

A90313

17R-66

Introduce: 2-27-17

RESOLUTION NO. A- 90313

1 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
 2 That the Conditional Annexation and Zoning Agreement which is attached hereto,
 3 marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln,
 4 Nebraska and Lone Tree Holdings, LLC, relating to the annexation of property generally located
 5 at North 7th Street and Alvo Road and legally described as Lots 17 and 22 of Irregular Tracts,
 6 located in the Northeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th
 7 P.M., Lincoln, Lancaster County, Nebraska; re-zoning the Property from AG Agricultural District
 8 to R-3 Residential District; and approval of a Preliminary Plat for 145 residential lots, as set out
 9 in the Agreement is hereby approved and the Mayor is authorized to execute the Conditional
 10 Annexation and Zoning Agreement on behalf of the City.

11 BE IT FURTHER RESOLVED that the City Clerk is directed to return the original and
 12 one fully executed copy of the Conditional Annexation and Zoning Agreement to Andrew
 13 Thierolf, Planning Department, for recording with the Register of Deeds and distribution to Lone
 14 Tree Holdings, LLC. Recording fees are to be paid in advance by Lone Tree Holdings, LLC.

15 BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this
 16 Agreement to Michaela Dugan, Impact Fee Administrator.

AMENDED 3/13/17.

See further Council Proceedings on next page.

Introduced by:

Approved as to Form & Legality:

City Attorney

AYES: Camp, Christensen, Fellers,
 Gaylor Baird, Lamm; NAYS:
 None; ABSENT: Eskridge,
 Raybould.

Approved this 16th day of March, 2017:

 Mayor

ADOPTED

MAR 13 2017

BY CITY COUNCIL

17R-66

03/06/17 Council Proceedings:

CHRISTENSEN Moved to continue Public Hearing with Action 1 week to 03/13/17.

Seconded by Lamm & carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm; NAYS: None; ABSENT: Raybould.

3/13/17 Council Proceedings:

CHRISTENSEN Moved to amend Bill No. 17R-66 as follows:

Substitute the Legends Conditional Annexation and Zoning Agreement attached hereto for the Legends Conditional Annexation and Zoning Agreement attached to Bill No. 17R-66.

Seconded by Fellers & carried by the following vote; AYES: Camp, Christensen, Fellers, Gaylor Baird, Lamm; NAYS: None; ABSENT: Eskridge, Raybould.

17R-66

MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 17R-66 as follows:

Substitute the Legends Conditional Annexation and Zoning Agreement attached hereto for the Legends Conditional Annexation and Zoning Agreement attached to Bill No. 17R-66.

Introduced by:



AYES: Camp, Christensen, Fellers,
Gaylor Baird, Lamm; NAYS:
None; ABSENT: Eskridge,
Raybould.

Approved as to Form and Legality:

Asst. 
City Attorney

Requested by: Law Department

Reason for Request: An agreement has been reached between the City and the Owner eliminating the Owner's obligation to acquire and pay for any right-of-way for the Alvo Road roundabout from third party property owners.

ADOPTED

MAR 13 2017

BY CITY COUNCIL

LEGENDS

CONDITIONAL ANNEXATION AND ZONING AGREEMENT

This Legends Conditional Annexation and Zoning Agreement (“Agreement”) is made and entered into this 10 day of March, 2017, by and between the City of Lincoln, Nebraska, a municipal corporation (“City”) and Lone Tree Holdings, LLC, a Nebraska limited liability company (“Owner”).

RECITALS

1. Owner has requested the City to Annex Lots 17 and 22 of Irregular Tracts (“Lots 17 and 22”), located in the Northeast Quarter of Section 35, Township 11 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska (“Annexation No. 16015”).
2. Owner has requested the City to Rezone Lots 17 and 22 from AG Agricultural District to R-3 Residential District (“Change of Zone No. 16041”).
3. The Lincoln-Lancaster County Planning Commission has approved Preliminary Plat No. 16007 Legends Addition for 145 residential lots on Lots 17 and 22 and Outlot I, Kooser Addition, Lincoln, Lancaster County, Nebraska (collectively the “Property”) subject to the City Council of the City of Lincoln approving Annexation No. 16015 and Change of Zone No. 16041.
4. The City is willing to approve Annexation No. 16015 and Change of Zone No. 16041 provided that necessary street and public water improvements are constructed in a timely manner to serve and properly accommodate the development of the Property under Preliminary Plat No. 16007.

NOW, THEREFORE, in consideration of the above recitals and the mutual covenants contained herein, the parties to this Agreement do hereby agree as follows:

I.

PHASED DEVELOPMENT OF THE PROPERTY

A. **Phase & Development Plan.** Owner agrees to implement the following phasing plan for development of the Property to ensure paved access for the lots to be developed.

