

RESOLUTION NO. A-

62763

SPECIAL PERMIT NO. 573B

01 WHEREAS, Phillip and Virginia Stettinger, husband and wife,
02 have submitted an application to amend Special Permit No. 573A, adopted
03 by Resolution No. A-60968 on May 27, 1974, by the City Council
04 of the City of Lincoln, Nebraska, for authority to amend Special
05 Permit No. 573A to exclude Lot 77 Irregular Tracts from the previously
06 approved community unit plan and to further develop an amended
07 community unit plan on the following described real property, to
08 wit:

09 Lots 13, 14, and 78 Irregular Tracts in the South
10 One-half of Section 21, Township 10 North, Range
11 6 East of the Sixth Principal Meridian, Lincoln,
12 Lancaster County, Nebraska.

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

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

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

21 That the application of Phillip and Virginia Stettinger,
22 husband and wife, hereinafter called "Permittee", under Special
23 Permit No. 573B to amend Special Permit No. 573A adopted by Resolution
24 No. A-60968 on May 27, 1974, be granted under the provisions of
25 Sections 27.40.010 and 27.40.150 of the Lincoln Municipal Code, upon
26 condition that construction and development of said amended community
27 unit plan be in strict compliance with the application, the plot
28 plan filed therewith, and the following additional express terms,
29 conditions, and requirements:

30 1. That at the time that the property to the north develops
31 and a street pattern is established for said property, the existing
32 West "S" Street should be vacated if the access rights of abutting
33 property owners can be satisfied.

13231

amended 5-24-76

02 2. That Permittee revise the interior sanitary sewer system
03 for this amended community unit plan to meet City of Lincoln design
04 criteria.

05 3. That Permittee shall revise the sanitary sewer system
06 for the area north of the ridge line on the above-described real
07 property to discharge to the north into a public sanitary sewer outlet
08 as approved by the Director of Public Works; and, that Permittee
09 shall petition the City for the creation of an assessment district to
10 construct said sanitary sewer or, in the alternative, agree to pay
11 the total cost of said sanitary sewer extension from this real
12 property north of said sewer outlet.

13 4. That Permittee shall prepare and submit to the Director
14 of Public Works, for his review and approval, a revised drainage
15 study in conformance with the City's storm sewer design criteria
16 and Permittee shall agree to construct storm sewers as required by
17 the approved revised drainage study.

18 5. That the driveways serving parking areas containing
19 more than 30 parking spaces be constructed 26 feet in width from
20 face of curb to face of curb.

21 6. That Permittee shall prepare and submit to the ^{Planning} Director
~~Director of Public Works~~, for his review and approval, a landscape plan prior
22 to the issuance of any building permits for the amended portion of this
23 community unit plan; and, that said approved landscape plan shall be
24 implemented within two planting seasons following the issuance
25 of occupancy permits to 60 percent of the total number of dwelling
26 units allowed within the amended portion of this community unit plan.

27 7. That Permittee shall prepare and submit a recreation
28 plan to the Planning Director, for his review and approval, prior
29 to the issuance of any building permits for the amended portion
30 of this community unit plan; and, that said approved recreation
31 plan be implemented prior to the issuance of occupancy permits
32 to 60 percent of the total number of dwelling units permitted within
33 the amended portion of this community unit plan.

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02 8. That by acceptance hereof, Permittee shall unconditionally
03 waive any defense to any proportionate future assessments to be
04 levied by the City against the above-described real property for
05 the installation of public water mains in West "S" Street where said
06 street abuts said real property by reason of the use of said
07 real property as a community unit plan, or by reason of the avail-
08 ability or use of other connections to the City sanitary sewer system.
09 However, this shall not be construed as prohibiting Permittee from
10 objecting to any assessments which are in excess of benefits which
11 would otherwise be received under conventional lot and block development.

12 9. That by acceptance hereof, Permittee shall unconditionally
13 waive any defense to any proportionate future assessments to be levied
14 by the City against the above-described real property for the
15 installation of public sanitary sewers in West "S" Street where said
16 street abuts said real property by reason of the use of said real
17 estate as a community unit plan or by reason of the availability
18 or use of other connections to the City sanitary sewer system. However,
19 this shall not be construed as prohibiting Permittee from objecting
20 to any assessments which are in excess of benefits which would
21 otherwise be received under conventional lot and block development.

22 10. That Permittee shall at their own cost and expense
23 provide for the construction of sidewalks in accordance with City
24 standards along the south side of West "S" Street, the north side
25 of West "Q" Street and the west side of North Coddington Avenue
26 adjacent to this community unit plan.

27 11. That the location of water mains shall be revised in
28 accordance with standards of the City of Lincoln in all public streets
29 adjacent to this community unit plan.

30 12. That Permittee shall prepare and submit to the Director
31 of Public Works, for his review and approval, a plan for bringing
32 West "S" Street to such grade as required by the City.

33 13. That no building permits shall be issued for the 15-unit
34 structure located southwest of the intersection of Coddington Avenue
35 and West "S" Street, and the 5-unit structure located south thereof,
36 until Coddington Avenue is 80 feet in width as required by City
ordinance.

