

**\$35.50**

REGISTER OF DEEDS

1998 AUG -7 A 8:48

INST. NO 98

040233

BLOCK  
CODE  
CHECKED  
ENTERED  
EDITED

35.50

23

98R-208

Introduce: 7-6-98

**78896**

RESOLUTION NO. A-\_\_\_\_\_

USE PERMIT NO. 108

1 WHEREAS, Pioneer Greens, L.L.C. has submitted an application in  
2 accordance with Section 27.31.100 of the Lincoln Municipal Code designated as  
3 Use Permit No. 108 for authority to develop 145,000 sq. ft. of office space on  
4 property generally located southeast of the intersection of South 84th Street  
5 and Pioneers Boulevard, and legally described to wit:

6 Lot 8 I.T., a portion of Lot 61 I.T., and a portion of  
7 Lot 62 I.T., all located in the Northwest Quarter of  
8 Section 11, Township 9 North, Range 7 East of the 6th  
9 P.M., Lancaster County, Nebraska, and more  
10 particularly 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;  
15 thence south 00 degrees 06 minutes 26 seconds west  
16 along a line perpendicular from the north line of said  
17 Northwest Quarter, a distance of 50.00 feet to the  
18 northwest corner of said Lot 61 I.T.; thence south 89  
19 degrees 53 minutes 34 seconds east along the north  
20 line of said Lot 61 I.T., said line being 50.00 feet  
21 south of and parallel with the north line of said  
22 Northwest Quarter, a distance of 149.32 feet to a  
23 point of deflection; thence south 88 degrees 19  
24 minutes 48 seconds east along the north line of said  
25 Lot 61 I.T., a distance of 512.58 feet to a point;  
26 thence south 00 degrees 06 minutes 26 seconds west, a  
27 distance of 197.24 feet to a point; thence south 89  
28 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  
31 260.00 feet, arc length of 231.33 feet, delta angle of  
32 50 degrees 58 minutes 42 seconds, a chord bearing of  
33 south 64 degrees 24 minutes 13 seconds east, and a  
34 chord length of 223.78 feet to a point; thence south  
35 51 degrees 05 minutes 08 seconds west, a distance of  
36 180.00 feet to a point; thence south 19 degrees 33  
37 minutes 34 seconds east, a distance of 53.03 feet to a  
38 point; thence south 00 degrees 12 minutes 16 seconds  
39 east, a distance of 404.71 feet to a point; thence  
40 south 89 degrees 47 minutes 44 seconds west, a

X

1 distance of 340.52 feet to a point of curvature;  
2 thence along a curve in a counterclockwise direction  
3 having a radius of 500.00 feet, arc length of 125.00  
4 feet, delta angle of 14 degrees 19 minutes 28 seconds,  
5 a chord bearing of south 82 degrees 38 minutes 00  
6 seconds west, and a chord length of 124.68 feet to a  
7 point of tangency; thence south 75 degrees 28 minutes  
8 16 seconds west, a distance of 236.78 feet, to a point  
9 of curvature; thence along a curve in a clockwise  
10 direction having a radius of 345.00 feet, arch length  
11 of 86.25 feet, delta angle of 14 degrees 19 minutes 29  
12 seconds, a chord bearing of south 82 degrees 38  
13 minutes 01 seconds west, and a chord length of 86.03  
14 feet to a point of tangency; thence south 89 degrees  
15 47 minutes 45 seconds west, a distance of 130.99 feet  
16 to a point of intersection with the west line of said  
17 Lot 62 I.T.; thence north 00 degrees 12 minutes 15  
18 seconds west along the west line of said Lots 62 I.T.,  
19 and 61 I.T., said line being 50.00 feet east of and  
20 parallel with the west line of said Northwest Quarter,  
21 a distance of 531.78 feet to a point of intersection  
22 with the south line of said Lot 8 I.T.; thence north  
23 88 degrees 29 minutes 20 seconds west along the south  
24 line of said Lot 8 I.T., a distance of 50.02 feet to  
25 the southwest corner of said Lot 8 I.T.; thence north  
26 00 degrees 12 minutes 15 seconds west along the west  
27 line of said Lot 8 I.T., said line being the west line  
28 of said Northwest Quarter, a distance of 230.61 feet  
29 to the northwest corner of said lot 8 I.T.; thence  
30 south 88 degrees 28 minutes 44 seconds east along the  
31 north line of said Lot 8 I.T., a distance of 50.02  
32 feet to a point of intersection with the west line of  
33 said Lot 61 I.T.; thence north 00 degrees 12 minutes  
34 15 seconds west along the west line of said Lot 61  
35 I.T., said line being 50.00 feet east of and parallel  
36 with the west line of said Northwest Quarter, a  
37 distance of 202.92 feet to the true point of  
38 beginning, said tract contains a calculated area of  
39 18.24 acres, or 794,790.13 square feet, more or less;  
40

41 WHEREAS, the real property adjacent to the area included within  
42 the site plan for this office complex will not be adversely affected; and

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

1 of the Lincoln Municipal Code to promote the public health, safety, and  
2 general 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  
6 referred to as "Permittee", to develop 145,000 sq. ft. of office space be and  
7 the same is hereby granted under the provisions of Section 27.31.100 of the  
8 Lincoln Municipal Code upon condition that construction and operation of said  
9 office space be in strict compliance with said application, the site plan, and  
10 the following additional express terms, conditions, and requirements:

11 1. This permit approves the development of a maximum 145,000  
12 square feet of office floor area.

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

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

1           4.    Before receiving building permits:

2           a.    The Permittee must submit a revised and reproducible  
3           final plan, along with five copies, which must be  
4           approved by the Planning Department.

5           b.    The construction plans must conform to the approved  
6           plans.

7           c.    The final plat or plats of Pioneer Greens of the area  
8           must be approved by the City.

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

11          6.    All privately-owned improvements must be permanently  
12          maintained by the owner or an appropriately established homeowners association  
13          approved by the City Attorney.

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

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

22          9.    The Permittee shall sign and return the City's letter of  
23          acceptance to the City Clerk within 30 days following approval of this use  
24          permit, provided, however, said 30-day period may be extended up to six months  
25          by administrative amendment. The City Clerk shall file a copy of the resolu-

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

Introduced by:

*Neil Young*

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

Approved as to Form & Legality:

*William A. Hester*  
City Attorney

Staff Review Completed:

*Lori McClurg*  
Administrative Assistant

7/13/98 Council Proceedings:

YOUNG Moved to delay action 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, Donald W. Linscott, authorized representative of Pioneer Greens, L.L.C. referred to as Permittee in Use Permit No. 108, granted by Resolution No. A-78896 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 16 day of AUGUST, 1998.

Donald W. Linscott  
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 Use Permit No. 108 approved by Resolution No. A-78896 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 30th day of July, 1998.

  
*Joan E. Ross*  
Deputy City Clerk

*Ret to City Clerk*