



09R-64

Introduce: 4-20-09

RESOLUTION NO. A- 85327

1 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

2 That the agreement titled Amendment No. 1 to the Woodlands at Yankee Hill Conditional

3 Annexation and Zoning Agreement which is attached hereto, marked as Attachment "A" and made

4 a part hereof by reference, between the City and Carl R. & Vicki A. Schmidt, 3AP-SE LLC, Midwest

5 Net Lease Investors-SE LLC, RC Krueger Development Co., Krueger Holding Co., and Calruba

6 LLC, outlining certain conditions and understandings relating to the annexation approximately 25.69

7 acres of property generally located southeast of the intersection of South 70th Street and Yankee

8 Hill Road.

9 is approved.

10 BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation

11 Agreement on behalf of the City.

12 *sl* BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed

13 copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owners.

14 BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation

15 Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid

16 by the Owners.

17 *sl* BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this

18 Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by:

[Signature]

AYES: Camp, Cook, Emery,
 Eschliman, Marvin, Spatz, Svoboda;
 NAYS: None

Approved as to Form and Legality:

[Signature]
 City Attorney

ADOPTED
 MAY 04 2009

BY CITY COUNCIL

Approved this *4* day of *May*, 2009:

[Signature]
 Mayor

**AMENDMENT NO. 1 TO
THE WOODLANDS AT YANKEE HILL
CONDITIONAL ANNEXATION AND ZONING AGREEMENT**

This Amendment No. 1 to The Woodlands at Yankee Hill Conditional Annexation and Zoning Agreement ("Agreement") is entered into this 6th day of May, 2009, by and between **Carl R. & Vicki A. Schmidt**, husband and wife; **3AP-SE, L.L.C.**, a Nebraska limited liability company; **Midwest Net Lease Investors-SE, L.L.C.**, a Nebraska limited liability company; **R.C. Krueger Development Company**, a Nebraska corporation; **Krueger Holding Company**, a Nebraska limited liability company; and **Calruby, L.L.C.**, a Nebraska limited liability company, (collectively, "Owner") and the **City of Lincoln, Nebraska**, a municipal corporation ("City").

RECITALS

A. The parties, collectively known as Owner, except for RC Krueger Development Company and Krueger Holding Company, entered into the Woodlands at Yankee Hill Conditional Annexation and Zoning Agreement ("Annexation Agreement") dated August 11, 2007.

B. Under the Annexation Agreement, said parties agreed to construct the Yankee Hill Road Arterial Street Impact Fee Facility Improvements subject to reimbursement from the City on or before December 31, 2009. Said parties further agreed to dedicate to the City a 1.6 acre site for a neighborhood park when the Phase I Property is final platted, along with a 30-foot easement providing a public access connection from the west side of the park to Waterfall (now known as South 74th Street).

C. Owner and City now desire to defer the timing of construction of the Yankee Hill Road Arterial Street Impact Fee Improvements and further desire to reduce the amount of parkland to be dedicated when Phase I of the Property is final platted.

NOW, THEREFORE, in consideration of the above Recitals and mutual covenants contained herein, the Owner and City agree as follows:

1. That subparagraph A, Arterial Street Construction, of paragraph 4, Yankee Hill Road (70th - 84th) Improvements, be amended to change the completion date for construction of said Improvements from December 31, 2009 to December 31, 2012.

2. That subparagraph A, Dedication, of paragraph 3, Parkland Dedication, be amended to read as follows:

As partial fulfillment of the 5.14 acre park dedication which could be required pursuant to Lincoln Municipal Code Section 26.23.160 for the proposed development of the Property, Owner agrees to dedicate at a location acceptable to the City ~~1.673~~ .73 acres for a neighborhood park when the Phase I Property is final platted ~~together with~~. Owner agrees to dedicate a 30-foot wide public access easement connecting the west side of the park to ~~Waterfall~~ South 74th Street when requested by the City. The Owner and City agree that the value of the park land ~~and easement~~ being dedicated is ~~\$67,200.00~~ 30,660.00.

