



A92073

20R-106

Introduce: 3-16-20

RESOLUTION NO. A- 92073

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

2 That Amendment No. 3 to the Annexation Agreement for Rokeby Road Coalition, which is
3 attached hereto, marked as Attachment "A", and made a part hereof by reference, between the City of
4 Lincoln; Rokeby Holdings, Ltd.; The Catholic Bishop of Lincoln; Rokeby Investments, LLC; Carlton W.
5 Talcott; Milton L. Talcott and Carol A. Talcott; SSAR, LLC; Calruby, LLC; The Carroll Krueger Company,
6 LLC; Lincoln Federal Bancorp, Inc.; Milton L. Talcott, Trustee and Carol A, Talcott, Trustee; Talcott Land
7 & Cattle, Inc.; Southview, Inc.; and Milton L. Talcott, Trustee to describe the improvements in Rokeby
8 Road between 84th and 86th Streets and amend the property included in the impact fee area, is hereby
9 approved and the Mayor is authorized to execute Amendment No. 3 on behalf of the City.

10 BE IT RESOLVED that the City Clerk is directed to return a copy of this Agreement to Tim Sieh,
11 Assistant City Attorney, for distribution to the other Parties.

12 BE IT FURTHER RESOLVED that the City Clerk is directed to return the original and one fully
13 executed copy of Amendment No. 3 to the Annexation Agreement for Rokeby Road Coalition to Brian
14 Will, Planning Department, for recording with the Register of Deeds and distribution to the Parties, filing
15 fees to be paid by the Parties.

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

ADOPTED

MAR 30 2020

BY CITY COUNCIL

Approved as to Form & Legality:

Jeffery R. Krueger
City Attorney

Introduced by:

Steve Wason

AYES: Bowers, Christensen, Meginnis,
Raybould, Shobe, Ward, Washington; NAYS:
None.

Approved this 2 day of April, 2020:
Gregory Gayler Baird
Mayor

AMENDMENT NO. 3

THIS AMENDMENT NO. 3 TO THE ANNEXATION AGREEMENT FOR ROKEBY ROAD COALITION (“Amendment No. 3”) is made and entered into as this 30th day of March, 2020 by and among the **City of Lincoln, Nebraska**, a municipal corporation (“City”), **Rokeby Holdings, Ltd.**, a Nebraska limited partnership (“Rokeby Holdings”), **The Catholic Bishop of Lincoln**, a Nebraska non-profit corporation (“Catholic Bishop”), **Rokeby Investments, LLC**, a Nebraska limited liability company (“Rokeby Investments”), **Carlton W. Talcott**, a single person (“CWT”), **Milton L. Talcott** and **Carol A. Talcott**, husband and wife (collectively “M&CT”), **SSAR, LLC**, a Nebraska limited liability company (“SSAR”), **Calruby, LLC**, a Nebraska limited liability company (“Calruby”), **The Carroll Krueger Company, LLC**, a Nebraska limited liability company, successor to Fred H. Smith and Janet L. Smith, husband and wife (collectively “CKC”), **Lincoln Federal Bancorp, Inc.** (“Lincoln Federal”), **Milton L. Talcott, Trustee and Carol A. Talcott, Trustee** (“M&CT Trustees”), **Talcott Land & Cattle, Inc.**, a Nebraska corporation (“Talcott Land”), **Southview, Inc.**, a Nebraska corporation (“Southview”) and **Milton L. Talcott, Trustee** (“M. Talcott Trustee”). Rokeby Holdings, Catholic Bishop, Rokeby Investments, CWT, M&CT, SSAR, Calruby, CKC, Lincoln Federal, M&CT Trustees, Talcott Land, Southview and M. Talcott Trustee, may hereinafter jointly be referred to as the “Property Owners” or individually as a “Property Owner.”

RECITALS

1. The City and Property Owners previously entered into the Annexation Agreement for Rokeby Road Coalition dated as of January 5, 2015 and filed with the Lancaster County, Nebraska Register of Deeds as Instrument No. 2015001440, which was amended by Amendment No. 1 dated September 28, 2017 and filed with the Lancaster County, Nebraska Register of Deeds as Instrument No. 2017042058, and which was further amended by Amendment No. 2 dated May 13, 2019 and filed with the Lancaster County, Nebraska Register of Deeds as Instrument No. 2019016834 (collectively “Annexation Agreement”). Capitalized terms not defined herein shall have the meaning set forth in the Annexation Agreement.

