

A-88770

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Filing Fee: \$64.00
Lancaster County, NE Assessor/Register of Deeds Office AGRMT
Pages 10



EXHIBIT "A"

DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT

This Development and Conditional Zoning Agreement ("Agreement") is hereby made and entered into this 9th day of Feb., 2015, by and between **Ironwood Properties, LLC**, a Nebraska limited liability company, and **Steffen Construction Specialists, Inc.**, a Nebraska corporation, hereinafter collectively referred to as "Developer", and the **City of Lincoln, Nebraska**, a municipal corporation, hereinafter referred to as "City."

RECITALS

I.

Developer has petitioned the City for a change of zone from O-2 Suburban Office District ("O-2") to B-3 Commercial District ("B-3") upon property generally located at 4820 and 4826 Pioneers Boulevard and legally described as:

Lots 11, 12, and 13, Block 45, College View, Lincoln,
Lancaster County, Nebraska, (the "Property").

II.

Approval of this Change of Zone from O-2 to B-3 would allow the Developer to use the Property for a range of commercial and retail uses which would not be compatible with the surrounding neighborhood.

III.

The Developer has represented to the City that, in consideration of the City re-zoning the Property to B-3, the Developer will enter into an agreement with the City to exclude certain incompatible uses on the Property.

IV.

The City desires an Agreement to be assured that Developer will develop the Property as represented should the Property be rezoned to B-3.

Return to:
Teresa @ City Clerk

NOW THEREFORE, in consideration of the above recitals and the following terms and conditions, the parties agree as follows:

1. The City hereby agrees to grant Developer's petition to change the zoning map from O-2 to B-3 District on the Property.

2. In consideration for the City rezoning the Property to B-3 Commercial District, the Developer agrees that the development of the Property shall be subject to the following requirements:

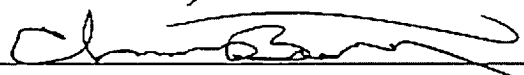
- a. Prohibited uses on the Property are cabinet shops that conduct refinishing activities, motorized vehicle wash facilities, and motorized vehicle repair/service;
- b. Four (4) street trees will be planted along Pioneers Boulevard and one (1) street tree will be planted along South 48th Street;
- c. The Property shall have a 10-foot yard setback along the east property line to be used for landscaping and trees, except that a 4-foot sidewalk may be installed against the building leading from the southern parking stall to the front entry. Parking lot screening shall meet design standards;
- d. There will be a minimum 6-foot wide landscape screen adjacent to the right-of-way along South 48th Street and Pioneers Boulevard;
- e. The two buildings located along Pioneers Boulevard will be substantially similar to the building elevations attached hereto as Attachment A for the south side of the buildings;
- f. Access to South 48th Street and Pioneers Boulevard shall be per the site plan attached hereto as Attachment B;
- g. Development will be in substantial compliance with the site plan (Attachment B) and the landscape plan attached hereto as Attachment C.

3. This Agreement shall run with the Property and shall be binding upon the parties hereto and their respective successors and assigns.

4. This Agreement, when executed by the parties hereto, shall be recorded by the City in the office of the Register of Deeds of Lancaster County, Nebraska, filling fees to be paid by Developer.

IN WITNESS WHEREOF, the parties herein have executed this Agreement on the day and year set forth above.

CITY OF LINCOLN, NEBRASKA
a municipal corporation


Chris Beutler, Mayor

IRONWOOD PROPERTIES, LLC
a Nebraska limited liability company

By: _____
Name: _____
Title: _____

STEFFEN CONSTRUCTION SPECIALISTS, INC.
a Nebraska corporation

By: _____
Name: _____
Title: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 12th day of February 2015, by Chris Beutler, Mayor of the City of Lincoln.



Teresa J Meier
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, _____ of Ironwood Properties, LLC, a Nebraska limited liability company.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by _____, _____ of Steffen Construction Specialists, Inc., a Nebraska corporation.

Notary Public

4. This Agreement, when executed by the parties hereto, shall be recorded by the City in the office of the Register of Deeds of Lancaster County, Nebraska, filling fees to be paid by Developer.

IN WITNESS WHEREOF, the parties herein have executed this Agreement on the day and year set forth above.