3. That this Amendment No. 1 be filed of record against the Phase I Property at Owner's cost and expense.

4. That all other terms and conditions of The Woodlands at Yankee Hill Conditional Annexation and Zoning Agreement shall remain in full force and effect.

ATTEST:

THE CITY OF LINCOLN, NEBRASKA
a municipal corporation

Jean E. Rose


City Clerk



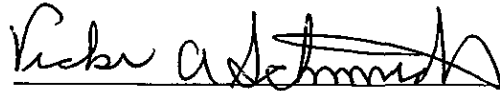
By: *Chris Beutler*

Chris Beutler, Mayor of Lincoln

**CARL R. SCHMIDT AND
VICKI A. SCHMIDT, Husband and Wife**



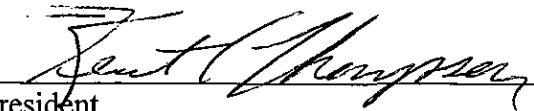
Carl R. Schmidt (Husband)



Vicki A. Schmidt (Wife)

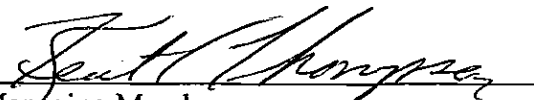
3AP-SE, L.L.C.,
a Nebraska limited liability company

By: Thompson Realty Group, Inc., Manager

By: 

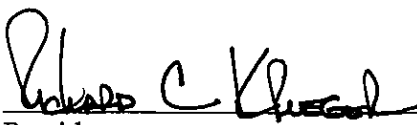
President

MIDWEST NET LEASE INVESTORS-SE,
a Nebraska limited liability company

By: 

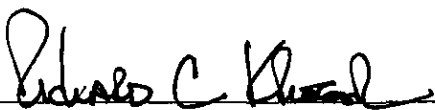
Managing Member

R.C. KRUEGER DEVELOPMENT COMPANY
a Nebraska corporation

By: 

President

KRUEGER HOLDING COMPANY, L.L.C.
a Nebraska limited liability company

By: 

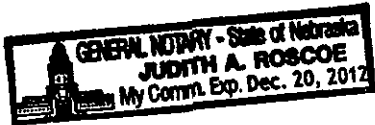
Managing Member

CALRUBY, LLC,
a Nebraska limited liability company

By: *Richard A. Kline*
Managing Member

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 6 day of May, 2009, by Chris Beutler, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



Judith A. Roscoe
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 9 day of April, 2009, by Carl R. Schmidt and Vicki A. Schmidt, husband and wife.

Karen DeValkenaere
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)



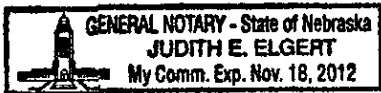
The foregoing instrument was acknowledged before me this 9th day of April, 2009, by *Kent C. Thompson*, President of Thompson Realty Group Inc., Manager of 3AP-SE, a Nebraska limited liability company, on behalf of said company.

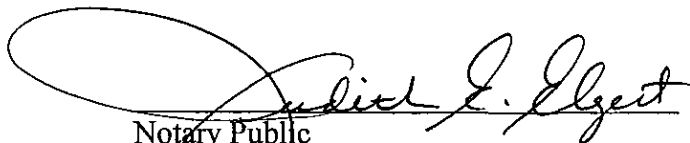


Judith E. Elgert
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 9th day of April, 2009, by Kent C. Thompson, Managing Member of Midwest Net Lease Investors-SE, a Nebraska limited liability company, on behalf of said company.

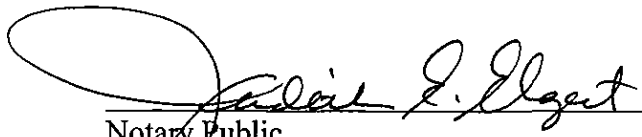



Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 8th day of April, 2009, by Richard C. Krueger, President of R.C. Krueger Development Company, a Nebraska corporation, on behalf of said corporation.

