

\$88.00

Dan Jolte

REGISTER OF DEEDS

2001 SEP 18 A 11:49

LANCASTER COUNTY NE

INST. NO 2001

053713

BLOCK
CODE
HIMES
CHECKED
ENTERED
SIGNED

RESOLUTION NO. PC- 00701

1 A RESOLUTION accepting and approving the plat designated as the
2 **CORRECTED PLAT OF HIMARK ESTATES 5TH ADDITION** as an addition to the City of
3 Lincoln, filed in the office of the Planning Department of the City of Lincoln, Nebraska,
4 upon certain conditions herein specified and providing for sureties conditioned upon the
5 strict compliance with such conditions.

6 WHEREAS, the Planning Director for the City of Lincoln, Nebraska has
7 previously approved the Administrative Final Plat of HiMark Estates 5th Addition; and

8 WHEREAS, the Final Plat of HiMark Estates 5th Addition contained a survey
9 error; and

10 WHEREAS, Lincoln Municipal Code § 26.11.130 requires the Subdivider to
11 cause the survey error to be corrected and to submit to the Planning Director a corrected
12 final plat and further requires that the Law Department prepare a resolution approving and
13 accepting the corrected final plat and voiding the original plat with the survey error; and

14 WHEREAS, **HIMark Development, Inc., a Nebraska corporation; D & M**
15 **Development, L.L.C., a Nebraska limited liability company; Guy M. Lammle and Rita**
16 **Lammle, husband and wife; and Lynn Siedschlag and Shirley Siedschlag, husband**
17 **and wife, owners of a tract of land legally described as:**

18 LOTS 17 AND 18, BLOCK 1, AND OUTLOTS "D" AND
19 AND "E" ALL OF HIMARK ESTATES 3RD ADDITION, LOT 5,
20 HIMARK ESTATES 4TH ADDITION AND ALSO LOT 70 I.T.
21 ALL LOCATED IN SECTION 11, TOWNSHIP 9 NORTH,
22 RANGE 7 EAST OF THE 6TH P.M. CITY OF LINCOLN,
23 LANCASTER COUNTY, NEBRASKA, AND PARTICULARLY
24 DESCRIBED AS FOLLOWS:

NKA LIB, L1-4 B2, 04A
HIMES 5

1 BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT
2 70 I.T., SAID POINT ALSO BEING 50.00 FEET NORTH OF
3 AND 50.00 FEET WEST OF THE SOUTHEAST CORNER
4 OF SAID SECTION 11; THENCE ON AN ASSUMED
5 BEARING OF NORTH 89 DEGREES 43 MINUTES 01
6 SECONDS WEST ALONG A SOUTHERLY LINE OF SAID
7 LOT 70 I.T., A DISTANCE OF 277.52 FEET TO A
8 SOUTHWEST CORNER OF SAID LOT 70 I.T.; THENCE
9 NORTH 03 DEGREES 38 MINUTES 59 SECONDS EAST
10 ALONG A WESTERLY LINE OF SAID LOT 70 I.T., A
11 DISTANCE OF 257.17 FEET TO A POINT OF DEFLECTION;
12 THENCE NORTH 26 DEGREES 27 MINUTES 06 SECONDS
13 WEST ALONG A SOUTHWESTERLY LINE OF SAID LOT 70
14 I.T., A DISTANCE OF 99.30 FEET TO A POINT OF
15 DEFLECTION; THENCE NORTH 60 DEGREES 03 MINUTES
16 40 SECONDS WEST ALONG A SOUTHWESTERLY LINE OF
17 SAID LOT 70 I.T., A DISTANCE OF 163.24 FEET TO A
18 POINT OF DEFLECTION; THENCE SOUTH 80 DEGREES 10
19 MINUTES 42 SECONDS WEST ALONG A
20 SOUTHEASTERLY LINE OF SAID LOT 70 I.T., A DISTANCE
21 OF 216.81 FEET TO A SOUTHWEST CORNER OF SAID
22 LOT 70 I.T.; THENCE NORTH 12 DEGREES 21 MINUTES 10
23 SECONDS EAST ALONG A WESTERLY LINE OF SAID LOT
24 70 I.T., A DISTANCE OF 200.00 FEET TO A POINT OF
25 DEFLECTION; THENCE NORTH 32 DEGREES 48 MINUTES
26 17 SECONDS EAST ALONG A WESTERLY LINE OF SAID
27 LOT 70 I.T., A DISTANCE OF 106.73 FEET TO A POINT OF
28 DEFLECTION; THENCE NORTH 05 DEGREES 40 MINUTES
29 28 SECONDS EAST ALONG A WESTERLY LINE OF SAID
30 LOT 70 I.T., A DISTANCE OF 137.37 FEET TO A POINT OF
31 DEFLECTION; THENCE NORTH 07 DEGREES 44 MINUTES
32 36 SECONDS WEST ALONG A WESTERLY LINE OF SAID
33 LOT 70 I.T., A DISTANCE OF 78.04 FEET TO A POINT OF
34 DEFLECTION; THENCE NORTH 52 DEGREES 26 MINUTES
35 05 SECONDS WEST ALONG A SOUTHWESTERLY LINE OF
36 SAID LOT 70 I.T., A DISTANCE OF 189.78 FEET TO A
37 POINT OF DEFLECTION; THENCE NORTH 00 DEGREES 13
38 MINUTES 25 SECONDS EAST ALONG A WESTERLY LINE
39 OF SAID LOT 70 I.T., A DISTANCE OF 266.62 FEET TO A
40 POINT OF DEFLECTION; THENCE NORTH 89 DEGREES 46
41 MINUTES 35 SECONDS WEST ALONG A SOUTHERLY LINE
42 OF SAID LOT 70 I.T., A DISTANCE OF 569.98 FEET TO A
43 SOUTHWEST CORNER OF SAID LOT 70 I.T.; THENCE
44 NORTH 00 DEGREES 02 MINUTES 30 SECONDS WEST
45 ALONG A WESTERLY LINE OF SAID LOT 70 I.T., A
46 DISTANCE OF 28.47 FEET TO A POINT OF DEFLECTION;

