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Special Permit No. 573A

RESOLUTION NO. A- 60968

WHEREAS, Phillip and Virginia Stettinger, husband and wife, have submitted an application to amend Special Permit No. 573 adopted by Resolution No. A-59266 on November 15, 1971 by the City Council of the City of Lincoln, Nebraska, for authority to develop an amended community unit plan on the following described real property, to wit:

Lots 12, 13, 14, and 45, all Irregular Tracts in the South 1/2 of Section 21, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska; and,

WHEREAS, the real property adjacent to the area included within the plot plan for this proposed amended community unit plan will not be adversely affected; and,

WHEREAS, said application is consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code and did promote the public health, safety, morals, and general welfare of the city.

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

That the application of Phillip and Virginia Stettinger, husband and wife, hereinafter called "Permittee", under Special Permit No. 573A to amend Special Permit No. 573 adopted by Resolution No. A-59266 on November 15, 1971 be granted, provided, that development of said amended community unit plan be in strict compliance with the application, the amended plot plan hereinafter required, and the following additional expressed terms, conditions, and requirements:

1. That permittee receive approval from the City Council of change of zone #1366.
2. That West "S" Street be terminated with due consideration given to other abutting properties.
3. That permittee revise the interior sanitary sewer system for this amended community unit plan to meet City of Lincoln design criteria.

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4. That permittee revise the sanitary sewer system for the area north of the ridge line on the above described real property to discharge to the north to a public sanitary sewer outlet as approved by the director of public works and that permittee petition the city for the creation of an assessment district to construct said sanitary sewer or agree to pay the total cost of said sanitary sewer extension from this said real property north to said sewer outlet.

5. That permittee prepare and submit to the director of public works for his review and approval a revised drainage study in conformance with city storm sewer design criteria; and that permittee agrees to construct storm sewers as required by such revised drainage study as approved.

6. That the driveways serving parking areas containing more than thirty parking spaces be constructed 26 feet in width from face of curb to face of curb.

7. That permittee prepare and submit a revised landscape plan to the planning director for his review and approval prior to the issuance of any building permit for the amended portion of this community unit plan; and that said approved landscape plan be implemented within two planting seasons following the issuance of occupancy permits to 60 percent of the total number of dwelling units allowed in the amended portion of this community unit plan.

8. That permittee prepare and submit a recreation plan to the planning director for his review and approval prior to the issuance of any building permits for the amended portion of this community unit plan; and that said approved recreation plan be implemented prior to the issuance of occupancy permits to 60 percent of the total number of dwelling units permitted within the amended portion of this community unit plan.

9. That by acceptance hereof permittee unconditionally waives any defense to any proportionate future assessments to be levied by the city against the above described real estate for the installation of public water mains in West "S" Street where the same abutts said real property by reason of the use of said real property as a community unit plan or by reason of the availability or use of

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other connections to the city water system. However, this shall not be construed as prohibiting permittee from objecting to any assessments which are in excess of benefits which would otherwise be received under conventional lot and block development.

10. That by acceptance hereof permittee unconditionally waives any defense to any proportionate future assessments to be levied by the city against the above described real estate for the installation of public sanitary sewers in West "S" Street where said street abutts said real estate by reason of the use of said real estate as a community unit plan or by reason of the availability or use of other connections to the city sanitary sewer system. However, this shall not be construed as prohibiting permittee from objecting to any assessments which are in excess of benefits which would otherwise be received under conventional lot and block development.

11. That permittee, at his own cost and expense, construct sidewalks in accordance with city standards along the west side of Northwest 20th Street, the south side of West "S" Street, the north side of West "Q" Street and North Coddington Avenue adjacent to this community unit plan.

12. That permittee dedicate to the city for public right-of-way purposes North Coddington Avenue and Northwest 20th Street as shown on the plot plan prior to the issuance of any building permits in the amended portion of this community unit plan.

13. That permittee provide additional and convenient off-street parking facilities for the amended portion of this community unit plan and prepare and submit to the planning director for his review and approval the design and location of said additional off-street parking facilities.

14. That the location of water mains be revised to reflect the standard location in the adjacent public streets.

15. That permittee prepare and submit to the director of public works for his review and approval street grades for West "S" Street.

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16. That no building permits be issued for the 15-unit structure located southwest of Coddington Avenue and West "S" Street and the 6-unit structure located south thereof until Coddington Avenue is a full width street, 80 feet in width.

17. That the 15-unit structure located near the intersection of Coddington Avenue and West "Q" Street interchange location with one of the 4-unit structures located along West "S" Street.

18. That permittee grant additional blanket easements as requested by the city utilities committee in its report dated March 29, 1974.

19. That permittee prepare and submit to the planning director for his review and approval five copies of a plot plan incorporating all of the requirements and conditions set forth herein prior to the issuance of any building permits within the amended portion of this community unit plan.

20. That construction of this proposed community unit plan shall not proceed until the same has been approved by the superintendent of building inspections for the City of Lincoln and that no dwelling units within said community unit plan shall be occupied or otherwise used until said superintendent of building inspections has found that the permittee has complied with all the terms, conditions, and requirements of this special use permit resolution.

21. That within 30 days from the date of approval by the city permittee shall properly execute the Letter of Acceptance attached hereto as Appendix "A" and file the same with the city clerk evidencing their unqualified acceptance of all terms, conditions, and requirements herein set forth, otherwise Special Permit #573A herein granted shall be null and void and of no force and effect.

22. That all terms, conditions, and requirements of this special use permit resolution shall be binding and obligatory on permittee, their successors and assigns and that the planning department shall within 40 days from the effective date of this resolution file a certified copy hereof together with a certified copy of the executed letter of acceptance in the office of the Register of Deeds for Lancaster County, filing fees to be paid in advance by permittee.

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BE IT FURTHER RESOLVED that Resolution No. A-59266 is repealed and rescinded.

Introduced by:

Gene E. Cook

Approved as to Form and Legality:

Richard G. Wood
City Attorney

ADOPTED

MAY 27 1974

By City Council

APPROVED

JUN 4 - 1974

Don Schwaninger
MAYOR

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FILED
CITY CLERK'S OFFICE

JUN 10 1974

APPENDIX "A"

CITY OF LINCOLN
NEBRASKA

City Council
City of Lincoln
Lincoln, Nebraska

Re: Letter of Acceptance
Special Permit No. 573A

TO THE CITY COUNCIL:

I, PHILLIP and VIRGINIA STETTINGER, Applicant
under Special Permit No. 573A, granted by Resolution No.
A- 60968, adopted by the City Council on June 10,
19 74, 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 require-
ments therein.


Applicant Phillip Stettinger


Virginia Stettinger

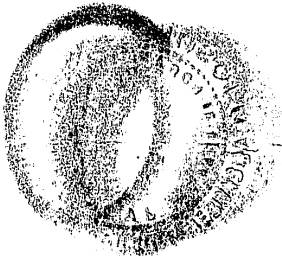
CERTIFICATE

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER) SS
)
CITY OF LINCOLN)

I, Harold W. Springer, 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-60968 and the letter of acceptance attached thereto.

as the original appears of record in my said office, and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 29th day of August, A.D., 1974.



Harold W. Springer
City Clerk

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Misc*

LANCASTER COUNTY NEBR
Harold W. Springer
REGISTER OF DEEDS

1974 OCT -7 AM 10:35

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

\$ 21.25

INST. NO. 74 16538

11/1/74