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6-4-03/law/tb

CITY OF LINCOLN  
EXECUTIVE ORDER

NO. 67615

BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln,

Nebraska:

The attached Second Amendment to the Stonebridge Creek Conditional Annexation and Zoning Agreement made and entered into by and between Stonebridge Creek L.L.C. and the City of Lincoln, Nebraska is hereby approved and I have executed said Agreement on behalf of the City of Lincoln.

The City Clerk is directed to send a copy of this Executive Order and the Agreement to the Planning Department.

Dated this 9 day of June, 2003.

Coleen J. Seng  
Coleen J. Seng, Mayor

Approved as to Form & Legality:

Rich Peo  
Chief Asst. City Attorney

**SECOND AMENDMENT TO THE  
STONEBRIDGE CREEK  
CONDITIONAL ANNEXATION AND ZONING AGREEMENT**

This Second Amendment to the Stonebridge Creek Conditional Annexation and Zoning Agreement is entered into this 9th day of June, 2003, by and between **Stonebridge Creek L.L.C.**, a Nebraska limited liability company ("Owner") and the **City of Lincoln, Nebraska**, a municipal corporation ("City").

**RECITALS**

1. Resolution No. A-81075 adopted by the City Council on August 27, 2001 accepted and approved the Stonebridge Creek Conditional Annexation and Zoning Agreement and authorized the Mayor to execute the same on behalf of the City.

2. Paragraph 6.E. of the Agreement provides that the phasing of Stonebridge Creek shall be accomplished in the order and manner illustrated in Attachment E ("Phasing Plan"). Paragraph 6.E. further provides that the grading and paving of North 14th Street and Alvo/Arbor Road shall be accomplished in phases in accordance with the Phasing Plan (Attachment E).

3. Owner desires to amend the Phasing Plan to combine Phases IV, V, and VI as Phase IV and to renumber Phases VII and VIII as Phases V and VI so that the phasing of Stonebridge Creek may be accomplished in the order and manner illustrated in the Phasing Plan attached hereto and marked as Attachment A.

4. Paragraph 9 of the Annexation Agreement (as amended by Amendment No. 1) requires the Owner to provide the City with a bond, escrow or other security agreement to insure Owner's share of the cost of the improvements described in the Annexation Agreement

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CITY OF LANCASTER COUNTY  
NEBRASKA

as part of the executive order construction process or at the time of final platting of the Property, whichever occurs first.

5. Owner and City desire to amend paragraph 9 to revise the timing of the guarantee for the construction of the North 14th Street and Alvo/Arbor Road street improvements.

6. The City has reviewed the proposed Phasing Plan (Attachment A) and has no objection to the revised phasing of Stonebridge Creek.

NOW, THEREFORE, in consideration of the mutual promises of and benefits to the parties, the parties agree as follows:

1. That the revised Phasing Plan for Stonebridge Creek, attached hereto and marked as Attachment A, is hereby substituted for and replaces and supercedes Attachment E of the original agreement and is hereby incorporated into the original agreement as Attachment E.

2. That paragraph 9 of the Annexation Agreement be amended to read as follows:

"9. **Security.** Owner shall provide the City a bond, escrow, or other security agreement, approved by the City Attorney to insure Owner's share of the cost of the improvements described in this Agreement as part of the executive order construction process or at the time of final platting of the Property, whichever occurs first. Notwithstanding the above, a percentage of the required security to guarantee Owner's share of the cost of constructing the North 14th Street Improvements and Alvo/Arbor Road Improvements shall be provided when each phase of the development as approved by Administrative Amendment No. 02030 to Special Permit No. 1845 (Stonebridge Creek Community Unit Plan) is final platted or as part of the executive order

construction process, whichever occurs first; except the required security for Phases I, II, and III may be deferred until Phase IV is final platted. The required percentage of the security to be provided at each phase is set forth in the table below:

PHASE	PERCENT OF SECURITY
I	15%
II	10%
III	5%
IV	25%
V	30%
VI	<u>15%</u>
<b>Total</b>	<b>100%</b>

3. That all conditions of the original agreement as amended continue to remain in full force and effect except as amended by this Second Amendment.

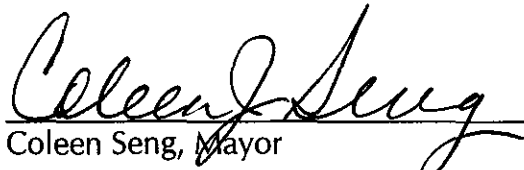
IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment on the day and year first written above.

ATTEST:

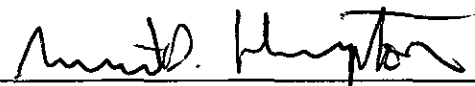
  
 City Clerk



**THE CITY OF LINCOLN, NEBRASKA**  
 a municipal corporation

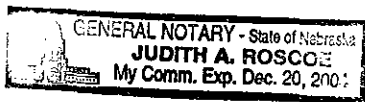
By:   
 Coleen Seng, Mayor

**STONEBRIDGE CREEK, LLC, Owner**  
 a Nebraska limited liability company

By:   
 Robert E. Hampton, Manager

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER        )

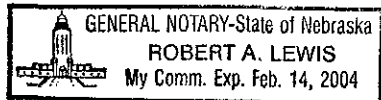
The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of June, 2003, by Coleen Seng, Mayor of the City of Lincoln, Nebraska on behalf of the City.



Judith A. Roscoe  
Notary Public

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER        )

The foregoing instrument was acknowledged before me this 28 day of May, 2003, by Robert ~~P~~<sup>P</sup> Hampton, Manager of Stonebridge Creek, LLC, a Nebraska limited liability company, on behalf of said limited liability company.









