

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION IN THE MATTER OF COUNTY)
SPECIAL PERMIT NO. 15006, GRANTING)
AUTHORITY TO DEVELOP THE COYOTE) RESOLUTION NO. R-15-0020
RIDGE COMMUNITY UNIT PLAN,)
CONSISTING OF 8 DWELLING UNITS, AND A)
WAIVER OF THE BLOCK LENGTH ON BLOCK)
2 AND 3, ON PROPERTY GENERALLY)
LOCATED AT N.W. 70TH STREET AND WEST)
ROCK CREEK ROAD, LANCASTER COUNTY,)
NEBRASKA)

WHEREAS, PJB Farms LLC, Eugene R Benes and Mary E Benes, request approval of County Special Permit No. 15006, to provide the authority to develop the Coyote Ridge Community Unit Plan, consisting of 9 dwelling units, and a waiver of the block length on Block 2 and 3, on property generally located at N.W. 70th Street and West Rock Creek Road, Lancaster County, Nebraska, legally described as follows:

Lots 20, 37 and 38 of Irregular Tracts and the NW 1/4 of the SW 1/4, all located in Section 13, Township 12 North, Range 5 East of the 6th PM, Lancaster County, Nebraska; and

WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit, concluding that the application for special permit meets the intent of the 2040 Comprehensive Plan and the waiver to block length on the south and east is appropriate and sufficient to connect the subdivision to adjacent property; and

WHEREAS, on March 18, 2015, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 15006 and voted 8-0 to recommend conditional approval of the special permit; and

WHEREAS, on April 7, 2015, the Board of Commissioners of Lancaster County,

Nebraska, conducted a public hearing on County Special Permit No. 15006; and

WHEREAS, on April 9, 2015, the Board of Commissioners of Lancaster County, Nebraska, at its Staff Meeting, directed the Lancaster County Attorney's Office to prepare a resolution approving County Special Permit No. 15006; and

WHEREAS, on April 14, 2015, the Board of Commissioners of Lancaster County, Nebraska, voted 3-2, to approve County Special Permit No. 15006, to allow for the development of the Coyote Ridge Unit Plan, consisting of 8 dwelling units, rather than 9 dwelling units, as originally requested by the applicant, and directed the Lancaster County Attorney's Office to prepare a new resolution indicating the dwelling unit amendment.

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Commissioners, that County Special Permit No. 15006 to allow the development of the Coyote Ridge Community Unit Plan, consisting of 8 dwelling units, and a waiver of the block length on Block 2 and 3, on property generally located at N.W. 70th Street and West Rock Creek Road, Lancaster County, Nebraska, is hereby approved subject to the following conditions:

Site Specific Conditions:

1. The County Board approves a modification to the subdivision standard for block length on Block 2 and 3:
2. Before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below:
 - 2.1 Address the items in the County Engineer's memo dated 2-18-2015 to the satisfaction of the County Engineer.

- 2.2 Delete General Note 3.
 - 2.3 Amend General Note 6 to reflect the changes to street layout.
 - 2.4 Remove the existing access easement and note from the area of Lot 9 on the Site Plan.
 - 2.5 Show the easements requested by Norris Public Power District.
3. Before a final plat is approved provide the following documents to the Planning Department:
- 3.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
4. Prior to the issuance of a building permit:
- 4.1 The construction plans must substantially comply with the approved plans.
 - 4.2 Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the county may require that a new community unit plan be submitted, pursuant to all the provisions of section 3.12. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the county; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, drainage improvements, temporary turnaround and barricades, and street name signs, must be completed. The improvements must be completed in conformance with adopted design standards specified in the Land

Subdivision Resolution.

No final plat shall be approved until the Permittee, as subdivider, agrees:

-to maintain County roads in good order and condition, including repair and replacement of paving as reasonably necessary, until the County Board specifically accepts the maintenance.

-to relinquish the right of direct vehicular access NW 70th Street, except at W. Benes Creek Road and existing farm access, and to relinquish the right of direct vehicular access at W. Rock Creek Road except at two existing farm accesses.