1 THENCE NORTH 89 DEGREES 40 MINUTES 33 SECONDS
2 WEST ALONG A SOUTHERLY LINE OF SAID LOT 70 I.T., A
3 DISTANCE OF 876.72 FEET TO A POINT OF DEFLECTION;
4 THENCE SOUTH 00 DEGREES 07 MINUTES 10 SECONDS
5 EAST ALONG AN EASTERLY LINE OF SAID LOT 70 I.T., A
6 DISTANCE OF 316.25 FEET TO A SOUTHEAST CORNER
7 OF SAID LOT 70 I.T.; THENCE SOUTH 89 DEGREES 52
8 MINUTES 50 SECONDS WEST ALONG A SOUTHERLY LINE
9 OF SAID LOT 70 I.T., A DISTANCE OF 96.86 FEET TO A
10 SOUTHWEST CORNER OF SAID LOT 70 I.T.; THENCE
11 NORTH 01 DEGREES 16 MINUTES 46 SECONDS WEST
12 ALONG A WESTERLY LINE OF SAID LOT 70 I.T., A
13 DISTANCE OF 105.49 FEET TO A POINT OF DEFLECTION;
14 THENCE NORTH 09 DEGREES 53 MINUTES 14 SECONDS
15 WEST ALONG A WESTERLY LINE OF SAID LOT 70 I.T., A
16 DISTANCE OF 121.43 FEET TO A POINT OF DEFLECTION;
17 THENCE NORTH 29 DEGREES 52 MINUTES 00 SECONDS
18 WEST ALONG A WESTERLY LINE OF SAID LOT 70 I.T., A
19 DISTANCE OF 121.43 FEET TO A POINT OF DEFLECTION;
20 THENCE NORTH 49 DEGREES 50 MINUTES 45 SECONDS
21 WEST ALONG A SOUTHWESTERLY LINE OF SAID LOT 70
22 I.T., A DISTANCE OF 121.43 FEET TO A POINT OF
23 DEFLECTION; THENCE NORTH 69 DEGREES 49 MINUTES
24 30 SECONDS WEST ALONG A SOUTHWESTERLY LINE OF
25 SAID LOT 70 I.T., A DISTANCE OF 121.43 FEET TO A
26 POINT OF DEFLECTION; THENCE NORTH 10 DEGREES 11
27 MINUTES 08 SECONDS EAST ALONG A WESTERLY LINE
28 OF SAID LOT 70 I.T., A DISTANCE OF 80.00 FEET TO A
29 POINT OF DEFLECTION; THENCE NORTH 20 DEGREES 12
30 MINUTES 51 SECONDS EAST ALONG A WESTERLY LINE
31 OF SAID LOT 70 I.T., A DISTANCE OF 83.48 FEET TO A
32 POINT OF DEFLECTION; THENCE NORTH 22 DEGREES 06
33 MINUTES 21 SECONDS EAST ALONG A WESTERLY LINE
34 OF SAID LOT 70 I.T., A DISTANCE OF 102.33 FEET TO A
35 POINT OF DEFLECTION; THENCE NORTH 14 DEGREES 13
36 MINUTES 42 SECONDS EAST ALONG A WESTERLY LINE
37 OF SAID LOT 70 I.T., A DISTANCE OF 104.64 FEET TO A
38 POINT OF DEFLECTION; THENCE NORTH 06 DEGREES 14
39 MINUTES 02 SECONDS EAST ALONG A WESTERLY LINE
40 OF SAID LOT 70 I.T., A DISTANCE OF 104.64 FEET TO A
41 POINT OF DEFLECTION; THENCE NORTH 01 DEGREES 45
42 MINUTES 37 SECONDS WEST ALONG A WESTERLY LINE
43 OF SAID LOT 70 I.T., A DISTANCE OF 104.64 FEET TO A
44 POINT OF DEFLECTION; THENCE NORTH 09 DEGREES 45
45 MINUTES 16 SECONDS WEST ALONG A WESTERLY LINE
46 OF SAID LOT 70 I.T., A DISTANCE OF 104.64 FEET TO A