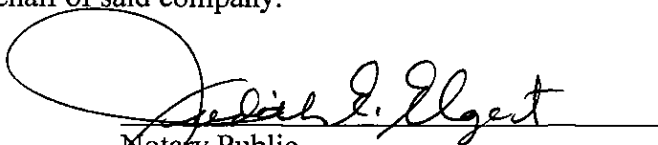



Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 8th day of April, 2009, by Richard C. Krueger, Managing Member of Krueger Holding Company, L.L.C., a Nebraska limited liability company, on behalf of said company.




Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF LANCASTER)

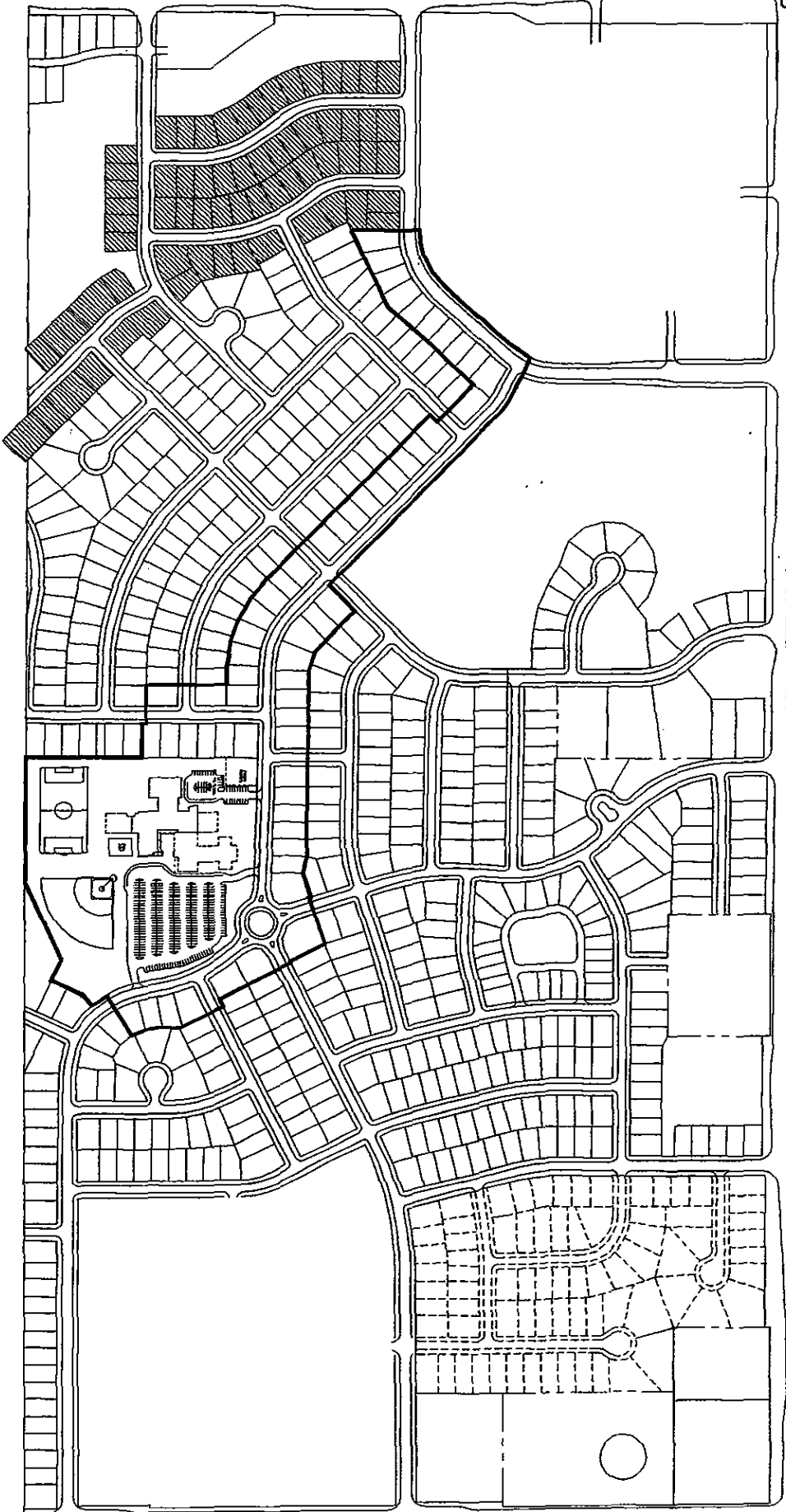
The foregoing instrument was acknowledged before me this 8th day of April, 2009, by Richard C. Krueger, Managing Member of Calrubby, LLC, A Nebraska limited liability company, on behalf of said company.