Standard Conditions:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.
 - 5.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 5.3 Before occupying dwelling units the City/County Health Department is to approve the water and waste water systems.
 - 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special

permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

DATED this 21 day of April, 2015, at the County-City Building, Lincoln,

Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

Todd White
Deb Schott
Nancy Hudkins
Amundson voted nay

APPROVED AS TO FORM
this 21 day of
April, 2015.

Kristy Bauer
for JOE KELLY
County Attorney

Avery Voted Nay

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

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RESOLUTION NO. R-15-0020

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WHEREAS, the Lincoln-Lancaster County Planning Department recommended conditional approval of said Special Permit, concluding that the application for special permit meets the intent of the 2040 Comprehensive Plan and the waiver to block length on the south and east is appropriate and sufficient to connect the subdivision to adjacent property; and

WHEREAS, on March 18, 2015, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 15006 and voted 8-0 to recommend conditional approval of the special permit; and

WHEREAS, on April 7, 2015, the Board of Commissioners of Lancaster County,

Nebraska, conducted a public hearing on County Special Permit No. 15006 and moved to approve said Special Permit.

NOW, THEREFORE, BE IT RESOLVED, by the Lancaster County Board of Commissioners, that County Special Permit No. 15006 to allow the development of the Coyote Ridge Community Unit Plan, consisting of 9 dwelling units, and a waiver of the block length on Block 2 and 3, on property generally located at N.W. 70th Street and West Rock Creek Road, Lancaster County, Nebraska, is hereby approved subject to the following conditions:

Site Specific Conditions:

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Before the approval of a final plat, the public streets, drainage improvements, temporary turnaround and barricades, and street name signs, must be completed. The improvements must be completed in conformance with adopted design standards specified in the Land Subdivision Resolution.

No final plat shall be approved until the Permittee, as subdivider, agrees:

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 - 5.3 Before occupying dwelling units the City/County Health Department is to approve the water and waste water systems.
 - 5.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 5.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.

DATED this ____ day of April, 2015, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this ____ day of
April, 2015.

for JOE KELLY
County Attorney

No signatures -
amended resolution
was created

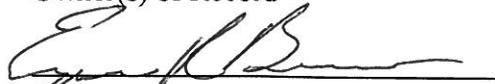
LETTER OF ACCEPTANCE

PJB Farms LLC, Eugene R Benes and Mary E Benes, owner(s) of record, hereby agree to all of the conditions of Special Permit No. 15006, to provide the authority to develop the Coyote Ridge Community Unit Plan, consisting of 8 dwelling units, and a waiver of the block length on Block 2 and 3, on property generally located at N.W. 70th Street and West Rock Creek Road, Lancaster County, Nebraska, legally described as lots 20, 37 and 38 of Irregular Tracts and the NW 1/4 of the SW 1/4, all located in Section 13, Township 12 North, Range 5 East of the 6th PM, Lancaster County, Nebraska, granted by the Lancaster County Board of Commissioners, and embodied in Resolution No. R-15-0020, all costs which we hereby represent have been paid and that this agreement shall be binding upon PJB Farms, LLC, Eugene R Benes, Mary E Benes, and their heirs, successors, and assigns and shall run with the land.

DATED this 28 day of April, 2015, in Lancaster County, Nebraska.

Owner(s) of Record

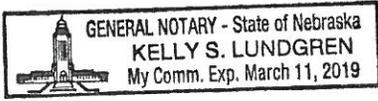
BY:


for PJB Farms, LLC

STATE OF NEBRASKA)
) ss.
County of Lancaster)

On this 28 day of April, 2015, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came Eugene R. Benes, known to be the identical person whose name is affixed to this agreement, and acknowledged execution of the same to be her voluntary act and deed.

SUBSCRIBED AND SWORN to before me this 28 day of April, 2015.



Kelly S. Lundgren
Notary Public