1 POINT OF DEFLECTION; THENCE NORTH 17 DEGREES 40
2 MINUTES 29 SECONDS WEST ALONG A WESTERLY LINE
3 OF SAID LOT 70 I.T., A DISTANCE OF 102.71 FEET TO A
4 POINT OF DEFLECTION; THENCE NORTH 31 DEGREES 56
5 MINUTES 57 SECONDS WEST ALONG A WESTERLY LINE
6 OF SAID LOT 70 I.T., A DISTANCE OF 38.03 FEET TO A
7 POINT OF DEFLECTION, SAID POINT ALSO BEING THE
8 EASTERNMOST CORNER OF SAID LOT 18; THENCE
9 SOUTH 62 DEGREES 21 MINUTES 18 SECONDS WEST
10 ALONG THE SOUTHERLY LINE OF SAID LOT 18, A
11 DISTANCE OF 125.14 FEET TO THE SOUTHERNMOST
12 CORNER OF SAID LOT 18, SAID CORNER ALSO BEING ON
13 THE NORTHERLY RIGHT-OF-WAY LINE OF SAWGRASS
14 DRIVE; THENCE ALONG A CURVE IN A
15 COUNTER-CLOCKWISE DIRECTION ALONG SAID NORTH
16 RIGHT-OF-WAY LINE, HAVING A RADIUS OF 230.00 FEET,
17 ARC LENGTH OF 192.53 FEET, DELTA ANGLE OF 47
18 DEGREES 57 MINUTES 38 SECONDS, A CHORD BEARING
19 OF NORTH 51 DEGREES 37 MINUTES 31 SECONDS
20 WEST, AND A CHORD LENGTH OF 186.95 FEET TO A
21 POINT OF TANGENCY; THENCE NORTH 75 DEGREES 36
22 MINUTES 20 SECONDS WEST ALONG SAID NORTH
23 RIGHT-OF-WAY LINE, A DISTANCE OF 152.50 FEET TO
24 THE WESTERNMOST CORNER OF SAID OUTLOT "D";
25 THENCE NORTH 14 DEGREES 23 MINUTES 40 SECONDS
26 EAST ALONG THE WESTERLY LINE OF SAID OUTLOT "D",
27 A DISTANCE OF 119.87 FEET TO THE NORTHERNMOST
28 CORNER OF SAID OUTLOT "D"; THENCE SOUTH 84
29 DEGREES 37, MINUTES 31 SECONDS EAST ALONG THE
30 NORTHERLY LINE OF SAID OUTLOT "D", A DISTANCE OF
31 0.80 FEET TO A POINT OF DEFLECTION; THENCE SOUTH
32 75 DEGREES 36 MINUTES 20 SECONDS EAST ALONG
33 THE NORTHERLY LINE OF SAID OUTLOT "D" A DISTANCE
34 OF 89.21 FEET TO EASTERNMOST CORNER OF SAID
35 OUTLOT "D", SAID POINT ALSO BEING ON A WESTERLY
36 LINE OF SAID LOT 70 I.T.; THENCE NORTH 14 DEGREES
37 23 MINUTES 40 SECONDS EAST ALONG A WESTERLY
38 LINE OF SAID LOT 70 I.T., A DISTANCE OF 10.00 FEET TO
39 A POINT OF DEFLECTION; THENCE NORTH 75 DEGREES
40 36 MINUTES 20 SECONDS WEST ALONG A SOUTHERLY
41 LINE OF SAID LOT 70 I.T., A DISTANCE OF 90.00 FEET TO
42 A POINT OF DEFLECTION; THENCE NORTH 84 DEGREES
43 37 MINUTES 31 SECONDS WEST ALONG A SOUTHERLY
44 LINE OF SAID LOT 70 I.T., DISTANCE OF 127.73 FEET TO
45 A POINT OF DEFLECTION; THENCE NORTH 27 DEGREES
46 30 MINUTES 29 SECONDS WEST ALONG A

