

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1976

1 WHEREAS, Willard Giebenrath has submitted an application designated as
 2 Special Permit No. 1976 for authority to develop View Pointe North Community Unit Plan
 3 consisting of 14 single family lots on property located at North 70th Street and Waverly
 4 Road, and legally described to wit:

5 All of Lots 5, 7, and 35, plus that portion of Lot 33 described as
 6 follows:

7 Beginning at the southwest corner of said Lot 33, and
 8 extending thence north 00 degrees 00 minutes 13 seconds
 9 east on the west line of Lot 33, 1266.85 feet to the northwest
 10 corner of said Lot 33; thence south 89 degrees 14 minutes 59
 11 seconds east on the north line of said Lot 33, 950.82 feet;
 12 thence south 00 degrees 14 minutes 45 seconds east on a line
 13 parallel with the east line of the South Half of the Southeast
 14 Quarter of Section 9, 1267.26 feet to a point on the south line
 15 of said Lot 33; and the north right of way of Waverly Road;
 16 thence south 89 degrees 40 minutes 37 seconds west on said
 17 south line, 956.34 feet to the point of beginning; all located in
 18 Section 9, Township 11 North, Range 7 East of the 6th P.M.,
 19 Lancaster County, Nebraska;

20 WHEREAS, the real property adjacent to the area included within the site
 21 plan for this community unit plan will not be adversely affected; and

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

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

1 That the application of Willard Giebenrath, hereinafter referred to as
2 "Permittee", to develop View Pointe North Community Unit Plan consisting of 14 single
3 family lots, on the property legally described above, be and the same is hereby granted
4 under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal
5 Code upon condition that construction and operation of said community unit plan be in
6 strict compliance with said application, the site plan, and the following additional express
7 terms, conditions, and requirements:

8 Site Specific:

9 1. Willard Giebenrath shall complete the following instructions and submit the
10 documents and plans to the Planning Department office for review and approval:

11 1.1 Make the following corrections to the preliminary plat and community unit
12 plan as requested by the County Engineer in his letter of June 24, 2002.

13 1) The typical section is incomplete and needs to be corrected. Specifically,
14 no detail on fill sections is shown and no slope for shoulder is shown.

15 2) General Note 1 incorrectly refers to Lovegrove Lane which has been
16 renamed Emmawalter Road. Existing asphalt drive on Outlot "E" should be
17 removed to agree with access relinquishment described in General Note 1.

18 3) Temporary dead end requires a 22' Type III barricade.

19 4) The radius of the returns of Emmawalter Road at Waverly Road should
20 be 50 feet.

21 5) The culvert at Sta. 15 + 30 shall be designed for a 25 year storm and shall
22 be designed for the entire drainage area upstream from Emmawalter Road.
23 The pond is not a "designed" dam and has no permanent protection to keep
24 it in place.

25 1.2 Make the following corrections to the preliminary plat and community unit
26 plan as requested by the Public Works Department letter of June 28, 2002.

27 1) Show a roadway cross section that meets design standards.

28 2) Descriptions of the outlet and drainage culverts from the existing pond in

- 1 Outlot “B” are illegible. Those descriptions need to be made legible.
- 2 3) The use of the existing asphalt driveway in Outlot “E” as a
3 secondary/emergency access should be removed as such use is in conflict
4 with item #1 in the General Notes.
- 5 4) The areas designated as Outlot “A” and Outlot “B” are not consistent
6 between the Preliminary Plat site plan and the Grading and Drainage Plan.
7 Those designations need to be made consistent.
- 8 5) Define the boundary and purpose of Outlot “D”.
- 9 1.3 Note the purpose of Outlot “E” and “D”.
- 10 1.4 Show the easement for the power transmission line on the western portion
11 of the property.
- 12 1.5 Show the “sheet of” numbers on sheet 1.
- 13 1.6 Label sheet one as the Site Plan.
- 14 1.7 Correct “contoured row crop” on sheet 2 of 4.
- 15 1.8 Add to note #12 that front yard setbacks apply to the south lot line of Lot 11
16 and the north lot line of Lot 12 for future street purposes.
- 17
- 18 General:
- 19 2. This permit approves 14 single family lots.
- 20 3. Before receiving building permits:
- 21 3.1 The permittee must submit a revised site plan and the plan is found to be
22 acceptable.
- 23 3.2 The permittee must submit six prints and a permanent reproducible final site
24 plan as approved by the City Council.
- 25 3.3 The construction plans must conform to the approved plans.
- 26 3.4 The final plat must be approved by the City.
- 27 3.5 The required easements as shown on the site plan must be recorded with the
28 Register of Deeds.

- 1 3.6 The County Engineer must approve an agreement for street maintenance.
- 2 4. Before occupying this Community Unit Plan all development and construction is to
3 comply with the approved plans.
- 4 5. Before occupying this Community Unit Plan, City/County Health Department must
5 approve the water and waste water systems.
- 6 6. All privately-owned improvements are to be permanently maintained by the owner
7 or an appropriately established homeowners association approved by the City
8 Attorney.
- 9 7. The site plan approved by this permit shall be the basis for all interpretations of
10 setbacks, yards, locations of buildings, location of parking and circulation elements,
11 and similar matters.
- 12 8. The terms, conditions, and requirements of this resolution shall be binding and
13 obligatory upon the Permittee, his successors, and assigns. The building official
14 shall report violations to the City Council which may revoke the special permit or
15 take such other action as may be necessary to gain compliance.
- 16 9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk
17 within 30 days following approval of the special permit, provided, however, said 30-
18 day period may be extended up to six months by administrative amendment. The
19 City Clerk shall file a copy of the resolution approving the special permit and the
20 letter of acceptance with the Register of Deeds, filing fees therefor to be paid in
21 advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2002:

Mayor