

LANCASTER COUNTY, NE.

*Don Naltz*  
REGISTER OF DEEDS

SEP 5 3 04 PM '97

\$ 53.00

INST. NO 97

036616

BLOCK  
CODE *REGHE7*  
CHECKED *CCCC*  
ENTERED  
EDITED

A-77805

08-26-97/dja

EXECUTIVE ORDER NO. 053353

BY VIRTUE OF THE AUTHORITY VESTED IN ME By the Charter of the City of Lincoln, Nebraska.

The attached Memorandum of the Conditional Annexation and Zoning Agreement for Regent Heights First Addition and Northern Lights Addition is hereby approved and I have executed the same on behalf of the City of Lincoln, Nebraska.

The City Clerk is directed to return the original Memorandum to DaNay Kalkowski, Seacrest & Kalkowski, P.C., 1111 Lincoln Mall, Suite 350, Lincoln, NE 68508-3910 to file with the Register of Deeds.

DATED this 28<sup>th</sup> day of August, 1997.

*Mike Johnson*  
\_\_\_\_\_  
Mayor

Approved as to Form and Legality:

*Arch Peo*  
\_\_\_\_\_  
Assistant City Attorney

Staff Review Completed:

*Lori McClung*  
\_\_\_\_\_  
Administrative Assistant

**MEMORANDUM OF THE  
CONDITIONAL ANNEXATION AND ZONING AGREEMENT FOR  
REGENT HEIGHTS FIRST ADDITION AND  
NORTHERN LIGHTS ADDITION**

This Memorandum of the Conditional Annexation and Zoning Agreement for Regent Heights First Addition and Northern Lights Addition ("Memorandum") is made and entered into as of this 28<sup>th</sup> day of August, 1997, by and between by and between the City of Lincoln, Nebraska, a municipal corporation ("City"), The Board of Regents of the University of Nebraska, a corporation ("University"), D. D. & S. Family Investments, a Nebraska general partnership ("D. D. & S."), Regent Heights Limited Partnership, a Nebraska limited partnership ("Regent Heights"), Clayton K. Yeutter and Cristena Bach Yeutter, husband and wife ("CKY"), Clayton K. Yeutter, a married person (an undivided ½ interest), and Gregg S. Yeutter and Wallace Becker, as Trustees of the Clayton K. and L. Jeanne Yeutter Trust Dated May 12, 1980 (an undivided ½ interest) ("Yeutter Trustee"), Clayton K. Yeutter, Trustee of the Laura P. Yeutter Trust ("CKY Trustee") and Ridge Development Company, a Nebraska corporation ("Ridge Development"). The University, D. D. & S., Regent Heights, CKY, Yeutter Trustee, CKY Trustee and Ridge Development are collectively referred to hereinafter as the "Property Owners". This Memorandum is made with reference to the following:

A. **Property Owners.** D. D. & S., Regent Heights, CKY, Yeutter Trustee, CKY Trustee and Ridge Development are the owners of the property legally described on Attachment "1", which is attached hereto and incorporated herein by this reference (the "Property") and the University is the owner of the property legally described on Attachment "2", which is attached hereto and incorporated herein by this reference ("University Tract").

B. **Memorandum.** This memorandum is to indicate that the City and the Property Owners entered into the Conditional Annexation and Zoning Agreement for Regent Heights First Addition and Northern Lights Addition dated December 6, 1996 ("Annexation Agreement").

C. **Annexation Agreement.** The Annexation Agreement, among other things, outlines the following:

1. The City's approval of: (1) an amendment to Lincoln City-Lancaster County Comprehensive Plan to incorporate into the Comprehensive Plan as a subarea plan the *Proposed Future Land Use For North 84th Street Subarea* and to designate the Property as "Blue Area" (Phase I) and the University Tract as "Green" (Phase II) on Figure 65 of the Comprehensive Plan entitled the *Anticipated 2015 Lincoln Service Limit and Phasing Plan*; (2) annexation of the Property; (3) changes to the Lincoln zoning district maps; (4) the Community Unit Plan for the R-5 tract; (5) the preliminary plat of Northern Lights and Regent Heights First Addition; and (6) the Interlocal Governmental Agreement by and between the University and the City for the University's share of Sewer A.

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

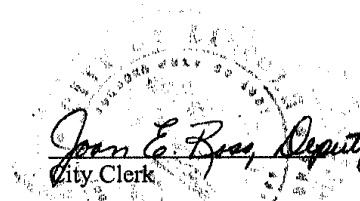
D. **Notice.** Any notices required to be forwarded to a party hereto shall be in writing and shall be served by mail, sufficient postage prepaid at the following addresses:

"City": City of Lincoln  
Public Works Director  
555 South 10<sup>th</sup>  
Lincoln, NE 68508

with a copy to: City Clerk  
555 South 10<sup>th</sup>  
Lincoln, NE 68508

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

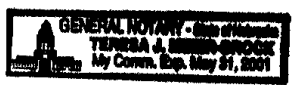
ATTEST: *Jean E. Ross, Deputy*  
City Clerk  
By: *Mike Johanns*  
Mike Johanns, Mayor



City of Lincoln, Nebraska,  
a municipal corporation

STATE OF NEBRASKA )  
                                ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of August, 1997 by Mike Johanns, Mayor of the City of Lincoln, Nebraska, on behalf of the City of Lincoln, Nebraska.