2. The Annexation Agreement has identified all of the Property Owners’ and City’s responsibilities regarding the construction of infrastructure improvements necessitated by the development of the “Property” legally described and shown on Attachment “A”.

3. The City agreed in the Annexation Agreement to construct the LES Rokeby Road Intersection Improvements consisting of right and left turn lanes in Rokeby Road between S. 84th Street and the eastern boundary of the coalition properties as arterial street impact fees generated by the Rokeby Road Coalition properties were paid and became available to the City to use for such a purpose.

4. Lincoln Federal, owner of Lots 1 and 2, Marquardt Addition, except that portion of Lot 2 described in Lancaster County Register of Deeds Instrument No 2016038146, Lancaster County, Nebraska (“Lincoln Federal Property”), intends to further subdivide and develop the Lincoln Federal Property. Such development will require the construction of right and left turn lanes in Rokeby Road at approximately 86th Street as well as in S. 84th Street at the access point to the proposed development area north of Rokeby Road.

5. The City does not have adequate funding available to construct the required intersection improvements, and Lincoln Federal desires to cause the LES Rokeby Road Intersection Improvements at Rokeby Road and 86th Street, and intersection improvements at S. 84th and Flintwood Way to be designed and constructed at Lincoln Federal's cost and expense.

6. The City and Property Owners desire to amend the Annexation Agreement to reflect the adjustments to the obligations of the Parties regarding the Arterial Street Improvements described in the Annexation Agreement.

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

1. Lincoln Federal agrees to assume from the City the obligation to design and construct those LES Rokeby Road Intersection Improvements, including a westbound to northbound right turn lane and an eastbound to northbound left turn lane, in Rokeby Road at S. 86th Street. Said improvements shall be designed and constructed by Lincoln Federal through the City's Executive Order construction process according to the applicable general specifications and design standards for such improvements. Lincoln Federal further agrees that said improvements shall be designed and constructed at its cost and expense subject to reimbursement from Rokeby Rd. Impact Fees. Such reimbursement shall have first priority to the Rokeby Rd. Impact Fees after the City funds or reserves funds for the Rokeby Road Project Initial Phase and any earlier subsequent phased segment(s) of the Rokeby Road Paving Improvements or the LES Rokeby Road Intersection Improvements.

2. Lincoln Federal acknowledges and agrees that the proposed development of the Lincoln Federal Property will create a need for access to S. 84th Street as shown immediately north of

Rokeby Road on Attachment "K". Lincoln Federal agrees to design, grade, and construct temporary right and left turn lanes at the intersection in S. 84th Street created by this access point at its cost and expense through the City's Executive Order construction process for private construction of public infrastructure. Lincoln Federal acknowledges and agrees that the temporary nature of the turn lanes in S. 84th Street described in this section means that they are not considered Impact Fee Facility Improvements under Chapter 27.82 of the Lincoln Municipal Code, and therefore the cost of such improvements are not eligible for reimbursement from the Rokeby Rd. Impact Fees; except that any portion of the grading and drainage improvements and utility relocations required for the construction of the temporary right and left turn lanes described in this section that conform with the City's grade study for S. 84th Street shall qualify as Arterial Street Impact Fee Facility Improvements and are eligible for reimbursement from the Rokeby Rd. Impact Fees or other City funding sources.

3. Lincoln Federal agrees that it shall, at the time of applicable final platting, dedicate, at no cost to the City, both the right-of-way needed to provide 120 feet of right-of-way for the Rokeby Road Paving Improvements and S. 84th Street. In addition, Lincoln Federal agrees that it shall dedicate, at no cost to the City, the right-of-way needed at the intersection of S. 86th and Rokeby Road and the ¼ mile access in S. 84th Street immediately north of Rokeby Road in order to grade and construct roundabouts at said intersections.

