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93-183

Introduce: 8-23-93

Change of Zone 2751

ORDINANCE NO. 16462

1 AN ORDINANCE amending the City of Lincoln Zoning District Maps  
2 attached to and made a part of Title 27 of the Lincoln Municipal Code, changing  
3 the boundaries of the districts established and shown on said City of Lincoln  
4 Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal  
5 Code and approving the designation of the area hereinafter described as a planned  
6 unit development.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That the "Lincoln Zoning District Maps" attached to and  
9 made a part of Title 27 of the Lincoln Municipal Code be and they are hereby  
10 amended by changing the boundaries of the districts established and shown on said  
11 Zoning District Maps as follows:

12 Part of the Northeast Quarter of Section 3, Township 9  
13 North, Range 7 East of the 6th P.M., Lancaster County,  
14 Nebraska, described as follows:

15 Beginning at the southwest corner of said Northeast  
16 Quarter, and extending thence north 0 degrees 59 minutes  
17 00 seconds east, 1402.82 feet; thence north 47 degrees  
18 11 minutes 12 seconds east, 316.59 feet; thence north 42  
19 degrees 48 minutes 48 seconds west, 330.24 feet; thence  
20 north 0 degrees 59 minutes 00 seconds east, 762.62 feet  
21 to a point 33.00 feet south of the northwest corner of  
22 said Northeast Quarter; thence south 89 degrees 24  
23 minutes 49 seconds east, along a line parallel to and  
24 33.00 feet south of the north line of said Northeast  
25 Quarter, 2595.20 feet to the west line of 84th Street;  
26 thence south 0 degrees 48 minutes 22 seconds west, along  
27 said west line, 2607.29 feet to a point on the south  
28 line of said Northeast Quarter; thence north 89 degrees  
29 46 minutes 03 seconds west, along said south line,  
30 2603.67 feet to the point of beginning, containing  
31 154.88 acres.

32 be and it hereby is designated as a Planned Unit Development pursuant and in  
33 accordance with Chapter 27.60 of the Lincoln Municipal Code entitled "Planned  
34 Unit Development District" and shall be governed by all the provisions and

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1 regulations pertaining to a planned unit development district and all development  
2 therein shall be in strict accordance with the "Development Plan" certified by  
3 the Planning Director as conforming to all the requirements of said Chapter 27.60  
4 and the additional terms, conditions, and requirements established by the City  
5 as necessary and appropriate to further the objectives of the Planned Unit  
6 Development District Ordinance, a copy of which Development Plan is attached  
7 hereto, marked as Attachment "A" and made a part hereof by reference as fully as  
8 if set forth herein verbatim.

9 Section 2. That this ordinance shall take effect and be in force  
10 from and after its passage and publication according to law.

11 Introduced by:

Curt Donaldson

Approved as to Form & Legality:

William F. Austin  
City Attorney

AYES: Donaldson, Haar, Johnson,  
Seng, Shoecraft, Wilson, Young;  
NAYS: None.

Staff Review Completed:

Patty M. McMullen  
Administrative Assistant

APPROVE

SEP 13 1993

[Signature]

PASSED

SEP 07 1993

BY CITY COUNCIL

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VAN DORN ACRES  
DEVELOPMENT PLAN AGREEMENT

This Development Plan and Agreement is hereby certified and agreed to this 13TH day of ~~August~~<sup>September</sup>, 1993, by and between THE SCHOOL DISTRICT OF THE CITY OF LINCOLN, IN THE COUNTY OF LANCASTER, IN THE STATE OF NEBRASKA, hereinafter referred to as "School District"; GLEN E. HERBERT; JACK A. HERBERT, TRUSTEE; and MARIE A HERBERT, TRUSTEE, hereinafter referred to as "Developers"; and the CITY OF LINCOLN, NEBRASKA, a municipal corporation, herein referred to as "City". and CROWN POINTE DEVELOPMENT COMPANY, INC.

WHEREAS, the Developers have petitioned the City for a Change of Zone from the R-3 Residential District to the R-3 Residential Planned Unit District upon the following described property:

Part of the Northeast Quarter of Section 3, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, described as follows:

Beginning at the southwest corner of said Northeast Quarter, and extending thence north 0 degrees 59 minutes 00 seconds east, 1402.82 feet; thence north 47 degrees 11 minutes 12 seconds east, 316.59 feet; thence north 42 degrees 48 minutes 48 seconds west, 330.24 feet; thence north 0 degrees 59 minutes 00 seconds east, 762.62 feet to a point 33.00 feet south of the northwest corner of said Northeast Quarter; thence south 89 degrees 24 minutes 49 seconds east, along a line parallel to and 33.0 feet south of the north line of said Northeast Quarter, 2595.20 feet to the west line of 84th Street, thence south 0 degrees 48 minutes 22 seconds west, along said west line, 2607.29 feet to a point on the south line of said Northeast Quarter; thence north 89 degrees 46 minutes 03 seconds west, along said south line, 2603.67 feet to the point of beginning, containing 154.88 acres.

WHEREAS, the Developers have made application to the City to designate the aforementioned property as a Planned Unit Development pursuant to and in accordance with Chapter 27.60 of the Lincoln Municipal Code.

WHEREAS, Chapter 27.60 of the Lincoln Municipal Code requires that all the provisions and regulations pertaining to a Planned Unit Development District and all developments therein shall be in strict accordance with a "Development Plan" and any and all other conditions, terms and requirements.