GENERAL NOTARY - State of Nebraska  
TERESA J. MEIER-BROCK  
My Comm. Exp. May 31, 2001

*Teresa J. Meier Brock*  
Notary Public

The Board of Regents of the  
University of Nebraska, a  
corporation

By: *James C. Van Horn*  
Title: V.P. for Bus. + Fin.

STATE OF NEBRASKA )  
                                ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of June, 1997 by James C. Van Horn, as V.P. Business Finance for The Board of Regents of the University of Nebraska, a corporation, on behalf of the corporation.

GENERAL NOTARY - State of Nebraska  
PATRICIA HENRY  
My Comm. Exp. Aug. 20, 2000

*Patricia Henry*  
Notary Public

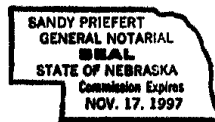
**D.D. & S. Family Investments**, a Nebraska  
general partnership

By: *Richard B. Campbell*  
General Partner

STATE OF NEBRASKA     )  
                                  ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of June, 1997 by Richard B. Campbell general partner of **D. D. & S. Family Investments**, a Nebraska general partnership, on behalf of the general partnership.

*Sandy Priefert*  
Notary Public



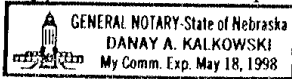
**Regent Heights Limited Partnership, a  
Nebraska limited partnership**

By: *Thomas E. White*  
Thomas E. White, General Partner

By: *John C. Brager*  
John C. Brager, General Partner

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF LANCASTER )

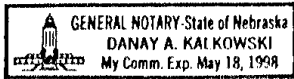
The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 1997 by Thomas E. White, as general partner of **Regent Heights Limited Partnership**, a Nebraska limited partnership, on behalf of the limited partnership.



*Danay A. Kalkowski*  
Notary Public

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 1997 by John C. Brager, as general partner of **Regent Heights Limited Partnership**, a Nebraska limited partnership, on behalf of the limited partnership.



*Danay A. Kalkowski*  
Notary Public

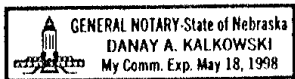
**Ridge Development Company,  
a Nebraska corporation**

By: *Thomas E. White*  
Thomas E. White,  
President of Development

By: *John C. Brager*  
John C. Brager,  
President of Construction

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF LANCASTER )

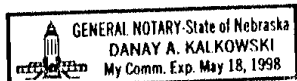
The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 1997 by Thomas E. White, President of Development of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



*Danay A. Kalkowski*  
Notary Public

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of June, 1997 by John C. Brager, President of Construction of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



*Danay A. Kalkowski*  
Notary Public

"CKY"

Clayton K. Yeutter  
Clayton K. Yeutter, a married person

Cristena Bach Yeutter  
Cristena Bach Yeutter, a married person

STATE OF District of )  
 ) ss.  
COUNTY OF Columbia )

The foregoing instrument was acknowledged before me this 22 day of August, 1997 by Clayton K. Yeutter, a married person.

Andrea A. Amann  
Notary Public  
My Commission Expires July 31, 1998

STATE OF District of )  
 ) ss.  
COUNTY OF Columbia )

The foregoing instrument was acknowledged before me this 22 day of August, 1997 by Cristena Bach Yeutter, a married person.

Andrea A. Amann  
Notary Public  
My Commission Expires July 31, 1998

"CKY Trustee"

Clayton K. Yeutter  
Clayton K. Yeutter Trustee of the Laura P. Yeutter Trust

STATE OF District of )  
 ) ss.  
COUNTY OF Columbia )

The foregoing instrument was acknowledged before me this 22 day of August, 1997 by Clayton K. Yeutter Trustee of the Laura P. Yeutter Trust, on behalf of the Trust.

Andrea A. Amann  
Notary Public  
My Commission Expires July 31, 1998

"Yeutter Trustees"

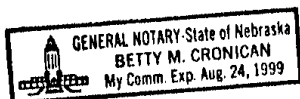
By: Gregg S. Yeutter  
Gregg S. Yeutter, as Trustee of the Clayton K. and L. Jeanne Yeutter Trust Dated May 12, 1980

By: Wallace Becker  
Wallace Becker, as Trustee of the Clayton K. and L. Jeanne Yeutter Trust Dated May 12, 1980

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 19 day of June, 1997 by Gregg S. Yeutter, as Trustee of the Clayton K. and L. Jeanne Yeutter Trust Dated May 12, 1980, on behalf of the Trust.

