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INST. NO 2004

2004 JUL 20 A 11: 50

047948

LANCASTER COUNTY, NE

0400.50

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04R-100

Introduce: 5-3-04

RESOLUTION NO. A- 82767

SPECIAL PERMIT NO. 04004

1 WHEREAS, Stone Bridge Creek, LLC has submitted an application designated as  
 2 Special Permit No. 04004 for authority to develop Stone Bridge Creek Community Unit Plan for 759  
 3 dwelling units, and to waive the requirement to submit a preliminary plat, to increase lot depth to  
 4 width ratio, to allow double frontage lots, and to delay the filing of a use permit, on property  
 5 generally located at N. 14th Street and Arbor Road, and legally described to wit:

6 (See →  
 7 attached  
 8 page  
 9 8.)

10 Lots 1 through 27, Block 1, Lots 1 through 29, Block 2, Lots 1  
 11 through 10, Block 3, Lots 1 through 4, Block 4, Outlots H and J,  
 12 Stone Bridge Creek Addition, Lots 1 through 9, Block 1, Lot 1, Block  
 13 2, Lots 1 through 15, Block 3, Lots 1 and 2, Block 4, Lots 1 through  
 14 11, Block 5, Lots 1 through 16, Block 6, Lot 1, Block 7, Lots 1  
 15 through 10, Block 8, Lots 1 through 9, Block 9, and a portion of  
 16 Outlot C, Stone Bridge Creek 1st Addition, Lots 1 through 25 and  
 17 Lots 31 through 36, Block 1, Lots 1 through 28, Block 2, and Lots 1  
 18 through 20, Block 3, Stone Bridge Creek 2nd Addition, Lots 1  
 19 through 14, Block 1, Lots 1 through 30, Block 2, Lots 1 through 28,  
 20 Block 3, Lots 1 through 29, Block 4, Lots 1 through 24, Block 5, Lots  
 21 1 through 16, Block 6, Lots 1 through 32, Block 7, Outlots A, B, and  
 22 C, Stone Bridge Creek 3rd Addition and all of Stone Bridge Creek  
 23 4th Addition and a portion of Lot 43 Irregular Tract, located in the  
 24 Northwest Quarter, the Northeast Quarter and the Southwest  
 Quarter of Section 36, Township 11 North, Range 6 East of the 6th  
 P.M., and also located in the Southwest Quarter of Section 25,  
 Township 11 North, Range 6 East of the 6th P.M., Lancaster County,  
 Nebraska, and being more fully described as follows:

Chg EDC

25 Referring to the northwest corner of said Section 36; thence north 00  
 26 degrees 05 minutes 17seconds east (an assumed bearing) on the  
 27 west line of the Southwest Quarter of said Section 25, 59.59 feet;  
 28 thence south 89 degrees 54 minutes 36 seconds east, 33.00 feet to  
 29 the point of beginning; thence south 89 degrees 28 minutes 59  
 30 seconds east, 1,161.57 feet; thence easterly on a 1,615.00 foot  
 31 radius curve to the left. an arc length of 171.26 feet (long chord

1 minutes 01 seconds west, 110.00 feet; thence south 22 degrees 05  
2 minutes 53 seconds east, 64.53 feet; thence south 00 degrees 33  
3 minutes 49 seconds west, 371.46 feet; thence south 77 degrees 59  
4 minutes 20 seconds east, 128.89 feet; thence south 74 degrees 02  
5 minutes 14 seconds east, 73.12 feet; thence south 49 degrees 12  
6 minutes 00 seconds east, 73.12 feet; thence south 24 degrees 21  
7 minutes 47 seconds east, 73.12 feet; thence south 00 degrees 28  
8 minutes 27 seconds west, 73.12 feet; thence south 20 degrees 37  
9 minutes 10 seconds west, 45.71 feet; thence south 35 degrees 35  
10 minutes 58 seconds west, 315.45 feet; thence south 45 degrees 45  
11 minutes 02 seconds west, 114.16 feet; thence south 55 degrees 21  
12 minutes 53 seconds west, 60.85 feet; thence south 45 degrees 45  
13 minutes 02 seconds west, 211.12 feet; thence south 10 degrees 17  
14 minutes 23 seconds east, 410.75 feet; thence south 49 degrees 59  
15 minutes 06 seconds west, 428.44 feet; thence westerly on a  
16 1,500.00 foot radius curve to the right, an arc length of 1,056.15 feet  
17 (long chord bears south 70 degrees 09 minutes 21 seconds west,  
18 1,034.47 feet); thence north 89 degrees 40 minutes 23 seconds  
19 west, 220.73 feet; thence continuing westerly on said line, 101.99  
20 feet; thence westerly on a 1,000.00 foot radius curve to the right, an  
21 arc length of 123.52 feet (long chord bears north 86 degrees 08  
22 minutes 05 seconds west, 123.44 feet); thence westerly on a  
23 1,000.00 foot radius curve to the left, an arc length of 122.11 feet  
24 (long chord bears north 86 degrees 05 minutes 40 seconds west,  
25 122.03 feet); thence north 89 degrees 35 minutes 33 seconds west,  
26 100.00 feet; thence north 00 degrees 21 minutes 14 seconds east,  
27 2,646.75 feet; thence north 00 degrees 05 minutes 24 seconds east,  
28 60.00 feet to the point of beginning, containing 5,300,254 square  
29 feet (121.67 acres) more or less;

