Inst # 2011053133 Wed Nov 30 11:07:03 CST 2011 iling Fee \$35 00 cpackg ancaster County, NE Assessor/Register of Deeds Office AGRMT Pages 7



After Recording Return to: City Clerk 555 South 10th Lincoln, NE 68508

MEMORANDUM OF THE I-80 WEST LINCOLN BUSINESS CENTER CONDITIONAL ANNEXATION AND ZONING AGREEMENT

This Memorandum of the I-80 West Lincoln Business Center Conditional Annexation and Zoning Agreement ("Memorandum") is made effective as of November 9th, 2011, by and between the City of Lincoln, Nebraska, a municipal corporation ("City"), and Ringneck Development, LLC, a Nebraska limited liability company ("Developer"), and is made with reference to the following:

- A. Memorandum. This Memorandum is to indicate that the City and Developer entered into the I-80 West Lincoln Business Center Conditional Annexation and Zoning Agreement, dated as of November 9, 2011 ("Annexation Agreement"). Agreement is applicable to the real property shown on Exhibit "A", which is attached hereto and incorporated herein by this reference, and legally described on Exhibit "B", which is attached hereto and incorporated herein by this reference (the "Property").
- Annexation Agreement. The Annexation Agreement, among other things, outlines the following:
 - The City's approval of (a) annexation of approximately 7.72 acres of the 1. Property which is legally described and identified on Exhibit "C", attached hereto and incorporated herein by this reference ("Annexed Property"), and (b) rezoning the Annexed Property from AG Agricultural District to R-3 PUD as shown on Exhibit "D", which is attached hereto and incorporated herein by this reference.
 - The City's and Developer's obligations regarding the construction of the municipal improvements necessary for the annexation of the Property, including streets, water mains, and sanitary sewers.
- 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

"Developer"

Ringneck Development, LLC c/o Midwest First Financial, Inc. 11904 Arbor Street, Suite 200

Omaha, NE 68144

with a copy to:

Seacrest & Kalkowski, PC, LLO 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.
- F. **Recordation**. This Memorandum shall be filed of record with the Lancaster County Register of Deeds against the Property legally described on Exhibit "B".

"CITY"

ATTEST: Own & Richard Coll. City Clerk	VCO V	CITY OF LINCOLN, NEBRASKA a municipal corporation By: Chris Beutler, Mayor
STATE OF NEBRASKA)) ss.	

The foregoing instrument was acknowledged before me this <u>9</u> day of November, 2011, by Chris Beutler, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



COUNTY OF LANCASTER

"DEVELOPER"

RINGNECK DEVELOPMENT, LLC,

a Nebraska limited liability company

By: Midwest First Financial, Inc., a Nebraska corporation, Manager

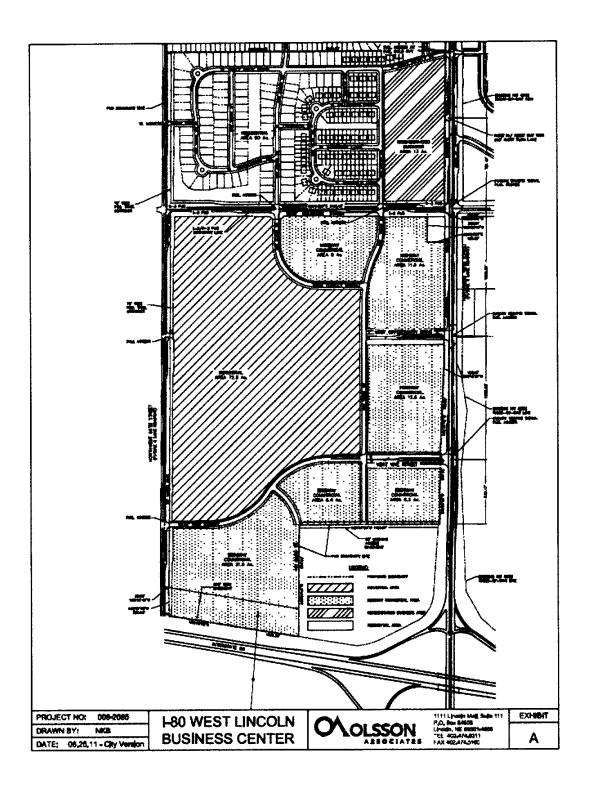
By William R. Preston President

STATE OF NEBRASKA)	
) ss	
COUNTY OF DOUGLAS)	

The foregoing was acknowledged before me this 15 day of November, 2011, by William B. Preston, President of Midwest First Financial, Inc., a Nebraska corporation, Manager of Ringneck Development, LLC, a Nebraska limited liability company, on behalf of the limited liability company.

