

\$42.00

INST. NO 99

PLANNING DEPARTMENT  
MARCH 17 1999

015352

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**MEMORANDUM OF THE  
CONDITIONAL ANNEXATION AND ZONING AGREEMENT FOR  
YANKEE HILL ROAD VICINITY**

This Memorandum of the Conditional Annexation and Zoning Agreement for Yankee Hill Road Vicinity ("Memorandum") is made and entered into as of this 17 day of MAR 09 1999, 1999, by and between the **City of Lincoln, Nebraska**, a municipal corporation ("City"), **Ridge Development Company**, a Nebraska corporation ("Ridge"), **Southview, Inc.**, a Nebraska corporation ("Southview"), **Ridge Place, Ltd.**, a Nebraska limited partnership ("Ridge Place"), and **Large Partnership, Ltd.**, a Nebraska limited partnership ("Large"), and is made with reference to the following:

A. **Memorandum.** This Memorandum is to indicate that the City, Ridge, Southview and Large entered into the Conditional Annexation and Zoning Agreement for Yankee Hill Road Vicinity, dated as of February 3, 1999 ("Annexation Agreement"). The Annexation Agreement is applicable to the real property legally described and shown on Exhibit "A", which is attached hereto and incorporated herein by this reference ( the "Property").

B. **Annexation Agreement.** The Annexation Agreement, among other things, outlines the following:

1. The City's approval of (a) an Amendment to the Lincoln City-Lancaster County Comprehensive Plan, as amended, to designate the Property as "Blue Area" (Phase 1—ready for immediate development) on Figure 65 of the Comprehensive Plan entitled the *Anticipated 2015 Lincoln Service Limit and Phasing Plan*, (b) an Amendment to Figure 16 of the Lincoln City-Lancaster County Comprehensive Plan, as amended, entitled *Lincoln's Land Use Plan* to reflect uses shown on the subabrea plan which is attached hereto as Exhibit "B", and is incorporated herein by this reference, (c) annexation of a portion of the Property, and (d) rezoning of portions of the Property.

2. The City's, Ridge's, Southview's, and Large's obligations regarding the construction of the municipal improvements necessary for the annexation of the Property, including streets, water mains, sewers, and trails.

C. **Notice.** Any notices required to be forwarded to a party hereto shall be in writing and shall be served by mail, sufficient postage prepaid at the following addresses:

"City" City of Lincoln  
Public Works Director  
555 South 10<sup>th</sup>  
Lincoln, NE 68508

with a copy to: City Clerk  
555 South 10<sup>th</sup>  
Lincoln, NE 68508

"Ridge" Tom White and John Brager  
Ridge Development  
PO Box 22296  
Lincoln, NE 68542-2296

X

"Southview"

Gerald L. Schleich  
Southview, Inc.  
3901 Normal Boulevard, Suite 203  
Lincoln, NE 68506

"Large"

Richard L. Large  
9509 S. 27<sup>th</sup> Street  
Lincoln, NE 68516

with a copy to:

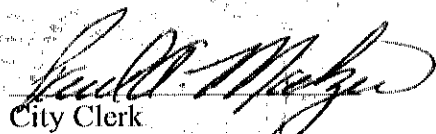
Seacrest & Kalkowski, P.C.  
1111 Lincoln Mall, Suite 350  
Lincoln, NE 68508

D. **Binding Effect.** The Annexation Agreement runs with the land and is binding upon and inures to the benefit and burden of the successors and assigns of the respective parties.

E. **Copy of Annexation Agreement.** A copy of the Annexation Agreement is on file with the City Clerk.

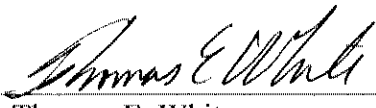
**City of Lincoln, Nebraska,**  
a municipal corporation


ATTEST:

  
City Clerk

By:   
Dale Young, Mayor

**Ridge Development Company,** a Nebraska corporation

By:   
Thomas E. White,  
President of Development

By:   
John C. Brager,  
President of Construction

**Southview, Inc.,** a Nebraska corporation

By:   
Gerald L. Schleich, President

**Ridge Place, Ltd.**, a Nebraska limited partnership

By: Southview, Inc., a Nebraska corporation, General Partner

Gerald L. Schleich  
By: Gerald L. Schleich, President

By: Ridge Development Company, a Nebraska corporation, General Partner

Thomas E. White  
By: Thomas E. White, President of Development

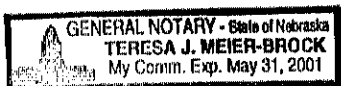
John C. Brager  
By: John C. Brager, President of Construction

