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**** File against legal description found on page 6. ****
RESOLUTION NO. PC- 01216

SPECIAL PERMIT NO. 531G

1 WHEREAS, Wilderness View Townhomes LLC has submitted an application
2 designated as Special Permit No. 531G for authority to amend the Salt Valley View
3 Community Unit Plan to add 4.77 acres and increase the number of dwelling units in the
4 Wilderness View Townhomes subarea from 152 to 174, on property generally located at
5 Creekside Trail and Warlick Boulevard and legally described as:

6 Wilderness View Townhomes Addition located in the
7 Northeast Quarter and Lot 45 I.T. located in the Northwest
8 Quarter of Section 14, Township 9 North, Range 6 East of the
9 6th P.M., Lincoln, Lancaster County, Nebraska, and more
10 particularly described as follows:

11 Beginning at the southwest corner of said Northeast Quarter of
12 said Section 14; thence in an easterly direction, along the
13 south line of the Northeast Quarter of said Section 14, on an
14 assumed bearing of south 89 degrees 49 minutes 50 seconds
15 east for a distance of 923.59 feet to a point on the
16 northwesterly right-of-way line of the abandoned Chicago Rock
17 Island and Pacific Railroad; thence north 40 degrees 10
18 minutes 18 seconds east, along the said northwesterly right-of-
19 way line of the abandoned Chicago Rock Island and Pacific
20 Railroad for a distance of 180.31 feet; thence on a curve to the
21 left with an arc length of 438.59 feet, with a radius of 11634.20
22 feet, with a chord bearing of north 41 degrees 14 minutes 29
23 seconds east, a chord length of 438.56 feet; thence north 79
24 degrees 19 minutes 13 seconds west, a distance of 207.19

1 feet; thence south 88 degrees 25 minutes 54 seconds west,
2 for a distance of 70.11 feet; thence south 40 degrees 49
3 minutes 55 seconds west, for a distance of 122.22 feet; thence
4 north 87 degrees 56 minutes 59 seconds west, for a distance
5 of 81.82 feet; thence north 21 degrees 04 minutes 34 seconds
6 west, for a distance of 93.23 feet; thence north 07 degrees 16
7 minutes 57 seconds east, for a distance of 368.65 feet; thence
8 north 18 degrees 06 minutes 39 seconds west, for a distance
9 of 206.00 feet; thence on a curve to the left with an arc length
10 of 188.05 feet with a radius of 615.00 feet, with a chord
11 bearing of north 26 degrees 52 minutes 15 seconds west, a
12 chord length of 187.32 feet; thence north 35 degrees 37
13 minutes 50 seconds west, for a distance of 152.75 feet to a
14 point on the southeasterly right-of-way line of Warlick
15 Boulevard; thence south 53 degrees 30 minutes 14 seconds
16 west, along the southeasterly right-of-way line of Warlick
17 Boulevard, for a distance of 840.41 feet; thence south 54
18 degrees 31 minutes 59 seconds west, along the southeasterly
19 right-of-way line of Warlick Boulevard, for a distance of 356.07
20 feet to the northwest corner of said Lot 45; thence south 03
21 degrees 17 minutes 15 seconds east, along the west line of
22 said Lot 45, for a distance of 646.50 feet to the southwest
23 corner of said Lot 45; thence north 89 degrees 54 minutes 13
24 seconds east, along the south line of said Lot 45, for a
25 distance of 259.37 to the point of beginning and containing a
26 calculated area 30.256 acres;

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

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

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

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

3 That the application of Wilderness View Townhomes LLC, hereinafter referred to
4 as "Permittee" to amend the Salt Valley View Community Unit Plan to add 4.77 acres and
5 increase the number of dwelling units in the Wilderness View Townhomes subarea from
6 152 to 174, on the property described above, be and the same is hereby granted under
7 the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code
8 upon condition that construction of said community unit plan be in substantial compliance
9 with said application, the site plan, and the following additional express terms, conditions,
10 and requirements:

11 1. This permit approves the amendment to the Wilderness View Townhomes
12 subarea of the Salt Valley View Community Unit Plan to add 4.77 acres and increase the
13 number of dwelling units in the Wilderness View Townhomes subarea from 152 to 174.

