

RESOLUTION NO. A-_____

1 WHEREAS, on September 8, 1986 the City Council adopted Resolution No. A-70949
2 granting the application of Ray Lineweber (“Permittee”) designated as Special Permit No. 1165A
3 to increase from 20% to 50% the total floor area permitted as retail space in the historic landmark
4 known as the “Noble-Dawes House” upon condition that construction and operation of said
5 expanded retail space at the Noble-Dawes House be in strict compliance with said application,
6 the plot plan, and the following additional express terms, conditions, and requirements:

7 “1. Before receiving building permits, the Permittee shall submit and receive
8 approval of the following:

9 a. Any lease agreement covering the parking approved by the
10 Planning Director and the Director of Transportation.”

11 WHEREAS, pursuant to Lincoln Municipal Code § 27.77.050 the Building Official has
12 found that the terms, conditions, and requirements of Special Permit No. 1165A have not been
13 complied with; and

14 WHEREAS, the Building Official has reported the facts concerning non-compliance to
15 the City Council; and

16 WHEREAS, pursuant to Lincoln Municipal Code § 27.77.050, the City Council, after
17 holding a hearing on the report of the Building Official, has the authority to revoke a special
18 permit for failure of the Permittee to comply with the terms, conditions, and requirements for the
19 special permit or to take such other action as it may be necessary to obtain compliance; and

20 WHEREAS, the City Council, after providing due notice to the Permittee, Ray
21 Lineweber, met and held public hearing on June 19, 2000 regarding the Permittee’s failure to

1 comply with the terms, conditions, and requirements of Special Permit No. 1165A; and

2 WHEREAS, the City Council has received written and oral testimony relating to the
3 failure of the Permittee to comply with the terms, conditions, and requirements of Special Permit
4 No. 1165A; and

5 WHEREAS, the Permittee was present at the hearing and presented evidence to the City
6 Council regarding the allegations that Permittee has failed to comply with the terms, conditions,
7 and requirements of Special Permit No. 1165A; and

8 WHEREAS, the Permittee informed the City Council that the Permittee would re-stripe
9 the parking lot to comply with the original parking lot site plan which was approved as part of
10 Special Permit No. 1165A. However, the Permittee further stated that he would again place
11 cable along his east property line to separate the parking stalls located within the parking lot
12 which are under separate ownership from the rest of the parking lot owned by Mr. Lineweber;
13 and

14 WHEREAS, said cable would prevent the owner of the parking stalls east of Mr.
15 Lineweber's property from being able to access his parking spaces; and

16 WHEREAS, the placement of the cable along the east property line of Mr. Lineweber's
17 property would not be in compliance with the site plan approved as part of Special Permit No.
18 1165A.

19 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
20 Nebraska:

21 That the City Council does hereby find that Mr. Lineweber has failed to maintain the
22 parking lot in accordance with the site plan as approved by Special Permit No. 1165A.

23 BE IT FURTHER RESOLVED that the Permittee, Ray Lineweber, is hereby ordered to
24 re-stripe the parking lot and remove any obstructions between Mr. Lineweber's portion of the

1 parking lot and the abutting owner's portion of the parking lot and to thereafter maintain and
2 operate the parking lot in accordance with the parking lot site plan as originally approved until
3 such time as the conditions of Special Permit 1165A are revised to authorize a change in the
4 parking lot requirements.

5 BE IT FURTHER RESOLVED by the City Council that if Permittee fails to comply with
6 the conditions of this Resolution within 48 hours of receipt of a copy of this Resolution that such
7 failure shall be cause for Special Permit 1165A to be revoked.

8 The City Clerk is directed to forward a copy of this Resolution, by certified mail, return
9 receipt requested, to the Permittee, Ray Lineweber.

Introduced by:

Approved as to Form & Legality:

Chief Assistant City Attorney

Staff Review Completed:

Administrative Assistant