

Lancaster County
BOARD OF ZONING
APPEALS AGENDA

BOARD OF ZONING APPEALS

Tai Pleasant
James Pinkerton
Joe Shaw
Matthew Warner
Ed Woepfel

June 13, 2025

COUNTY BOARD OF ZONING APPEALS

NOTICE: Notice is hereby given that the County Board of Zoning Appeals will hold a public hearing on Friday, **June 13, 2025** at **2:30 p.m.**, in the City Council Chambers, 555 South 10th Street, County-City Building, Lincoln, Lancaster County, Nebraska, on the following items. For more information, call the Planning Department, 441-7491.

AGENDA

June 13, 2025

1. Approval of minutes of the County Board of Zoning Appeals meeting held February 14, 2025

PUBLIC HEARING AND ACTION:

3. **BOARD OF ZONING APPEALS 25002** requested by Ben Benischek, representing Kathleen Benischek, for a variance to reduce the minimum lot area and average lot width, on a property generally located at 3601 W Waverly Road.

The County Board of Zoning Appeals agenda may be accessed on the Internet at <http://www.lincoln.ne.gov/city/plan/bdscom/cbza/index.htm>



COUNTY BOARD OF ZONING APPEAL #25002

DATE: May 30, 2025

DATE SCHEDULED FOR PUBLIC HEARING: June 13, 2025

LOCATION: Generally located at NW 33rd Street and W Waverly Rd

ADDRESS: 3601 W Waverly Road

LEGAL DESCRIPTION: Lot 38 Irregular Tract, NW ¼ of Section 17, Township 11, North, Range 6, East, Lancaster County, NE

APPLICANT: Ben Benischek

LOT AREA: 10.07 acres

ZONING: AG-Agricultural

EXISTING LAND USE: Single Family Home

SURROUNDING LAND USE AND ZONING:

North:	AG-Agricultural	farm ground
South:	AG-Agricultural	farm ground
East:	AG-Agricultural	farm ground
West:	AG-Agricultural	farm ground

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO

- 1) Article 4.017(a) of the Lancaster County Zoning Regulations requires a minimum lot area of 20 acres for the AG Agricultural District. This is a request to reduce the minimum lot area from 20 acres to 10 acres.
- 2) Article 4.017 (a) of the Lancaster County Zoning Regulations requires an Average Lot Width of at least 550 feet. This is a request to also reduce the average lot width from 550 feet to 275 feet.

STAFF FINDINGS:

1. The applicant is requesting to reduce the minimum lot area from 20 acres to 10 acres so that Lot 38 is a buildable lot which would allow for building permits to be issued for any future additions or improvements. The request also includes a reduction of the Average Lot Width from 550 feet to 275 feet.
2. The applicant states in their application letter that they were aware that purchasing additional acres is allowed under the Lancaster County Zoning Regulations 17.029 but that they were unaware there was a process requirement to sell off some property. They note that if the variance is granted to restore the buildable status, they would still be over 10 acres and have not lost any frontage.
3. The history of the property conveyances below notes that the lot size went from 9.06 acres in 1979 to 10.07 acres today.
4. In July 1979, the lot was 9.06 acres. This predates October 9, 1979, Zoning Regulations update which changed the minimum lot size from 1 acre to 20 acres (see attached deed).
5. In 1984, Lancaster County acquired 0.96 acres for road improvement and widening decreasing the lot which was 8.10 acres (see attached deed). A right of way acquisition does not affect the status of a lot as buildable per 17.029 (c).
6. In 2006, the owner purchased 3.5 acres from the adjacent farm creating the lot at 11.60 acres (see attached deed). An increase in a lot which would otherwise be nonconforming with the current Zoning Regulations is allowed per 17.029 (a).
7. In 2015, 1.53 acres of the 11.60 acres lot was sold to an adjoining farm reducing the lot in question to 10.07 acres. This is Lot 38 I.T. today (see attached deed). This 2015 conveyance is what rendered the lot unbuildable, because the lot size should not have been reduced because this is not permitted under Lancaster County Zoning Regulations 17.029.
8. Lancaster Zoning Regulations 17.029 Enlargement and Alteration of Lots allows a lot which does not meet the area, width or frontage requirements to be enlarged without affecting the purposes for which it is used. However, this does not allow such lot to be reduced in size. See 17.029 a. and b. below.