1 SOUTHWESTERLY LINE OF SAID LOT 70 I.T., A DISTANCE
2 OF 200.03 FEET TO A POINT OF DEFLECTION, SAID
3 POINT ALSO BEING A SOUTHEAST CORNER OF LOT 5,
4 HIMARK ESTATES 4TH ADDITION; THENCE NORTH 89
5 DEGREES 50 MINUTES 10 SECONDS WEST ALONG THE
6 SOUTH LINE OF SAID LOT 5, A DISTANCE OF 352.45 FEET
7 TO A POINT OF DEFLECTION; THENCE NORTH 67
8 DEGREES 12 MINUTES 58 SECONDS WEST ALONG A
9 SOUTHWESTERLY LINE OF SAID LOT 5, A DISTANCE OF
10 50.00 FEET TO A SOUTHWEST CORNER OF SAID LOT 5;
11 THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE
12 DIRECTION, HAVING A RADIUS OF 80.00 FEET, ARC
13 LENGTH OF 157.48 FEET, DELTA ANGLE OF 112
14 DEGREES 47 MINUTES 02 SECONDS, A CHORD BEARING
15 OF NORTH 33 DEGREES 36 MINUTES 29 SECONDS WEST
16 AND A CHORD LENGTH OF 133.25 FEET TO A
17 SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTH
18 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A
19 WESTERLY LINE OF SAID LOT 5, A DISTANCE OF 103.31
20 FEET TO A POINT OF DEFLECTION; THENCE NORTH 78
21 DEGREES 42 MINUTES 07 SECONDS EAST ALONG A
22 SOUTHERLY LINE OF SAID LOT 5, A DISTANCE OF 41.52
23 FEET TO A POINT OF DEFLECTION; THENCE NORTH 66
24 DEGREES 29 MINUTES 18 SECONDS EAST ALONG A
25 NORTHWESTERLY LINE OF SAID LOT 5, A DISTANCE OF
26 72.34 FEET TO A POINT OF DEFLECTION; THENCE
27 NORTH 54 DEGREES 16 MINUTES 29 SECONDS EAST
28 ALONG A NORTHWESTERLY LINE OF SAID LOT 5, A
29 DISTANCE OF 72.34 FEET TO A POINT OF DEFLECTION;
30 THENCE NORTH 42 DEGREES 03 MINUTES 39 SECONDS
31 EAST ALONG A NORTHWESTERLY LINE OF SAID LOT 5,
32 A DISTANCE OF 72.34 FEET TO A POINT OF DEFLECTION;
33 THENCE NORTH 29 DEGREES 50 MINUTES 50 SECONDS
34 EAST ALONG A NORTHWESTERLY LINE OF SAID LOT 5,
35 A DISTANCE OF 72.34 FEET TO A POINT OF DEFLECTION;
36 THENCE NORTH 17 DEGREES 38 MINUTES 01 SECONDS
37 EAST ALONG AN WESTERLY LINE OF SAID LOT 5, A
38 DISTANCE OF 72.34 FEET TO A POINT OF DEFLECTION;
39 THENCE NORTH 05 DEGREES 42 MINUTES 31 SECONDS
40 EAST ALONG A WESTERLY LINE OF SAID LOT 5, A
41 DISTANCE OF 68.93 FEET TO A POINT OF DEFLECTION;
42 THENCE NORTH 00 DEGREES 06 MINUTES 34 SECONDS
43 WEST ALONG A WESTERLY LINE OF SAID LOT 5, A
44 DISTANCE OF 27.37 FEET TO A NORTHWEST CORNER
45 OF SAID LOT 5; THENCE NORTH 89 DEGREES 53
46 MINUTES 26 SECONDS EAST ALONG THE NORTHERLY