Notary Public





PROPERTY LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOT 8 LT., AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, ALL LOCATED SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST, LOTS 23 LT., 31 LT., AND 33 LT., AND THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 6 EAST, ALL OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS POLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 18. SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE WEST LINE OF THE SOLITHWEST QUARTER OF THE SOLITHEAST QUARTER OF SAID SECTION 15 ON AN ASSLIMED BEARING OF NORTH 00 DEGREES 26 MINUTES 53 SECONDS EAST, A DISTANCE OF 1,320.26 FEET TO THE NORTHWEST CORNER OF THE SOLITHWEST CHARTER OF THE SOUTHWEST CHARTER OF SAID SECTION 16, THENCE NORTH 89 DEGREES 59 MINUTES 01 SECONOS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 18, AND THE NORTH LINE OF LOT 8 I.T., A DISTANCE OF 2,345.82 FEET TO THE NORTHEAST CORNER OF SAID LOT 8 I.T., SAID POINT BEING ON THE WEST LINE OF NORTH WEST 48TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 38 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 8 LT., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,324.40 FEET TO THE SOUTHEAST CORNER OF SAID LOTS LT.. THENCE NORTH 59 DEGREES 54 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 5 I.T., SAID LINE SEING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 19, A DISTANCE OF 145.04 FEET TO THE NORTHEAST CORNER OF LOT 31 LT... THENCE SOUTH 00 DEGREES 25 MINUTES 49 SECONDS WEST ALONG A EAST LINE OF SAID LOT 31 I.T., A DISTANCE OF 283.01 FEET TO NORTH CORNER OF SAID LOT 31 LT., THENCE SOUTH 89 DEGREES 54 MINUTES 57 SECONDS EAST ALONG A NORTH LINE OF SAID LOT 31 LT., A DISTANCE OF 150,00 FEET TO A NORTHEAST CORNER OF SAID LOT 31 LT., SAID POINT BEING ON THE WEST LINE OF NORTH WEST 48TH STREET RIGHT-OF-WAY, THENCE SOUTH 00 DEGREES 31 MINUTES 35 SECONDS WEST ALONG A EAST LINE OF SAID LOT 31 LT., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,009.65 FEET TO A POINT OF DEFLECTION, THENCE SOUTH 03 DEGREES 14 MINUTES 27 SECONDS WEST ALONG A EAST LINE OF SAID LOT 31 LT., AND A EAST LINE OF LOT 33 LT., A DISTANCE OF 100,10 FEET TO A POINT OF DEFLECTION. THENCE SOUTH DZ DEGREES 38 MINUTES 48 SECONDS WEST ALONG A EAST LINE OF SAID LOT 33 I.T., SAID LINE SEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 700.96 FEET TO A POINT OF DISPLECTION, THENCE SOUTH OD DEGREES 22 MINUTES 27 SECONDS WEST ALONG A EAST LINE OF SAID LOT 33 LT., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 547.84 FEET TO THE SOUTHEAST CORNER OF SAID LOT 33 I.T., THENCE MORTH 89 DEGREES 37 MINUTES 53 SECONDS WEST THE SOUTH LINE OF SAID LOT 53 I.T., A DISTANCE OF 1,185.57 FEET TO THE NORTHEAST CORNER OF LOT 23 I.T., THENCE SOUTH 80 DEGREES 26 MINUTES 95 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 23 LT., A DISTANCE OF 937.66 FEET TO THE SOUTHEAST CORNER OF SAID LOT 23 LT., SAID POINT BEING ON THE NORTH LINE OF INTERSTATE 80 RIGHT-OF-WAY, THENCE NORTH BO DEGREES 36 MINUTES 00 BECONDS WEST ALONG A SOUTH LINE OF SAID LOT 23 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,096,24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 23 I.T., SAID POINT BEING ON THE EAST LINE OF NORTH WEST SETH STREET RIGHT-OF-WAY, THENCE MORTH 02 DEGREES 31 MINUTES 40 SECONDS WEST ALONG A WEST LINE OF SAID LOT 23 LT., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 230.50 FEET TO A SOUTH CORNER OF SAID LOT 23 LT., THENCE NORTH 89 DEGREES 32 MINUTES 40 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 23 LT., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 33.00 FEET TO A SOUTHWEST CORNER OF SAID LOT 23 LT., SAID POINT BEING ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 19, THENCE NORTH 00 DEGREES 27 WINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 23 LT., SAID LINE BEING THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF \$28.76 FEET TO THE NORTHWEST CORNER OF SAID LOT 23 LT., SAID POINT REMIG THE SOUTHWEST CORMER OF THE NORTHWEST CLIARTER OF SAID SECTION 19. THENCE NORTH 00 DEGREES 27 MINUTES 38 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2,642,48 FEET TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, SAID POINT BEING THE SOUTHWEST CORNER OF THE SOUTHWEST CLIARTER OF SECTION 18. THENCE NORTH 00 DEGREES 26 MINUTES 63 SECONDS EAST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1,320,25 FEET TO THE POINT OF SEGINBING, SAID TRACT CONTAINS A CALCULATED AREA OF 10,185,264.23 SQUARE FEET OR 233.36 ACRES, MORE OR LESS.

