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A-78718 BLOCK

INST. NO 98

REGISTER OF DEEDS

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**MEMORANDUM OF THE
CONDITIONAL ANNEXATION AND ZONING AGREEMENT FOR
SOUTH 14TH STREET EMPLOYMENT CENTER**

This Memorandum of the Conditional Annexation and Zoning Agreement for South 14th Street Employment Center ("Memorandum") is made and entered into as of this 15 day of April, 1998, by and between the **City of Lincoln, Nebraska**, a municipal corporation ("City"), **Ridge Development Company**, a Nebraska corporation ("Ridge") and **Southview, Inc.**, a Nebraska corporation ("Southview"), and is made with reference to the following:

A. **Memorandum.** This Memorandum is to indicate that the City, Ridge and Southview entered into the Conditional Annexation and Zoning Agreement for South 14th Street Employment Center, dated as of April 15, 1998 ("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) on Figure 65 of the Comprehensive Plan entitled the *Anticipated 2015 Lincoln Service Limit and Phasing Plan*, (b) annexation of the Property, and (c) rezoning of the Property from AG to I-3 Employment Center District.

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

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 10th
Lincoln, NE 68508

with a copy to:

City Clerk
555 South 10th
Lincoln, NE 68508

"Ridge"

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

"Southview"

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

City Clerk

with a copy to:

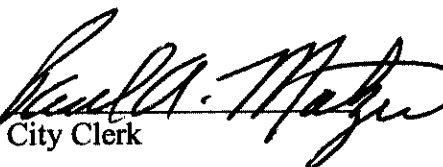
Seacrest & Kalkowski, P.C.
Attn: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508

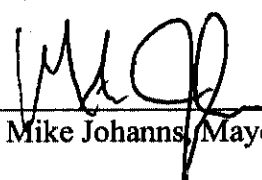
D. **Binding Effect.** The Annexation Agreement runs with the land and is binding upon and inures to the benefit and burden of the successors and assigns of the respective parties.

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

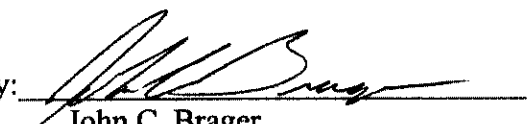
ATTEST:


City Clerk

By: 
Mike Johanns, Mayor

Ridge Development Company, a Nebraska
corporation

By: 
Thomas E. White,
President of Development

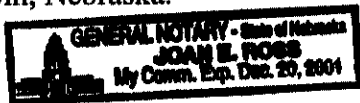
By: 
John C. Brager,
President of Construction

Southview, Inc., a Nebraska corporation

By: 
Gerald L. Schleich, President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

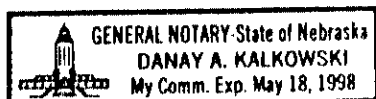
The foregoing instrument was acknowledged before me this 15 day of April, 1998, by Mike Johanns, Mayor of the City of Lincoln, Nebraska, on behalf of the City of Lincoln, Nebraska.




Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

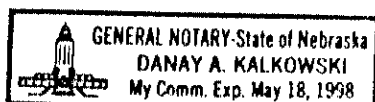
The foregoing instrument was acknowledged before me this 10 day of March, 1998, by Thomas E. White, President of Development of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



Danay A. Kalkowski
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

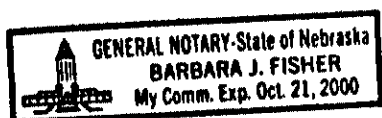
The foregoing instrument was acknowledged before me this 10 day of March, 1998, by John C. Brager, President of Construction of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



Danay A. Kalkowski
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 16th day of March, 1998, by Gerald L. Schleich, President of **Southview, Inc.**, a Nebraska corporation, on behalf of the corporation.



Barbara J. Fisher
Notary Public

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 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.

C E R T I F I C A T E

I, Paul A. Malzer, City Clerk of the City of Lincoln,
Nebraska, do certify that the above and foregoing is a true and
correct copy of "MEMORANDUM OF THE CONDITIONAL ANNEXATION AND
ZONING AGREEMENT FOR SOUTH 14TH STREET EMPLOYMENT CENTER" AS ADOPTED
BY RESOLUTION NO. A 78718

as passed and approved by the City Council of the City of Lincoln,
Nebraska, at its meeting held APRIL 13, 1998 as
the original appears of record in my 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 17TH
day of APRIL, 19 98.


City Clerk