1 LINE OF SAID LOT 5, A DISTANCE OF 380.00 FEET TO A
2 NORTHEAST CORNER OF SAID LOT 5, SAID POINT ALSO
3 BEING ON A WESTERLY LINE OF SAID LOT 70 I.T.;
4 THENCE NORTH 00 DEGREES 06 MINUTES 34 SECONDS
5 WEST ALONG A WESTERLY LINE OF SAID LOT 70 I.T., A
6 DISTANCE OF 100.00 FEET TO A POINT OF DEFLECTION;
7 THENCE SOUTH 89 DEGREES 53 MINUTES 26 SECONDS
8 WEST ALONG A SOUTHERLY LINE OF SAID LOT 70 I.T., A
9 DISTANCE OF 78.08 FEET TO A SOUTHWEST CORNER OF
10 SAID LOT 70 I.T.; THENCE NORTH 07 DEGREES 00
11 MINUTES 00 SECONDS EAST ALONG A WESTERLY LINE
12 OF SAID LOT 70 I.T., A DISTANCE OF 94.92 FEET TO A
13 POINT OF DEFLECTION; THENCE NORTH 83 DEGREES 00
14 MINUTES 00 SECONDS WEST ALONG A SOUTHERLY LINE
15 OF SAID LOT 70 I.T., A DISTANCE OF 116.91 FEET TO A
16 POINT OF DEFLECTION; THENCE SOUTH 82 DEGREES 27
17 MINUTES 14 SECONDS WEST ALONG A SOUTHERLY LINE
18 OF SAID LOT 70 I.T., A DISTANCE OF 75.58 FEET TO A
19 POINT OF DEFLECTION; THENCE SOUTH 78 DEGREES 34
20 MINUTES 59 SECONDS WEST ALONG A SOUTHERLY LINE
21 OF SAID LOT 70 I.T., A DISTANCE OF 49.08 FEET TO A
22 POINT OF DEFLECTION; THENCE NORTH 87 DEGREES 30
23 MINUTES 04 SECONDS WEST ALONG A SOUTHERLY LINE
24 OF SAID LOT 70 I.T., A DISTANCE OF 88.70 FEET TO A
25 SOUTHWEST CORNER OF SAID LOT 70 I.T.; THENCE
26 NORTH 14 DEGREES 25 MINUTES 13 SECONDS WEST
27 ALONG A WESTERLY LINE OF SAID LOT 70 I.T., A
28 DISTANCE OF 66.74 FEET TO A POINT OF DEFLECTION;
29 THENCE NORTH 28 DEGREES 25 MINUTES 47 SECONDS
30 WEST ALONG A SOUTHWESTERLY LINE OF SAID LOT 70
31 I.T., A DISTANCE OF 73.17 FEET TO A POINT OF
32 DEFLECTION; THENCE NORTH 42 DEGREES 26 MINUTES
33 21 SECONDS WEST ALONG A SOUTHWESTERLY LINE OF
34 SAID LOT 70 I.T., A DISTANCE OF 73.17 FEET TO A POINT
35 OF DEFLECTION; THENCE NORTH 56 DEGREES 26
36 MINUTES 55 SECONDS WEST ALONG A
37 SOUTHWESTERLY LINE OF SAID LOT 70 I.T., A DISTANCE
38 OF 73.17 FEET TO A POINT OF DEFLECTION; THENCE
39 NORTH 70 DEGREES 27 MINUTES 30 SECONDS WEST
40 ALONG A SOUTHWESTERLY LINE OF SAID LOT 70 I.T., A
41 DISTANCE OF 73.17 FEET TO A POINT OF DEFLECTION;
42 THENCE NORTH 84 DEGREES 13 MINUTES 10 SECONDS
43 WEST ALONG A SOUTHERLY LINE OF SAID LOT 70 I.T., A
44 DISTANCE OF 70.93 FEET TO A POINT OF DEFLECTION;
45 THENCE SOUTH 87 DEGREES 13 MINUTES 59 SECONDS
46 WEST ALONG A SOUTHERLY LINE OF SAID LOT 70 I.T., A

