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## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made and entered into as of this 23<sup>rd</sup> day of March, 1998, by and between the City of Lincoln, Nebraska, a municipal corporation, hereinafter referred to as "City," and Lancaster County School District No. 001, hereinafter referred to as "LPS."

### RECITALS

#### I.

Ridge Development Company and Southview, Inc. (hereinafter "Property Owners") have requested an amendment to Figure 65 of the Lincoln City-Lancaster County Comprehensive Plan entitled "Anticipated 2015 Lincoln Service Limit and Phasing Plan" to designate as a "Blue Area" (Phase I -- Ready for Immediate Development) the property legally described and shown on Exhibit "A" which is attached hereto and incorporated herein by this reference (the "Property").

#### II.

Property Owners have entered into a purchase agreement with LPS for that portion of the Property described on Exhibit "B" which is attached hereto and incorporated herein by this reference (the "School Property"). Said purchase agreement is contingent, among other things, upon the City approving the above-described Comprehensive Plan amendment, annexation, and change of zone.

#### III.

Property Owners and LPS have requested City to annex the Property and to adopt an amendment to the Zoning District Map changing the zone on the Property from AG Agricultural District to I-3 Employment Center District.

#### IV.

LPS acknowledges and recognizes that additional street improvements will be needed in South 14th Street to accommodate the construction of a school and related facilities

on the school property. LPS further acknowledges that those additional street improvements cannot be fully identified at this time but rather must wait for a site plan for the school and related facilities to be finally prepared and reviewed by the City.

**V.**

The City is willing to amend the Lincoln City-Lancaster County Comprehensive Plan, as amended, to designate the Property as "Blue Area" (Phase I) on Figure 65 of the Plan and to annex the Property and rezone the Property to I-3 Employment Center District, provided LPS closes upon the School Property and there is an agreement between the City and LPS regarding LPS's future obligations to construct street improvements needed for the development of the School Property with a public school and related facilities.

**VI.**

The City and LPS are entering into this agreement for the purpose of providing for the future construction of the street improvements necessary for the School Property.

NOW, THEREFORE, in consideration of the City amending the Lincoln City-Lancaster County Comprehensive Plan, as amended, to designate the Property as "Blue Area" (Phase I) on Figure 65 of the Plan and to annex the Property and rezone the Property to I-3 Employment Center District, and in further consideration of the mutual covenants established herein, the parties to this agreement do hereby agree as follows:

1. The City agrees that in the event LPS becomes the owner of the School Property, LPS shall not be required to apply for a use permit on or complete a traffic study for the use of the School Property for a public school and related facilities.

2. LPS agrees that if access to the school site is to be obtained west of the existing Pine Lake and 14th Street intersection, LPS shall be responsible for the necessary right-of-way dedication and construction costs for the paving of a street right-of-way stub west of 14th Street. The cost shall include a left-turn lane in 14th Street for north-bound to west-bound traffic

onto Pine Lake Road, and a right-turn lane in 14th Street for south-bound to west-bound traffic onto Pine Lake Road, and appropriate right-of-way to accommodate potential additional paving width necessary to accommodate the school. LPS agrees that the design and construction of all street improvements will be in accordance with adopted street and driveway design standards of the City of Lincoln and that the construction of the street improvements will be completed in accordance with the City of Lincoln's standard specifications for municipal construction which are on file in the Office of the City Engineer and shall be subject to inspection and approval by the City Engineer.

3. City agrees that in the event LPS does not close upon and purchase the School Property, this Agreement shall become null and void.

**LANCASTER COUNTY SCHOOL  
DISTRICT 001**

By: *Clifford W. Dale*  
Associate Superintendent for Business  
Affairs of Lincoln Public Schools

**CITY OF LINCOLN, NEBRASKA**

By: *[Signature]*  
Mayor

STATE OF NEBRASKA     )  
                                  ) ss.  
COUNTY OF LANCASTER )

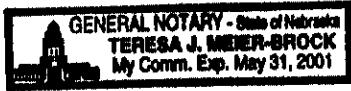
The foregoing instrument was acknowledged before me this 17 day of March, 1998 by *Clifford W. Dale*, Associate Superintendent for Business Affairs of Lincoln Public Schools, on behalf of the School District.