Judith E. Elgert
Notary Public

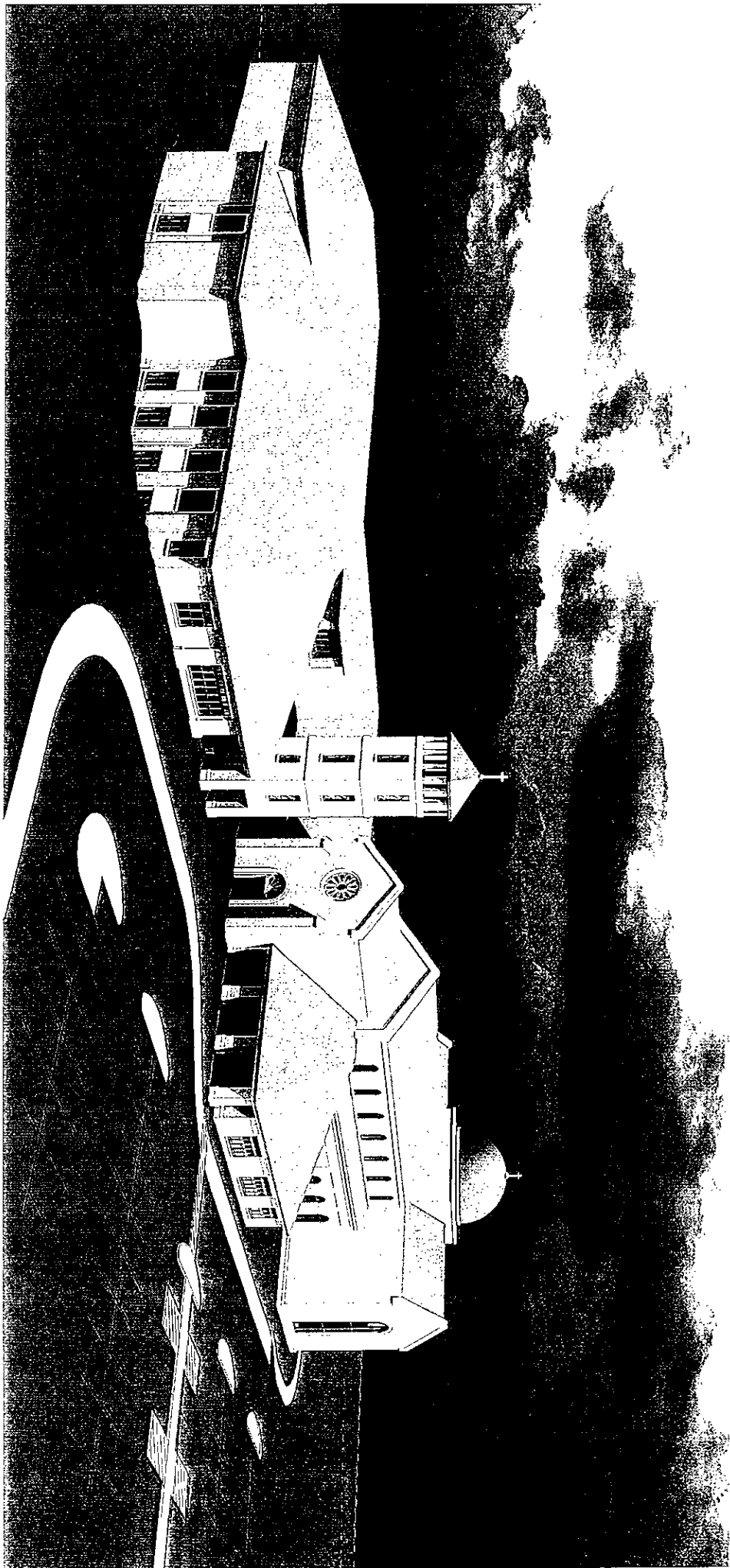
