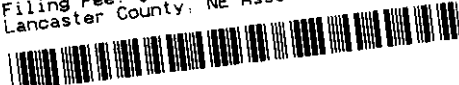


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RESOLUTION NO. PC- 01027

SPECIAL PERMIT NO. 531F

1 WHEREAS, Wilderness View Townhomes has submitted an application
2 designated as Special Permit No. 531F for authority to amend the Salt Valley View
3 Community Unit Plan to add 162 dwelling units; to waive the required minimum lot width
4 and minimum lot area, to reduce the rear yard setback to 20 feet; and to allow sanitary
5 sewer running against street grade, on property generally located at Warlick Blvd. and
6 Creekside Trail and legally described as:

7 A tract of land located in Lot 55 I.T., in the Northeast Quarter
8 of Section 14, Township 9 North, Range 6 East of the 6th
9 P.M., Lincoln, Lancaster County, Nebraska, and more fully
10 described as follows:

11 Beginning at the southwest corner of said Northeast Quarter;
12 thence north 00 degrees 25 minutes 58 seconds west
13 (assumed) on the west line of said Northeast Quarter, a
14 distance of 851.71 feet to a point on the north line of said
15 Lot 55; thence north 53 degrees 30 minutes 23 seconds
16 east, on said line, a distance of 853.52 feet; thence north 53
17 degrees 48 minutes 58 seconds east, on said line, a
18 distance of 789.20 feet; thence south 67 degrees 36
19 minutes 23 seconds east, on the easterly line of said Lot 55,
20 a distance of 209.17 feet; thence south 34 degrees 47
21 minutes 51 seconds east, a distance of 93.58 feet; thence
22 south 44 degrees 50 minutes 55 seconds east, on said line,
23 a distance of 177.33 feet; thence south 10 degrees 00
24 minutes 00 seconds east, a distance of 605.59 feet to a
25 point on the southeasterly line of said Lot 55 and the point of
26 curvature of a curve to the left, having a central angle of 05

1 degrees 27 minutes 25 seconds, a radius of 11634.20 feet,
2 an arch length of 1108.05 feet, a chord length of 1107.63
3 feet and a chord bearing south 42 degrees 53 minutes 24
4 seconds west; thence on said curve, a distance of 1108.05
5 feet to the point of tangency; thence south 40 degrees 09
6 minutes 47 seconds west, on said southeasterly line, a
7 distance of 180.33 feet to a point on the south line of said
8 Northeast Quarter; thence north 89 degrees 49 minutes 46
9 seconds west, on said line, a distance of 923.59 feet to the
10 point of beginning and containing a calculated area of
11 48.540 acres more or less;

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

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

17 WHEREAS, said site plan together with the terms and conditions hereinafter
18 set forth are consistent with the comprehensive plan of the City of Lincoln and with the
19 intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public
20 health, safety, and general welfare.

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

23 That the application of Wilderness View Townhomes, hereinafter referred to as
24 "Permittee", to amend Salt Valley View Community Unit Plan to add 162 dwelling units,
25 to waive the required minimum lot width and minimum lot area, to reduce the rear yard
26 setback to 20 feet, and to allow sanitary sewer running against street grade be and the
27 same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65
28 of the Lincoln Municipal Code upon condition that construction of said community unit

1 plan 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:

4 a. 1,128 dwelling units for the entire Salt Valley View Community Unit
5 Plan.

6 b. A waiver of the minimum lot area and minimum lot width, a reduction
7 in the rear yard setback to 20 feet and a modification of Sanitary
8 Sewer Design Standards to allow sanitary sewer running opposite
9 street grade for the Wilderness View Townhome development.

10 2. The City Council must approve the associated request Change of Zone
11 #06074.

12 3. Final plats within the area of this CUP must be approved by the City.

13 If any final plat on all or a portion of the approved community unit plan is
14 submitted five (5) years or more after the approval of the community unit plan, the city
15 may require that a new community unit plan be submitted, pursuant to all the provisions
16 of section 26.31.015. A new community unit plan may be required if the subdivision
17 ordinance, the design standards, or the required improvements have been amended by
18 the city; and as a result, the community unit plan as originally approved does not
19 comply with the amended rules and regulations.

20 Before the approval of a final plat, the public streets, private roadway
21 improvements, sidewalks, public sanitary sewer system, public water system, drainage
22 facilities, land preparation and grading, sediment and erosions control measures, storm
23 water detention/retention facilities, drainageway improvements, street lights,

1 landscaping screens, street trees, temporary turnaround and barricades, and street
2 name signs, must be completed or provisions (bond, escrow or security agreement) to
3 guarantee completion must be approved by the City Law Department. The
4 improvements must be completed in conformance with adopted design standards and
5 within the time period specified in the Land Subdivision Ordinance.

6 4. Prior to approval of a final plat, the Permittee shall enter into an
7 agreement with the City wherein Permittee agrees:

- 8 a. To complete the paving of private roadway including the roadway
9 providing the second access to the east through the I.T.I. and
10 intersection to Warlick Blvd., the driveway connecting Alpine Cir. to
11 Thornton Dr. and temporary turnarounds and barricades located at
12 the temporary dead-end of the private roadways shown on the final
13 plat within two (2) years following the approval of this final plat.
14
- 15 b. To complete the installation of sidewalks along both sides of
16 Norwood Dr., Windhaven Dr., Glenbrook Lane, Oakley St., Maple
17 View Dr., Alpine Dr. and Alpine Circle and along the west side of
18 Creekside Trail as shown on the final plat within four (4) years
19 following the approval of the final plat.
- 20 c. To complete the installation of sidewalks along the south side of
21 Warlick Blvd. as shown on the final plat within two (2) years following
22 the approval of this final plat.
- 23 d. To complete the public water distribution system to serve this plat
24 within two (2) years following the approval of the final plat.
- 25 e. To complete the public wastewater collection system to serve this
26 plat within two (2) years following the approval of the final plat.
27
- 28 f. To complete the enclosed public drainage facilities shown on the
29 approved drainage study to serve this plat within two (2) years
30 following the approval of the final plat.
- 31 g. To complete the enclosed private drainage facilities shown on the
32 approved drainage study to serve this plat within two (2) years
33 following the approval of the final plat.