*Barbara J. Reynolds*  
Notary Public

STATE OF NEBRASKA     )  
                                      ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of March, 1998, by Mike Johanns, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



Teresa J. Meier-Brock  
Notary Public



# EXHIBIT "A"

A PORTION OF  
OUTLOT "A"  
70,949.49 SF.±  
1.63 AC. ±  
**THIS PORTION  
NOT INCLUDED**

A PORTION OF  
OUTLOT "A"  
681,376.84 SF.±  
15.64 AC.±  
**THIS PORTION  
NOT INCLUDED**

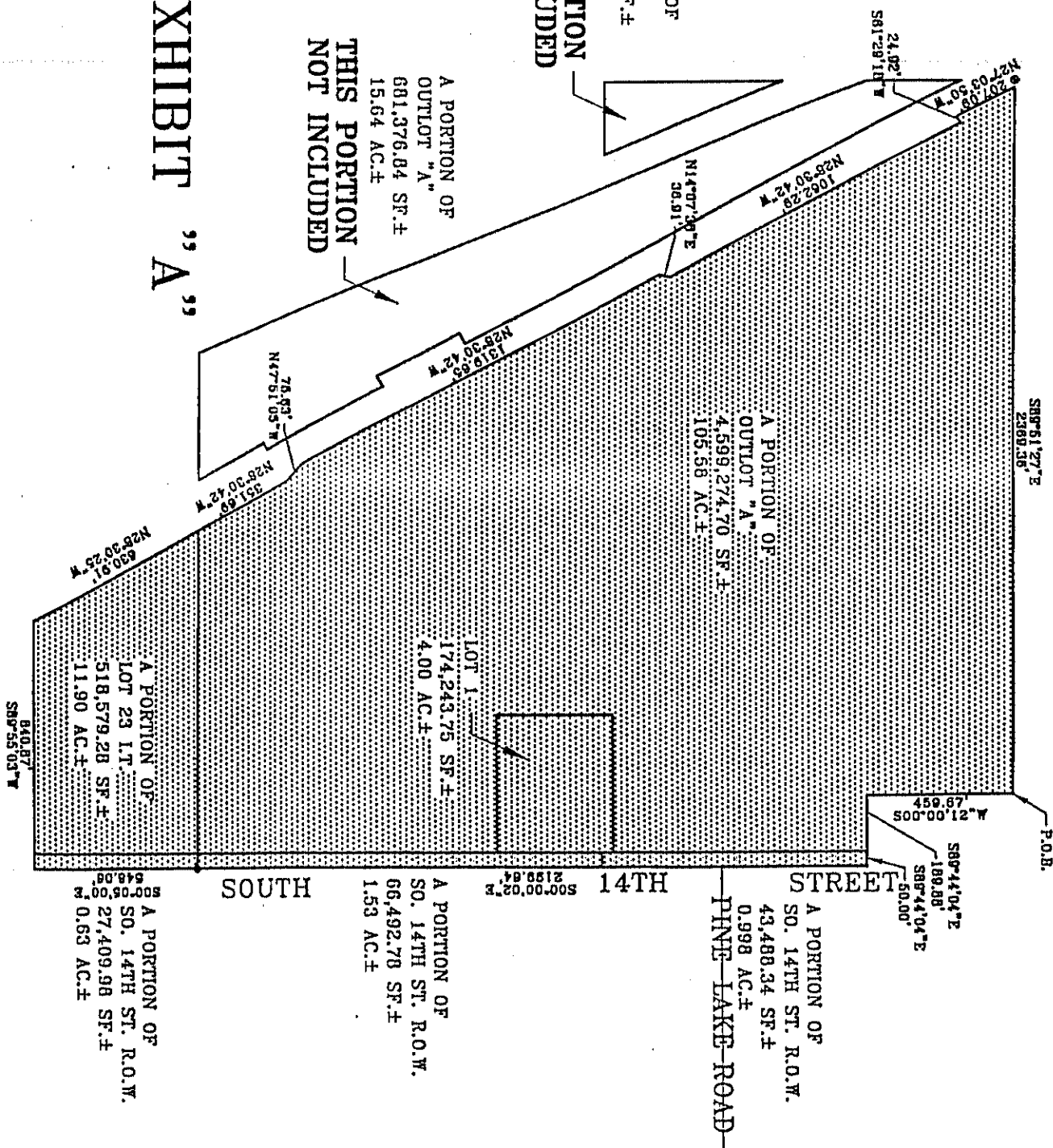
A PORTION OF  
OUTLOT "A"  
4,599,274.70 SF.±  
105.58 AC.±

LOT 1  
174,243.75 SF.±  
4.00 AC.±

A PORTION OF  
SO. 14TH ST. R.O.W.  
66,492.78 SF.±  
1.53 AC.±

A PORTION OF  
LOT 23 I.T.  
518,579.28 SF.±  
11.90 AC.±  
A PORTION OF  
SO. 14TH ST. R.O.W.  
64,805.27, 409.98 SF.±  
1.50 AC.±

