attorney

Staff Review Completed:

Lori McClung
Administrative Assistant

7/13/98 Council Proceedings:

YOUNG Moved to delay action on Bill #98R-209 for one week to 7/20/98.
Seconded by Seng & Carried by the following vote: AYES:
Donaldson, Fortenberry, Seng, Shoecraft, WILSON, Young; NAYS: None;
ABSENT: Johnson.

APPROVED

JUL 24 1998

[Signature]
MAYOR

ADOPTED

JUL 20 1998

By City Council

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, Donna H. W. Lindscott, authorized representative of Pioneer Greens, L.L.C. referred to as Permittee in **Special Permit No. 1722**, granted by **Resolution No. A-78897**, adopted by the City Council of the City of Lincoln, Nebraska, on July 20, 1998, 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 6 day of August, 1998.


Pioneer Greens, L.L.C.

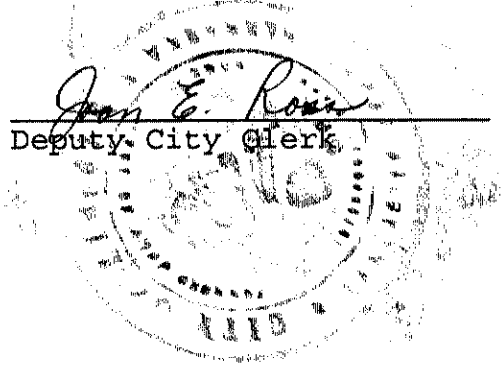
C E R T I F I C A T E

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. 1722** approved by **Resolution No. A-78897** adopted by the City Council on July 20, 1998, 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 30 day of July, 1998.

Joan E. Ross
Deputy City Clerk

The seal of the City of Lincoln, Nebraska, is circular and features the text "CITY OF LINCOLN, NEBRASKA" around the perimeter. In the center, there is a smaller emblem or logo. The seal is partially obscured by the signature and title of the Deputy City Clerk.

Ret to City Clerk