Phase 1. No more than 100 lots shall be final platted, and those 100 lots shall have paved access to Yoakam Drive and Kooser Drive and from Yoakam Drive and Kooser Drive to North 11th Street.

Phase 2. An additional 34 lots having paved access to North 7th Street may be final platted with the paving of North 7th Street between Kooser Drive and Alvo Road. Development under Phase 2 also requires Alvo Road at North 7th Street to be graded at the City's discretion for a single lane roundabout or for the full build out of a roundabout with two lanes and the construction of a permanent single paved lane roundabout, at Owner's own cost and expense, subject to reimbursement as provided in Subparagraph B. below under the City's executive order construction process. The roundabout will be designed by the City, but the City will not be required to initiate design of the roundabout until the Owner has provided the Director of the City's Public Works and Utilities Department with written notice that 50% of the Lots in Phase 1 have been sold. City agrees to complete the design within sixty (60) days following receipt of said notice. If additional right-of-way in Alvo Road is required to be taken from the Owner's Property for the single or the full double lane

build out of the roundabout, Owner agrees to dedicate or convey the same at no cost to the City. In the event any necessary right-of-way needs to be acquired from any third party, City will acquire said third party right-of-way at its own cost and expense.

Phase 3. Lots 1-10, Block 2, and Lot 1, Block 6, as shown on Preliminary Plat No. 16007 may be final platted when the remainder of North 7th Street abutting the Property is paved.

B. **Reimbursement.** City agrees from and after the date of this Agreement to direct all arterial street impact fees collected from development of the Property to reimburse the Owner for Owner's cost to *grade Alvo Road for the full two lane build out of the roundabout* and to construct the permanent paved single lane roundabout in Alvo Road. Reimbursement is subject to the following conditions:

- (1) Reimbursement shall be paid quarterly from Arterial Street Impact Fees actually collected from development of the residential lots within Preliminary Plat No. 16007; and
- (2) Any reimbursement to be paid from Arterial Street Impact Fees shall not constitute a general obligation of the City.

II.

TRAFFIC CALMING FEATURES IN NORTH 7TH STREET

A. **Construction of North 7th Street.** Owner agrees to install traffic circle curbing in North 7th Street at Kooser Drive, and at Haggard Drive as approved by the City's Public Works and Utilities Department as a traffic calming feature. The two traffic calming features will be installed at Owner's own cost and expense, subject to reimbursement as provided in Subparagraph B below, as part of the Owner's phased paving of North 7th Street.

B. **Reimbursement.** With respect to the pavement of North 7th Street, Owner shall be responsible for the cost of constructing North 7th Street as a typical local street and the City shall be responsible for all additional costs attributable to the traffic circle curbing. Sidewalks are not required to be installed on the west side of North 7th Street as part of this local street construction.

III.

WATER MAINS

A. A 16" water main in North 7th Street shall be designed and constructed by Owner through the City's Executive Order Construction Process from Alvo Road to the south boundary of the Property. The construction may be phased in accordance with Phase 2 and Phase 3 of the Development Plan.

B. The existing 12" water main at North 11th Street and Kooser Drive shall be designed and constructed by Owner through the City's Executive Order Construction Process from Kooser Drive to North 7th Street to connect to a future 16-inch water main in North 7th Street.

C. With respect to both water mains, Owner shall be responsible for the cost of constructing a typical 6-inch water line abutting a residential area and the City shall be responsible for all costs attributable to oversizing the water line with pipe, valves, fittings, and other accessories that are larger than 6-inch. If required the 16-inch water line and/or the 12-inch water line shall be publicly bid and awarded as provided by law.

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

By: [Signature]
Chris Beutler, Mayor of Lincoln

LONE TREE HOLDINGS, LLC,
a Nebraska limited liability company

By: [Signature]
Name: Steven M. Champoux
Title: Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

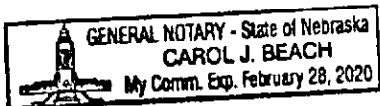
The foregoing instrument was acknowledged before me this 16th day of March, 2017, by Chris Beutler, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 10th day of March, 2017, by Steven M. Champoux, Manager of Lone Tree Holdings, LLC, a Nebraska limited liability company.



[Signature]
Notary Public

CERTIFICATE

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER) ss:
)
CITY OF LINCOLN)

I, Teresa J. Meier, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the foregoing is a true and correct copy of **Resolution A-90313 -Approving a Conditional Annexation and Zoning Agreement Between the City of Lincoln, Nebraska and Lone Tree Holdings, Llc for the Development and Annexation of Property Generally Located at North 7th Street and Alvo Road**, as adopted and approved by the City Council on **March 13, 2017**, as the original appears of record on filed in my said office.

In Witness Whereof, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska on **March 21, 2017**.

Teresa J. Meier
Teresa J. Meier, City Clerk