17.029 Enlargement and Alteration of Lots.

- a. Any lot or premises which does not meet the area, width or frontage requirements or any combination thereof, of the districts in which it is situated may be enlarged without affecting the

purposes for which it may be used; provided that such enlargement does not result in the creation of an additional lot which does not conform to the applicable area, width or frontage requirements of this code. (Resolution No. 3568, March 10, 1981)

- b. In the "AG" or "AGR" zoning districts, two (2) or more adjoining lots, all of which do not meet the area, width or frontage requirements, or any combination thereof, of the district in which they are situated, may alter their common lot lines without affecting the purposes for which they may be used, provided:
 1. That such alteration does not result in the creation of a lot which does not meet the minimum standards for water and sanitary sewage disposal systems as required by applicable state, county and city regulations; and
 2. That such alteration meets all requirements of the [County Land Subdivision Resolution](#). (Resolution 3678, March 2, 1982)
 3. That the newly created lots in the AG or AGR zoning districts shall have a required front yard, side yard and rear yard that conforms to Section [4.017\(c\)](#) or Section [5.015\(c\)](#) and (d) respectively; except that in the AG zoning district, the required side yard shall not be less than 10% of the lot width or fifteen (15) feet, whichever is greater. (Resolution R-07-0027, May 8, 2007; Resolution No. [R-18-0078](#), November 20, 2018)
9. The variance for the Average Lot Width is needed because while the lot was buildable initially, having been established in 1979 before the Zoning Regulations update, the subsequent lot adjustment in 2015 rendered the lot unbuildable. The Average Lot Width prior to the October 9, 1979 Zoning Regulations update was 150 feet. The method to determine Average Lot Width is to take the total square footage of the lot and divide by the longest lot depth measurement from the front right of way line to the rear most lot line, which in this case is an east to west measurement for the lot depth.
10. The west half approximately of the property is in the 100-year floodplain with a stream. The east half of the property is where the existing single-family home is located. This area is in Tier III of the Growth Tiers of the Comprehensive Plan. This means that City water and sanitary sewer are 50 years or so out. Given the existing and surrounding zoning as AG and the same for the Future Land Use, it would therefore not be appropriate to rezone to AGR Agricultural Residential which allows a 3-acre lot size.
11. If the variance is not granted, no building permit could be issued for a dwelling unit on the lot in question as it is non-buildable at less than the 20-acre minimum lot area. The property could still be used for the existing use but is nonconforming. In addition to not being able to get a building permit the non-

buildable status may mean a lender for a prospective buyer of the property may not be able to issue a loan for it.

12. Section 19.003 (2) Powers Relative to Variances. The Board of Zoning Appeals is authorized, upon petitions for variances, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the owners a reasonable use of their land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned.

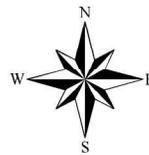
Prepared by

George Wesselhoft
County Planner



2024 aerial

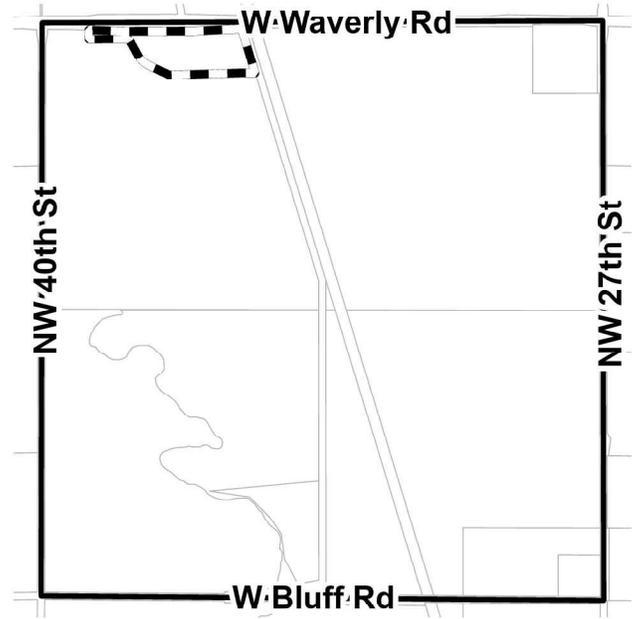
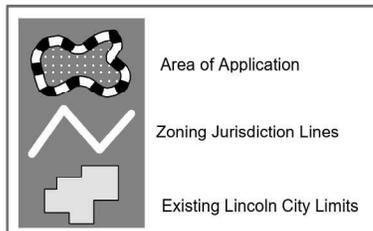
Board of Zoning Appeals #: BZA25002
NW 33rd St & W Waverly Rd



Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:
 Sec.17 T11N R06E



To the Lancaster County Board of Zoning Appeals

My name is Ben Benischek and I am representing my mother Kathey Benischek in reference to the current zoning of her property at 3601 West Waverly Rd. Lincoln, Ne 68524 (Lot 38). It has recently come to our attention that this lot was rezoned from AGR to AG non buildable due to a small property sale to a neighbor back in 2015. The rezoning was due to the fact there is less than 20 acres on our lot and a zoning variance was not applied for at that time. We are appealing to the board for a zoning variance to rezone the property back to AGR. Here is a short rundown of the history of the property.