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- h. To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
 - i. To complete the installation of private street lights along private roadways within this plat within two (2) years following the approval of the final plat.
 - j. To complete the planting of street trees along both sides of Norwood Dr., Windhaven Dr., Glenbrook Lane, Oakley St., Maple View Dr., Alpine Dr., Alpine Circle as within this plat within four (4) years following the approval of the final plat.
 - k. To complete the planting of street trees along the south side of Warlick Blvd. as shown on the final plat within two (2) years following the approval of this final plat.
 - l. To complete the installation of the street name signs within two (2) years following the approval of the final plat.
 - m. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
 - n. To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
 - o. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - p. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - q. To complete the public and private improvements shown on the Community Unit Plan.
 - r. To maintain the outlots and private improvements on a permanent and continuous basis.
 - s. To keep taxes and special assessments on the outlots from becoming delinquent.

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- t. To continuously and regularly maintain the street trees along the private roadway.
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- u. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
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- v. To retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Owner(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
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- (1) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a register professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
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- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
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- w. To submit to the lot buyers and home builders a copy of the soil analysis.
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- x. To protect the trees that are indicated to remain during construction and development
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- y. To relinquish the right of direct vehicular access from lots abutting Warlick Blvd. to Warlick Blvd.
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5. Before a final plat is approved:
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- a. The Permittee shall submit a revised site plan and five copies to the Planning Department office for review and approval showing the following revision:

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- i. On Sheet 3 Note 1 change "19 two-family attached units, 31 four-family units" to read "38 attached single family units, 124 townhouse units".
 - ii. Sign the Surveyor's Certificate.
 - iii. Show density calculations for the entire CUP on the Sheet 1. The total acres for Salt Valley View CUP is 126.60.
 - iv. Identify the number of existing units in The Meadows, Ruskin Place and the area north of Old Cheney Rd. on Sheet 1.
 - v. Show the proposed secondary access on Sheets 3 & 4.
 - vi. Show a driveway connection between Alpine Circle and Thornton Dr.
 - vii. Change the 10' side yard setback to 5' in the Typical Lot Detail 4-Plex.
 - viii. On Sheet 4 change 4-plex to townhouse and duplex to attached single family in the typical lot details.
 - ix. Change the designation Outlot "A" from Creekside Trail to the west boundary of the CUP to Outlot "O". Amend the Outlot table accordingly.
 - x. Provide a new street name for Alpine Dr./Cir.
 - xi. Show utility easements as requested by the October 31, 2006 LES memo.
 - xii. Label all roads as private roadway.
 - xiii. Add "detention" to the usage of Outlot "E".
 - xiv. Add north arrow and scale to Sheet 4.
 - xv. Make corrections to the satisfaction of Public Works and Utilities Department.
 - xvi. Expand the area labeled "Not a part of CUP" on the north side of Old Cheney Rd. to include S. 8th St., Parkview Lane and the lots abutting said streets.

1 xvii. Provide documentation from the Register of Deeds that the
2 letter of acceptance as required by the approval of the special
3 permit has been recorded.

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

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

7 6. Before occupying the dwelling units all development and construction
8 must comply with the approved plans.

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

12 8. The site plan accompanying this permit shall be the basis for all
13 interpretations of setbacks, yards, locations of buildings, location of parking and
14 circulation elements, and similar matters.

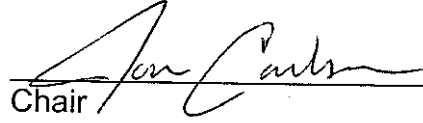
15 9. This resolution's terms, conditions, and requirements bind and obligate
16 the Permittee, its successors and assigns.

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

23 11. The site plan as approved with this resolution voids and supersedes all
24 previously approved site plans, however all resolutions approving previous permits
25 remain in force unless specifically amended by this resolution.

1 The foregoing Resolution was approved by the Lincoln City-Lancaster County
2 Planning Commission on this 22 day of November, 2006.

ATTEST:


Chair

Approved as to Form & Legality:


Chief Assistant City Attorney

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 531F, Salt Valley View Community Unit Plan**
(Warlick Blvd. and Creekside Trail)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 531F**, an amendment to the **Salt Valley View Community Unit Plan**, granted by **Resolution No. PC-01027**, adopted by the Lincoln City-Lancaster County Planning Commission on November 22, 2006, 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.

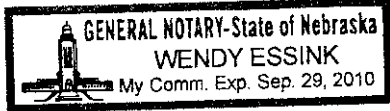
Permittee further certifies that the person whose signature appears below has the authority to bind Permittee to the terms and conditions of this Letter of Acceptance, including Permittee's financial obligations under said Special Permit.

DATED the 18 day of December, 2006.

Brian C. Collinsworth, Permittee
By: Brian Collinsworth
Title: Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 18th day of December, 2006, by Breck Collingsworth, an individual.



Wendy Essink
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by _____, general partner of _____, a Nebraska general partnership.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by _____, Member, on behalf of _____, a Nebraska limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006, by _____, President of _____, a Nebraska corporation.

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 531F** as adopted and approved by **Resolution No. PC-01027** of the Lincoln City-Lancaster County Planning Commission at its meeting held **November 22, 2006** 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 28th day of November, 2006.

Teresa J. Meier
Deputy City Clerk