1 DISTANCE OF 63.94 FEET ALONG A SOUTHERLY LINE OF
2 SAID LOT 70 I.T.; THENCE SOUTH 73 DEGREES 29
3 MINUTES 09 SECONDS WEST ALONG A
4 SOUTHEASTERLY LINE OF SAID LOT 70 I.T., A DISTANCE
5 OF 76.39 FEET TO A POINT OF DEFLECTION; THENCE
6 SOUTH 57 DEGREES 31 MINUTES 08 SECONDS WEST
7 ALONG A SOUTHEASTERLY LINE OF SAID LOT 70 I.T., A
8 DISTANCE OF 76.39 FEET TO A POINT OF DEFLECTION;
9 THENCE SOUTH 41 DEGREES 41 MINUTES 22 SECONDS
10 WEST ALONG A SOUTHEASTERLY LINE OF SAID LOT 70
11 I.T., A DISTANCE OF 75.15 FEET TO A POINT OF
12 DEFLECTION; THENCE SOUTH 32 DEGREES 13 MINUTES
13 28 SECONDS WEST ALONG A SOUTHEASTERLY LINE OF
14 SAID LOT 70 I.T., A DISTANCE OF 62.21 FEET TO A POINT
15 OF DEFLECTION; THENCE NORTH 63 DEGREES 03
16 MINUTES 17 SECONDS WEST ALONG A SOUTHERLY LINE
17 OF SAID LOT 70 I.T., A DISTANCE OF 45.02 FEET TO A
18 SOUTHWEST CORNER OF SAID LOT 70 I.T., SAID POINT
19 ALSO BEING ON THE EASTERLY LINE OF LOT 1, BLOCK
20 1, VILLA DEL REY ADDITION; THENCE NORTH 00
21 DEGREES 06 MINUTES 34 SECONDS WEST ALONG A
22 WESTERLY LINE OF SAID LOT 70 I.T., A DISTANCE OF
23 1622.94 FEET TO A NORTHWEST CORNER OF SAID LOT
24 70 I.T., SAID POINT ALSO BEING ON THE SOUTH
25 RIGHT-OF-WAY LINE OF PIONEER BOULEVARD; THENCE
26 SOUTH 88 DEGREES 19 MINUTES 04 SECONDS EAST
27 ALONG A NORTHERLY LINE OF SAID LOT 70 I.T., A
28 DISTANCE OF 528.38 FEET TO A POINT OF DEFLECTION;
29 THENCE NORTH 88 DEGREES 20 MINUTES 24 SECONDS
30 EAST ALONG A NORTHERLY LINE OF SAID LOT 70 I.T., A
31 DISTANCE OF 792.98 FEET TO A POINT OF DEFLECTION,
32 SAID POINT ALSO BEING EAST LINE OF THE
33 NORTHWEST QUARTER OF SAID SECTION 11; THENCE
34 NORTH 88 DEGREES 22 MINUTES 55 SECONDS EAST
35 ALONG A NORTHERLY LINE OF SAID LOT 70 I.T., A
36 DISTANCE OF 366.66 FEET TO A NORTHEAST CORNER
37 OF SAID LOT 70 I.T., SAID POINT ALSO BEING THE
38 NORTHWEST CORNER OF OUTLOT "A", WILDFLOWER
39 FARMS ADDITION; THENCE SOUTH 00 DEGREES 00
40 MINUTES 53 SECONDS EAST ALONG AN EASTERLY LINE
41 OF SAID LOT 70 I.T., A DISTANCE OF 986.59 FEET TO A
42 POINT OF DEFLECTION, SAID POINT ALSO BEING A
43 SOUTHWEST CORNER OF OUTLOT "B", SAID
44 WILDFLOWER FARMS ADDITION; THENCE SOUTH 89
45 DEGREES 50 MINUTES 16 SECONDS EAST ALONG A
46 NORTHERLY LINE OF SAID LOT 70 I.T., A DISTANCE OF