S. 70TH STREET

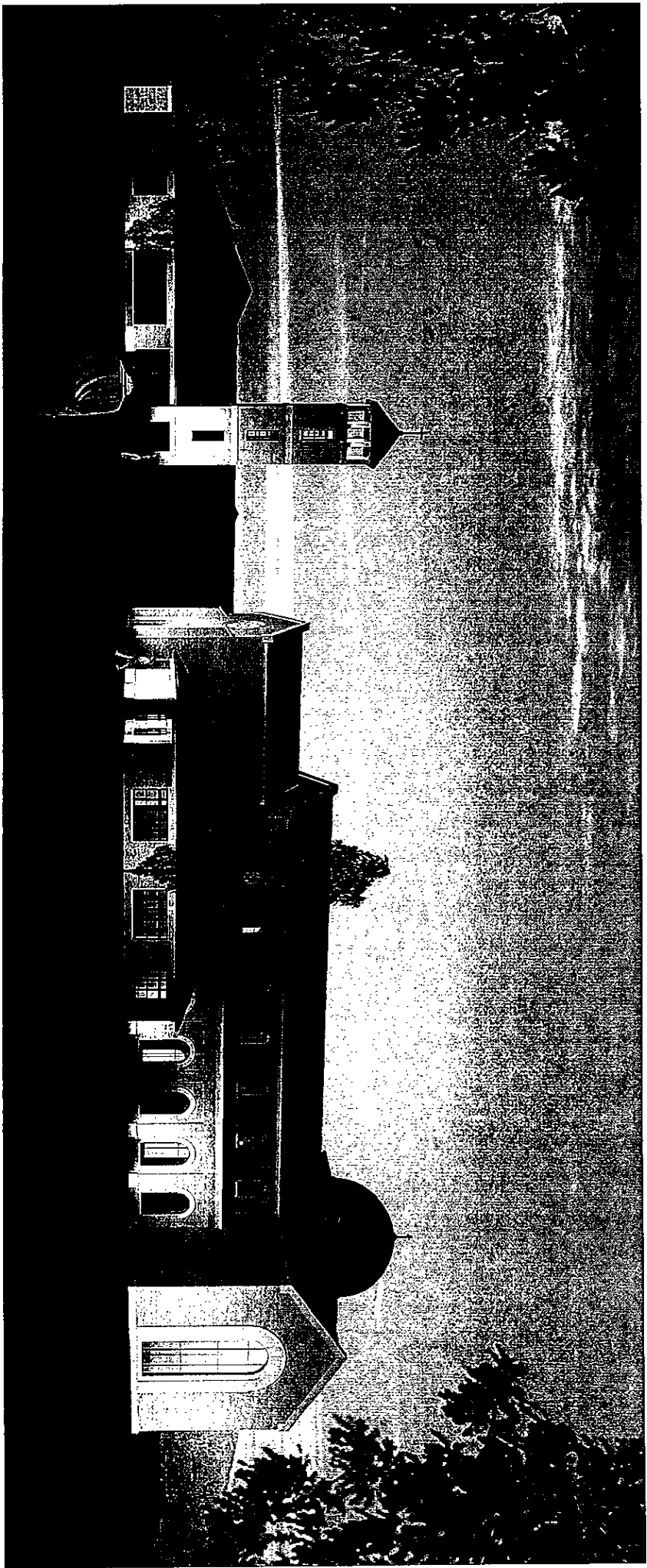