PROJECT NO:	908-3065
DRAWN BY:	HKQB.
DATE: 08.25.	11

PROPERTY LEGAL DESCRIPTION



1517 Elecule Mail, Salle 117 P.O. Box 04000 Lincole, NE 00001-4000 TES: A02,494-001 FAX-407-478-4540 B

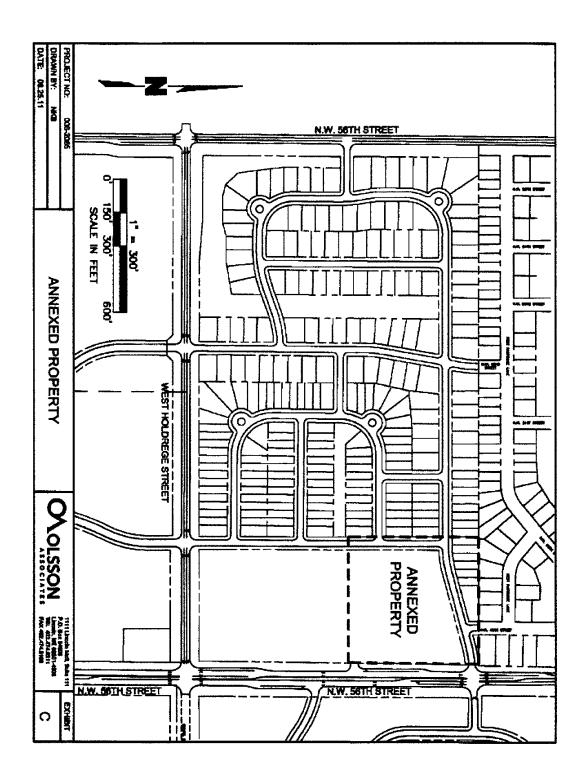


EXHIBIT "C"

LEGAL DESCRIPTION ANNEXATION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 8 I.T. LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF N89°54'57"W, A DISTANCE OF 107.11' TO A POINT; THENCE N00°05'03"E, A DISTANCE OF 33.00' TO THE SOUTHEAST CORNER OF SAID LOT 8 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF WEST HOLDREGE STREET AND A WEST RIGHT-OF-LINE OF NORTHWEST 48TH STREET, SAID POINT ALSO BEING 107.20' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE NO0°23'02"E ALONG A EAST LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING A WEST RIGHT-OF-WAY LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 805.60' TO A POINT, SAID POINT BEING 105.70' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER: THENCE NO0°32'18"E ALONG A EAST LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING THE WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 95.61' TO THE TRUE POINT OF BEGINNING; THENCE N89'54'57"W, A DISTANCE OF 567.75' TO A POINT; THENCE NO0"05"03"E, A DISTANCE OF 589.13' TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE N89"59"01"E ALONG THE NORTH LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 572.42' TO THE NORTHEAST CORNER OF SAID LOT 8.T., SAID POINT BEING ON A WEST RIGHT-OF-WAY LINE OF NORTHWEST 48TH STREET, SAID POINT ALSO BEING 102.15' WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER: THENCE S00°32'18"W ALONG A EAST LINE OF SAID LOT 8 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 590.15' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 336,138.52 SQUARE FEET OR 7.72 ACRES, MORE OR LESS.

Wednesday, August 03, 2011 F:1Projects/20062980/evyo/Exhibits/008-2085_Armox2.doc