1 217.25 FEET TO A NORTHEAST CORNER OF SAID LOT 70
2 I.T.; THENCE SOUTH 00 DEGREES 00 MINUTES 53
3 SECONDS EAST ALONG AN EASTERLY LINE OF SAID LOT
4 70 I.T., A DISTANCE OF 559.99 FEET TO A POINT OF
5 DEFLECTION, SAID POINT ALSO BEING THE SOUTHWEST
6 CORNER OF LOT 2, SAID WILDFLOWER FARMS
7 ADDITION; THENCE SOUTH 89 DEGREES 50 MINUTES 16
8 SECONDS EAST ALONG A NORTHERLY LINE OF SAID
9 LOT 70 I.T., A DISTANCE OF 739.75 FEET TO A
10 NORTHEAST CORNER OF SAID LOT 70 I.T., SAID POINT
11 ALSO BEING A SOUTHEAST CORNER OF SAID LOT 2,
12 WILDFLOWER FARMS ADDITION; THENCE SOUTH 00
13 DEGREES 02 MINUTES 33 SECONDS EAST ALONG AN
14 EASTERLY LINE OF SAID LOT 70 I.T., A DISTANCE OF
15 1036.00 FEET TO A POINT OF DEFLECTION, SAID POINT
16 ALSO BEING ON THE NORTH LINE OF THE SOUTH HALF
17 OF SAID SECTION 11; THENCE SOUTH 89 DEGREES 50
18 MINUTES 10 SECONDS EAST ALONG A NORTHERLY LINE
19 OF SAID LOT 70 I.T., AND ALSO ALONG THE NORTH LINE
20 OF SAID SOUTH HALF, A DISTANCE OF 1291.02 FEET TO
21 A NORTHEAST CORNER OF SAID LOT 70 I.T., SAID POINT
22 ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF
23 SOUTH 98TH STREET; THENCE SOUTH 00 DEGREES 04
24 MINUTES 07 SECONDS EAST ALONG AN EASTERLY LINE
25 OF SAID LOT 70 I.T., A DISTANCE OF 2340.11 FEET TO A
26 SOUTHEASTERLY CORNER OF SAID LOT 70 I.T.; THENCE
27 SOUTH 89 DEGREES 55 MINUTES 53 SECONDS WEST
28 ALONG A SOUTHERLY LINE OF SAID LOT 70 I.T., A
29 DISTANCE OF 17.00 FEET TO A POINT OF DEFLECTION;
30 THENCE SOUTH 00 DEGREES 04 MINUTES 07 SECONDS
31 EAST ALONG AN EASTERLY LINE OF SAID LOT 70 I.T., A
32 DISTANCE OF 250.00 FEET TO THE TRUE POINT OF
33 BEGINNING. SAID TRACT CONTAINS A CALCULATED
34 AREA OF 8,870,357.51 SQUARE FEET OR 203.63 ACRES
35 MORE OR LESS;

36 have filed said corrected plat in the office of the Planning Department of the City of Lincoln,
37 Nebraska, with a request for approval and acceptance thereof; and

38 WHEREAS, it is for the convenience of the inhabitants of said City and for
39 the public that said plat be approved and accepted as filed.

1 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City - Lancaster
2 County Planning Commission:

3 1. That the plat of the **CORRECTED PLAT HIMARK ESTATES 5TH**
4 **ADDITION** as an addition to the City of Lincoln, Nebraska, filed in the office of the Planning
5 Department of said City by **HIMark Development, Inc., a Nebraska corporation; D & M**
6 **Development, L.L.C., a Nebraska limited liability company; Guy M. Lammle and Rita**
7 **Lammle, husband and wife; and Lynn Siedschlag and Shirley Siedschlag, husband**
8 **and wife;** as owners is hereby accepted and approved, and said owners are given the right
9 to plat said **CORRECTED PLAT OF HIMARK ESTATES 5TH ADDITION** as an addition
10 to said City in accordance therewith. Such acceptance and approval are conditioned upon
11 the following:

12 First: That said owner shall at own cost and expense pay for all labor,
13 material, engineering, and inspection costs in connection with the construction of sidewalks
14 along Lammle Circle, Sawgrass Drive, Pioneers Blvd., Old Cheney Road and S. 98th
15 Street abutting this plat as shown on the final plat. The construction shall be completed
16 within four years following Planning Commission approval of this final plat.

17 Second: That said owners shall at their own cost and expense pay
18 for all labor, material, and related costs in connection with the installation of street trees
19 along Lammle Circle, Sawgrass Drive, Pioneers Blvd., Old Cheney Road, and S. 98th
20 Street abutting this plat as shown on the final plat. The planting shall be completed within
21 four years following Planning Commission approval of this final plat.

1 2. That said owners shall, prior to adoption of this resolution, execute and
2 deliver to the City of Lincoln:

3 a. A bond or an approved escrow or security agreement in the
4 sum of \$3,100.00 conditioned upon the strict compliance by said owners with the
5 conditions contained in paragraph designated "First" of Paragraph 1 of this resolution.

6 b. A bond or an approved escrow or security agreement in the
7 sum of \$880.00 conditioned upon the strict compliance by said owners with the conditions
8 contained in paragraph designated "Second" of Paragraph 1 of this resolution.

9 The bonds required above shall be subject to approval by the City Attorney.
10 In the event that said owners or their surety shall fail to satisfy the conditions herein set
11 forth within the time specified in this resolution, the City may cause the required work to be
12 performed and recover the cost thereof from said owners and their surety.

13 3. Immediately upon the adoption of this resolution and receipt of the
14 written agreement required herein, the City Clerk shall cause the final plat and a certified
15 copy of this resolution together with said written agreement to be filed in the office of the
16 Register of Deeds of Lancaster County, Nebraska. Filing fees shall be paid by said
17 owners.