**Large Partnership, Ltd.**, a Nebraska general partnership

Richard L. Large  
By: Richard L. Large, General Partner

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

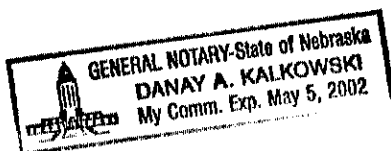
The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of March, 1999, by ~~Dale Young~~, Mayor of the City of Lincoln, Nebraska, on behalf of the City of Lincoln, Nebraska. Curt Donaldson, Acting



Teresa J. Meier-Brock  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

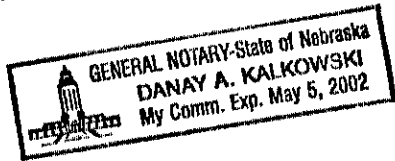
The foregoing instrument was acknowledged before me this 15 day of February, 1999, by Thomas E. White, President of Development of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



Danay A. Kalkowski  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

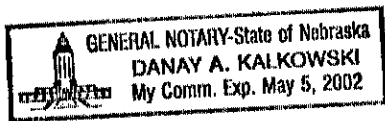
The foregoing instrument was acknowledged before me this 15 day of February, 1999, by John C. Brager, President of Construction of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



Danay A. Kalkowski  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

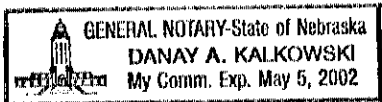
The foregoing instrument was acknowledged before me this 15 day of February, 1999, by Gerald L. Schleich, President of **Southview, Inc.**, a Nebraska corporation, on behalf of the corporation.



Danay A. Kalkowski  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

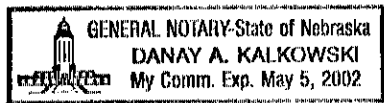
The foregoing was acknowledged before me this 15 day of February, 1999, by Gerald L. Schleich, President of Southview, Inc., a Nebraska corporation, General Partner of **Ridge Place, Ltd.**, a Nebraska limited partnership on behalf of the limited partnership.



Danay A. Kalkowski  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

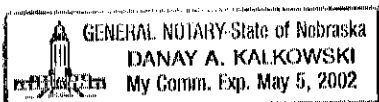
The foregoing was acknowledged before me this 15 day of February, 1999, by Thomas E. White, President of Development of Ridge Development Company, a Nebraska corporation, General Partner of **Ridge Place Ltd.**, a Nebraska limited partnership, on behalf of the limited partnership.



Danay A. Kalkowski  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

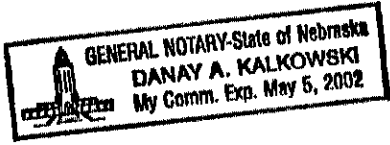
The foregoing was acknowledged before me this 15 day of February, 1999, by John C. Brager, President of Construction of Ridge Development Company, a Nebraska corporation, General Partner of **Ridge Place Ltd.**, a Nebraska limited partnership, on behalf of the limited partnership.



Danay A. Kalkowski  
Notary Public

STATE OF NEBRASKA                    )  
  ) ss.  
COUNTY OF LANCASTER            )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of February, 1999 by Richard L. Large, General Partner of **Large Partnership, Ltd.**, a Nebraska limited partnership, on behalf of the limited partnership.



