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RESOLUTION NO. A 65520

SPECIAL PERMIT NO. 808A

01 WHEREAS, R. J. S. Partnership, and Robert J. Rentfro
 02 and Jerry C. Joyce have submitted an application designated as
 03 Special Permit 808A for authority to amend the community unit
 04 plan as approved by the City Council in Resolution No. A-64781 on
 05 February 27, 1978, on the following described real property, to
 06 wit:

07 a part of the Northwest Quarter of Section 18
 08 and also a replat of Outlot "A", Outlot "B" and
 09 part of Dickens Street, all in Sevenoaks, a
 10 subdivision located in said Northwest Quarter of
 11 Section 18, all in Township 9 North, Range 7 East
 12 of the Sixth Principal Meridian, Lancaster County,
 13 Nebraska, more particularly described as follows:
 14 Beginning at the southeast corner of said Northwest
 15 Quarter of Section 18; thence south 89 degrees
 16 45 minutes 52 seconds west (assumed bearing), along the
 17 south line of said Northwest Quarter of Section 8,
 18 a distance of 2,622.47 feet to a point on the
 19 east right-of-way line of South 27th Street; thence
 20 north 00 degrees 40 minutes 39 seconds west, along
 21 said east right-of-way line of South 27th Street,
 22 a distance of 2,606.34 feet to the point of inter-
 23 section of said east right-of-way line of South
 24 27th Street and the south right-of-way line of Old
 25 Cheney Road; thence along said south right of way
 26 line of Old Cheney Road, on the following described
 27 courses: thence north 89 degrees 59 minutes 58 seconds
 28 east, a distance of 1,160.67 feet; thence south
 29 00 degrees 00 minutes 02 seconds east, a distance of
 30 17.00 feet; thence north 89 degrees 59 minutes 58 seconds
 31 east, a distance of 321.74 feet to the northeast
 32 corner of said Outlot "A", Sevenoaks; thence along
 33 the easterly line of said Outlot "A", Sevenoaks, and
 34 the northerly line of Outlot "B", Sevenoaks, on the
 35 following described course; thence south 08 degrees
 36 20 minutes 10 seconds west, a distance of 329.75
 37 feet; thence south 12 degrees 57 minutes 57 seconds
 38 east, a distance of 101.32 feet; thence south 24
 39 degrees 13 minutes 12 seconds east, a distance of
 40 661.95 feet; thence southeasterly on a curve to the
 41 left with a radius of 305.00 feet, a distance of
 42 294.03 feet; thence south 79 degrees 27 minutes
 43 17 seconds east, a distance of 295.00 feet; thence
 44 southeasterly on a curve to the left with a radius of
 45 546.78 feet, a distance of 55.78 feet; thence south
 46 85 degrees 17 minutes 58 seconds east, a distance of
 47 347.73 feet to a point on the east line of said
 48 Northwest Quarter of Section 18, said point also being
 49 the southeast corner of Lot 16, Block 3, Sevenoaks;
 50 thence south 00 degrees 27 minutes 17 seconds east, along
 51 said east line of the Northwest Quarter of Section 18,
 52 a distance of 1,285.15 feet to the point of beginning,
 53 said tract containing an area of 126.096 acres, more
 54 or less; and

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1 WHEREAS, the real property adjacent to the area included
2 within the revised plot plan for this community unit plan will
3 not be adversely affected; and

4 WHEREAS, said revised plot plan together with the terms
5 and conditions hereinafter set forth are consistent with the
6 intent and purpose of Title 27 of the Lincoln Municipal Code to
7 promote the public health, safety, morals and general welfare.

8 NOW, THEREFORE, BE IT RESOLVED by the City Council of
9 the City of Lincoln, Nebraska:

10 That the application of R. J. S. Partnership and Robert
11 J. Rentfro and Jerry C. Joyce, hereinafter referred to as "Permittee",
12 under Special Permit No. 808A, for authority to amend the community
13 unit plan as approved by the City Council in Resolution No. A-64781 on
14 February 27, 1978, on the above-described property be and the
15 same is hereby granted under the provisions of Sections 27.40.010
16 and 27.40.150 of the Lincoln Municipal Code upon condition that
17 construction, development and operation of said community unit
18 plan, as amended, be in strict compliance with said application,
19 the plot plan filed therewith and the following additional express
20 terms, conditions, and requirements:

21 1. Permittee shall prepare and submit a final plat of
22 this community unit plan in accordance with the Land Subdivision
23 Ordinance of the City of Lincoln, and receive approval of said
24 final plat by the City.