4. The Parties agree that the real property included in the term "Property" in the Agreement as shown previously on Attachment "A" should be changed by removing Lots 35 and 36 Irregular Tracts located in the Northeast Quarter of Section 26, Township 9, Range 7 East of the 6th P.M., Lancaster County, Nebraska from said definition and adding Lot 72 Irregular Tract located in the West ½ of Section 26, Township 9, Range 7 East of the 6th P.M., Lancaster County, Nebraska to said definition. Said changes to the definition of "Property" as described in the Agreement are

shown on Attachment "A", which is attached hereto and incorporated herein by this reference and which shall be substituted for Attachment "A" in the Agreement.

5. Except as otherwise specifically amended herein, all other terms and conditions of the Annexation Agreement shall remain in full force and effect.

Dated this 30th day of March, 2020.

"CITY"

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

By: Leirion Gaylor Baird
Leirion Gaylor Baird, Mayor

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 30th day of March, 2020, by Leirion Gaylor Baird, Mayor of the **City of Lincoln, Nebraska**, a municipal corporation, on behalf of the municipal corporation.

(Seal)



Teresa J Meier
Notary Public

“ROKEBY HOLDINGS”

ROKEBY HOLDINGS, LTD.,
a Nebraska limited partnership

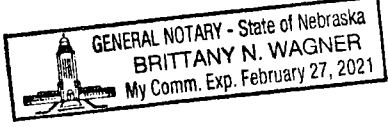
By: Rokeby GP, LLC, a Nebraska limited liability company

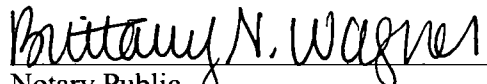
By: Southview, Inc., a Nebraska corporation, Member

By: 
Thomas G. Schleich, President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)


The foregoing was acknowledged before me this 4th day of March, 2020, by Thomas G. Schleich, President of Southview, Inc., a Nebraska corporation, Member of Rokeby GP, LLC, a Nebraska limited liability company, General Partner of **Rokeby Holdings, Ltd.**, a Nebraska limited partnership, on behalf of the limited partnership.




Notary Public

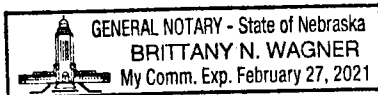
“SOUTHVIEW”


SOUTHVIEW, INC., a Nebraska corporation

By: 
Thomas G. Schleich, President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing was acknowledged before me this 4th day of March, 2020, by Thomas G. Schleich, President of **Southview, Inc.**, a Nebraska corporation, on behalf of the corporation.




Notary Public

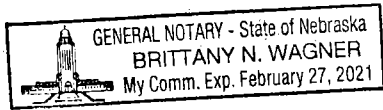
“ROKEBY INVESTMENTS”

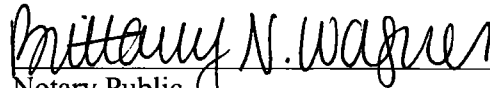
ROKEBY INVESTMENTS, LLC, a
Nebraska limited liability company

By: 
Thomas G. Schleich, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing was acknowledged before me this 4th day of March, 2020, by Thomas G. Schleich, Manager of **Rokeby Investments, LLC**, a Nebraska limited liability company, on behalf of the limited liability company.




Notary Public

“CATHOLIC BISHOP”

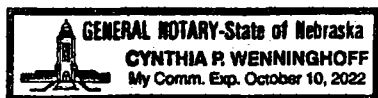
The Catholic Bishop of Lincoln, a Nebraska nonprofit corporation

By: Mark D. Heber
Title: Vice President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 17 day of March 2020 by Mark Heber, Vice President of **The Catholic Bishop of Lincoln**, a Nebraska nonprofit corporation, on behalf of the nonprofit corporation.

(Seal)



Cynthia R. Wenninghoff
Notary Public

“SSAR”

SSAR, LLC, a Nebraska limited liability company

By: [Signature]

Title: Sean Smetter
Managing Member

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 19th day of March, 2020 by Sean Smetter, Managing Member of SSAR, LLC, a Nebraska limited liability company, on behalf of the limited liability company.



(Seal)

Brittany N. Wagner
Notary Public

“CALRUBY”

Calruby, LLC, a Nebraska limited liability company

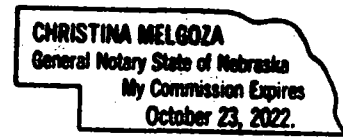
By: Richard C. Krueger
Richard C. Krueger, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 11th day of March, 2020 by Richard C. Krueger, Manager of Calruby, LLC, a Nebraska limited liability company, on behalf of the limited liability company.