Betty M. Cronican  
Notary Public



STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 12th day of June, 1997 by Wallace Becker, as Trustee of the Clayton K. and L. Jeanne Yeutter Trust Dated May 12, 1980, on behalf of the Trust.

Karen F. Minks  
Notary Public



ATTACHMENT "1"

LEGAL DESCRIPTION OF THE PROPERTY

Outlot "D" Regent Heights 7<sup>th</sup> Addition, the remaining portion of Lot 70 I.T., Lot 8 I.T., Lot 7 I.T., Lot 26 I.T., Lot 27 I.T., Lot 82 I.T., Lot 83 I.T., and Outlot "A" CCCC Sub., all located in the east half of Section 15, Township 10 North, Range 7 East, and Lot 74 I.T., Lot 76 I.T., and that portion of Lot 75 I.T., more particularly described as follows:

Commencing at the southwest corner of Lot 75; thence easterly along the south line of Lot 75, a distance of 667.61 feet to the southeast corner of Lot 75; thence northerly along the east line of Lot 75, a distance of 336.24 feet; thence westerly along a line parallel to the south line of Lot 75, a distance of 667.61 feet to the west line of Lot 75; thence southerly along the west line of Lot 75, a distance of 336.24 feet to point of beginning;

all located in the northeast quarter of Section 22, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.



**LEGAL DESCRIPTION FOR SANITARY SEWER AGREEMENT  
UNIVERSITY TRACT 1**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 65 I.T., LOT 63 I.T., AND A PORTION OF LOT 61 I.T., ALL LOCATED IN THE SOUTH HALF OF SECTION 3, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 65 I.T., SAID POINT BEING 50.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION, AND 50.00 FEET WEST OF THE EAST LINE OF SAID SECTION, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF SOUTH 88 DEGREES 45 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOTS 65 I.T. AND 63 I.T., SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 2596.76 FEET TO THE SOUTHEAST CORNER OF SAID LOT 61 I.T., SAID POINT BEING ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, THENCE SOUTH 88 DEGREES 43 MINUTES 01 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 61 I.T., SAID LINE BEING 50.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 232.40 FEET TO A POINT OF DEFLECTION, THENCE NORTH 18 DEGREES 04 MINUTES 09 SECONDS EAST, A DISTANCE OF 349.76 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 61 I.T., THENCE NORTH 88 DEGREES 43 MINUTES 08 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 61 I.T., SAID LINE BEING 330.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 61 I.T., A DISTANCE OF 124.14 FEET TO THE NORTHEAST CORNER OF SAID LOT 61 I.T., SAID POINT BEING ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, THENCE NORTH 88 DEGREES 45 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF SAID LOTS 63 I.T., AND 65 I.T., SAID LINE BEING 330.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOTS 63 I.T., AND 65 I.T., A DISTANCE OF 2594.58 FEET TO THE NORTHEAST CORNER OF SAID LOT 65 I.T., THENCE SOUTH 0 DEGREES 20 MINUTES 05 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 65 I.T., SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION, A DISTANCE OF 330.04 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 21.01 ACRES MORE OR LESS.

**LEGAL DESCRIPTION FOR SANITARY SEWER AGREEMENT  
UNIVERSITY TRACT 2**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 30 I.T., A PORTION OF LOT 31 I.T., A PORTION OF LOT 23 I.T., AND A PORTION OF LOT 25 I.T., ALL LOCATED IN THE NORTH HALF OF SECTION 10, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 30 I.T., SAID POINT BEING 50.00 FEET WEST OF THE EAST LINE OF SAID SECTION, AND 50.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF SOUTH 0 DEGREES 16 MINUTES 00 SECONDS WEST ALONG THE EAST LINE OF SAID LOTS 30 I.T., AND LOT 25 I.T., SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SECTION, A DISTANCE OF 1997.50 FEET TO THE SOUTHEAST CORNER OF SAID LOT 25 I.T., THENCE SOUTH 89 DEGREES 17 MINUTES 58 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 25 I.T., SAID LINE BEING THE NORTH LINE OF LOT 14 I.T., A DISTANCE OF 2454.96 FEET TO A POINT, THENCE NORTH 10 DEGREES 42 MINUTES 11 SECONDS WEST, A DISTANCE OF 2000.27 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 31 I.T., THENCE NORTH 88 DEGREES 43 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 31 I.T., SAID LINE BEING 50.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION, A DISTANCE OF 239.66 FEET TO THE NORTHEAST CORNER OF SAID LOT 31 I.T., SAID POINT BEING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION, THENCE NORTH 88 DEGREES 45 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 30 I.T., SAID LINE BEING 50.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION, A DISTANCE OF 2596.57 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 120.52 ACRES MORE OR LESS.

May 16, 1996  
G:\41793\MIKE\NEW\UNLLEGI.DOC