



RESOLUTION NO. A- 93649

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

That the Conditional Zoning and Annexation Agreement for 9440 Pioneers Blvd., which is attached hereto, marked as Attachment "A", and made a part hereof by reference, between the City of Lincoln, and 9440 Development, LLC., ("Developer") regarding annexation of the property generally located at 9440 Pioneers Blvd and re-zone of the property from AG Agricultural District to R-1 Residential District, as set forth in the Agreement, in order to facilitate development of the property is hereby approved and the Mayor is authorized to execute the Conditional Zoning and Annexation Agreement on behalf of the City.

BE IT RESOLVED that the City Clerk is directed to return one fully-executed copy of this Agreement to Abigail Littrell, Assistant City Attorney, for distribution to the Developer.

BE IT FURTHER RESOLVED that the City Clerk is directed to file the Conditional Zoning and Annexation Agreement for 9440 Pioneers Blvd with the Lancaster County Register of Deeds with the recording fees to be paid in advance by the Developer.

Introduced by:

Approved as to Form & Legality:

City Attorney

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

Approved this 31 day of October, 2022:

Mayor

ADOPTED

OCT 24 2022

BY CITY COUNCIL

ORIGINAL
- TO FILE
W/ROD

COMDITIONAL ZONING AND ANNEXATION AGREEMENT

This Conditional Zoning and Annexation Agreement (“Agreement”) is made and entered into as of the date of execution by the last signatory hereto as indicated below by and between the **City of Lincoln, Nebraska**, a municipal corporation (“City”), **9440 DEVELOPMENT, LLC** (“Property Owner”).

RECITALS

1. The Property Owner is the owner of the real estate legally described as:

Lot 1, Firethorn 14th Addition, Lancaster County, Nebraska; and

Outlot D, Firethorn Addition, Lancaster County, Nebraska

(the “Property”).

The Real Estate is shown on Exhibit “A” and is generally located at 9440 Pioneers Blvd. Developer intends to develop the site. The City and Property Owner desire to cause the urban development of the Property.

2. The Property is shown as Tier 1, Priority B (2050) on the 2050 Priority Growth Areas (Map 1.3 Growth Tiers with Priority Areas) in the Lincoln City-Lancaster County Comprehensive Plan.

3. The City and Property Owner desire that the Property be annexed pursuant to this Agreement (AN22006).

4. Property Owner has requested that the City rezone the Property from AGR Agricultural Residential District to R-1 Residential District (CZ22011).

5. AN22006 and CZ22011 are collectively the “Governmental Actions”.

6. The City, as a condition of approving the Governmental Actions, desires an agreement with the Property Owners and Developer to be assured that Property Owner agree to certain

conditions. Property Owners and Developer represent to the City that, in consideration of the City approving the Governmental Actions, the Property Owners and Developer would enter into an agreement with the City to develop the Property subject to the terms and conditions listed below.

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the above recitals and the following terms and conditions, the parties agree as follows:

1. City agrees to approve the Governmental Actions.
2. **Contribution to Rural Fire District.** Property Owner understands and acknowledges that the City's annexation of the Property or any portion thereof lying within the boundaries of the SE Rural Fire Protection District ("District") shall not be complete except upon the City assuming and paying that portion of all outstanding obligations of the District which would otherwise constitute an obligation of Property or portion thereof being annexed. The Property Owner agrees to pay the City whatever amount which must be paid by the City to the District in order for the portion of the Property being annexed to be complete.
3. **Binding Effect.** This Agreement shall run with the land and be binding upon and inure to the benefit and burden of successors and assigns of the respective parties.
4. **Amendments.** This Agreement may only be amended or modified in writing signed by the parties hereto.
5. **Governing Law.** All aspects of this Agreement shall be governed by the laws of the State of Nebraska.

6. **Authority.** This Agreement has been duly executed and delivered by the parties and constitutes a legal, valid and binding obligation of each party, enforceable against the same in accordance with its terms.

7. **Recording.** This Agreement shall be recorded by the City with the Register of Deeds of Lancaster County, filing fees therefor to be paid in advance by the Developers.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the date and year first above written.

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

By: *Leirion Gaylor Baird*
Leirion Gaylor Baird Mayor of Lincoln

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 31 day of October, 2022, by Leirion Gaylor Baird, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



