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LANCASTER COUNTY, NE

INST. NO 2004

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LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

We, Thomas E. White and John C. Brager, Members of **Northern Lights, L.L.C.**, and Clayton K. Yeutter, Manager of **Yeutter Family L.L.C.**, Permittees under **Special Permit No. 1598A** granted by **Resolution No. A-82565** adopted by the Lincoln City Council on **February 2, 2004**, 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.

NT-COM

Dated this 19 day of February, 2004.

NORTHERN LIGHTS, L.L.C., a
Nebraska limited liability company

By: Thomas E. White
Thomas E. White, Member

By: John C. Brager
John C. Brager, Member

YEUTTER FAMILY L.L.C., a Maryland
limited liability company

By: Clayton K. Yeutter
Clayton K. Yeutter, Manager

#36.50



04R-15

Introduce: 1-26-04

RESOLUTION NO. A- 82565

SPECIAL PERMIT NO. 1598A

1 WHEREAS, Northern Lights L.L.C. and Clayton K. Yeutter Trust have submitted an
 2 application designated as Special Permit No. 1598A for authority to amend the Northern Lights
 3 Community Unit Plan to change the approved multi-family units to townhouse units, and to waive
 4 the requirement to submit a preliminary plat, to waive drive platform standards, to increase lot depth
 5 to width ratio, to reduce the front yard setback from 20' to 5', to increase block length, to revise the
 6 turnaround radius of N. 81st Court, N. 81st Place and N. 82nd Place, and to waive the required
 7 landscape screen on property generally located at N. 84th and Holdrege Streets, and legally
 8 described to wit:

9 Lots 1-3, Northern Lights 2nd Addition, Lincoln, Lancaster County,
 10 Nebraska;

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

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

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

18 That the application of Northern Lights L.L.C. and Clayton K. Yeutter Trust,
 19 hereinafter referred to as "Permittee", to develop Northern Lights Community Unit Plan for 360
 20 dwelling units on the property legally described above, be and the same is hereby granted under the
 21 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that
 22 construction and operation of said community unit plan be in strict compliance with said application,

1 the site plan, and the following additional express terms, conditions, and requirements:

2 1. This permit approves 360 dwelling units, 156 shown on the site plan with 204
3 unassigned units, and the following variances to the Land Subdivision Ordinance and Design
4 Standards:

- 5 a. A waiver of the drive platform standards.
- 6 b. A waiver of the 3 to 1 lot depth to width ratio as shown on the site plan.
- 7 c. A reduction of the required front yard setback from 20' to 5' as shown
8 on the site plan.
- 9 d. An increase over the 1320 foot maximum block length as shown on
10 the site plan.
- 11 e. A reduction in the required turnaround radius of N. 81st Place and N.
12 82nd Place from 43.5 feet to 30 feet.
- 13 f. Landscape screening, except that in the event the grade on the
14 property to the east is decreased, screening in conformance with the
15 design standards shall be provided by the Permittee.

16 2. The requirement that the Permittee submit a preliminary plat is waived, except
17 that this waiver of the preliminary plat shall only be effective for a period of ten years from the date
18 of the this approval, and shall be of no force or effect thereafter. If any final plat on all or a portion
19 of the approved community unit plan is submitted five years or more after the effective date of the
20 community unit plan, the City may require that a new community unit plan be submitted, pursuant
21 to all the provisions of Section 26.31.015. A new community unit plan may be required if the
22 subdivision ordinance, the design standards, or the required improvements have been amended by
23 the city; and as a result, the community unit plan as originally approved does not comply with the
24 amended rules and regulations.

25 3. Before receiving building permits:

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- a. The Permittee must submit an acceptable, revised and reproducible final plan including seven copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this community unit plan must be approved by the Planning Director.
4. Final Plats will be approved by the Planning Director after:
- a. The Permittee has completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
 - b. The Permittee has signed an agreement that binds the subdivider, its successors and assigns:
 - i. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - ii. To complete the private improvements shown on the Community Unit Plan.
 - iii. To maintain the outlots and private improvements on a permanent and continuous basis. However, the Permittee may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be

1 responsible for said permanent and continuous maintenance.
2 The Permittee shall not be relieved of such maintenance
3 obligation until the document or documents creating said
4 property owners association have been reviewed and
5 approved by the City Attorney and filed of record with the
6 Register of Deeds.

- 7 iv. To continuously and regularly maintain the street trees along
8 the private roadways and landscape screens.
- 9 v. To submit to the lot buyers and home builders a copy of the
10 soil analysis.
- 11 vi. To pay all improvement costs.
- 12 vii. To comply with the provisions of the Land Preparation and
13 Grading requirements of the Land Subdivision Ordinance.
- 14 viii. To protect the trees that are indicated to remain during
15 construction and development.
- 16 ix. To properly and continuously maintain and supervise the
17 private facilities which have common use or benefit, and to
18 recognize that there may be additional maintenance issues
19 or costs associated with providing for the proper functioning
20 of storm water detention/retention facilities as they were
21 designed and constructed within the development, and that
22 these are the responsibility of the land owner.
- 23 x. To relinquish the right of direct vehicular access to Holdrege
24 Street except as shown.

25 5. Before occupying the dwelling units all development and construction must
26 be completed in conformance with the approved plans.

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

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

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

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

10. The site plan approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by:

Terry M Werner
AYES/ Camp, Cook, Friendt,
McRoy, Newman, Svoboda,
Werner, NAYS: None.

Approved as to Form & Legality:

Dana W. Poyon
City Attorney

ADOPTED
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FEB 02 2004
BY CITY COUNCIL

Approved this 4 day of FEB, 2004:
Gregory J. Seng
Mayor

CERTIFICATE

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

I, Teresa J. Meier, 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 1598A** approved by **Resolution No. A-82565** adopted by the City Council on **Feb. 2, 2004** 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 19th day of February, 2004.



Return to City Clerk