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

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

35 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
36 Nebraska:

37 That the application of Stone Bridge Creek, LLC, hereinafter referred to as  
38 "Permittee", to develop Stone Bridge Creek Community Unit Plan for 759 dwelling units on the  
39 property legally described above, be and the same is hereby granted under the provisions of

1 Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that  
2 construction and operation of said community unit plan be in strict compliance with said application,  
3 the site plan, and the following additional express terms, conditions, and requirements:

4 1. This permit approves:

5 a. 759 dwelling units and the following variances to the Land  
6 Subdivision Ordinance and Design Standards:

7 i. A waiver of the maximum 3 to 1 lot depth to width ratio as  
8 shown on the site plan.

9 ii. A waiver of the prohibition against double frontage lots to  
10 allow double frontage lots along Alvo Road.

11 iii. A waiver of the requirement that a use permit accompany the  
12 filing of the preliminary plat for the property zoned B-2  
13 Neighborhood Business District to allow the use permit to be  
14 filed later.

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

24 2. Before receiving building permits:

25 a. The Permittee must submit an acceptable, revised and reproducible  
26 final plan including seven copies.

- 1                   b.     The construction plans must conform to the approved plans.
- 2                   c.     Final plats within this community unit plan must be approved by the
- 3                         Planning Director.
- 4           3.     Final Plats will be approved by the Planning Director after:
- 5                   a.     The Permittee has completed or posted a surety to guarantee the
- 6                         completion of the sidewalks, streets, drainage facilities, street
- 7                         lighting, landscape screens, street trees, temporary turnarounds and
- 8                         barricades, and street name signs.
- 9                   b.     The Permittee has signed an agreement that binds the subdivider,
- 10                         its successors and assigns:
- 11                         i.     To complete the street paving of all streets shown on the
- 12                         final plat within two years following the approval of the final
- 13                         plat.
- 14                         ii.    To complete the installation of sidewalks along both sides of
- 15                         all streets, along the south side of Alvo Road, and along the
- 16                         east side of N. 14th Street as shown on the final plat within
- 17                         four years following the approval of the final plat.
- 18                         iii.   To complete the installation of sidewalks in the pedestrian
- 19                         way easements shown on the final plat at the same time as
- 20                         adjacent streets are completed.
- 21                         iv.   To complete the public water distribution system to serve this
- 22                         plat within two years following the approval of the final plat.
- 23                         v.    To complete the public wastewater collection system to serve
- 24                         this plat within two years following the approval of the final
- 25                         plat.
- 26                         vi.   To complete the enclosed drainage facilities shown on the
- 27                         approved drainage study to serve this plat within two years
- 28                         following the approval of the final plat.
- 29                         vii.  To complete land preparation including storm water
- 30                         detention/retention facilities and open drainageway
- 31                         improvements to serve this plat prior to the installation of
- 32                         utilities and improvements but not more than two years
- 33                         following the approval of the final plat.

