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RESOLUTION NO. PC- 00325

COMBINED USE PERMIT/SPECIAL PERMIT NO. 13

1 WHEREAS, Bryan Memorial Hospital has submitted an application in  
2 accordance with Section 27.27.080 of the Lincoln Municipal Code designated as  
3 Combined Use Permit/Special Permit No. 13 for authority to develop 150,000  
4 square feet of medical office space and associated uses including health care  
5 facilities on property generally located on the southwest corner of the  
6 intersection of S. 40th Street and Pine Lake Road and legally described to  
7 wit:

8 A portion of Outlot "A" and a portion of Outlot "B",  
9 Pine Lake Heights 3rd Addition, all located in the  
10 Northeast Quarter of Section 19, Township 9 North,  
11 Range 7 East of the 6th P.M., City of Lincoln,  
12 Lancaster County, Nebraska, and more particularly  
13 described as follows:

14 Commencing at the northeast corner of said Section 19;  
15 thence on an assumed bearing of south 00 degrees 00  
16 minutes 00 seconds west along the east line of said  
17 Section 19, a distance of 49.59 feet to a point;  
18 thence south 90 degrees 00 minutes 00 seconds west, a  
19 distance of 49.95 feet to the northwest corner of said  
20 Outlot "A"; thence south 1 degree 03 minutes 01  
21 seconds west along the east line of said Outlot "A", a  
22 distance of 25.00 feet to a point, said point being  
23 the true point of beginning; thence continuing south 1  
24 degree 03 minutes 01 seconds west along the east line  
25 of said Outlots "A" and "B", a distance of 718.50 feet  
26 to a point; thence north 90 degrees 00 minutes 00  
27 seconds west, a distance of 563.74 feet to a point of  
28 curvature; thence around a curve in a clockwise  
29 direction having a delta angle of 32 degrees 26  
30 minutes 47 seconds, an arc distance of 322.79 feet, a  
31 radius of 570.00 feet, and a chord of north 73 degrees  
32 46 minutes 37 seconds west, a distance of 318.49 feet  
33 to a point on the west line of said Outlot "B", said  
34 point being on the southeast right-of-way line of  
35 South 38th Street; thence around a curve in a  
36 counterclockwise direction having a delta angle of 39  
37 degrees 15 minutes 04 seconds, an arc distance of  
38 239.13 feet, a radius of 349.06 feet, and a chord of  
39 north 20 degrees 05 minutes 52 seconds east along the

*John Ross*  
*return to:*  
*City Clerk*

1 northwest line of said Outlots "B" and "A", said line  
2 being the southeast right-of-way line of South 38th  
3 Street, a distance of 234.48 feet to a point of  
4 tangency; thence north 0 degrees 28 minutes 19 seconds  
5 east along the west line of said Outlot "A", said line  
6 being the east right-of-way line of South 38th Street,  
7 a distance of 440.79 feet to the northwest corner of  
8 said Outlot "A"; thence south 89 degrees 31 minutes 41  
9 seconds east along the north line of said Outlot "A",  
10 said line being 50.00 feet south of and parallel with  
11 the north line of said Section 19, a distance of  
12 774.00 feet to a point, said point being 25.00 feet  
13 west of the northeast corner of said Outlot "A";  
14 thence south 44 degrees 14 minutes 20 seconds east, a  
15 distance of 35.18 feet to the point of beginning, said  
16 tract contains a calculated area of 597,193.62 square  
17 feet or 13.71 acres more or less;

18 WHEREAS, the real property adjacent to the area included within  
19 the site plan for this medical office space will not be adversely affected;  
20 and

21 WHEREAS, said site plan together with the terms and conditions  
22 hereinafter set forth are consistent with the intent and purpose of Title 27  
23 of the Lincoln Municipal Code to promote the public health, safety, and  
24 general welfare,

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

27 That the application of Bryan Memorial Hospital, hereinafter  
28 referred to as "Permittee", to develop 150,000 square feet of medical office  
29 space and associated uses including health care facilities be and the same is  
30 hereby granted under the provisions of Sections 27.27.080 and 27.63.080 of the  
31 Lincoln Municipal Code upon condition that construction and operation of said  
32 medical office space and associated uses be in strict compliance with said  
33 application, the site plan, and the following additional express terms,

1 conditions, and requirements:

2 1. This permit approves 150,000 square feet of medical office  
3 space and associated uses, to be constructed in three phases as shown on the  
4 approved site plan. Associated uses include, but are not limited to, a health  
5 care facility providing physical and occupational therapy and outpatient  
6 surgical services. Emergency room services are not permitted.