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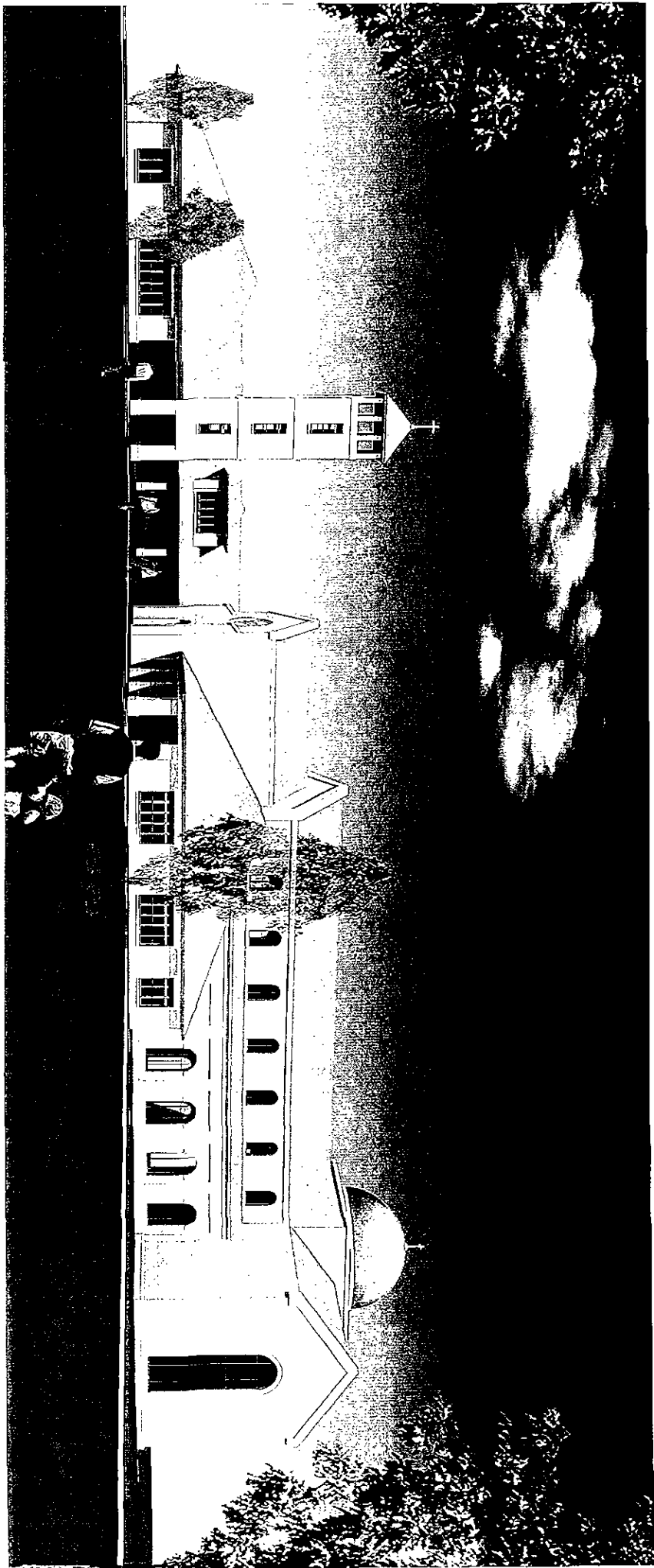


