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RESOLUTION NO. PC- 01038

SPECIAL PERMIT NO. 07001

1 WHEREAS, Waterford Estates, LLC and Sesostris Temple Holding Company  
2 have submitted an application designated as Special Permit No. 07001 for authority to develop  
3 Waterford Estates Community Unit Plan for 51 dwelling units, together with requests to waive  
4 the Land Subdivision Ordinance and Zoning Code requirements to reduce setbacks to zero  
5 from lot lines, and to allow sidewalks at the edge of the curb, on property generally located at N.  
6 98th Street and O Street and legally described as:

7 A portion of Lot 11 I.T., and a portion of the North Half of the  
8 Southwest Quarter, all located in the West Half of Section 24,  
9 Township 10 North, Range 7 East of the 6th P.M., City of Lincoln,  
10 Lancaster County, Nebraska, and more particularly described as  
11 follows:

12 Commencing at the southeast corner of said Southwest Quarter;  
13 thence northerly along the east line of said Southwest Quarter on  
14 an assumed bearing of north 00 degrees 10 minutes 10 seconds  
15 east, a distance of 1,727.56 feet to a point; thence north 89  
16 degrees 49 minutes 50 seconds west, a distance of 393.17 feet to  
17 a point of curvature; thence along a curve in a counter clockwise  
18 direction having a delta angle of 12 degrees 52 minutes 56  
19 seconds, a radius of 585.00 feet, an arc length of 131.53 feet, a  
20 tangent length of 66.04 feet, a chord length of 131.25 feet, and a  
21 chord bearing of south 83 degrees 43 minutes 42 seconds west,  
22 to a point of tangency; thence south 77 degrees 17 minutes 14  
23 seconds west, a distance of 441.26 feet to the true point of  
24 beginning; thence south 12 degrees 42 minutes 46 seconds east,  
25 a distance of 127.15 feet to a point; thence south 00 degrees 48  
26 minutes 28 seconds east, a distance of 437.23 feet to a point;  
27 thence north 88 degrees 55 minutes 37 seconds west, a distance  
28 of 882.89 feet to a point; thence north 67 degrees 01 minutes 23  
29 seconds west, a distance of 217.87 feet to a point; thence north

1 28 degrees 11 minutes 44 seconds east, a distance of 352.94 feet  
2 to a point; thence north 30 degrees 29 minutes 10 seconds east,  
3 a distance of 1.73 feet to a point of curvature; thence along a  
4 curve in a clockwise direction having a delta angle of 60 degrees  
5 47 minutes 26 seconds, a radius of 120.00 feet, an arc length of  
6 127.32 feet, a tangent length of 70.39 feet, a chord length of  
7 121.43 feet, and a chord bearing of north 60 degrees 52 minutes  
8 53 seconds east, to a point of tangency; thence south 88 degrees  
9 43 minutes 24 seconds east, a distance of 287.64 feet to a point  
10 of curvature; thence along a curve in a counter clockwise direction  
11 having a delta angle of 13 degrees 59 minutes 22 seconds, a  
12 radius of 515.00 feet, an arc length of 125.74 feet, a tangent  
13 length of 63.19 feet, a chord length of 125.43 feet, and a chord  
14 bearing of north 84 degrees 16 minutes 55 seconds east, to a  
15 point of tangency; thence north 77 degrees 17 minutes 14  
16 seconds east, a distance of 372.21 feet to the point of beginning;  
17 said tract contains a calculated area of 470,619.91 square feet or  
18 10.80 acres, more or less;

19 WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a  
20 public hearing on said application; and

21 WHEREAS, the community as a whole, the surrounding neighborhood, and the  
22 real property adjacent to the area included within the site plan for this community unit plan will  
23 not be adversely affected by granting such a permit; and

24 WHEREAS, said site plan together with the terms and conditions hereinafter set  
25 forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and  
26 purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and  
27 general welfare; and

28 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County  
29 Planning Commission of Lincoln, Nebraska:

30 That the application of Waterford Estates, LLC and Sesostris Temple Holding  
31 Company, hereinafter referred to as "Permittee", to develop Waterford Estates Community Unit  
32 Plan for 51 dwelling units be and the same is hereby granted under the provisions of Section  
33 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of

1 said development be in strict compliance with said application, the site plan, and the following  
2 additional express terms, conditions, and requirements:

