

**DENIAL OF APPEAL**

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

1           WHEREAS, Health Partners Initiative, hereinafter Appellant, is locating its  
2 operations into the building located at 1036 E Street by converting the existing  
3 residential space into an office; and

4           WHEREAS, said building contains 1,068 sq. ft. of gross floor area as defined in  
5 Lincoln Municipal Code § 27.82.040; and

6           WHEREAS, under the Arterial Street Impact Fee Schedules the building is  
7 classified as general office; and

8           WHEREAS, pursuant to Lincoln Municipal Code § 27.82.050(c)(4) the Impact  
9 Fee Administrator calculated the arterial street impact fees for the office space based  
10 upon the net increase in the fee for the office space as compared to its previous use as  
11 single family dwelling space using the arterial street impact fee schedule beginning  
12 January 1, 2005. Specifically, the fee was calculated by first multiplying the unit of  
13 measure for general office space (\$2.755/ sq. ft.) x 1,068 sq. ft. = \$2,942.34. Then the  
14 credit for the existing residential space was calculated by subtracting the unit of  
15 measure for a single family dwelling (\$1,876/unit) resulting in a net increase of  
16 \$1,066.34; and

17           WHEREAS, the Appellant filed its notice of appeal appealing the impact fee  
18 determination and requesting that the arterial street impact fees be waived or reduced  
19 as Appellant's new use of the former single family dwelling will produce no additional  
20 demand for arterial street impact fee facilities and that strict application of the impact fee

1 ordinance's calculations under these circumstances work an unjust and undue burden  
2 on the Appellant; and

3 WHEREAS, the City Council finds that there are no unusual circumstances of the  
4 development which demonstrate that the application of the fee to the development  
5 would be unfair or unjust.

6 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
7 Lincoln, Nebraska:

8 That the impact fee Notice of Appeal filed by Health Partners Initiative, on  
9 January 19, 2006, is hereby denied and the arterial street impact fees are hereby  
10 affirmed.

Introduced by:

\_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
City Attorney

Approved this ___ day of _____, 2006:  _____ Mayor
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