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REGISTER OF DEEDS
2002 APR 16 P 1:35

INST NO 2002
024784

LANCASTER COUNTY, NE

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02R-37

Introduce: 3-11-02

RESOLUTION NO. A- 81390

SPECIAL PERMIT NO. 692L

1 WHEREAS, Southview, Inc. has submitted an application designated as Special
2 Permit No. 692L for authority to amend the Tabitha New Community community unit plan to
3 construct 36 units of elderly or retirement housing within the Tabitha New Community CUP
4 on property generally located east of Enterprise Drive, north of Folkways Blvd., and legally
5 described to wit:

6 Lots 1-8 and Outlots A and C, Block 8; Lots 17-27, a portion of the
7 remaining portion of Outlot A and Outlots C and D, Block 9; Lot
8 1, Block 10; Lot 1, Block 11; all in Tabitha New Community
9 Addition; and a portion of vacated Farmstead Road; located in the
10 Northeast Quarter of Section 1, Township 10 North, Range 6 East
11 of the 6th P.M., Lincoln, Lancaster County, Nebraska; and

12 WHEREAS, the real property adjacent to the area included within said community
13 unit plan will not be adversely affected by such amendment; and

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

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

19 That the application of Southview, Inc., hereinafter referred to as "Permittee", to
20 amend the Tabitha New Community community unit plan to construct 36 units of elderly or
21 retirement housing on the above-described property be and the same is hereby granted under the

Teresa City Clerk

1. provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition
2 that construction and operation of such elderly or retirement facilities be in strict compliance
3 with said application, the site plan, and the following additional express terms, conditions, and
4 requirements:

5 1. This permit approves 36 units of elderly or retirement housing within the
6 Tabitha New Community CUP, provided that the City Council permits the following
7 modifications:

8 a. Setback reductions as indicated on the requested waivers attached
9 hereto marked as Attachment "A".

10 b. Lot area as shown on the site plan.

11 2. Before receiving building permits:

12 a. The Permittee must submit a permanent reproducible final plan,
13 and five copies, as approved by the City Council.

14 b. The construction plans must conform to the approved plans.

15 3. Before occupying the elderly or retirement housing units all development
16 and construction must be completed in conformance with the approved plans.

17 4. All privately-owned improvements must be permanently maintained by the
18 owner or an appropriately established homeowners association approved by the City Attorney.

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

22 6. The terms, conditions, and requirements of this resolution shall be binding

1 and obligatory upon the Permittee, its successors, and assigns. The building official shall report
2 violations to the City Council which may revoke the special permit or take such other action as
3 may be necessary to gain compliance.

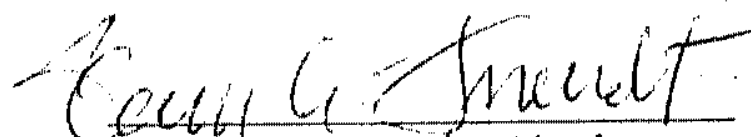
4 7. The Permittee shall sign and return the City's letter of acceptance to the
5 City Clerk within 30 days following approval of the special permit, provided, however, said 30-
6 day period may be extended up to six months by administrative amendment. The City Clerk
7 shall file a copy of the resolution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

9 8. Final plats within the area of this Community Unit Plan must be approved
10 by the City.

11 9. Adoption of this resolution voids and supercedes Special Permit No. 692J,
12 which permitted the storage of recreational vehicles on Lot 1, Block 11, of Tabitha New
13 Community and vacated Farmstead Road.

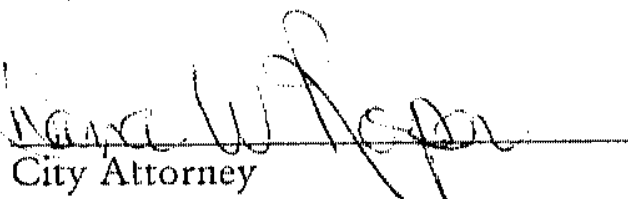
14 10. The site plan as approved with this resolution voids and supersedes all
15 previously approved site plans, however, all resolutions approving previous permits (Special
16 Permit Nos. 692D, 692E, 692F, 692G, 692H, 692I, and 692K) remain in force unless specifically
17 amended by this resolution.

Introduced by:

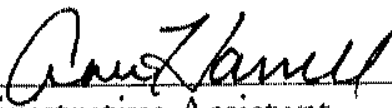


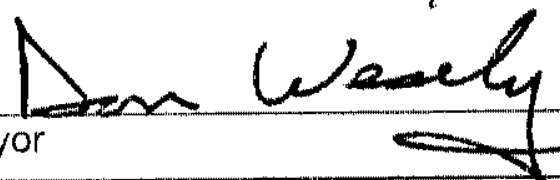
AYES: Camp, Cook, Friendt,
McRoy, Seng, Svoboda, Werner;
NAYS: None.

Approved as to Form & Legality:


City Attorney

Staff Review Completed:


Administrative Assistant

Approved this 21 day of March 2002:

Mayor

ADOPTED

MAR 18 2002

By City Council

LETTER OF ACCEPTANCE

City Council
City of Lincoln
Lincoln, Nebraska

To The City Council:

I, GERALD L. SCHLEICH the undersigned representative(s) of **Southview, Inc.**, Permittee in **Special Permit 692L** granted by **Resolution No. A-81390** adopted by the City Council of the City of Lincoln, Nebraska, on March 18, 2002 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 2ND day of APRIL, 2002.

Gerald L. Schleich
Southview, Inc. President

CERTIFICATE

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

I, Teresa J. Meier-Brock, 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 692L** approved by **Resolution No. A-81390** adopted by the City Council on **March 18, 2002** 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 16th day of April, 2002.

Teresa J. Meier-Brock