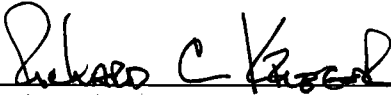
(Seal)

Christina Melgoza
Notary Public



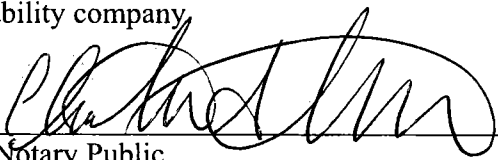
“CKC”

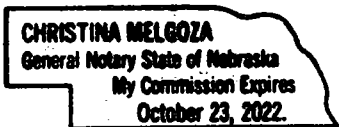
**The Carroll Krueger Company, LLC, a
Nebraska limited liability company**

By: 
Richard C. Krueger, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 11th day of March, 2020, by Richard C. Krueger, Manager of **The Carroll Krueger Company, LLC**, a Nebraska limited liability company, on behalf of the limited liability company.


Notary Public




“TALCOTT LAND”

Talcott Land & Cattle, Inc., a Nebraska corporation

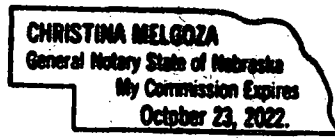
By: Carlton W. Talcott
Carlton W. Talcott, President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 12th day of March, 2020, by Carlton W. Talcott, President of Talcott Land & Cattle, Inc., a Nebraska corporation, on behalf of the corporation.


Notary Public

(Seal)



ATTACHMENT "A"
Property Legal Descriptions

Parcel 1 – Rokeby Holdings

Lots 29 and 31 Irregular Tracts located in the Northwest Quarter of Section 34, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

Parcel 2 - Calruby

Lot 92 and 93, Irregular Tract located in the Southeast Quarter of Section 27, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

Parcel 3 - CKC

Lots 10, 21 and 41, Irregular Tracts located in the Southeast Quarter of Section 27, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

Parcel 4 - SSAR

Lot 87, Irregular Tract located in the Southeast Quarter of Section 27, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

Parcel 5 - M&CT

Lot 90, Irregular Tracts located in the Southeast Quarter of Section 27, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

Parcel 6 – Lincoln Federal

Lot 1, Marquart Addition, Lancaster County, Nebraska

Parcel 7 - Lincoln Federal

Lot 2, Marquart Addition, Lancaster County, Nebraska, less tract described in Instrument Number 2016-38146.

Parcel 8 - M&CT Trustees

Lots 32 and 70, Irregular Tracts located in the Southwest Quarter, and Lots 31 and 71, Irregular Tracts located in the Southeast Quarter, Lot 72 Irregular Tract located in the West Half, all in Section 26, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

Parcel 9 - Talcott Land

Lot 36, Irregular Tracts located in the Northwest Quarter of Section 35, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

Parcel 10 - M. Talcott Trustee

North half of Lot 23, Irregular Tracts located in the Northwest Quarter of Section 35, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

Parcel 11 – Rokeby Investments, LLC

Lots 7 and 10, Irregular Tracts located in the Northeast Quarter of Section 34, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska

Parcel 12 - Catholic Bishop

Lot 27, located in the NE 1/4 of Section 34, Township 9 North, Range 7 East, of the 6th P.M. Lancaster County, Nebraska

