

RESOLUTION NO. A-\_\_\_\_\_

SPECIAL PERMIT NO. 1713B

1           WHEREAS, William Krein has submitted an application designated as  
 2 Special Permit No. 1713B for authority to amend the boundaries of Aspen 3rd Addition  
 3 Community Unit Plan and add ten residential lots on property generally located at S. 56th  
 4 Street and Pine Lake Road, and legally described to wit:

5                       Lots 2-6, Block 1, Lots 1-19, Block 2, Lots 1-12 and a portion  
 6 of Outlot E, Block 4, all in Aspen 5th Addition; Lots 1, 2, 4, 6,  
 7 7, 8, Block 1, Lots 1-3, Block 2, Lots 2-4, 8, 9, Block 3, all in  
 8 Aspen 6th Addition; Lots 1-3, Aspen 7th Addition; Lots 2 and  
 9 3, Aspen 9th Addition; and Outlot A, Aspen 10th Addition; Lots  
 10 1 and 2, Aspen 12th Addition, all located in the North Half of  
 11 the Northeast Quarter of Section 20, Township 9 North, Range  
 12 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska,  
 13 more particularly described as follows:

14                       Commencing at the northeast corner of said Section 20, and  
 15 extending thence south 89 degrees 43 minutes 49 seconds  
 16 west on the north line of said Section 20, a distance of 631.50  
 17 feet; thence south 00 degrees 16 minutes 11 seconds east, a  
 18 distance of 434.81 feet; thence continuing south 00 degrees  
 19 16 minutes 11 seconds east, a distance of 397.34 feet along  
 20 the west line of Stephanie Lane; thence south 89 degrees 53  
 21 minutes 36 seconds west, a distance of 45.86 feet; thence on  
 22 a curve to the left having a radius of 348.00 feet and an arc  
 23 length of 382.89 feet, being subtended by a chord of south 58  
 24 degrees 21 minutes 47 seconds west, a distance of 363.87  
 25 feet to the point of tangency of said curve to the point of  
 26 beginning; thence continuing on a curve to the left having a  
 27 radius of 348.00 feet and an arc length of 164.86 feet, being  
 28 subtended by a chord of south 13 degrees 16 minutes 15  
 29 seconds west, a distance of 163.33 feet to the point of  
 30 tangency of said curve; thence south 00 degrees 18 minutes  
 31 04 seconds east, a distance of 63.87 feet; thence south 02  
 32 degrees 35 minutes 31 seconds east, a distance of 75.05 feet  
 33 to the south line of the north half of said Northeast Quarter;

1           thence south 89 degrees 42 minutes 18 seconds west on said  
2 line, a distance of 1623.32 feet; thence north 00 degrees 04  
3 minutes 25 seconds east, a distance of 377.84 feet; thence  
4 north 89 degrees 43 minutes 49 seconds east, a distance of  
5 113.87 feet; thence south 00 degrees 16 minutes 18 seconds  
6 east, a distance of 19.81 feet; thence north 89 degrees 53  
7 minutes 06 seconds east, a distance of 72.00 feet; thence  
8 north 00 degrees 16 minutes 11 seconds west, a distance of  
9 27.00 feet; thence north 89 degrees 43 minutes 49 seconds  
10 east, a distance of 110.17 feet; thence north 00 degrees 16  
11 minutes 11 seconds west, a distance of 207.22 feet; thence  
12 north 18 degrees 39 minutes 17 seconds east, a distance of  
13 189.26 feet; thence south 71 degrees 19 minutes 56 seconds  
14 east, a distance of 249.24 feet; thence south 43 degrees 40  
15 minutes 07 seconds east, a distance of 335.94 feet; thence  
16 south 30 degrees 16 minutes 11 seconds east, a distance of  
17 135.00 feet; thence north 59 degrees 43 minutes 49 seconds  
18 east, a distance of 110.00 feet; thence north 66 degrees 47  
19 minutes 56 seconds east, a distance of 60.46 feet; thence  
20 north 30 degrees 16 minutes 11 seconds west, a distance of  
21 20.00 feet; thence north 59 degrees 43 minutes 49 seconds  
22 east, a distance of 120.00 feet; thence north 30 degrees 16  
23 minutes 11 seconds west, a distance of 85.00 feet; thence  
24 north 59 degrees 43 minutes 49 seconds east, a distance of  
25 240.44 feet to the point of curvature of a circular curve to the  
26 right having a radius of 212.58 feet and an arc length of 51.59  
27 feet, being subtended by a chord of north 66 degrees 40  
28 minutes 58 seconds east, a distance of 51.46 feet to the point  
29 of tangency of said curve; thence south 27 degrees 47 minutes  
30 36 seconds east, a distance of 85.95 feet to a point of  
31 curvature of a circular curve to the left having a radius of  
32 400.00 feet and an arc length of 17.29 feet, being subtended  
33 by a chord of south 29 degrees 01 minutes 53 seconds east,  
34 a distance of 17.29 feet; thence south 30 degrees 16 minutes  
35 11 seconds east, a distance of 245.26 feet to the point of  
36 curvature of a circular curve to the left having a radius of  
37 150.00 feet and an arc length of 86.10 feet, being subtended  
38 by a chord of south 46 degrees 42 minutes 49 seconds east,  
39 a distance of 84.92 feet; thence south 63 degrees 09 minutes  
40 26 seconds east, a distance of 84.23 feet to the point of  
41 beginning and containing a calculated area of 19.53 acres  
42 more or less;

