BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

RESOLUTION IN THE MATTER OF COUNTY SPECIAL PERMIT NO. 17027, COMMUNITY UNIT PLAN ON PROPERTY GENERALLY LOCATED AT SW 98TH STREET AND WEST YANKEE HILL ROAD, LANCASTER COUNTY, NEBRASKA	)	RESOLUTION NO. R-17-0068

WHEREAS, Tim Gergen of The Clark Enersen Partners ("applicant") on behalf of Tall Grass Hills, LLC ("owner"), requested approval of County Special Permit No. 17027, for a community unit plan under the provisions of Section 13.031 of the Lancaster County Zoning Resolution on property located at SW 98th Street and West Yankee Hill Road, legally described as follows:

> Lot 35 Irregular tract located in the SE1/4 of Section 28, Township 9 North, Range 5 East, Lancaster County, NE;

WHEREAS, the Lincoln-Lancaster County Planning Department ("Planning Department") recommended conditional approval of said Special Permit, concluding that the proposed subdivision meets the intent of a rural cluster subdivision under the AG zoning. The preservation of open space and clustering of lots meet the goals of development in the agricultural area of Lancaster County. The waiver to test wells is supported based on information from adjacent wells;

WHEREAS, on August 16, 2017, the Lincoln-Lancaster County Planning Commission conducted a public hearing on County Special Permit No. 17027 and voted 6-0 to recommend conditional approval of said special permit; and

WHEREAS, on September 12, 2017, the Board of County Commissioners of Lancaster County, Nebraska, ("County Board") conducted a public hearing on County Special Permit No.

17-27, voting 4-0 to APPROVE said special permit;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, that County Special Permit No. 17027 for a community unit plan under the provisions of Section 13.031 of the County Zoning Resolution on property located at SW 98th Street and West Yankee Hill Road, legally described as follows:

Lot 35 Irregular tract located in the SE1/4 of Section 28, Township 9 North, Range 5 East, Lancaster County, NE;

is hereby APPROVED subject to the following conditions:

Site Specific Conditions:

Per Section 13.031 of the County Zoning Resolution this approval permits a Community Unit Plan for 5 dwelling units and a waiver to test wells of one per 10 acres.

1. Before final plat is approved the owner shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **3** copies with all required revisions and documents as listed below:

   1.1 Delete Note #5 and correct the typo in Note 10 in the General Notes.

   1.2 Provide the density calculations on Sheet 1.

   1.3 Show the total acreage of open space.

   1.4 Change SW.110th Street to Southwest 101St Street.

   1.5 Remove the well location map from Sheet 1.

   1.6 Add 1.34 acres of open space.

   1.7 Make corrections to the satisfaction of the County Engineer:

      1.7.1 Need a metes and bounds boundary legal description submitted.

      1.7.2 Boundary description closure and street centerline will be checked upon development revision resubmittal.

1.7.3 Need to show survey boundary corners found and/or set with monument material description listed for same.

1.7.4 Need to show and label any section corners, quarter corners or quarter-quarter corners found or set and list monument material type along with corner reference ties for same. (i.e., Center of Section and E ¼ Corner)

1.7.5 Need to show adjacent road right-of-way width from section line control and label or identify controlling section line.

1.7.6 Need to plot 3.5' line of sight on submitted centerline profile along SW 98th Street to verify compliance that minimum sight distance requirements have been met at location of proposed Noah Lane intersection. Also, locate profile stationing to development boundary.

1.7.7 Need Surveyor's Certificate to certify boundary survey for this preliminary plat.

1.7.8 Need to show temporary turnaround at the northerly end of Noah Lane off of SW 110th Street.

1.7.9 Revise Street centerline for Curve Data "C" and "G" to be within our horizontal design standard minimum of 200' radius.

1.7.10 General Note #15 does not apply since this development proposes a rock and gravel road surfacing and does not offer a pavement option.

1.7.11 Add a General Note that reads, "Access to adjacent lots outside subdivision boundary shall not be permitted from the end of temporary dead end streets".

1.7.12 Please submit additional data confirming culvert sizing. Our preliminary calculations indicate each culvert to be one size larger than listed diameter.

2. Before a final plat is approved, owner shall provide the following documents to the Planning Department:

2.1 Verification from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

3. Final plat(s) is/are approved by the County.

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 of the County's Land Subdivision Resolution. A new community unit plan may be required if the Land Subdivision Resolution 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 Land Subdivision Resolution.

Before the approval of a final plat, the public streets, rural water system, land preparation and grading, sediment and erosions control measures, drainageway improvements, and street name signs, must be completed. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Resolution.

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

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

To complete the installation of the street name signs within two (2) years following the approval of the final plat.

To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

Standard Conditions:

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units all development and construction shall substantially comply with the approved plans.

4.2 All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the owner or an appropriately established homeowners association approved by the County.

4.3 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.

4.4 The terms, conditions, and requirements of this Resolution shall run with the land and be binding upon the owner, its heirs, successors, and assigns.

4.5 The owner 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 owner 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.

Waivers:

Section 14.013(o)(7) of the County Zoning Resolution: Test wells of one per 10 acres on a grid system.

DATED this 12th day of September, 2017, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this 12th day of September, 2017.

Deputy County Attorney
for JOE KELLY
Lancaster County Attorney

SCHORR ABSENT

ATTACHMENT A

LETTER OF ACCEPTANCE

Tall Grass Hills, LLC, owner of record, hereby agrees to all of the conditions of County Special Permit No. 17027, for a community unit plan under the provisions of Section 13.031 of the County Zoning Resolution on property located at SW 98th Street and West Yankee Hill Road, legally described as follows:

Lot 35 Irregular tract located in the SE1/4 of Section 28, Township 9 North, Range 5 East, Lancaster County, NE;

granted by the Lincoln-Lancaster County Planning Commission, and embodied in Resolution No. R-17-0068, all costs which owner of record hereby represents have been paid and that this agreement shall be binding upon Tall Grass Hills, LLC, and its heirs, successors, and assigns and shall run with the land.

DATED this 26 day of Sept., 2017, in Lancaster County, Nebraska.

Owner of Record

BY: James B. Lyers

For Tall Grass Hills, LLC

STATE OF NEBRASKA)
) ss.
County of Lancaster)

On this 26 day of September, 2017, before me, the undersigned, a notary public, duly commissioned, qualified for and residing in said County, personally came James B. Lyers, known to be the identical person whose name is affixed to this agreement, and acknowledged execution of the same to be his voluntary act and deed.

SUBSCRIBED AND SWORN to before me this 26 day of September, 2017.

GENERAL NOTARY - State of Nebraska
KELLY S. LUNDGREN
My Comm. Exp. March 11, 2019

Kelly S. Lundgren
Notary Public

SEAL OF LANCASTER COUNTY NEBRASKA

I, Kelly S Lundgren, on this date, 9/26/17, as an employee of the Lancaster County Clerk's office in Lincoln, Nebraska do hereby certify that this is a true and accurate copy of a record on file in this office.

Record #(if applicable)_____

By Kelly S. Lundgren