- 3 1. This permit approves 51 dwelling and adjusts setbacks to zero from the lot lines.
- 4 2. The City Council must approve the associated requests:
  - 5 a. Change of Zone 07002.
  - 6 b. Annexation 07001.
- 7 3. Final plats within the area of the CUP must be approved by the City.
- 8 4. Before a final plat is approved:
  - 9 a. The Permittee shall complete the following instructions and submit the  
10 documents and plans to the Planning Department office for review and  
11 approval.
    - 12 i. A revised site plan including 5 copies showing the following  
13 revisions:
      - 14 (1) Add to the General Notes, "Signs need not be shown on  
15 this site plan, but need to be in compliance with chapter  
16 27.69 of the Lincoln Zoning Ordinance, and must be  
17 approved by Building & Safety Department prior to  
18 installation".
      - 19 (2) Label the private roadways as "Outlot A" if that is the  
20 intent.
      - 21 (3) Satisfy Engineering Services comments outlined in their  
22 January 30, 2007 memo.
      - 23 (4) Add easements per Lincoln Electric System comments  
24 dated January 26, 2007.
      - 25 (5) Add the purpose of Outlot A to the site plan.
      - 26 (6) Show sidewalks at least 4' from the curb. Revise the  
27 "TYPICAL ROADWAY CROSS-SECTION" on the Cover  
28 Sheet to reflect this change as well.
    - 29 ii. Provide documentation from the Register of Deeds that the letter  
30 of acceptance as required by the approval of the special permit  
31 has been recorded.
    - 32 iii. A landscape (screen) plan approved by the Director of Planning.

1           b.     Ornamental street lights for private roadways and pedestrian way  
2 easements must be approved by L.E.S.

3           c.     The construction plans must comply with the approved plans.

4           5.     Before occupying the dwelling units all development and construction must  
5 comply with the approved plans.

6           6.     All privately-owned improvements, including landscaping and recreational  
7 facilities, must be permanently maintained by the Permittee or an appropriately established  
8 homeowners association approved by the City.


9           7.     The site plan accompanying this permit shall be the basis for all interpretations of  
10 setbacks, yards, locations of buildings, location of parking and circulation elements, and similar  
11 matters.

12          8.     This resolution's terms, conditions, and requirements bind and obligate the  
13 Permittee, its successors and assigns.

14          9.     The Permittee shall sign and return the letter of acceptance to the City Clerk  
15 within 60 days following the approval of the special permit, provided, however, said 60-day  
16 period may be extended up to six months by administrative amendment. The City Clerk shall  
17 file a copy of the resolution approving the special permit and the letter of acceptance with the  
18 Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

19          The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning  
20 Commission on this 14 day of February, 2007.

ATTEST:

  
Chair

Approved as to Form & Legality:

  
Chief Assistant City Attorney

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LETTER OF ACCEPTANCE

City of Lincoln  
Lincoln, Nebraska

RE: **Special Permit No. 07001 - Waterford Estates Community Unit Plan**  
(98<sup>th</sup> & O Streets)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 07001, Waterford Estates Community Unit Plan**, granted by **Resolution No. PC-01038**, adopted by the Lincoln City-Lancaster County Planning Commission on February 14, 2007, hereby files this Letter of Acceptance and certifies to the City of Lincoln that the Permittee is fully aware of and understands all the conditions of said Resolution and that Permittee consents to and agrees to comply with the same.

Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Special Permit.

DATED the 19 day of March, 2007.

**"PERMITTEE"**

**WATERFORD ESTATES, LLC**, a  
Nebraska limited liability company

By: RIDGE DEVELOPMENT COMPANY,  
a Nebraska corporation, Manager

By: *Thomas E. White*  
Thomas E. White  
President of Development

By: *John C. Brager*  
John C. Brager  
President of Construction

By: SOUTHVIEW, INC., a Nebraska  
corporation, Manager

By: *John F. Schleich*  
John F. Schleich, President

By: *Richard W. Meginnis*  
RICHARD W. MEGINNIS, Manager

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER        )

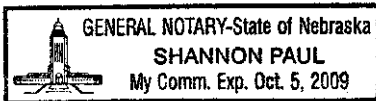
The foregoing was acknowledged before me this 16 day of March, 2007, by Thomas E. White, President of Development of Ridge Development Company, a Nebraska corporation, Manager of **Waterford Estates, LLC**, a Nebraska limited liability company on behalf of the limited liability company.



*Shannon Paul*  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

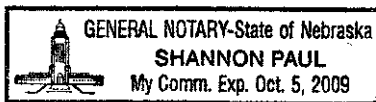
The foregoing was acknowledged before me this 16 day of March, 2007, by John C. Brager, President of Construction of Ridge Development Company, a Nebraska corporation, Manager of **Waterford Estates, LLC**, a Nebraska limited liability company on behalf of the limited liability company.



Shannon Paul  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

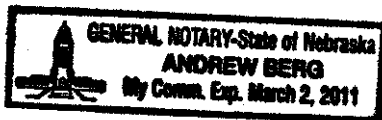
The foregoing was acknowledged before me this 16 day of March, 2007, by John F. Schleich, President of Southview, Inc., a Nebraska, corporation, Manager of **Waterford Estates, LLC**, a Nebraska limited liability company on behalf of the limited liability company.



Shannon Paul  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing was acknowledged before me this 19 day of March, 2007, by Richard W. Meginnis, Manager of **Waterford Estates, LLC**, a Nebraska limited liability company on behalf of the limited liability company.



Andrew Berg  
Notary Public

# CERTIFICATE

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 07001** as adopted and approved by **Resolution No. PC-01038** of the Lincoln City-Lancaster County Planning Commission at its meeting held **February 14, 2007** 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 6<sup>th</sup> day of March, 2007.

*Teresa J. Meier*  
Deputy City Clerk

