

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

SPECIAL PERMIT NO. 2004

1           WHEREAS, Roger and Eldonna Schwisow and Hartland Homes, Inc. have  
 2 submitted an application designated as Special Permit No. 2004 for authority to construct  
 3 125,000 sq. ft. of Planned Service Commercial floor area, with requested variances to the  
 4 rear and side yard setbacks, on property located at North 56th Street and Arbor Road, and  
 5 legally described to wit:

6           A portion of Lots 20 and 21 I.T., located in the East Half of  
 7 Section 32, Township 11 North, Range 7 East of the 6th P.M.,  
 8 Lincoln, Lancaster County, Nebraska, more particularly  
 9 described as follows:

10           Commencing at the North Quarter corner of said Section 32;  
 11 thence on the north line of the Northeast Quarter of said  
 12 Section 32, on an assigned bearing of south 89 degrees 96  
 13 minutes 40 seconds east, a distance of 1317.99 feet to the  
 14 point of beginning; thence continuing on assigned bearing of  
 15 south 89 degrees 36 minutes 40 seconds east, a distance of  
 16 1214.15 feet to a point on the westerly right-of-way line of  
 17 North 56th Street; thence on said westerly right-of-way line,  
 18 south 02 degrees 09 minutes 17 seconds west, a distance of  
 19 695.35 feet to a point on the southerly line of said Lot 21;  
 20 thence on said southerly line for the next four courses, south  
 21 83 degrees 55 minutes 33 seconds west, a distance of  
 22 1200.35 feet; thence north 00 degrees 23 minutes 20 seconds  
 23 east, a distance of 830.13 feet to the point of beginning, said  
 24 tract containing an area of 916,988.18 square feet or 21.05  
 25 acres, more or less;

26           WHEREAS, the real property adjacent to the area included within the site  
 27 plan for this planned service commercial area will not be adversely affected; and

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

4           NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
5 Lincoln, Nebraska:

6           That the application of Roger and Eldonna Schwisow and Hartland Homes,  
7 Inc., hereinafter referred to as "Permittee", to construct 125,000 sq. ft. of Planned Service  
8 Commercial floor area, on the property legally described above, be and the same is hereby  
9 granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon  
10 condition that construction and operation of said commercial floor are be in strict  
11 compliance with said application, the site plan, and the following additional express terms,  
12 conditions, and requirements:

13           1.     This permit approves 125,000 square feet of floor area and variances  
14 to the rear and side yard setback requirements from 50' to 20' and 10' respectively.

15           2.     Before receiving building permits:

16           a.     The Permittee must submit an acceptable, revised final plan  
17 including seven copies.

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

19           c.     Final plats within the area of this Planned Service Commercial  
20 area must be approved by the City.

21           3.     Before occupying, all development and construction must be  
22 completed in conformance with the approved plans.

23           4.     All privately-owned improvements must be permanently maintained

1 by the owner or an appropriately established property owners association approved by the  
2 City Attorney.

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

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

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

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

Approved as to Form & Legality:

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

Approved this ___ day of _____, 2004:  _____ Mayor
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