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- viii. To complete the installation of public street lights within this plat within two years following the approval of the final plat.
  - ix. To complete the planting of street trees within this plat within four years following the approval of the final plat.
  - x. To complete the planting of the landscape screen within this plat within two years following the approval of the final plat.
  - xi. To complete the installation of the street name signs within two years following the approval of the final plat.
  - xii. 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.
  - xiii. To complete the public and private improvements shown on the Community Unit Plan.
  - xiv. To retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The Subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
  - xv. To submit to the lot buyers and home builders a copy of the soil analysis.
  - xvi. To pay all design, engineering, labor, material, inspection, and other improvement costs.
  - xvii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
  - xviii. To construct the sidewalk in the pedestrian way easements in block 2, 3, 7, 11, at the same time as adjacent streets are paved and to agree that no building permit shall be issued for construction on Lots 18, 19, 28 and 29, Block 2, Lots 21, 22,

1 34 and 35, Block 3, Lots 10, 11, 28 and 29, Block 7, and Lots  
2 13 and 14, Block 11, until such time as the sidewalk in the  
3 pedestrian way easement is constructed.

4 xix. To perpetually maintain the sidewalks in the pedestrian way  
5 easements at their own cost and expense.

6 xx. To protect the trees that are indicated to remain during  
7 construction and development.

8 xxi. To properly and continuously maintain and supervise the  
9 private facilities which have common use or benefit, and to  
10 recognize that there may be additional maintenance issues  
11 or costs associated with providing for the proper functioning  
12 of storm water detention/retention facilities as they were  
13 designed and constructed within the development, and that  
14 these are the responsibility of the Permittee.

15 xxii. To relinquish the right of direct vehicular access from Lots 7-  
16 36, Block 1, Lots 1-19, Block 2, and Outlot E, to N. 14th  
17 Street and Lots 19-29, and Lot 48, Block 2, Lots 1, 25-27  
18 and 53-55, Block 12, and Outlots A, B, and J, to Alvo Road.

19 xxiii. To timely complete the public and private improvements and  
20 facilities required by Chapter 26.23 of the Land Subdivision  
21 Ordinance which have not been waived including but not  
22 limited to the list of improvements described above.

23 xxiv. To post the required security to guarantee completion of the  
24 required improvements if the improvements are not  
25 completed prior to approval of the final plat.

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

28 5. All privately-owned improvements must be permanently maintained by the  
29 Permittee or an appropriately established association of property owners approved by the City  
30 Attorney.

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

34 7. The terms, conditions, and requirements of this resolution shall be binding  
35 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.

8. 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.

9. 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:

*Thomas G. Freundt*

AYES: Camp, Cook, Friendt,  
McRoy, Newman, Svoboda,  
Werner; NAYS: None.

Approved as to Form & Legality:

*Wanda W. Papan*  
City Attorney

Approved this <sup>19<sup>th</sup></sup> day of May, 2004:  
*Coleen J. King*  
Mayor