Danay A. Kalkowski  
Notary Public

**LEGAL DESCRIPTION  
ANNEXATION AND COMP. PLAN AMENDMENT**

A LEGAL DESCRIPTION FOR ANNEXATION AND COMP. PLAN AMENDMENT PURPOSES FOR A TRACT OF LAND COMPOSED OF LOT 62 I.T., A PORTION OF YANKEE HILL ROAD RIGHT-OF-WAY, AND A PORTION OF SOUTH 14<sup>TH</sup> STREET RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 6 EAST, OF THE 6<sup>TH</sup> P.M., TOGETHER WITH LOTS 21 I.T., 1 I.T., 24 I.T., 4 I.T., 18 I.T., 14 I.T., 16 I.T., 28 I.T., 27 I.T., 29 I.T., 9 I.T., 30 I.T., A PORTION OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER, A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, A PORTION OF YANKEE HILL ROAD RIGHT-OF-WAY, A PORTION OF SOUTH 27<sup>TH</sup> STREET RIGHT-OF-WAY, AND A PORTION OF ROKEBY ROAD RIGHT-OF-WAY, ALL LOCATED IN SECTION 25, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 03 MINUTES 17 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 2649.48 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 25, THENCE SOUTH 00 DEGREES 00 MINUTES 42 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 2643.74 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 25, THENCE NORTH 89 DEGREES 38 MINUTES 49 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 2070.16 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD, THENCE NORTH 28 DEGREES 36 MINUTES 46 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD, A DISTANCE OF 6049.81 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 25, THENCE NORTH 28 DEGREES 36 MINUTES 46 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD, A DISTANCE OF 554.85 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 24, THENCE NORTH 00 DEGREES 10 MINUTES 31 SECONDS WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 114.78 FEET TO A POINT OF INTERSECTION WITH THE CENTER LINE OF RIGHT-OF-WAY FOR YANKEE HILL ROAD, THENCE NORTH 89 DEGREES 49 MINUTES 23 SECONDS EAST ALONG THE CENTER LINE OF RIGHT-OF-WAY FOR YANKEE HILL ROAD, A DISTANCE OF 117.27 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 400.00 FEET, ARC LENGTH OF 313.84 FEET, DELTA ANGLE OF 44 DEGREES 57 MINUTES 15 SECONDS. A CHORD BEARING OF SOUTH 67 DEGREES 41 MINUTES 59 SECONDS EAST ALONG THE CENTER LINE OF RIGHT-OF-WAY FOR YANKEE HILL ROAD, AND A CHORD LENGTH OF 305.85 FEET TO A POINT OF TANGENCY, THENCE SOUTH 45 DEGREES 13 MINUTES 22 SECONDS EAST ALONG THE CENTER LINE OF RIGHT-OF-WAY FOR YANKEE HILL ROAD RIGHT-OF-WAY, A DISTANCE OF 348.97 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 849.02 FEET, ARC LENGTH OF 657.46 FEET, DELTA ANGLE OF 44 DEGREES 22 MINUTES 05 SECONDS, A CHORD BEARING OF SOUTH 67 DEGREES 24 MINUTES 25 SECONDS EAST ALONG THE CENTERLINE OF RIGHT-OF-WAY FOR YANKEE HILL ROAD, AND A CHORD LENGTH OF 641.16 FEET TO A POINT OF TANGENCY, THENCE SOUTH 89 DEGREES 39 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 1359.28 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 25, THENCE SOUTH 89 DEGREES 38 MINUTES 45 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, A DISTANCE OF 2631.19 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 434.36 ACRES, OR 18,921,058.96 SQUARE FEET MORE OR LESS.

AUGUST 18, 1998  
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Exhibit "A"

**LEGAL DESCRIPTION  
ANNEXATION AND COMP. PLAN AMENDMENT**

A LEGAL DESCRIPTION FOR ANNEXATION AND COMP. PLAN AMENDMENT PURPOSES FOR A TRACT OF LAND COMPOSED OF LOTS 25 I.T., 26 I.T. AND 21 I.T., A PORTION OF SOUTH 27<sup>TH</sup> STREET RIGHT-OF-WAY, A PORTION OF YANKEE HILL ROAD RIGHT-OF-WAY, AND A PORTION OF SOUTH 40<sup>TH</sup> STREET RIGHT-OF-WAY, ALL LOCATED IN THE SOUTH HALF OF SECTION 19, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULAR DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE NORTH 88 DEGREES 05 MINUTES 40 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2642.29 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER, THENCE SOUTH 88 DEGREES 45 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2647.20 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE NORTH 00 DEGREES 02 MINUTES 08 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2648.77 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE SOUTH 89 DEGREES 35 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2646.46 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER, THENCE SOUTH 00 DEGREES 02 MINUTES 27 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 815.01 FEET TO THE NORTHWEST CORNER OF SAID LOT 21 I.T., THENCE SOUTH 89 DEGREES 35 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 21 I.T., AND ITS EXTENSION, A DISTANCE OF 2645.13 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, THENCE SOUTH 00 DEGREES 05 MINUTES 36 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1826.54 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 267.35 ACRES, OR 11,645,856.18 SQUARE FEET MORE OR LESS

DECEMBER 30, 1998  
C:\GRAINGER\AREA13.L01

**TOGETHER WITH**

A LEGAL DESCRIPTION FOR ANNEXATION AND COMP. PLAN AMENDMENT PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 28 I.T., A PORTION OF YANKEE HILL ROAD RIGHT-OF-WAY, AND A PORTION OF SOUTH 27<sup>TH</sup> STREET RIGHT-OF-WAY, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., LANCASTER COUNTY, NEBRASKA. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF NORTH 88 DEGREES 45 MINUTES 30 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 732.01 FEET TO A POINT, THENCE SOUTH 00 DEGREES 03 MINUTES 39 SECONDS EAST, A DISTANCE OF 1333.71 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 28 I.T., THENCE SOUTH 89 DEGREES 28 MINUTES 18 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 28 I.T., AND ITS EXTENSION, A DISTANCE OF 732.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID NORTHWEST QUARTER, THENCE NORTH 00 DEGREES 03 MINUTES 19 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1324.60 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 22.33 ACRES, OR 972,827.39 SQUARE FEET MORE OR LESS.

DECEMBER 30, 1998  
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