25 2. That prior to the issuance of any building permits
26 by the City, Permittee shall prepare and submit to the Planning
27 Director, for his review and approval, a coordinated time schedule
28 of development and occupancy which will govern the development of
29 this amended community unit plan. Failure of Permittee to follow
30 such schedule, including failure to start and complete construction
31 by the time specified in the schedule, shall constitute noncompliance
32 on the part of the Permittee. Noncompliance shall be cause for
33 revocation of this special permit by the City and withholding of
34 building permits and occupancy permits, or the institution of
35 other appropriate remedies.

36 3. That an approved landscape screen plan for each
37 phase of development shall be implemented within two planting

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01 seasons following the issuance of occupancy permits to 60 percent
02 of the total number of dwelling units allowed within each phase
03 of development. The landscape plan shall include, along with the
04 plant material, the type of seeding or sodding or other ground
05 cover for the areas which are not otherwise surfaced. The plant
06 material and grounds shall be maintained by Permittee to the
07 satisfaction of the Planning Director so long as this special
08 permit is in force and effect.

09 4. That prior to the issuance of any building permits
10 by the City, Permittee shall prepare and submit a recreation plan
11 to the Planning Director for his review and approval. Said
12 recreation plan shall be implemented prior to the issuance of
13 occupancy permits to 60 percent of the total number of dwelling
14 units allowed within this amended community unit plan. The
15 recreation facilities for Outlot "A" are acceptable as shown on
16 the community unit plan submitted to the Planning Department on
17 November 28, 1977.

18 5. That the private roadways, driveways and parking
19 areas shall be constructed according to standards of the City,
20 and shall be reviewed and approved by the Director of Public
21 Works prior to construction.

22 6. That prior to the issuance of any building permits,
23 Permittee shall submit to the Superintendent for Codes Administration,
24 for review and approval, an ornamental street lighting plan for
25 the private roadways and pedestrian ways within this community
26 unit plan.

27 7. That the plot plan for the multiple family area,
28 Lots 20 through 83, Block 4, and Outlot "C", on the preliminary
29 plat and amended community unit plan, is approved only as to
30 concept, and the City is in no way approving the location of the
31 buildings, garages, parking areas and roadways or any other
32 design feature. Prior to any earth moving, grading, grubbing,
33 development or construction whatsoever in the multiple family
34 areas, the Permittee shall submit for review by the City staff,
35 the Planning Commission and City Council, the following detailed
36 information and plans in order to receive approval of a plot plan
37 for the multiple family development:

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- a. The width, profile, cross-section and proposed names of roadways;
- b. The dimensioned setback and sizes of garages and buildings, including height;
- c. The existing and proposed contour lines (grading plan);
- d. Sidewalks and walkways;
- e. Drainage study;
- f. Landscape screen plan;
- g. Utility plan showing the location and size of sanitary sewers and water mains including fire hydrants, etc.

8. The sidewalks in the multiple family areas shall be four feet in width and located at least four feet from the private roadways, and shall be six feet in width when located within two feet of the front of a parking space.

9. The total number of dwelling units within the limits of this amended community unit plan shall not exceed 475. However, this number is based on the approved community unit plan. Any changes to the limits of the community unit plan or public street alignment will require a new dwelling unit calculation using the standard procedure.

10. Additional fire hydrants and relocation of fire hydrants shall be accomplished as noted in the Uniform Fire Code, 1976 Edition, Division 3, Section 13.301(c) to serve the multiple family areas, Outlots "A" and "C", to the satisfaction of the Lincoln City Fire Chief.