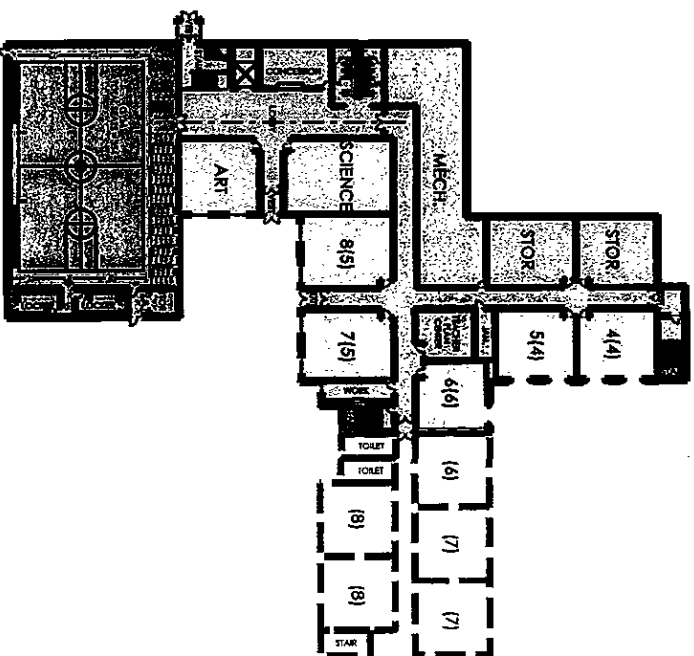
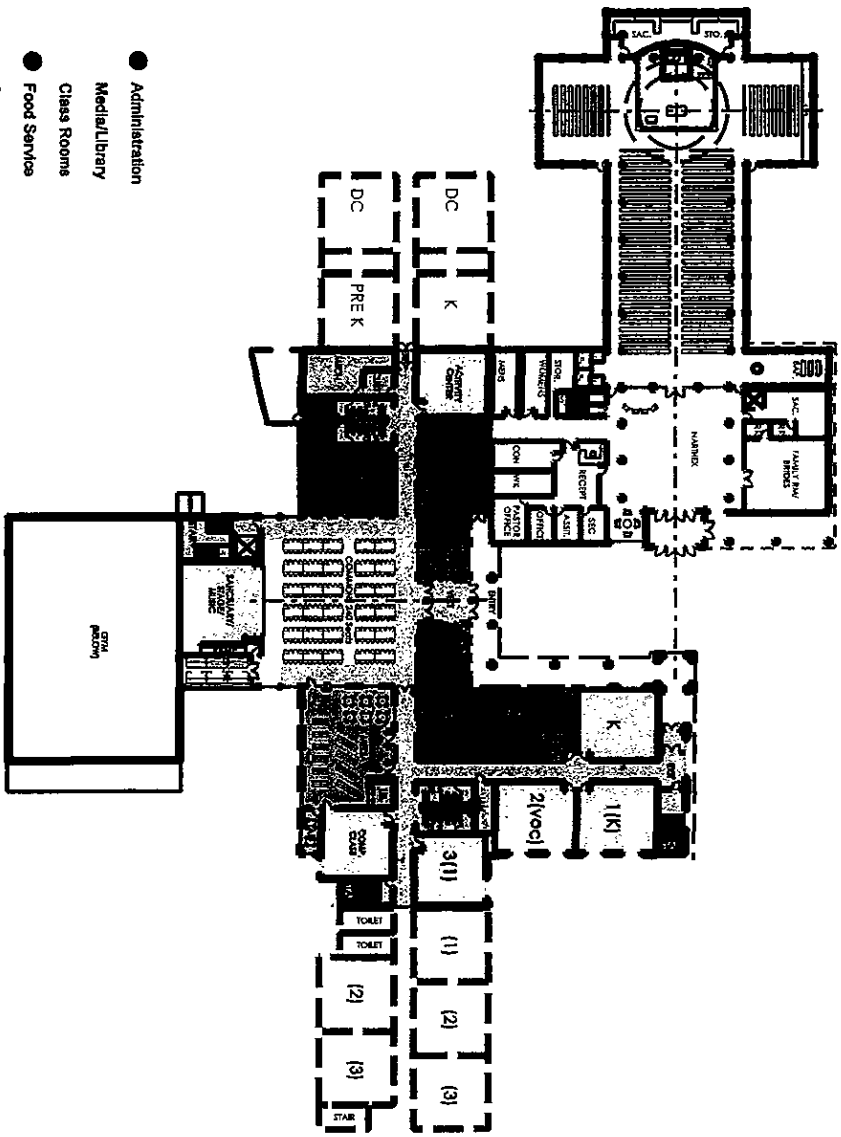
YANKEE HILL ROAD

