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Enter on: Southern Oaks Add., Blk 1, Lots 11-22; Southern Oaks
2nd Add., Lots 1-10; Southern Hills 1st Add., Lots 1-6, Blk 2;
and all of Southern Oaks 3rd Add.

92R-290

Introduce: 10-12-92

RESOLUTION NO. A- 75093

SPECIAL PERMIT NO. 808G

1 WHEREAS, Poe Development Company has submitted an application desig-
2 nated as Special Permit No. 808G for authority to amend the Southern Oaks 4th
3 Addition Community Unit Plan to include 28 townhouse units, 14 duplex units, 31
4 single family units and 3 outlots, and to delete the recreational facilities and
5 pedestrian ways in the outlots, on property legally described to wit:

6 Southern Oaks Addition, Southern Oaks First Addition,
7 Southern Oaks 2nd Addition, Lots 1, 2, 3, 4, 5, and 6,
8 Block 2, Southern Hills First Addition, Southern Oaks 3rd
9 Addition, in the West One-Half of Section 18, Township 9
10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster
11 County, Nebraska, more particularly described as follows:

12 Beginning at the northeast corner of Lot 1, Southern Oaks
13 2nd Addition; thence south 10 degrees 30 minutes 04
14 seconds east, a distance of 43.68 feet; thence south 10
15 degrees 19 minutes 58 seconds east, a distance of 252.08
16 feet to the point of curvature of a curve to the left
17 having a central angle of 33 degrees 27 minutes 28 seconds,
18 a radius of 180.00 feet, an arc length of 105.11 feet, and
19 a chord bearing south 27 degrees 03 minutes 29 seconds
20 east, a distance of 103.62 feet; thence southeasterly
21 along and with the arc of said curve, a distance of 105.11
22 feet to the point of tangency thereof; thence south 44
23 degrees 07 minutes 43 seconds east, a distance of 33.52
24 feet; thence south 46 degrees 09 minutes 47 seconds west,
25 a distance of 154.84 feet; thence south 32 degrees 39
26 minutes 11 seconds west, a distance of 87.12 feet; thence
27 south 11 degrees 24 minutes 40 seconds west, a distance of
28 97.06 feet; thence south 05 degrees 19 minutes 41 seconds
29 east, a distance of 364.64 feet; thence north 89 degrees
30 27 minutes 11 seconds west, a distance of 212.26 feet;
31 thence south 06 degrees 07 minutes 31 seconds west, a
32 distance of 132.06 feet to the point of curvature of curve
33 to the left having a central angle of 05 degrees 48
34 minutes 34 seconds, a radius of 230.00 feet, an arc length
35 of 23.32 feet and a chord bearing north 86 degrees 22
36 minutes 37 seconds west, a distance of 23.31 feet; thence
37 northwesterly along and with the arc of said curve, a
38 distance of 23.32 feet to the point of tangency thereof;
39 thence north 89 degrees 33 minutes 43 seconds west, a
40 distance of 469.24 feet; thence north 00 degrees 05
41 minutes 34 seconds east, a distance of 130.19 feet; thence
42 north a distance of 318.98 feet to the point of curvature

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1 of curve to the right, having a central angle of 27
2 degrees 44 minutes 22 seconds, a radius of 120.00 feet, an
3 arc length of 58.10 feet and a chord bearing north 13
4 degrees 53 minutes 20 seconds east, a distance of 57.53
5 feet; thence northeasterly along and with the arc of said
6 curve a distance of 58.10 feet to the point of tangency
7 thereof; thence north 27 degrees 49 minutes 25 seconds
8 east, a distance of 479.89 feet to the point of curvature
9 of a curve to the right having a central angle of 21,
10 degrees 02 minutes 45 seconds, a radius of 270.00 feet, an
11 arc length of 99.18 feet and a chord bearing north 38
12 degrees 14 minutes 36 seconds east, a distance of 98.62
13 feet; thence northeasterly along and with the arc of said
14 curve, a distance of 99.18 feet to the point of tangency
15 thereof; thence north 48 degrees 51 minutes 36 seconds
16 east, a distance of 126.83 feet to the point of curvature
17 of a curve to the right, having a central angle of 30
18 degrees 50 minutes 26 seconds, a radius of 1210.00 feet,
19 an arc length of 64.59 feet, and a chord bearing north 64
20 degrees 15 minutes 43 seconds east 63.82 feet; thence
21 northeasterly along and with arc of said curve, a distance
22 of 63.82 feet to the point of tangency thereof; thence
23 north 79 degrees 41 minutes 06 seconds east, a distance of
24 291.88 feet to the point of beginning, and containing in
25 all 15.972 acres of land, more or less,

26 WHEREAS, the real property adjacent to the area included within the
27 plot plan for this amendment will not be adversely affected; and

28 WHEREAS, said plot plan together with the terms and conditions
29 hereinafter set forth are consistent with the intent and purpose of Title 27
30 of the Lincoln Municipal Code to promote the public health, safety, morals,
31 and general welfare.