14 2. Before receiving building permits the Permittee shall:

15 a. Cause to be prepared and submitted to the Planning Department a
16 revised and reproducible final site plan including five copies with all
17 required revisions as listed below:

18 i. Revise the site plan to the satisfaction of the Public Works &
19 Utilities Department.

20 ii. Revise General Site Note #1 to state, "There are 174 buildable
21 lots (7 Blocks) and 174 dwelling units in the Wilderness View
22 Townhomes Subarea.
23

24 iii. Remove "shown on sheet 4" from General Site Note #4.

25 iv. Combine General Site Note #7 and #14.

- 1 v. Revise General Site Note #10 to state, "in addition to what is
2 allowed by 27.71.110 unenclosed decks may extend more than
3 three feet above or below the adjacent ground level and may
4 project in to a rear yard provided this projection be at least 10 feet
5 from said rear lot line and provided the rear lot line abuts a lot or
6 outlot reserved for open space."

- 7 vi. Revise General Site Note #19 to state, "A total of 66 dwelling units
8 is permitted prior to the construction of the previously required
9 second access point with the understanding that Wilderness View
10 Townhomes LLC agrees that any additional dwelling units above
11 the count of 66 will not be allowed until the access connection
12 project to complete the driveway from Norwood Drive to Warlick
13 Boulevard is under construction."

- 14 vii. Add to the General Site Notes, "The principal street facade of
15 each dwelling shall have at least one door. The principal street
16 facade of each dwelling shall also have a minimum of one window
17 per story oriented to the street. If the dwelling is two stories in
18 height, both required windows may be located on the second
19 floor. The minimum glazed area of a window shall be five square
20 feet."

- 21 b. Provide verification from the Register of Deeds that the letter of
22 acceptance as required by the approval of the special permit has been
23 recorded.

- 24 c. Provide verification that ornamental street lights for private roadways
25 and pedestrian way easements are approved by LES.

- 26 3. Prior to the issuance of a building permit the construction plans must
27 substantially comply with the approved plans.

- 28 4. Before occupying the dwelling units all development and construction must
29 substantially comply with the approved plans.

- 30 5. All privately-owned improvements, including landscaping and recreational
31 facilities, must be permanently maintained by the Permittee or an appropriately
32 established owners association approved by the City.

1 6. The physical location of all setbacks and yards, buildings, parking and
2 circulation elements, and similar matters must be in substantial compliance with the
3 location of said items as shown on the approved site plan.

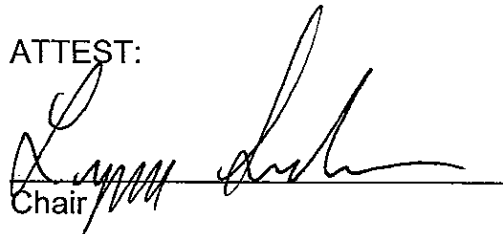
4 7. The terms, conditions, and requirements of this resolution shall run with the
5 land and be binding upon the Permittee, its successors and assigns.

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

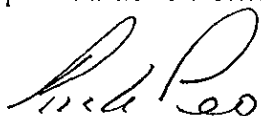
11 9. The site plan as approved with this resolution voids and supersedes all
12 previously approved site plans, however the provisions in all resolutions approving
13 previous permits shall remain in full force and effect except as specifically amended by this
14 resolution.

15 The foregoing Resolution was approved by the Lincoln City-Lancaster County
16 Planning Commission on this 1st day of December, 2010.