S. 84TH STREET









- Administration
- Media/Library
- Class Rooms
- Food Services
- Commons
- Gymnasium
- Support/Circulation

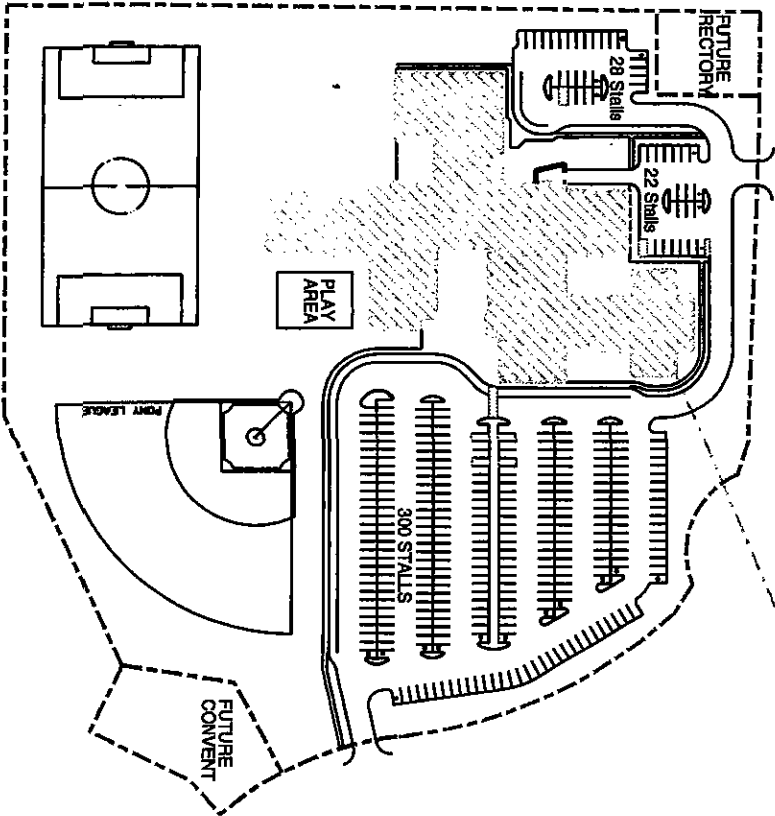
- Phase I
- Phase II or III

+ Upper Level: 25,055 SF
 + Lower Level: 27,560 SF
 Phase I: 52,615 SF
 + Upper Level: 10,689 SF
 + Lower Level: 5,922 SF
 Phase II: 16,611 SF



Option C
 Scale - 1" = 24'-0"
 April 7, 2009

St. Michael Catholic Church
 Cheney, NE



07028 - SITE OPTION

Scale - 1:60

April 7, 2009

St. Michael Catholic Church
Cheney, NE

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CHANGE OF ZONE # 05068A
MOTION TO AMEND NOTE #24 OF PUD

#24. IF THE SCHOOL ON LOT 20, BLOCK28 OPENS PRIOR TO THE IMPROVEMENT OF YANKEE HILL ROAD, EITHER YANKEE WOODS DRIVE OR HAYEK DRIVE MUST BE EXTENDED TO SOUTH 84TH STREET, **OR AN ALTERNATE ACCESS PLAN MUST BE APPROVED BY PLANNING AND PUBLIC WORKS.**