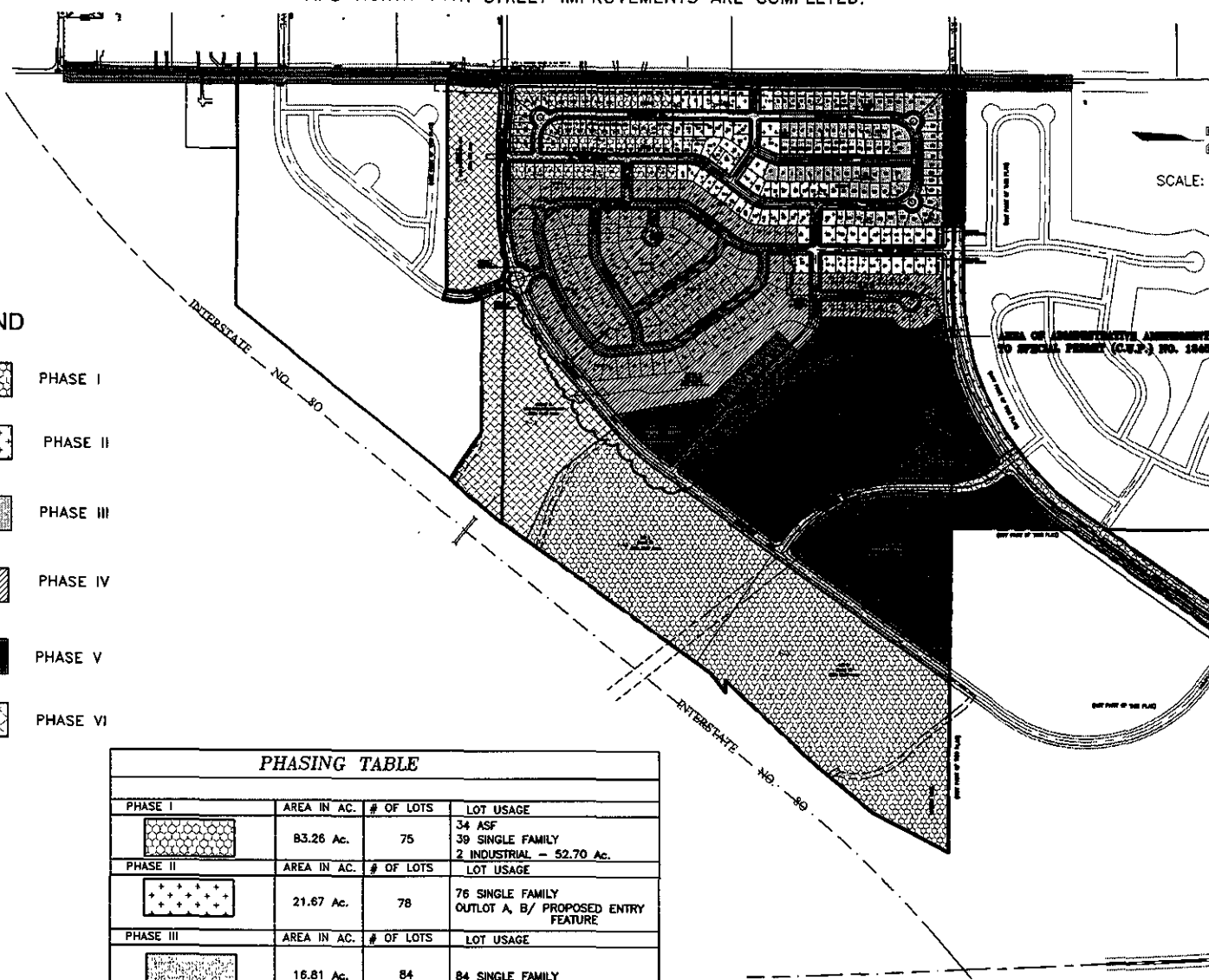
Robert Lewis  
Notary Public

[code\ag\stonebridge creek annexation First Amendment]

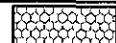
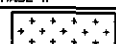




CONNECTION FROM JULESBURG DRIVE TO NORTH 14TH STREET WILL BE CONSTRUCTED AT THE TIME PHASE V AND NORTH 14TH STREET IMPROVEMENTS ARE COMPLETED.

LEGEND

-  PHASE I
-  PHASE II
-  PHASE III
-  PHASE IV
-  PHASE V
-  PHASE VI



PHASING TABLE

PHASE I	AREA IN AC.	# OF LOTS	LOT USAGE
	83.26 Ac.	75	34 ASF 39 SINGLE FAMILY 2 INDUSTRIAL - 52.70 Ac.
PHASE II	AREA IN AC.	# OF LOTS	LOT USAGE
	21.67 Ac.	78	76 SINGLE FAMILY OUTLOT A, B/ PROPOSED ENTRY FEATURE
PHASE III	AREA IN AC.	# OF LOTS	LOT USAGE
	16.81 Ac.	84	84 SINGLE FAMILY
PHASE IV	AREA IN AC.	# OF LOTS	LOT USAGE
	46.11 Ac.	177	142 SINGLE FAMILY, 32 ASF OUTLOT F, G, C/(DETENTION) PROPOSED ENTRY FEATURE
PHASE V	AREA IN AC.	# OF LOTS	LOT USAGE
	72.50 Ac.	18	83 MULTI-FAMILY MIXED USAGE - 43.61 Ac. 14 ASF L.E.S. SUBSTATION - 5.15 Ac.
PHASE VI	AREA IN AC.	# OF LOTS	LOT USAGE
	24.22 Ac.	2	OUTLOT D, E/OPEN SPACE, DETENTION