

\$35.50

*Dan Jolte*

REGISTER OF DEEDS

2001 AUG -1 P 4: 30

LANCASTER COUNTY, NE

INST. NO 2001

043453

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01R-166

Introduce: 6-25-01

RESOLUTION NO. A- 80947

SPECIAL PERMIT NO. 1813

1 WHEREAS, Nebraska Nurseries, Inc. has submitted an application  
2 designated as Special Permit No. 1813 for authority to develop The Preserve on Antelope  
3 Creek Community Unit Plan consisting of 150 dwelling units and 180 dwelling units of  
4 retirement housing on property located at the southwest corner of 80th Street and Pioneers  
5 Blvd., and legally described to wit:

6 A tract of land located in the Northeast Quarter of Section 10,  
7 Township 9 North, Range 7 East of the 6th P.M., Lancaster  
8 County, Nebraska, being more particularly described as  
9 follows:

10 Beginning at the southwest corner of Lot 54 of said Quarter  
11 Section; thence north 89 degrees 21 minutes 34 seconds east  
12 along the south line of said Lot 54, a distance of 200.19 feet to  
13 the east line of said Lot 54; thence north 00 degrees 11  
14 minutes 13 seconds west on said line, a distance of 259.93  
15 feet to the south right-of-way line of Pioneers Boulevard;  
16 thence north 89 degrees 20 minutes 29 seconds east on said  
17 line, a distance of 600.59 feet to the east line of Lot 57 of the  
18 aforesaid Northeast Quarter of Section 10; thence south 00  
19 degrees 11 minutes 52 seconds east on said line, a distance  
20 of 2133.34 feet; thence south 00 degrees 13 minutes 54  
21 seconds east on said line, a distance of 456.67 feet; thence on  
22 the southerly and westerly lines of said Lot 57 for the next four  
23 courses; north 89 degrees 58 minutes 22 seconds west, a  
24 distance of 52.68 feet; north 15 degrees 39 minutes 36  
25 seconds west, a distance of 425.55 feet; north 61 degrees 34  
26 minutes 23 seconds west, a distance of 1398.97 feet; north 31  
27 degrees 42 minutes 49 seconds west, a distance of 481.67  
28 feet to the west line of said Lot 57, said line also being the east  
29 line of Outlot "A", Pioneer Subdivision, a subdivision as platted  
30 and recorded in Lancaster County, Nebraska; thence north 00  
31 degrees 16 minutes 08 seconds east on said line, a distance  
32 of 203.46 feet; thence south 89 degrees 43 minutes 52