Brandi Lehl
Notary Public

9440 DEVELOPMENT, LLC

By: Dane J. Hansen
Dane J. Hansen, Manager

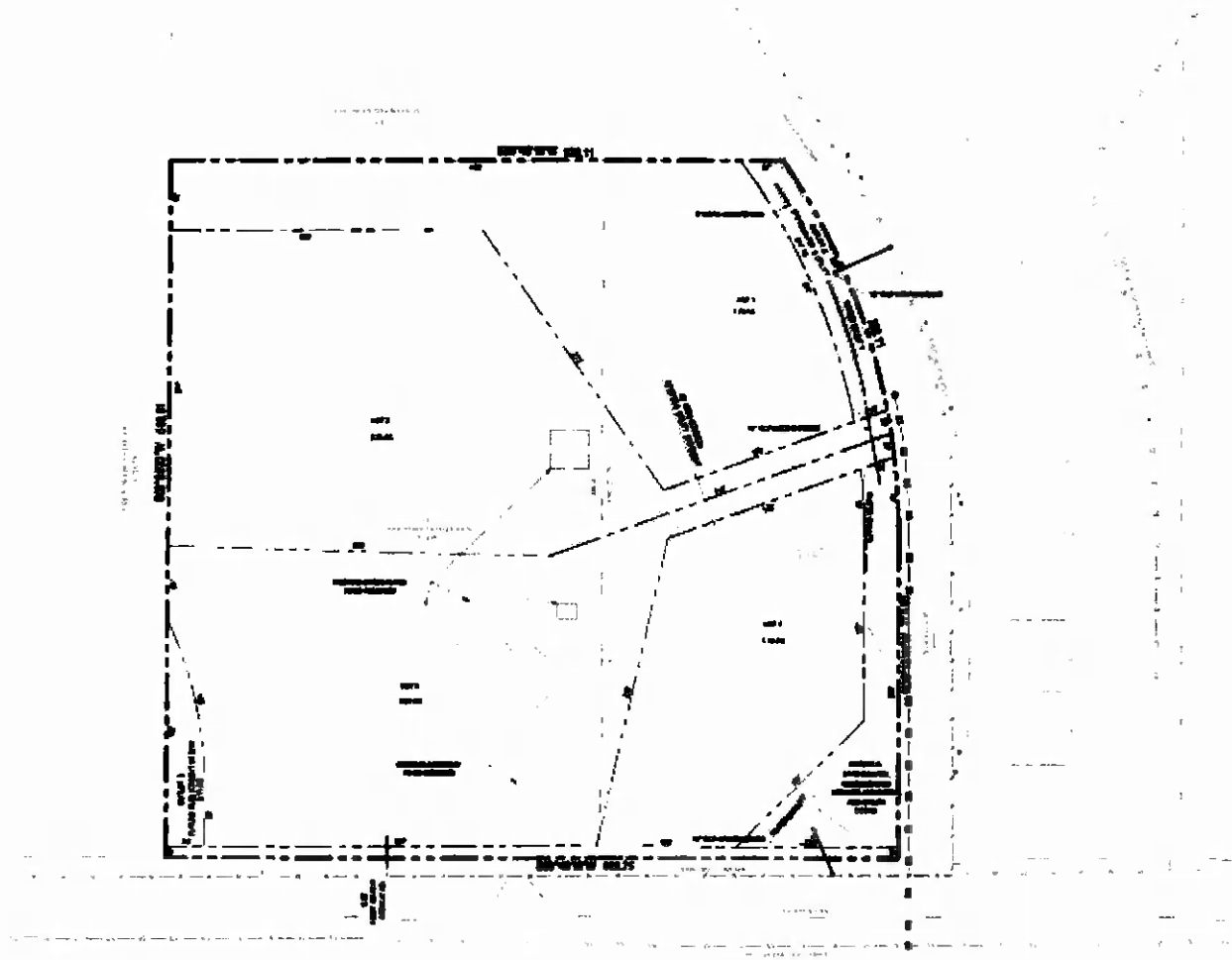
STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 15th day of September 2022, by Dane J. Hansen.



Patricia Burbach
Notary Public

EXHIBIT A



Inst # 2022047279 Fri Nov 18 16:02:53 CST 2022
Filing Fee: \$34.00
Lancaster County, NE Assessor/Register of Deeds Office AGRMT
Pages 5

CONDITIONAL ZONING AND ANNEXATION AGREEMENT

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RECITALS

1. The Property Owner is the owner of the real estate legally described as:

Lot 1, Firethorn 14th Addition, Lancaster County, Nebraska; and
Outlot D, Firethorn^{15th} Addition, Lancaster County, Nebraska
(the "Property").
all located in SE 1/4 of section 2, township 9, Range 7 BL

The Real Estate is shown on Exhibit "A" and is generally located at 9440 Pioneers Blvd. Developer intends to develop the site. The City and Property Owner desire to cause the urban development of the Property.

2. The Property is shown as Tier 1, Priority B (2050) on the 2050 Priority Growth Areas (Map 1.3 Growth Tiers with Priority Areas) in the Lincoln City-Lancaster County Comprehensive Plan.

3. The City and Property Owner desire that the Property be annexed pursuant to this Agreement (AN22006).

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IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the date and year first above written.

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

By: *Leirion Gaylor Baird*
Leirion Gaylor Baird, Mayor of Lincoln

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 31 day of October, 2022, by Leirion Gaylor Baird, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



Brandi Lehl
Notary Public

9440 DEVELOPMENT, LLC

By: Dane J. Hansen
Dane J. Hansen, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 15th day of September 2022, by Dane J. Hansen.



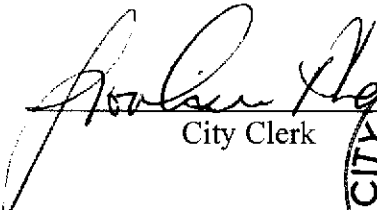
Patricia Burbach
Notary Public

CERTIFICATE

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

I, Soulinnee Phan, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of the Conditional Zoning and Annexation Agreement between the City and 9440 Development, for the annexation and development of property generally located at 9440 Pioneers Blvd as approved by Resolution A-93649 by the Lincoln City Council on October 24, 2022, as the original appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, on the 7th day of November, 2022.


City Clerk