840.87'  
S89°55'03"E



## LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 1, AND A PORTION OF OUTLOT "A" GERBIG ADDITION, THE REMAINING PORTION OF LOT 23 I.T., AND A PORTION OF SOUTH 14TH STREET RIGHT-OF-WAY, ALL LOCATED IN THE EAST HALF OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID OUTLOT "A", SAID POINT BEING THE NORTHWEST CORNER OF LOT 6 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 00 MINUTES 12 SECONDS WEST ALONG THE EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 459.67 FEET TO THE SOUTHWEST CORNER OF LOT 7 I.T., THENCE SOUTH 89 DEGREES 44 MINUTES 04 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "A", AND ITS EXTENSION, A DISTANCE OF 239.88 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID SECTION 23, THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 2199.64 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 23, THENCE SOUTH 00 DEGREES 05 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 548.06 FEET TO A POINT OF INTERSECTION WITH AN EXTENSION OF THE SOUTH LINE OF THE REMAINING PORTION OF SAID LOT 23 I.T., THENCE SOUTH 89 DEGREES 55 MINUTES 03 SECONDS WEST ALONG THE SOUTH LINE OF THE REMAINING PORTION OF LOT 23 I.T., AND ITS EXTENSION, A DISTANCE OF 840.87 FEET TO THE SOUTH WEST CORNER OF THE REMAINING PORTION OF SAID LOT 23 I.T., THENCE NORTH 28 DEGREES 30 MINUTES 25 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 630.91 FEET TO THE NORTHWEST CORNER OF THE REMAINING PORTION OF SAID LOT 23 I.T., THENCE NORTH 28 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 351.69 FEET TO A POINT OF DEFLECTION, THENCE NORTH 47 DEGREES 51 MINUTES 05 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 75.63 FEET TO A POINT OF DEFLECTION, THENCE NORTH 28 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 1319.65 FEET TO A POINT OF DEFLECTION, THENCE NORTH 14 DEGREES 07 MINUTES 38 SECONDS EAST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 36.91 FEET TO A POINT OF DEFLECTION, THENCE NORTH 28 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 1062.29 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 61 DEGREES 29 MINUTES 18 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 24.92 FEET TO A

EXHIBIT "A"

POINT OF DEFLECTION, THENCE ALONG A SPIRAL CURE TO THE RIGHT, HAVING CHORD BEARING OF NORTH 27 DEGREES 03 MINUTES 50 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A CHORD DISTANCE OF 207.09 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT "A", THENCE SOUTH 89 DEGREES 51 MINUTES 25 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 2369.36 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 124.64 ACRES, OR 5,429,488.80 SQUARE FEET MORE OR LESS.