P 7 L 55, 57, all L 56 NE 1/4

*Return to Teresa, City Clerk*

seconds east, a distance of 73.06 feet; thence north 79  
degrees 07 minutes 47 seconds east, a distance of 70.38 feet;  
thence south 86 degrees 37 minutes 54 seconds east, a  
distance of 84.78 feet; thence south 66 degrees 20 minutes 00  
seconds east, a distance of 78.47 feet; thence north 55  
degrees 16 minutes 54 seconds east, a distance of 154.09 feet  
to a point on a curve; thence northwesterly along a curve to the  
left having a radius of 292.55 feet and a central angle of 15  
degrees 30 minutes 27 seconds, an arc distance of 79.18 feet  
(chord = 78.94 feet, chord bearing = north 49 degrees 52  
minutes 30 seconds west) to a point of reverse curvature;  
thence northwesterly along a curve to the right having a radius  
of 420.40 feet and a central angle of 19 degrees 46 minutes 13  
seconds, an arc distance of 145.06 feet (chord = 144.34 feet,  
chord bearing = north 47 degrees 44 minutes 38 seconds  
west) to a point of tangency; thence north 37 degrees 51  
minutes 31 seconds west, a distance of 48.41 feet to a point of  
curvature; thence northwesterly along a curve to the left having  
a radius of 144.27 feet and a central angle of 52 degrees 16  
minutes 35 seconds, an arc distance of 131.63 feet (chord =  
127.11 feet, chord bearing = north 63 degrees 59 minutes 49  
seconds west) to a point of tangency; thence south 89 degrees  
51 minutes 54 seconds west, a distance of 16.99 feet to a  
point of curvature; thence north westerly along a curve to the  
right having a radius of 95.82 feet and a central angle of 46  
degrees 31 minutes 36 seconds, an arc distance of 77.81 feet  
(chord = 75.69 feet, chord bearing = north 66 degrees 52  
minutes 18 seconds west) to a point of tangency; thence north  
43 degrees 36 minutes 30 seconds west, a distance of 37.54  
feet to the aforesaid west line of Lot 57; thence north 00  
degrees 16 minutes 08 seconds east on said line, a distance  
of 59.13 feet; thence south 89 degrees 46 minutes 35 seconds  
east, a distance of 166.69 feet; thence north 66 degrees 33  
minutes 19 seconds east, a distance of 289.31 feet; thence  
north 37 degrees 33 minutes 31 seconds east, a distance of  
76.97 feet; thence north 89 degrees 48 minutes 08 seconds  
east, a distance of 183.77 feet; thence north 00 degrees 49  
minutes 59 seconds west, a distance of 291.51 feet to the  
south right-of-way line of Pioneers Boulevard; thence north 89  
degrees 19 minutes 30 seconds east on said line, a distance  
of 179.65 feet to the west line of the aforesaid Lot 54; thence  
south 00 degrees 10 minutes 44 seconds east on said line, a  
distance of 259.81 feet to the point of beginning, except that  
part lying within Lot 55, Irregular Tract, in the Northeast  
Quarter of Section 10, Township 9 North, Range 7 East of the

1 6th P.M. Lancaster County, Nebraska; containing 2,538,056  
2 square feet or 58.266 acres, more or less;

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

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

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

10 That the application of Nebraska Nurseries, Inc., hereinafter referred to as  
11 "Permittee", to develop The Preserve on Antelope Creek Community Unit Plan, on the  
12 property legally described above, be and the same is hereby granted under the provisions  
13 of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that  
14 construction and operation of said community unit plan be in strict compliance with said  
15 application, the site plan, and the following additional express terms, conditions, and  
16 requirements:

17 1. This permit approves a community unit plan for 150 dwelling units and  
18 the development of retirement housing for 180 elderly dwelling units.

19 2. The following modifications are hereby approved:

20 a. An exception to the design standards to permit intersection  
21 angles less than 80 degrees.

22 b. A modification to the requirements of the Land Subdivision  
23 Ordinance to permit double frontage on Lot 2, Block 3.

- c. An adjustment to the maximum building height in the R-3 zoning district to increase the maximum height of the independent living building in Lot 1, Block 1, from 35' to 45'.
    - d. An adjustment to the required rear yard setback in the R-3 district for lots longer than 125' in Blocks 1, 3, and 4 from the smaller of 30' or 20% of depth to 25'.
  3. Before receiving building permits:
    - a. The Permittee must submit a revised and reproducible final plan with five copies.
    - b. The construction plans must conform to the approved plans.
    - c. Final plats within the area of this community unit plan must be approved by the City.
  4. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.
  5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
  6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, 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.

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

Introduced by:

Jonathan Cook

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

Approved as to Form & Legality:

Dana W. Popen  
City Attorney

Staff Review Completed:

Janet J. Bunkma  
Administrative Assistant

Approved this 5<sup>th</sup> day of July, 2001:

Don Waseley  
Mayor

**ADOPTED**

JUL 2 2001

By City Council

## LETTER OF ACCEPTANCE

City Council  
City of Lincoln  
Lincoln, Nebraska

To The City Council:

I, Kent B. Brasher the undersigned representative(s) of **Nebraska Nurseries, Inc.**, Permittee in **Special Permit 1813** granted by **Resolution No. A-80947** adopted by the City Council of the City of Lincoln, Nebraska, on July 2, 2001 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 31 day of July, 2001.

Kent B. Brasher  
Permittee

## 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-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 1813** approved by **Resolution No. A-80947** adopted by the City Council on **July 2, 2001** 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 1<sup>st</sup> day of August, 2001.

  
Teresa J. Meier Brock  
Deputy City Clerk