

RESOLUTION NO. A-_____

1 WHEREAS, on or about October 26, 1982, the owners of a portion of the
2 Northeast Quarter of Section 6, Township 8 North, Range 7 East of the 6th P.M.,
3 Lancaster County, Nebraska, generally located at S. 38th Street and Saltillo Road, applied
4 for a subdivision permit to create two parcels of land; and

5 WHEREAS, on or about November 2, 1982, the Lancaster County Board
6 approved Subdivision Permit No. 259 approving the application to subdivide a portion of
7 the Northeast Quarter of Section 6, Township 8 North, Range 7 East of the 6th P.M. into
8 two parcels as described in Exhibit A attached to Subdivision Permit No. 259; and

9 WHEREAS, Subdivision Permit No. 259 restricted the creation and use of
10 Parcel 1 and Parcel 2, as provided for in the Letter of Acceptance attached to Subdivision
11 Permit No. 259 as Exhibit B; and

12 WHEREAS, Subdivision Permit No. 259 was filed with the Register of Deeds
13 of Lancaster County, Nebraska, and recorded as Instrument No. 82-17476. A copy of
14 Subdivision Permit No. 259 is attached hereto, marked as Exhibit "1"; and

15 WHEREAS, Parcel 1 as described in Subdivision Permit No. 259 was created
16 by deed, filed with the Register of Deeds of Lancaster County, Nebraska, and recorded as
17 Instrument No. 83-2693; and

1 WHEREAS, Parcel 1 is now legally described as Lot 37, Irregular Tract,
2 located in the Northeast Quarter of Section 6, Township 8 North, Range 7 East of the 6th
3 P.M., Lancaster County, Nebraska (“Lot 37”); and

4 WHEREAS, Parcel 2 as described in Subdivision Permit No. 259 was never
5 lawfully created by deed and the area described as Parcel 2 is part of Lot 38, Irregular
6 Tract, located in the Northeast Quarter of Section 6, Township 8 North, Range 7 East of
7 the 6th P.M., Lancaster County, Nebraska (“Lot 38”); and

8 WHEREAS, the City of Lincoln, rather than Lancaster County, now has
9 subdivision control over Lot 37 and Lot 38; and

10 WHEREAS, the Owners of Lot 37 and Lot 38 have requested the City to
11 modify the conditions of approval in Subdivision Permit No. 259 to (1) eliminate the
12 restriction that Parcel 1 may only be conveyed free and clear so long as restrictions
13 contained in paragraph 2 of Exhibit B to Permit No. 259 remain in full force and effect,
14 and (2) provide that Parcel 2 as described on Exhibit A is no longer permitted to be
15 created as a separate lot without going through formal subdivision approval pursuant to
16 the City’s regulations and requirements, and (3) eliminate the no-build restriction
17 pertaining to Parcel 2 as set forth in paragraph 2 of Exhibit B of Subdivision Permit No.
18 259.

19 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
20 Lincoln, Nebraska that Subdivision Permit No. 259 is hereby amended to provide that
21 Parcel 1, now known as Lot 37 I.T., located in the Northeast Quarter of Section 6,

1 Township 8 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, may be
2 conveyed free and clear without restriction, that Parcel 2, as described on Exhibit A to
3 Subdivision Permit No. 259, is eliminated as a separate parcel of land which may be
4 created by deed without going through formal subdivision approval pursuant to the City's
5 regulations and requirements, and that the no-build restriction pertaining to Parcel 2 as set
6 forth in paragraph 2 of Exhibit B to Subdivision Permit No. 259, is hereby eliminated.

7 BE IT FURTHER RESOLVED that the City Clerk is directed to record this
8 Resolution with the Register of Deeds of Lancaster County, Nebraska, filing fees to be
9 paid in advance by the Owners of Lot 37 and Lot 38.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ___ day of _____, 2005: _____ Mayor