43           and

1 Commencing at the northeast corner of said Section 20 and  
2 extending thence south 89 degrees 43 minutes 49 seconds  
3 west on the north line of said Section 20, a distance of 628.50  
4 feet; thence south 00 degrees 16 minutes 11 seconds east, a  
5 distance of 85.00 feet to the point of beginning; thence  
6 continuing south 00 degrees 16 minutes 11 seconds east, a  
7 distance of 289.81 feet along the west line of Stephanie Lane;  
8 thence south 89 degrees 43 minutes 49 seconds west, a  
9 distance of 90.00 feet to the point of curvature of a circular  
10 curve to the left having a radius of 180.00 feet and an arc  
11 length of 94.25 feet, being subtended by a chord of south 74  
12 degrees 43 minutes 49 seconds west, a distance of 93.18 feet  
13 to the point of tangency of said curve; thence south 59 degrees  
14 43 minutes 49 seconds west, a distance of 250.00 feet to the  
15 point of curvature of a circular curve to the right having a radius  
16 of 212.58 feet and an arc length of 111.31 feet, being  
17 subtended by a chord of north 74 degrees 43 minutes 49  
18 seconds east, a distance of 110.04 feet to the point of  
19 tangency of said curve; thence south 89 degrees 43 minutes  
20 49 seconds west, a distance of 105.00 feet to the point of  
21 curvature of a circular curve to the left having a radius of  
22 272.58 feet and an arc length of 83.62 feet, being subtended  
23 by a chord of south 80 degrees 56 minutes 32 seconds west,  
24 a distance of 83.29 feet to the point of tangency of said curve;  
25 thence north 17 degrees 50 minutes 02 seconds east, a  
26 distance of 82.54 feet; thence north 03 degrees 10 minutes 01  
27 seconds east, a distance of 262.48 feet; thence north 32  
28 degrees 07 minutes 44 seconds west, a distance of 205.38  
29 feet; thence north 89 degrees 43 minutes 49 seconds east, a  
30 distance of 507.69 feet; thence south 00 degrees 16 minutes  
31 11 seconds east, a distance of 10.00 feet; thence north 89  
32 degrees 43 minutes 49 seconds east, a distance of 275.00  
33 feet; thence south 45 degrees 16 minutes 19 seconds east, a  
34 distance of 35.36 feet to the point of beginning and containing  
35 a calculated area of 7.08 acres, more or less;

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

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

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

3           That the application of William Krein, hereinafter referred to as "Permittee",  
4 to amend the boundaries of Aspen 3rd Addition Community Unit Plan and add ten  
5 residential lots, on the property legally described above, be and the same is hereby  
6 granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln  
7 Municipal Code upon condition that construction and operation of said community unit plan  
8 be in strict compliance with said application, the site plan, and the following additional  
9 express terms, conditions, and requirements:

10           1.     This permit approves a community unit plan for 205 single family,  
11 townhouse, and multi-family units.

12           2.     Before receiving building permits:

13           a.     The Permittee must submit an acceptable, revised, and  
14                 reproducible final plan and five copies.

15           b.     The construction plans must conform to the approved plans.

16           c.     Final plats within the area of this community unit plan must be  
17                 approved by the City.

18           3.     Before occupying the dwelling units all development and construction  
19 must be completed in conformance with the approved plans.

20           4.     All privately-owned improvements must be permanently maintained  
21 by the owner or an appropriately established homeowners association approved by the City  
22 Attorney.

1           5.     The site plan approved by this permit shall be the basis for all  
2 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
3 elements, and similar matters.

4           6.     The terms, conditions, and requirements of this resolution shall be  
5 binding and obligatory upon the Permittee, his successors, and assigns. The building  
6 official shall report violations to the City Council which may revoke the special permit or  
7 take such other action as may be necessary to gain compliance.

8           7.     The Permittee shall sign and return the City's letter of acceptance to  
9 the City Clerk within 30 days following approval of the special permit, provided, however,  
10 said 30-day period may be extended up to six months by administrative amendment. The  
11 City Clerk shall file a copy of the resolution approving the special permit and the letter of  
12 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the  
13 Permittee.

14           8.     The site plan as approved with this resolution voids and supersedes  
15 all previously approved site plans, however, all resolutions approving previous permits  
16 remain in force unless specifically amended by this resolution.

Introduced by:  
\_\_\_\_\_

Approved as to Form & Legality:  
  
\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2004:  _____ Mayor
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