ATTEST:


Chair

Approved as to Form & Legality:



Chief Assistant City Attorney

LEGAL DESCRIPTION – C.U.P. (WILDERNESS VIEW TOWNHOME)

A LEGAL DESCRIPTION COMPOSED OF LOTS 1-18, BLOCK 1; LOTS 1-8, BLOCK 2; LOTS 1-32, BLOCK 3; LOTS 1-18, BLOCK 4; LOTS 1-34, BLOCK 5; OUTLOTS A, B, C, D, E, F, G, H, I, J, AND K ALL OF WILDERNESS VIEW TOWNHOMES LOCATED IN THE NORTHEAST QUARTER AND IRREGULAR TRACT LOT 45 IN THE NORTHWEST QUARTER ALL IN SECTION 14, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 14: THENCE IN AN EASTERLY DIRECTION, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, ON AN ASSUMED BEARING OF S 89°49' 50" E FOR A DISTANCE OF 923.59' TO THE A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF THE ABANDONED CHICAGO ROCK ISLAND AND PACIFIC RAILROAD

THENCE N 40°10'18" E, ALONG THE SAID NORTHWESTERLY RIGHT OF WAY LINE OF THE ABANDONED CHICAGO ROCK ISLAND AND PACIFIC RAILROAD FOR A DISTANCE OF 180.31'

THENCE ON A CURVE TO THE LEFT WITH AN ARC LENGTH OF 438.59', WITH A RADIUS OF 11634.20', WITH A CHORD BEARING OF N 41°14'29" E, A CHORD LENGTH OF 438.56',

THENCE N 79°19'13" W A DISTANCE OF 207.19'

THENCE S 88°25'54" W FOR A DISTANCE OF 70.11'

THENCE S 40°49'55" W FOR A DISTANCE OF 122.22'

THENCE N 87°56'59" W FOR A DISTANCE OF 81.82'

THENCE N 21°04'34" W FOR A DISTANCE OF 93.23'

THENCE N 07°16'57" E FOR A DISTANCE OF 368.65'

THENCE N 18°06'39" W FOR A DISTANCE OF 206.00'

THENCE ON A CURVE TO THE LEFT WITH AN ARC LENGTH OF 188.05', WITH A RADIUS OF 615.00', WITH A CHORD BEARING OF N 26°52'15" W, A CHORD LENGTH OF 187.32',

THENCE N 35°37'50" W FOR A DISTANCE OF 152.75' TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF WARLICK BOULEVARD

THENCE S 53°30'14" W, ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF WARLICK BOULEVARD FOR A DISTANCE OF 840.41'

THENCE S 54°31'59" W, ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF WARLICK BOULEVARD, FOR A DISTANCE OF 356.07' TO THE NORTHWEST CORNER OF SAID LOT 45

THENCE S 03°17'15" E, ALONG THE WEST LINE OF SAID LOT 45, FOR A DISTANCE OF 646.50' TO THE SOUTHWEST CORNER OF SAID LOT 45

THENCE N 89°54'13" E, ALONG THE SOUTH LINE OF SAID LOT 45, FOR A DISTANCE OF 259.37'

TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA 30.256 ACRES

LETTER OF ACCEPTANCE

City of Lincoln
Lincoln, Nebraska

RE: **Special Permit No. 531G, Salt Valley View Community Unit Plan**
(Wilderness View Townhomes, Creekside Trail & Warlick Blvd.)

TO THE CITY CLERK:

The undersigned, "Permittee" under **Special Permit No. 531G**, granted by **Resolution No. PC-01216**, adopted by the Lincoln City-Lancaster County Planning Commission on December 1, 2010, 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.

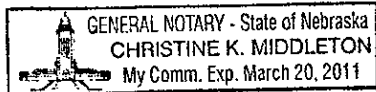
DATED the 27th day of December, 2010.

WILDERNESS VIEW TOWNHOMES, LLC,
Permittee

By Breck C Collingsworth
Title: MANAGER

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss.

The foregoing Instrument was acknowledged before me this 27 day of DECEMBER, 2010, by BRECK C COLLINGSWORTH, the MANAGER of Wilderness View Townhomes, LLC.



Christine K Middleton
Notary Public

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, 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 531G** as adopted and approved by **Resolution No. PC-01216** of the Lincoln City-Lancaster County Planning Commission at its meeting held **December 1, 2010** 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 6th day of December, 2010.

Teresa J. Meier
Deputy City Clerk