CITY OF LINCOLN, NEBRASKA
a municipal corporation

Chris Beutler, Mayor

IRONWOOD PROPERTIES, LLC
a Nebraska limited liability company

By: _____

Name: _____

Title: _____

STEFFEN CONSTRUCTION SPECIALISTS, INC.
a Nebraska corporation

By: _____

Name: _____

Title: _____

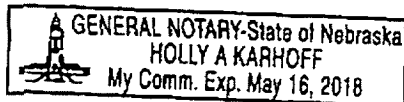
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by
Chris Beutler, Mayor of the City of Lincoln.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 11 day of February 2015, by
Roger, Bumgarner of Ironwood Properties, LLC, a Nebraska limited
liability company.

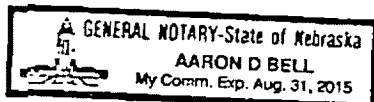


Holly A Karhoff

Notary Public

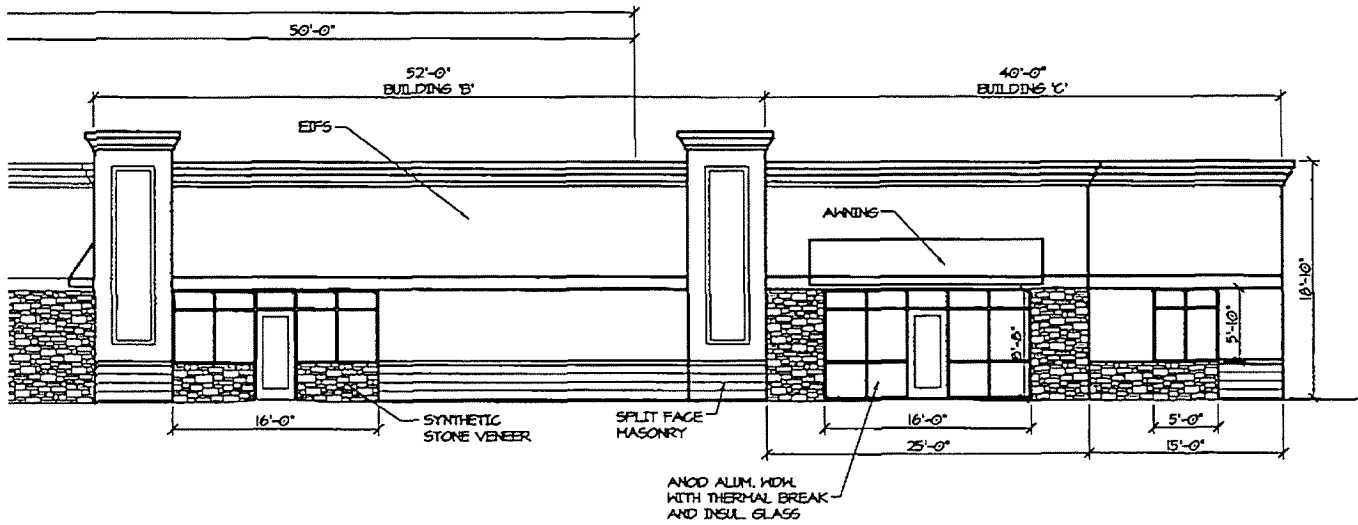
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 13th day of FEBRUARY 2015, by
JASON STEFFEN, DONALD PETERSON of Steffen Construction Specialists, Inc., a
Nebraska corporation.



[Signature]

Notary Public



Design Associates
 of Lincoln, Inc.
 ARCHITECTS • ENGINEERS • PLANNERS
 PERSHING SQUARE 1509 "N" STREET LINCOLN NEBRASKA 68508
 Voice: 402-474-3000 office@DAofLincoln.com Fax: 402-474-4045