7 2. Phase two and three construction and access to this site  
8 shall not be permitted from South 40th Street until such time as South 40th  
9 Street has been paved to the entrance drive.

10 3. The City Council must approve Change of Zone 3027.

11 4. Before receiving buildings permits:

12 a. The Permittee shall have submitted an acceptable  
13 revised and reproducible final plan showing the  
14 following revisions:

15 i. Utility easements as required by the Lincoln  
16 Electric System.

17 ii. Additional fire hydrants as required by the Fire  
18 Department.

19 iii. Street trees along South 40th Street and Pine  
20 Lake Road located on private property.

21 iv. Signage in conformance with the Lincoln  
22 Municipal Code.

23 v. The correct number of parking stalls on the site  
24 plan and the building and parking table.

25 vi. Dimensions of building envelopes and setbacks

1 for buildings and parking.

2 vii. Landscaping and screening in conformance with  
3 design standards.

4 viii. The public water system in Eagle Ridge Road  
5 adjacent to this site.

6 ix. Revisions to the street system as required by  
7 the approved Traffic Impact Study.

8 b. The Permittee shall have submitted a revised grading  
9 and drainage plan to the satisfaction of the Public  
10 Works Department.

11 c. The Permittee shall have submitted a revised Traffic  
12 Impact Study to the satisfaction of the Public Works  
13 Department.

14 d. The construction plans must conform to the approved  
15 plans.

16 e. The area of this permit shall be platted into a  
17 buildable lot.

18 5. Before occupying the office buildings all development and  
19 construction shall have been completed in conformance to the approved plans.

20 6. All privately-owned improvements shall be permanently  
21 maintained by the owner.

22 7. The site plan accompanying this permit shall be the basis  
23 for all interpretations of setbacks, yards, locations of buildings, location

1 of parking and circulation elements, and similar matters.

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

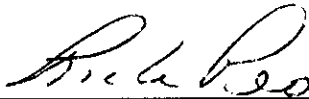
7 9. The Permittee shall sign and return the City's letter of  
8 acceptance to the City Clerk within 30 days following approval of this use  
9 permit, provided, however, said 30-day period may be extended up to six months  
10 by administrative amendment. The City Clerk shall file a copy of the resolu-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

Approved by the Lincoln/Lancaster County Planning Commission on  
October 23, 1996.

Introduced by:

A handwritten signature in black ink, appearing to be "Rick Be...", is written over a horizontal line.

Approved as to Form & Legality:

*Asst*   
City Attorney

~~Staff Review Completed:~~

~~Administrative Assistant~~

LETTER OF ACCEPTANCE

City Council  
City of Lincoln  
Lincoln, Nebraska

RE: Combined Use Permit/  
Special Permit No. 13

TO THE CITY COUNCIL:

I, B. Lynn Wilson, President or authorized representative of Bryan Memorial Hospital, herein called "Permittee" under Combined Use Permit/  
Special Permit No. 13, granted by Resolution No. PC-00325, adopted by the Lincoln City-Lancaster County Planning Commission on October 23, 1996, 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 22nd day of November, 1996.

B. Lynn Wilson  
President/Authorized Representative

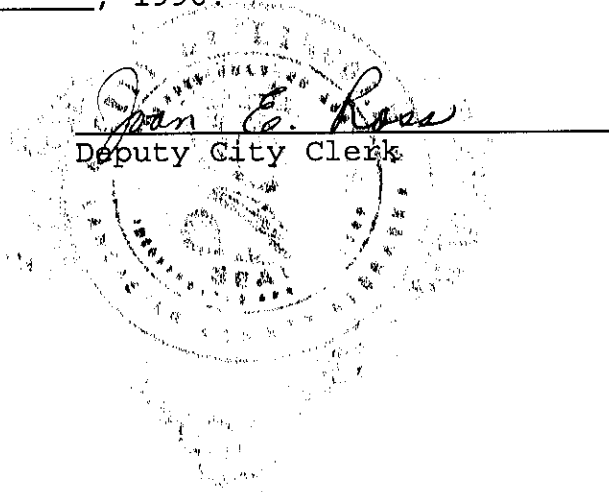
LTRACCEP/jlu  
4-12-94

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 **Combined Use Permit/Special Permit No. 13** as passed and approved by **Resolution No. PC-00325** of the Lincoln City-Lancaster County Planning Commission at its meeting held **October 23, 1996**, 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 25<sup>th</sup> day of November, 1996.

The seal of the City of Lincoln, Nebraska, is circular and features a central emblem surrounded by the text "CITY OF LINCOLN, NEBRASKA". The seal is partially obscured by the signature and title of the Deputy City Clerk.  
*Joan E. Ross*  
Deputy City Clerk

*Ret to City Clerk*