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02 14. That Permittee shall grant additional blanket easements
03 in favor of the City and other utilities as requested by the City
04 Utilities Committee.

05 15. That prior to development of this amended portion of
06 this community unit plan, the Permittee shall prepare and submit
07 to the Planning Director, for his review and approval, a coordinated
08 time schedule of development and occupancy. Failure on behalf of
09 Permittee to follow said schedule, including failure to start
10 and complete construction by the coordination time specified in
11 the approved schedule shall constitute noncompliance.

12 16. That development or construction for the amended portion
13 of this community unit plan shall not proceed until the same has
14 been approved by the Superintendent of Building Inspections for the
15 City of Lincoln; and, that no dwelling units within this amended
16 portion of the community unit plan shall be occupied or otherwise
17 used until said Superintendent of Building Inspections has found that
18 the Permittee has complied with all the terms, conditions, and
19 requirements of the City.

20 17. That upon approval of this special permit, Resolution
21 No. A-60968 adopted by the City Council on May 27, 1974, is hereby
22 revoked and shall be declared null and void and of no force and
23 effect.

24 18. That within 30 days from the date of approval of this
25 special permit, Permittee shall properly execute the Letter of Acceptance
26 and file the same with the City Clerk evidencing their unqualified
27 acceptance of all the terms, conditions, and requirements herein
28 set forth, otherwise Special Permit No. 573B herein granted shall
29 be null and void and of no force and effect.

30 19. That all terms, conditions, and requirements of this
31 special permit granted herein shall be binding and obligatory upon
32 Permittee, their successors and assigns. That within 40 days from
33 the effective date of this resolution, the City Clerk shall cause
34 a certified copy of this resolution together with a certified copy
35 of the executed Letter of Acceptance to be filed in the Office of
36 the Register of Deeds for Lancaster County, Nebraska. The cost
of said filing shall be paid by Permittee.

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Introduced by:

Greenleaf

Approved as to Form and Legality:

Charles P. Humble
City Attorney

All present - All ayes

Staff Review Completed:

[Signature]
Administrative Director

ADOPTED

MAY 24 1976

By City Council

APPROVED

JUN 1 - 1976

Victor J. Escobar
MAYOR

NOT FORWARDED
AND DO NOT SIGNET AND NOTIFICATION OF NOT-
PROBATION LOCATED DENVER CITY RECORDS OR
AND REPAIRS TO COMMUNITY AND BOUND OF
OR DISCUSS BEHIND TO CONDUCT OF OFFICIAL
AFFIDAVIT OF FACT AND OTHER DOCUMENTS

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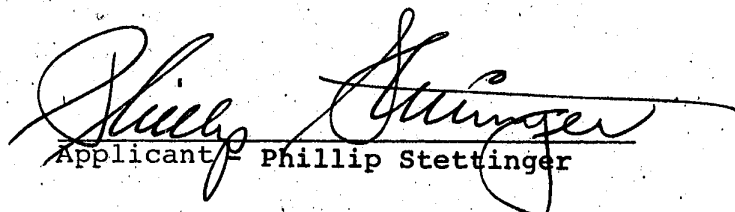
APPENDIX "A"

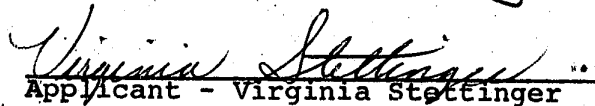
City Council
City of Lincoln
Lincoln, Nebraska

Re: Letter of Acceptance
Special Permit No. 573B

TO THE CITY COUNCIL:

We, Phillip and Virginia Stettinger, Applicant
under Special Permit No. 573B, granted by Resolution No.
A- 62763, adopted by the City Council on 5-24,
19 76, 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


Applicant - Virginia Stettinger

C E R T I F I C A T E

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

PAUL MALZER, Deputy
I, ~~W. X. X. Speed~~, 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-62763 Special Permit #573B,
and Letter of Acceptance.

as passed and approved by the City Council of the City of
Lincoln, Nebraska at the meeting held May 24, 1976
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, Nebr-
aska, this 18th day of June, 19 76.

INDEXED
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GENERAL

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LANCASTER COUNTY NEBR.
Committee of Supervisors

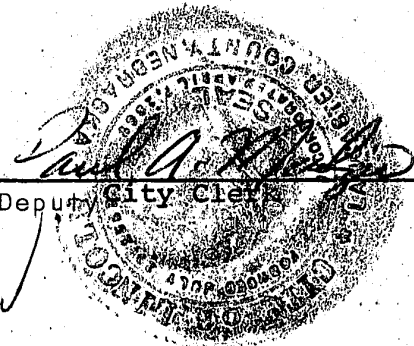
REGISTER OF DEEDS

1976 JUN 18 PM 1:47

ENTERED ON
NUMERICAL INDEX
FILED FOR RECORD AS:

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\$21.25



City Clerk