**ADOPTED**  
**MAY 17 2004**  
**BY CITY COUNCIL**

STONE BRIDGE CREEK  
AMENDMENT TO SPECIAL PERMIT (C.U.P.) No. 1845

LEGAL DESCRIPTION  
C.U.P. BOUNDARY

A LEGAL DESCRIPTION OF A TRACT OF LAND CONSISTING OF LOTS 1 THROUGH 27, BLOCK 1, LOTS 1 THROUGH 29, BLOCK 2, LOTS 1 THROUGH 10, BLOCK 3, LOTS 1 THROUGH 4, BLOCK 4, OUTLOTS H AND J, STONE BRIDGE CREEK ADDITION, LOTS 1 THROUGH 9, BLOCK 1, LOT 1, BLOCK 2, LOTS 1 THROUGH 15, BLOCK 3, LOTS 1 AND 2, BLOCK 4, LOTS 1 THROUGH 11, BLOCK 5, LOTS 1 THROUGH 16, BLOCK 6, LOT 1, BLOCK 7, LOTS 1 THROUGH 10, BLOCK 8, LOTS 1 THROUGH 9, BLOCK 9, AND A PORTION OF OUTLOT C, STONE BRIDGE CREEK 1st ADDITION, LOTS 1 THROUGH 26 AND LOTS 31 THROUGH 36, BLOCK 1, LOTS 1 THROUGH 28, BLOCK 2 AND LOTS 1 THROUGH 20, BLOCK 3, STONE BRIDGE CREEK 2nd ADDITION, LOTS 1 THROUGH 14, BLOCK 1, LOTS 1 THROUGH 30, BLOCK 2, LOTS 1 THROUGH 28, BLOCK 3, LOTS 1 THROUGH 29, BLOCK 4, LOTS 1 THROUGH 24, BLOCK 5, LOTS 1 THROUGH 16, BLOCK 6, LOTS 1 THROUGH 32, BLOCK 7, OUTLOTS A, B, AND C, STONE BRIDGE CREEK 3RD ADDITION AND LOTS 1 THROUGH 5, BLOCK 1, LOT 1, BLOCK 2, STONE BRIDGE CREEK 4TH ADDITION AND A PORTION OF LOT 43 IRREGULAR TRACT, LOCATED IN THE NORTHWEST QUARTER, THE NORTHEAST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., AND ALSO LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SAID SECTION 36; THENCE N00°05'17"E (AN ASSUMED BEARING) ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25, 59.59 FEET; THENCE S89°54'36"E, 33.00 FEET TO THE POINT OF BEGINNING; THENCE S89°28'59"E, 1,161.57 FEET; THENCE EASTERLY ON A 1,615.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 171.26 FEET (LONG CHORD BEARS N87°28'45"E, 171.18 FEET); THENCE CONTINUING EASTERLY ON A 1,615.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 485.70 FEET (LONG CHORD BEARS N75°49'32"E, 483.87 FEET); THENCE S22°47'25"E, 120.00 FEET; THENCE S00°31'01"W, 301.58 FEET; THENCE S44°28'59"E, 84.85 FEET; THENCE S89°28'59"E, 156.00 FEET; THENCE S00°31'01"W, 110.00 FEET; THENCE S22°05'53"E, 64.53 FEET; THENCE S00°33'49"W, 371.46 FEET; THENCE S77°59'20"E, 128.89 FEET; THENCE S74°02'14"E, 73.12 FEET; THENCE S49°12'00"E, 73.12 FEET; THENCE S24°21'47"E, 73.12 FEET; THENCE S00°28'27"W, 73.12 FEET; THENCE S20°37'10"W, 45.71 FEET; THENCE S35°35'58"W, 315.45 FEET; THENCE S45°45'02"W, 114.16 FEET; THENCE S55°21'53"W, 60.85 FEET; THENCE S45°45'02"W, 211.12 FEET; THENCE S10°17'23"E, 410.75 FEET; THENCE S49°59'06"W, 428.44 FEET; THENCE WESTERLY ON A 1,500.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 1,056.15 FEET (LONG CHORD BEARS S70°09'21"W, 1,034.47 FEET); THENCE N89°40'23"W, 220.73 FEET; THENCE CONTINUING WESTERLY ON SAID LINE, 101.99 FEET; THENCE WESTERLY ON A 1,000.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC LENGTH OF 123.52 FEET (LONG CHORD BEARS N86°08'05"W, 123.44 FEET); THENCE WESTERLY ON A 1,000.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 122.11 FEET (LONG CHORD BEARS N86°05'40"W, 122.03 FEET); THENCE N89°35'33"W, 100.00 FEET; THENCE N00°21'14"E, 2,646.75 FEET; THENCE N00°05'24"E, 60.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5,300,254 SQUARE FEET (121.67 ACRES) MORE OR LESS.

P+L 43 SW 1/4 25-11-6

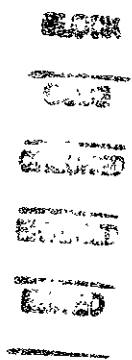


**04R-100**

5/10/04 Council Proceedings:

MCROY Moved to delay action on Bill No. 04R-100 for one week to 5/17/04.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.



LETTER OF ACCEPTANCE

City Council  
City of Lincoln  
Lincoln, Nebraska

To The City Council:

I, Robert D. Hampton the undersigned representative(s) of **STONE BRIDGE CREEK LLC**, Permittee(s) in **Special Permit 04004** granted by **Resolution A-82767** adopted by the City Council of the City of Lincoln, Nebraska, on **May 17, 2004** 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 7 day of July, 2004.

Robert D. Hampton  
STONE BRIDGE CREEK LLC

Teresa Meier  
City Clerk

# C E R T I F I C A T E

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 04004** approved by **Resolution A-82767** adopted by the City Council on **May 17, 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 20<sup>th</sup> day of July, 2004.

*Teresa J. Meier*  
Deputy City Clerk

