

23904

RESOLUTION NO. PC- 00068

SPECIAL PERMIT NO. 1437

1 WHEREAS, Michael R. Johnson has submitted an application designated as
2 Special Permit No. 1437 for authority to extract 60,000 cubic yards of soil for
3 the purpose of providing fill material for adjacent roadway construction on
4 property located southwest of North 27th Street and I-80, and legally described
5 to wit:

6 Lot 19 I.T., Section 36, Township 11 North, Range 6 East
7 of the 6th P.M., Lancaster County, Nebraska; and

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission has
9 held a public hearing on said application; and

10 WHEREAS, the community as a whole, the surrounding neighborhood, and
11 the real property adjacent to the area included within the plot plan for this
12 soil extraction will not be adversely affected by granting such a permit; and

13 WHEREAS, said plot plan together with the terms and conditions
14 hereinafter set forth are consistent with the comprehensive plan of the City
15 of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal
16 Code to promote the public health, safety, morals, and general welfare.

17 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County
18 Planning Commission of Lincoln, Nebraska:

19 That the application of Michael R. Johnson, hereinafter referred to
20 as "Permittee", to extract 60,000 cubic yards of soil for the purpose of
21 providing fill material for adjacent roadway construction be and the same is
22 hereby granted under the provisions of Section 27.63.160 the Lincoln Municipal
23 Code upon condition that operation of said soil extraction be in strict
24 compliance with said application, the plot plan, and the following additional
25 express terms, conditions, and requirements:



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1 1. This permit approves the extraction of soil to the new topogra-
2 phy as shown on the site plan.

3 2. No grading shall occur within 25 feet of Lincoln Electric
4 System power poles and cut or fill shall not exceed 30% slope from the pole.

5 3. The sediment barrier shall be installed at the initiation of
6 grading, and shall be frequently monitored and maintained.

7 4. This permit shall be in effect for calendar year 1992 only and
8 all required work shall be completed therein.

9 5. The applicant shall apply erosion controls so as to prevent any
10 siltation off the site and shall post a bond of \$5,000 to insure clean-up of
11 off-site siltation, should it occur.

12 6. The surface shall be maintained in such a manner that surface
13 waters do not collect and pond, unless specifically approved by the city.
14 Underground drainage may be supplied if it connects to an existing drainage
15 facility and is satisfactory to the City of Lincoln.

16 7. Topsoil shall be collected and stored for redistribution on the
17 site at the termination of the operation. The topsoil stockpile shall be
18 temporarily seeded to control erosion.

19 8. Excavation shall be conducted in such a way as not to consti-
20 tute a hazard to any persons, nor to the adjoining property. All cuts shall
21 be returned to a slope of less than three to one as soon as possible. Safety
22 screening shall be required at the outer boundary of the site.

23 9. Within nine months after the completion of extraction on any
24 portion of the site, the topography and soils shall be restored and stabi-
25 lized, and the land shall be graded, seeded, and sodded so as to prevent

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1 erosion and siltation consistent with the future agriculture operation, and to
2 protect the health, safety, and general welfare of the public.

3 10. Excavation and final topography shall comply with the approved
4 plans.

5 11. The terms, conditions, and requirements of this resolution
6 shall be binding and obligatory upon the Permittee and the Permittee's succes-
7 sors and assigns. The building official shall report violations to the City
8 Council which may revoke the special permit or take such other action as may
9 be necessary to gain compliance.

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

17 The foregoing Resolution was approved by the Lincoln City-Lancaster
18 County Planning Commission on this 29th day of April, 1992.

ATTEST


Chair

Approved as to Form & Legality:


Assistant City Attorney

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LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

RE: Special Permit No. 1437

TO THE CITY COUNCIL:

I(We), General Excavating, "Permittee(s)"
under Special Permit No. 1437, granted by Resolution No. PC- 00068,
adopted by the Lincoln City/Lancaster County Planning Commission
on April 29, 1992, do hereby certify that I(we) have thoroughly read
said resolution, understand the contents thereof, and do hereby accept without
qualification all of the terms, conditions and requirements therein.

[Signature]
Permittee General Manager

Permittee

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C E R T I F I C A T E

STATE OF NEBRASKA)
COUNTY OF LANCASTER)ss:
STATE OF NEBRASKA)

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. 1437

as passed and approved by the Lincoln City-Lancaster County
Planning Commission on the 29th day of April, 1992,
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 11 day of May, 1992.

Joan E. Ross
Joan E. Ross, Deputy City Clerk

~~BLOCK~~
~~COOK~~
~~CHECKED~~
~~ENTERED~~
~~EDITED~~
/

LANCASTER COUNTY, NEB
Dan Nalte
REGISTER OF DEEDS

MAY 28 4 29 PM '92

INST. NO. 92

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Return to City Clerk