11. The water and sanitary sewer systems, proposed to provide service to the development of Outlot "A", shall be considered to be privately owned and maintained. However, the water main within the water main easement is public.

12. That two-off street parking spaces shall be provided for each dwelling unit in the duplex lots and for each dwelling unit in the multiple family areas.

13. That no development or construction whatsoever, of the proposed community unit plan, as amended, shall proceed until the same has been approved by the Superintendent for Codes Administration for the City of Lincoln, and no dwelling units shall be occupied or otherwise used until said Superintendent has found that Permittee has complied with all the terms, conditions and requirements of the City in authorizing this special permit.

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01 14. That within 30 days from the date of adoption of
02 this resolution, Permittee shall properly execute the Letter of
03 Acceptance attached hereto as Appendix "A" and file the same with
04 the City Clerk evidencing his unqualified acceptance of all the
05 terms, conditions and requirements herein set forth, otherwise
06 this special permit herein granted shall be null and void and of
07 no force and effect.

08 15. That all the terms, conditions and requirements of
09 this special permit, herein granted shall be binding and obligatory
10 on Permittee, its successors and assigns. That within 40 days
11 from the effective date of this resolution, the City Clerk shall
12 cause a certified copy hereof together with a certified copy of
13 said executed Letter of Acceptance to be filed in the Office of
14 the Register of Deeds for Lancaster County, filing fees shall be
15 paid in advance by Permittee.

16 16. That Permittee, its successors and assigns agree
17 that if the Superintendent for Codes Administration finds at any
18 time that the terms, conditions and requirements of this special
19 permit have not been complied with, or that any phase thereof has
20 not been completed within the time required under said special
21 permit or any administrative amendment thereto, the Superintendent
22 for Codes Administration shall report this fact to the City
23 Council which may after a hearing of which Permittee shall be
24 notified, revoke said special permit for failure to comply with
25 such terms, conditions, and requirements, or take such other
26 action as it may deem necessary to obtain compliance.

27 17. That Resolution No. A-64781 adopted by the City
28 Council on February 27, 1978, approving Special Permit No. 808 is
29 hereby rescinded and repealed and of no force and effect.

Introduced by:

W. Richard Baker

Approved as to Form and Legality: AYES: Baker, Hampton, Jeambey,
Robinson, Scherer, Sikyta;
NAYS: None; EXCUSED: Cook.

Charles D. Humble
City Attorney

Staff Review Completed:
[Signature]
Administrative Director

APPROVED

ADOPTED

OCT 1 1978
[Signature]
MAYOR

OCT 2 1978

By City Council

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APPENDIX "A"

City Council
City of Lincoln
Lincoln, Nebraska

Re: Letter of Acceptance
Special Permit No. 808A

TO THE CITY COUNCIL:

I, Robert J. Rentfro, ~~President~~ or authorized representative of R. J. S. Partnership, herein called Permittee under Special Permit No. 808A, granted by Resolution No. A-65520, adopted by the City Council of the City of Lincoln, Nebraska, on October 2, 1978, 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.

R. J. S. PARTNERSHIP

Robert J. Rentfro, Partner
~~President of~~ authorized representative

CERTIFICATE

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

I, Paul A. Malzer, 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-65520 and Letter of Acceptance

as passed and approved by the City Council of the City of Lincoln, Nebraska at the meeting held October 2, 1978
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 25th day of October, 19 78.

*38-27,31,35,39,43,47,49,53,57,61,65,69,73
77,81,85,89,93,95,99,103,105,109,113,117*

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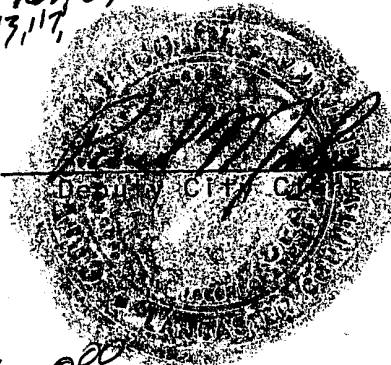
LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

1978 OCT 25 PM 1:57

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

INST. NO. 78- 28477

#2800



City Clerk