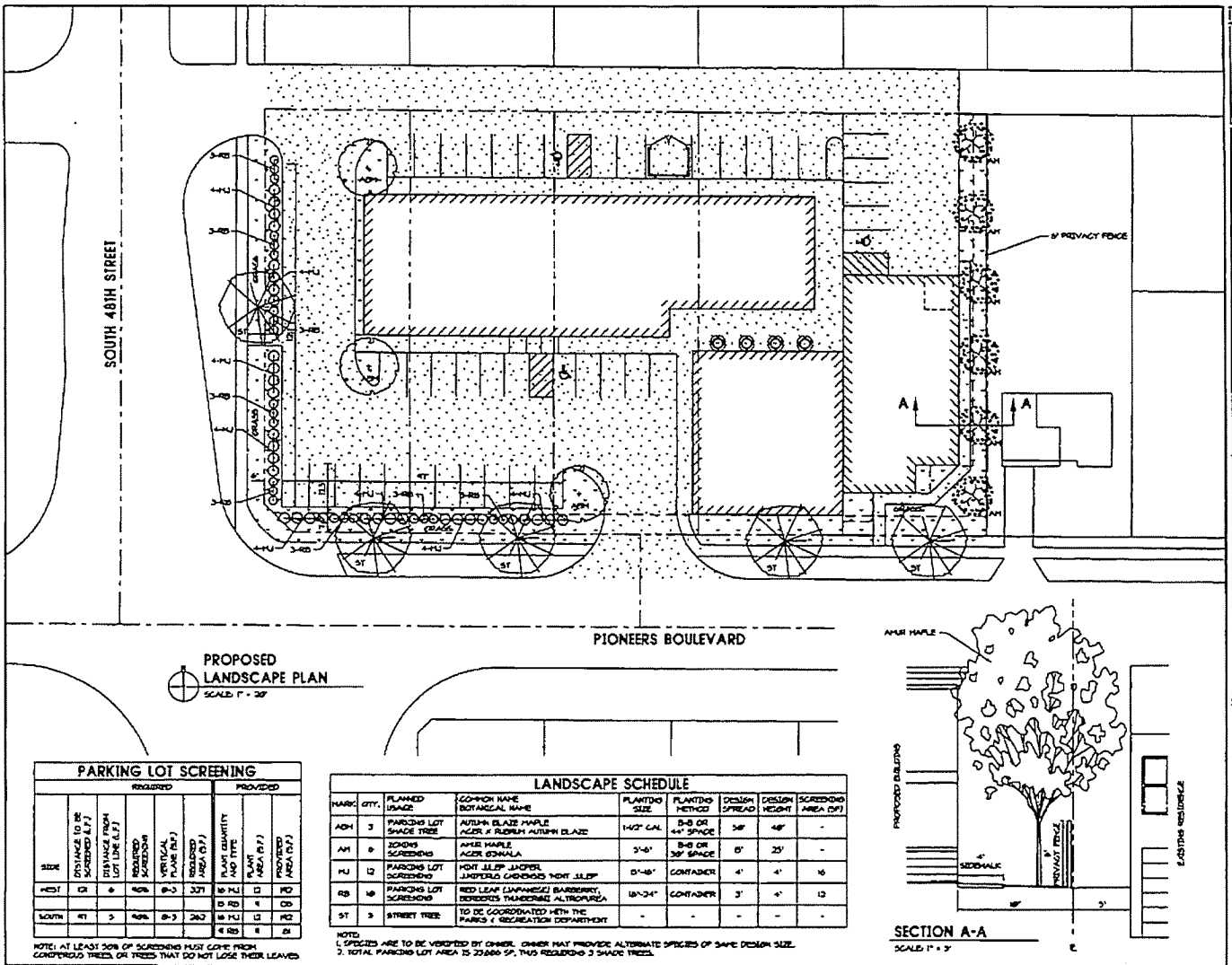


**48TH & PIONEERS
 SOUTH ELEVATION
 BUILDINGS B & C**

SCALE: 3/32" = 1'-0"

ATTACHMENT "A"

06 JAN 2015



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, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of the Approving a Development and Conditional Zoning Agreement between the City of Lincoln and Ironwood Properties, LLC, and Steffen Construction Specialists, Inc. to restrict use of the property under the proposed Change of Zone No. 14029 on property generally located at the northeast corner of South 48th Street and Pioneers Boulevard, as adopted and approved by Resolution A-88770 by the Lincoln City Council on February 9, 2015, as the original appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, on the 18th day of January, 2019.