18 BE IT FURTHER RESOLVED that the Administrative Final Plat of HiMark
19 Estates 5th Addition, as previously approved by the Planning Director, be and the same
20 is hereby voided and of no further effect.


21 The foregoing Resolution was approved by the Lincoln City - Lancaster
22 County Planning Commission on this 22nd day of August, 2001.

23 Dated this 22nd day of August, 2001.

ATTEST:


Chairman

Approved as to Form & Legality:


Chief Assistant City Attorney

AGREEMENT

THIS AGREEMENT is made and entered into by and between **HIMark Development, Inc., a Nebraska corporation; D & M Development, L.L.C., a Nebraska limited liability company; and Guy M. Lammle and Rita Lammle, husband and wife;** hereinafter called "Subdivider", whether one or more, and the **CITY OF LINCOLN, NEBRASKA, a municipal corporation,** hereinafter called "City."

WHEREAS, Subdivider has made application to City for permission to subdivide and for approval of the subdivision plat of the **CORRECTED PLAT OF HIMARK ESTATES 5TH ADDITION;** and

WHEREAS, the resolution approving said plat contains certain provisions requiring an agreement between Subdivider and City relating to said plat and the development thereof.

NOW, THEREFORE, IN CONSIDERATION of City granting permission to plat and approval of the plat of the **CORRECTED PLAT OF HIMARK ESTATES 5TH ADDITION** it is agreed by and between Subdivider and City as follows: -

1. To submit to the Director of Public Works an erosion control plan.
2. The Subdivider agrees to protect the remaining trees on the site during construction and development.
3. The Subdivider agrees to pay all improvement costs except the City subsidy for a 12" water main in this subdivision.
4. The Subdivider agrees to submit to lot buyers and home builders a copy of the soil analysis.

5. The Subdivider agrees to complete the private improvements shown on the preliminary plat and community unit plan.

6. The Subdivider agrees to maintain the outlots, street trees along S. 84th Street, the private roadways, landscape screens, sidewalks in the pedestrian way easements, and private improvements on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The Subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

7. The Subdivider agrees to comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

8. The Subdivider agrees to relinquish the right of direct vehicular access from all lots to the abutting major streets.

9. The Subdivider agrees to pay a portion of the cost for future upgrades to the Antelope Creek trunk sewer, the cost to be determined by the Public Works and Utilities Department.

10. That the agreements contained herein shall be binding and obligatory upon the heirs, successors and assigns of Subdivider.

Dated this 5th day of Sept., 2001.

ATTEST:

HIMARK DEVELOPMENT, INC.
a Nebraska corporation,

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

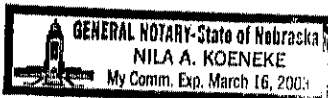
The foregoing instrument was acknowledged before me this 5th day of Sept, 2001, by Dannel Muhleisen, Member, D & M Development, L.L.C., a Nebraska limited liability company.



Nil A. Koeneke
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

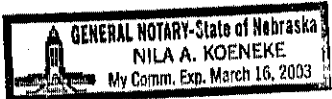
The foregoing instrument was acknowledged before me this 5th day of Sept, 2001, by Guy M. Lammle.



Nil A. Koeneke
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

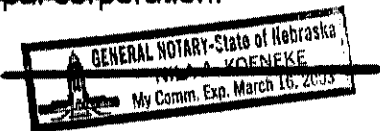
The foregoing instrument was acknowledged before me this 5th day of Sept, 2001, by Rita Lammle.



Nil A. Koeneke
Notary Public

~~STATE OF NEBRASKA)~~
 ~~) ss.~~
~~COUNTY OF LANCASTER)~~

~~The foregoing instrument was acknowledged before me this 5th day of Sept, 2001, by Dan Weechy, Mayor of the City of Lincoln, Nebraska, a municipal corporation.~~




~~Nil A. Koeneke~~
~~Notary Public~~

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 17th day of September, 2001, by Don Wesely, Mayor of the City of Lincoln, Nebraska, a municipal corporation.





Notary Public

C E R T I F I C A T E

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

I, Teresa J. Meier-Brock, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of the plat designated as **Corrected Plat of HiMark Estates 5th Add.** as passed and approved by the Lincoln City-Lancaster County Planning Commission at its meeting held Aug. 22, 2001, as the original appears of record in my office and is now in my charge remaining as City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 18th day of September, 2001.

Teresa J. Meier-Brock
Deputy City Clerk