February 5, 1998  
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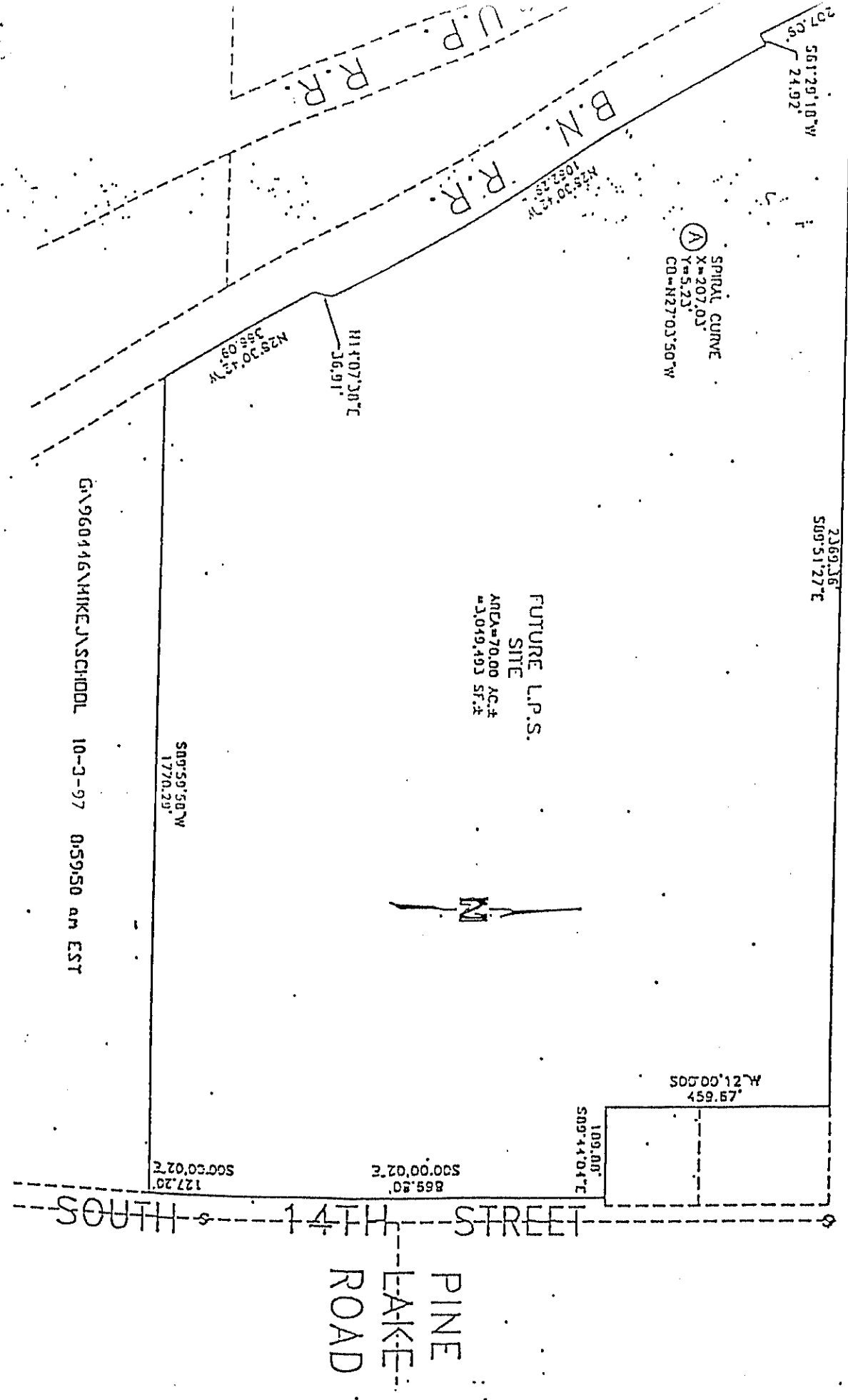
LEGAL DESCRIPTION  
GERBIG ADD.  
SCHOOL SITE

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1, AND A PORTION OF OUTLOT "A", GERBIG ADDITION, ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 47 MINUTES 57 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 1, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 127.20 FEET TO A POINT, THENCE SOUTH 89 DEGREES 59 MINUTES 58 SECONDS WEST, A DISTANCE OF 1770.29 FEET TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., THENCE NORTH 28 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 366.08 FEET TO A POINT OF DEFLECTION, THENCE NORTH 14 DEGREES 07 MINUTES 38 SECONDS EAST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 36.91 FEET TO A POINT OF DEFLECTION, THENCE NORTH 28 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 1062.29 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 61 DEGREES 29 MINUTES 18 SECONDS WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF THE B.N. R.R., A DISTANCE OF 24.92 FEET TO A POINT OF DEFLECTION, THENCE ALONG A SPIRAL CURVE TO THE RIGHT, 207.03 FEET,  $Y=5.23$  FEET, CHORD BEARING OF NORTH 27 DEGREES 03 MINUTES 50 SECONDS WEST ALONG THE EAST RIGHT-OF-WAY LINE OF THE B.N. R.R., A CHORD DISTANCE OF 207.09 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT "A", THENCE SOUTH 89 DEGREES 51 MINUTES 27 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "A", SAID LINE BEING THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 2369.36 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT "A", THENCE SOUTH 00 DEGREES 00 MINUTES 12 SECONDS WEST ALONG THE EAST LINE OF SAID OUTLOT "A", A DISTANCE OF 459.67 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 89 DEGREES 44 MINUTES 04 SECONDS EAST ALONG THE NORTH LINE OF SAID OUTLOT "A", A DISTANCE OF 189.88 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS EAST ALONG THE EAST LINE OF SAID OUTLOT "A" AND LOT

EXHIBIT "B"





# CERTIFICATE

STATE OF NEBRASKA           )  
  )  
COUNTY OF LANCASTER       ) ss:  
  )  
CITY OF LINCOLN               )

I, Paul A. Malzer, Jr., City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of Executive Order 54590 - Memorandum of Understanding between Lancaster County School Dist. #001 & the City of Lincoln providing for the future construction of street improvements which will be necessary to accommodate a public school on property generally located at 14th & Pine Lake Rd. as it appears of record in my said office and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 26th day of March, 1998.