Parcel 13 – Southview

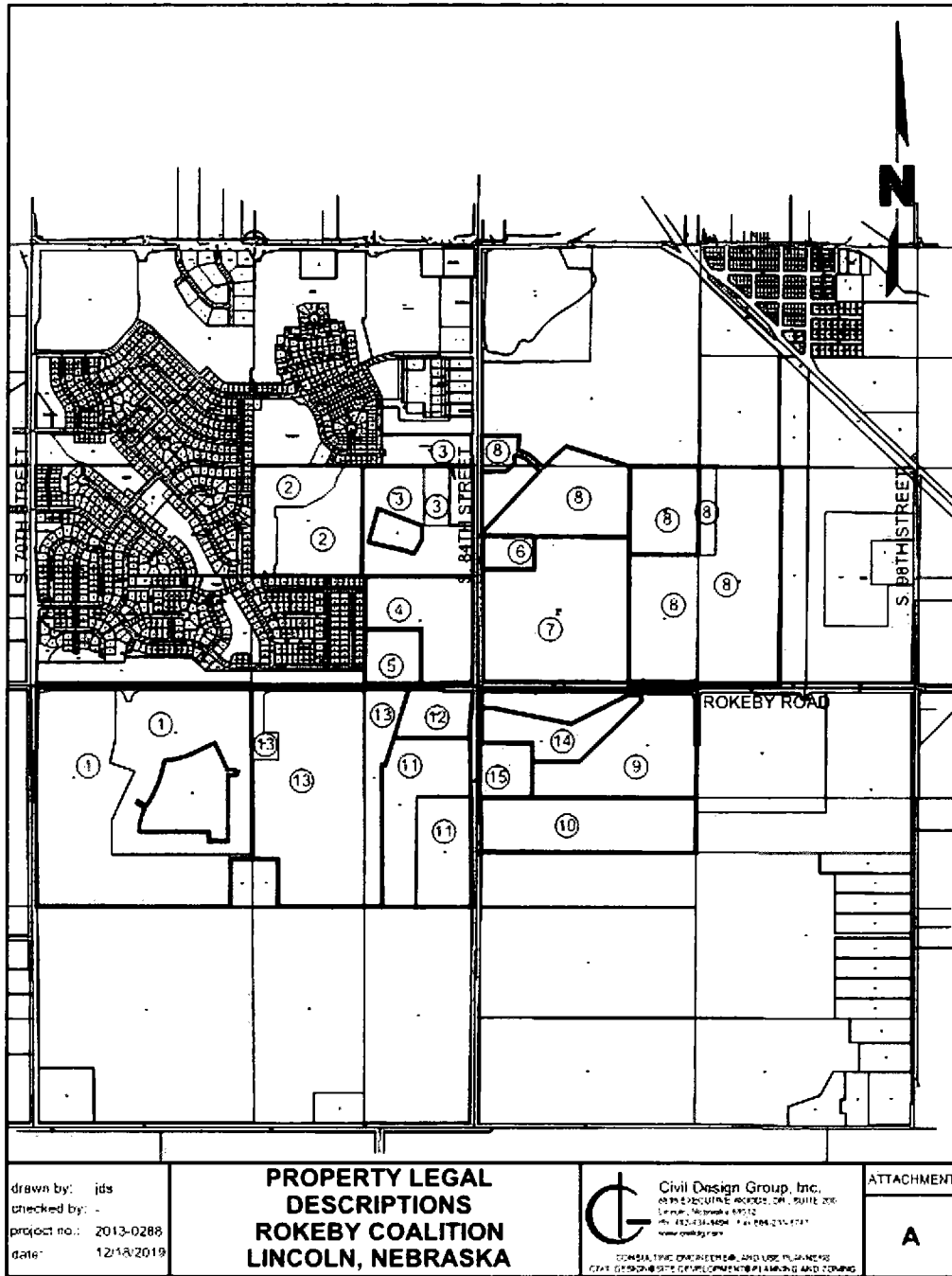
Lots 26, 32 and 33, Irregular Tracts located in the Northeast Quarter of Section 34, Township 9 North, Range 7 East of the 6th P.M. Lancaster County, Nebraska; and

Parcel 14 – Upper Wagon Train Drainage Association

Lot 35, Irregular Tract located in the Northwest Quarter of Section 35, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska

Parcel 15 – CWT

Lot 1, Irregular Tracts located in the Northwest Quarter of Section 35, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska



drawn by: jds
 checked by: -
 project no.: 2013-0288
 date: 12/18/2019

**PROPERTY LEGAL DESCRIPTIONS
 ROKEBY COALITION
 LINCOLN, NEBRASKA**

C Civil Design Group, Inc.
 6878 S 260TH AVE, SUITE 200
 LINCOLN, NEBRASKA 68512
 TEL: 402-434-1658 FAX: 402-434-1717
 www.cdvgroup.com

CONSULTING ENGINEERS AND SURVEYORS
 CIVIL DESIGN, SITE DEVELOPMENT, PLANNING AND CONSTRUCTION

ATTACHMENT
A