

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 06062

1 WHEREAS, Willard D. Giebenrath has submitted an application designated as
 2 Special Permit No. 06062 for authority to operate sand, gravel and soil excavation on property
 3 located one-quarter mile east of N. 56th Street/Highway 77 between Waverly Road and Mill
 4 Road, and legally described to wit:

5 Outlot C, View Pointe North, located in the West Half of Section 9,
 6 Township 11 North, Range 7 East of the 6th P.M., Lancaster
 7 County, Nebraska;

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission held a
 9 public hearing on said application and approved the same; and

10 WHEREAS, Julie Shipman Burns has filed a Notice of Appeal appealing the
 11 action of the Planning Commission approving Special Permit No. 06062; and

12 WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed
 13 from is deemed advisory and the City Council is authorized to take final action on the matter;

14 WHEREAS, the City Council finds that the community as a whole, the
 15 surrounding neighborhood, and the real property adjacent to the area included within the site
 16 plan for this soil excavation will not be adversely affected by granting such a permit; and

17 WHEREAS, the City Council finds that said site plan together with the terms and
 18 conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln
 19 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public
 20 health, safety, and general welfare.

21 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
 22 Lincoln, Nebraska:

1 That the application of Willard D. Giebenrath, hereinafter referred to as
2 "Permittee", to operate a soil excavation be and the same is hereby granted under the
3 provisions of Section 27.63.360 of the Lincoln Municipal Code upon condition that the operation
4 of said soil extraction be in strict compliance with said application, the site plan, and the follow-
5 ing additional express terms, conditions, and requirements:

6 1. This permit approves mining for a soil, sand and gravel excavation operation for
7 a period of three (3) years from the date of approval of this special permit. Additional time, in
8 one year increments, may be granted by administrative amendment by Planning Director.

9 2. The site plans must be revised to:

10 a. Satisfy the requirements of the County Engineer as follows:

11 i. Add notes to state applicant will be responsible for any
12 maintenance and repairs required to either Mill or Waverly Roads
13 due to this mining operation.

14 ii. Show final contour major elevations on plan.

15 iii. Add notes to indicate signing along Waverly Road warning of
16 "Trucks Entering" during excavation operations.

17 b. Show Norris Public Power easement along east lot line.

18 3. A wetland scientist or other knowledgeable person shall look at the site and
19 provide information on wetland status and, if it is a wetland, take such action as needed to
20 avoid, minimize or mitigate damage to the wetland to the satisfaction of either the NE Dept. of
21 Environmental Quality or Army Corps of Engineers.

22 4. Before beginning excavation operations:

23 a. The permittee shall have:

24 i. Received review and permits, if required, for the Federal NPDES
25 and 404 Permits.

1 ii. Any required driveway permits for access onto Waverly or Mill
2 roads shall be approved by the Lancaster County Engineer.

3 b. The construction plans shall comply with the approved plans.

4 c. An erosion control plan shall be approved by the Lower Platte South
5 NRD.

6 5. All privately-owned improvements shall be permanently maintained by the
7 Permittee.

8 6. This resolution's terms, conditions, and requirements bind and obligate the
9 Permittee, its successors and assigns.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2006:

Mayor