32 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
33 Lincoln, Nebraska:

34 That the portion of the application of Poe Development Company,
35 hereinafter referred to as "Permittee", to amend the Southern Oaks 4th Addi-
36 tion Community Unit Plan to develop an additional 28 townhouse units, 14
37 duplex units, 31 single family units and 3 outlots, on the above-described
38 property be and the same is hereby granted under the provisions of Section

3

1 27.63.320 of the Lincoln Municipal Code upon condition that construction and
2 operation of said amended community unit plan be in strict compliance with
3 said application, the plot plan, and the following additional express terms,
4 conditions, and requirements:

5 1. This permit authorizes the development of an additional 31
6 single family dwelling units, 14 duplex family dwelling units, 28 townhouse
7 family dwelling units, and three outlots for a total of 73 dwelling units and
8 associated recreational facilities and pedestrian walkways.

9 2. Before receiving building permits for the new ^{townhouse} dwelling units:

10 A. The Permittee shall submit and receive approval for the
11 following:

- 12 (1) A coordinated development and occupancy schedule
13 approved by the Planning Director.
- 14 (2) A permanent reproducible final site plan as approved
15 by the City Council.
- 16 (3) Ornamental street lights for private roadways and
17 pedestrian way easements approved by LES.
- 18 (4) The ~~recreational facilities~~ and pedestrian walkways
19 shall be completed.*

20 B. The construction plans shall comply with the approved
21 plans.

22 C. A final plat or plats must be approved by the City.

23 3. Before occupying the new dwelling units in this community unit
24 plan, all development and construction shall comply with the approved plans.

*The permittee shall have paid to the City of Lincoln Park and Recreation Department the sum of \$18,300 prior to June 1, 1993. If permittee has not paid the foregoing sum prior to June 1, 1993, the amount required to be paid shall be increased to \$20,000 plus the rate of inflation as measured by the consumer price index all cities from June 1 1993 until paid.

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1 4. All privately-owned improvements, including landscaping and
2 recreational facilities, shall be permanently maintained by the owner or an
3 appropriately established homeowners association approved by the City.

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

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

16 BE IT FURTHER RESOLVED, that the portion of said application request-
17 ing deletion of the previously established requirement to construct the
18 recreational facilities and pedestrian ways in the outlots is ^{modified to permit} ~~denied~~
passive open space and pedestrian ways as shown on applicant's site plan.
Introduced by:

AYES: Johnson, Lyons, Minnick
Seng, Wilson, Young;
NAYS: Haar.

Approved as to Form & Legality:

City Attorney

(see back for further action)

APPROVED

Staff Review Completed:

Administrative Assistant

MAYOR

ADOPTED

10-19-92 Council Proceedings:

JOHNSON Moved to Delay with Continued Public
Hearing for One Week to October 26, 1992.

Seconded by Minnick and carried by the
following vote: AYES: Haar, Johnson, Minnick,
Seng, Wilson, Young; NAYS: None; ABSENT: Lyons.

OCT 26 1992

By City Council

10/26/92 Council Proceedings:

5 YOUNG Moved to amend Bill No. 93R-290 as follows: 1) On page 3, line 9, after the word "new" add the word "townhouse." 2) On page 3, line 18, delete the words "recreational facilities and" and add the following language: The permittee shall have paid to the City of Lincoln Park and Recreation Department the sum of \$18,300 prior to June 1, 1993. If permittee has not paid the foregoing sum prior to June 1, 1993, the amount required to be paid shall be increased to \$20,000 plus the rate of inflation as measured by the Consumer Price index all cities from June 1, 1993 until paid. 3) On page 4, line 18, delete the word "denied" and the period following and insert the following: "modified to permit passive open space and pedestrian ways as shown on applicant's site plan."

Seconded by Wilson and carried by the following vote: AYES: Johnson, Lyons, Minnick, Seng, Wilson, Young; NAYS: Haar.

APPROVED

APPENDIX "A"

City Council
City of Lincoln
Lincoln, Nebraska

Re: Letter of Acceptance

TO THE CITY COUNCIL:

I, Mike G. Poe, President or authorized representative of Poe Development Company, herein called Permittee under Special Permit No. 808C, granted by Resolution No. A-75093, adopted by the City Council of the City of Lincoln, Nebraska, on October 26, 1992, 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.

Mike G. Poe, President of Poe Development Co.
President or Authorized Representative

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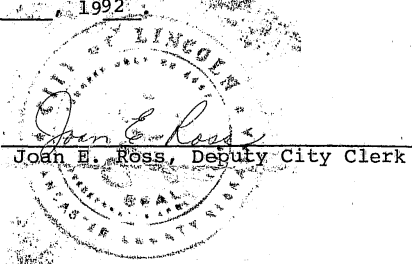
C E R T I F I C A T E

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 _____
RESOLUTION NO. A-75093/SPECIAL PERMIT NO. 808G

as the original appears of record in my said office and is now in my charge remaining as Deputy City Clerk aforesaid.

In Witness Whereof, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 30th day of October, 1992.



BLOCK

CODE

CHECKED

ENTERED
EDITED
[Signature]

LANCASTER COUNTY, NEB
[Signature]
REGISTER OF DEEDS

NOV 30 2 13 PM '92

INST. NO. 92 53867

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#58

Return to City Clerk

CK Rec 15410