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NOW, THEREFORE, the Developers, the School District and the City mutually agree upon the following terms and conditions as the "Development Plan" for the aforementioned property:

1. The Developers agree that the Site Plans, Landscape Plan, Grading and Drainage Plan, and the Utilities Plan (the Development Plans) which are attached hereto shall be strictly adhered to and that Developers shall develop the Planned Unit Development in accordance with said Development Plans.

Following the City Council's approval of this P.U.D., the final planned unit development shall be drawn on tracing cloth or mylar and submitted to the Planning Department. No building permits shall be issued until the mylar has been submitted to the Planning Director.

2. The Developers agree that before occupying this Planned Unit Development, all development and construction shall comply with the approved plans.

3. The Developers agree that all privately owned improvements, including landscaping, shall be permanently maintained by the owner.

4. The City Clerk shall file a copy of the agreement and ordinance approving the Planned Unit Development and a letter of acceptance with the Register of Deeds. The Developer shall pay the recording fee.

5. This Development Plan Agreement cannot be amended or modified except with the written consent of the parties herein or their successors and assigns. This Development Plan Agreement shall be binding upon the parties herein and their successors and assigns.

6. The School District agrees that Outlot A of said plat, which is owned by the School District, will be developed in accordance with the Development Plan, and in the event that Ringneck Street is not built as provided by said Development Plan, it will consent and join in the creation of a special assessment district to develop said street.

NOW, THEREFORE, the parties herein have placed their signatures herein on the day and year first mentioned above.

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THE SCHOOL DISTRICT FOR THE CITY  
OF LINCOLN, IN THE COUNTY OF  
LANCASTER, IN THE STATE OF NEBRASKA

By: Sally S. Wypson  
Title: President of School Board

Glen E. Herbert  
Glen E. Herbert

Jack A. Herbert  
Jack A. Herbert, Trustee

Marie A. Herbert  
Marie A. Herbert, Trustee

ATTEST:

[Signature]  
City Clerk

CITY OF LINCOLN, NEBRASKA,  
a municipal corporation

[Signature]  
Mike Johanns, Mayor

(VANDORN.PUD)

CROWN POINTE DEVELOPMENT  
COMPANY, INC.

By: [Signature]  
Vice President

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CITY COUNCIL  
CITY OF LINCOLN  
LINCOLN, NEBRASKA

RE: LETTER OF ACCEPTANCE

C.O.Z 2751

TO THE CITY COUNCIL:

I, Jack A. Herbert, Trustee & Glen Herbert therein called Developer  
Marie A. Herbert, Trustee  
in ORDINANCE NO. 16462, passed by the City Council of  
the City of Lincoln, Nebraska, on SEPTEMBER 7, 1993 and approved by  
Mayor on SEPTEMBER 13, 1993, do hereby certify that I have thoroughly  
read said Ordinance and Agreement, understand the contents thereof and  
do hereby accept without qualification all of the terms, conditions,  
and requirements therein.

DEVELOPER:

Jack A. Herbert Trustee  
Marie A. Herbert Trustee  
~~Title and/or Authorized Representative - C~~

FILED  
CITY CLERK'S OFFICE  
'93 DEC 10 PM 3 54

CITY OF LINCOLN  
NEBRASKA

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CITY COUNCIL  
CITY OF LINCOLN  
LINCOLN, NEBRASKA

RE: LETTER OF ACCEPTANCE  
C.O.Z 2751

TO THE CITY COUNCIL:

I, Allen E. F. Herbert, herein called Developer  
in ORDINANCE NO. 16462, passed by the City Council of  
the City of Lincoln, Nebraska, on SEPTEMBER 7, 1993 and approved by  
Mayor on SEPTEMBER 13, 1993, do hereby certify that I have thoroughly  
read said Ordinance and Agreement, understand the contents thereof and  
do hereby accept without qualification all of the terms, conditions,  
and requirements therein.

DEVELOPER:

Allen E. F. Herbert

Title and/or Authorized Representative (

FILED  
CITY CLERK'S OFFICE  
'93 DEC 10 PM 3 54  
CITY OF LINCOLN  
NEBRASKA

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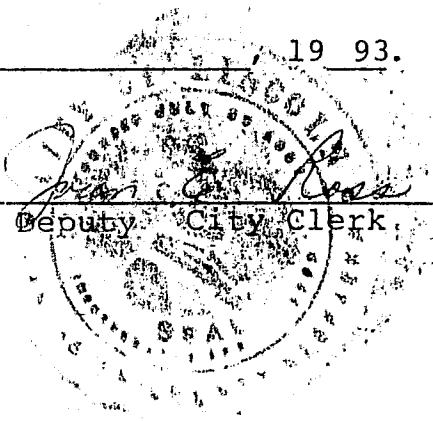
C E R T I F I C A T E

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

I, Joan E. Ross, Deputy City Clerk of the City of  
Lincoln, Nebraska, do hereby certify that the above and  
foregoing is a true and correct copy of \_\_\_\_\_  
ORDINANCE NO. 16462 AND THE DEVELOPMENT AGREEMENT

as passed and approved by the City Council of the City of  
Lincoln, Nebraska, at its meeting held SEPTEMBER 7, 1993,  
as the original appears of record in my office, and is now in  
my charge remaining as Deputy City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand  
officially and affixed the seal of the City of Lincoln, Nebraska,  
this 14TH day of DECEMBER, 19 93.



LANCASTER COUNTY, NEB  
Doris M. [Signature]  
REGISTER OF DEEDS

\$ 98<sup>50</sup>

DEC 20 9 00 AM '93

INST. NO 93

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*Return to City Clerk*