July 31, 1979- Irregular lot 17 was approved at 9.06 acres

August 1, 1984 - Lancaster County purchased .96 acres for road improvement and widening creating lot 26 at 8.10 acres

2006 – Purchased 3.5 acres from adjacent farm creating lot 34 at 11.60 acres

March 26, 2015 – Sold 1.53 acres to adjoining farm creating lot 38 at 10.074 acres

We were aware that purchasing additional acres is allowed under amendment 17.029 but was unaware that there was a process to sell off some property as stated under amendment 4.071. Therefore, we are seeking a zoning variance after the fact to get the property back into buildable status as we are still over 10 acres and have not lost any frontage. There are several capital improvements we would like to take on and as it stands we are unable to get permits for them.

I have included with this appeal relevant survey maps and deeds. Thank you very much for reviewing these and I look forward to meeting with you June 13.

Benjamin Benischek

3601 West Waverly Rd. Lincoln, Ne 68524

402-580-4929

Benischek.b@gmail.com

KNOW ALL MEN BY THESE PRESENTS, That

1979 Lot 17

Mable C. Flader, herein called the grantor whether one or more, in consideration of One Dollar and other good and valuable consideration received from grantees, does grant, bargain, sell convey and confirm unto

William G. Benischek and Kathleen Mae Benischek, husband and wife,

as joint tenants with right of survivorship, and not as tenants in common, the following described real property in County, Nebraska: A tract of land in the NW 1/4 of Section 17, T 11 N, R. 6 E of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows: Commencing at the northeast corner of said NW 1/4, thence on an assumed bearing of N90°W along the north line of said NW 1/4 a distance of 755.4', thence S0°E a distance of 33.0' to the point of beginning, said point being the southwest corner of the County road intersection, thence S16°49' E along the west line of said County road a distance of 415.9', thence N86°57' W a distance of 122.7', thence S1041' E a distance of 46.25', thence N90°W a distance of 30.0', thence S1041' E a distance of 40.0', thence N90°W a distance of 503.0', thence N23°24' W a distance of 191.0', thence N87°24' W a distance of 214.0', thence N29°57' W a distance of 337.9' to a point on the south line of said County road, thence N90°E a distance of 991.0' to the point of beginning. Said tract contains 9.06 acres.

PNE NW

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the grantees and to their assigns, or to the heirs and assigns of the survivor of them forever.

And grantor does hereby covenant with the grantees and with their assigns and with the heirs and assigns of the survivor of them that grantor is lawfully seised of said premises; that they are free from encumbrance except easements and restrictions of record

that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

It is the intention of all parties hereto that in the event of the death of either of the grantees, the entire fee simple title to the real estate shall vest in the surviving grantee.

Dated July 27 19 79

NEBRASKA DOCUMENTARY STAMP TAX JUL 31 1979 \$6.60 BY [Signature]

Mable C. Flader

STATE OF NEBRASKA, County of Lancaster

The foregoing instrument was acknowledged before me July 27 19 79

by Mable C. Flader

[Signature] Signature of Person Taking Acknowledgment

Jerry L. Snyder GENERAL NOTARIAL SEAL STATE OF NEBRASKA COMMISSION EXPIRES July 19, 1980

Title

STATE OF County Entered on numerical index day of and recorded in Book

LANCASTER COUNTY REC. Kenneth L. Ferguson REGISTER OF DEEDS

1979 JUL 31 AM 10: 57

ENTERED ON NUMERICAL INDEX FILED FOR RECORD AS:

INST. NO. 79- 19131

Deeds Office of said County the minutes M.

\$3.25

Reg. of Deeds

Deputy

INDEXED MICRO-FILED GENERAL

6 1/2 335

Jerry L. Snyder, Notary Public, State of Nebraska, Commission Expires July 19, 1980

1984

Lot 26

WARRANTY DEED

WILLIAM G. BENISCHEK & KATHLEEN M. BENISCHEK, husband & wife
in consideration of One Dollar and Other Valuable Consideration

received from grantee, does grant, bargain, sell, convey and confirm unto

LANCASTER COUNTY, NEBRASKA, A GOVERNMENTAL SUBDIVISION

herein called the grantee whether one or more, the following described real property in

Lancaster County, Nebraska:

A part of Lot 17, irregular tract in the NW 1/4 of Section 17, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Referring to the northeast corner of the said NW 1/4; thence in a southerly direction on the east line of the said NW 1/4 to a point located 33.0 feet southerly from the north line of the said NW 1/4; thence in a westerly direction parallel with and 33.0 feet distant from the said north line, a distance of 755.4 feet, more or less, to a point of intersection with the west right of way line of County Road No. 1006, said point of intersection being the northeast corner of said Lot 17 and also the point of beginning; thence in a southeasterly direction on the said west right of way line to a point located 60.0 feet southerly from the said north line; thence in a southwesterly direction to a point located 1,175.90 feet westerly from the said northeast corner of the NW 1/4 and 80.0 feet southerly from the said north line; thence in a westerly direction parallel with and 80.0 feet distant from the said north line, a distance of 543.42 feet, more or less, to a point on the west line of said Lot 17; thence in a northwesterly direction on the said west line of Lot 17 to the northwest corner of said Lot 17, said northwest corner of Lot 17 located 33.0 feet southerly from the said north line; thence in an easterly direction parallel with and 33.0 feet distant from the said north line, a distance of 991.0 feet to the point of beginning.

Distances from the northeast corner of the NW 1/4 are measured along the north line of the NW 1/4 and distances from the north line are measured perpendicular to the north line. Containing 0.96 acre, more or less.

2
Epm... CD

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the grantee and to grantee's heirs and assigns forever.

And the grantor does hereby covenant with the grantee and with grantee's heirs and assigns that grantor is lawfully seised of said premises; that they are free from encumbrance except for easements and restrictions of record; that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

Dated August 1, 1984

William G. Benischek
Kathleen M. Benischek

STATE OF NEBRASKA, County of Lancaster:

Before me, a notary public qualified for said county, personally came

William G. Benischek and Kathleen M. Benischek, husband & wife

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on August 1, 1984.

My commission expires March 4, 1988

Kenneth W. Sherwood
Notary Public



WARRANTY DEED

WILLIAM G. BENISCHEK & KATHLEEN M. , herein called the grantor whether one or more, BENISCHEK, husband & wife in consideration of One Dollar and Other Valuable Consideration

received from grantee, does grant, bargain, sell, convey and confirm unto LANCASTER COUNTY, NEBRASKA, A GOVERNMENTAL SUBDIVISION herein called the grantee whether one or more, the following described real property in

Lancaster County, Nebraska:

A part of Lot 17, irregular tract in the NW 1/4 of Section 17, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows: Referring to the northeast corner of the said NW 1/4; thence in a southerly direction on the east line of the said NW 1/4 to a point located 33.0 feet southerly from the north line of the said NW 1/4; thence in a westerly direction parallel with and 33.0 feet distant from the said north line, a distance of 755.4 feet, more or less, to a point of intersection with the west right of way line of County Road No. 1006, said point of intersection being the northeast corner of said Lot 17 and also the point of beginning; thence in a southeasterly direction on the said west right of way line to a point located 60.0 feet southerly from the said north line; thence in a southwesterly direction to a point located 1,175.90 feet westerly from the said northeast corner of the NW 1/4 and 80.0 feet southerly from the said north line; thence in a westerly direction parallel with and 80.0 feet distant from the said north line, a distance of 543.42 feet, more or less, to a point on the west line of said Lot 17; thence in a northwesterly direction on the said west line of Lot 17 to the northwest corner of said Lot 17, said northwest corner of Lot 17 located 33.0 feet southerly from the said north line; thence in an easterly direction parallel with and 33.0 feet distant from the said north line, a distance of 991.0 feet to the point of beginning. Distances from the northeast corner of the NW 1/4 are measured along the north line of the NW 1/4 and distances from the north line are measured perpendicular to the north line. Containing 0.96 acre, more or less.

2
Empty LO

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the grantee and to grantee's heirs and assigns forever.

And the grantor does hereby covenant with the grantee and with grantee's heirs and assigns that grantor is lawfully seized of said premises; that they are free from encumbrance except for easements and restrictions of record; that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

Dated August 1 1984

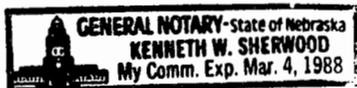
William G. Benischek
Kathleen M. Benischek

STATE OF NEBRASKA, County of Lancaster :

Before me, a notary public qualified for said county, personally came William G. Benischek and Kathleen M. Benischek, husband & wife known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on August 1, 1984.

My commission expires March 4, 1988 Kenneth W. Sherwood Notary Public



STATE OF, County of

Before me, a notary public qualified for said county, personally came

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on, 19.....

..... Notary Public

My commission expires, 19.....

STATE OF, County of

Before me, a notary public qualified for said county, personally came

known to me to be the identical person or persons who signed the foregoing instrument and acknowledged the execution thereof to be his, her or their voluntary act and deed.

Witness my hand and notarial seal on, 19.....

..... Notary Public

My commission expires, 19.....

WARRANTY DEED

Vertical lines for recording information: County of, Filed for record, at, M., and recorded in Deed Record as Inst. No., book, page, County Clerk or Register of Deeds, Deputy, HAVE THIS DEED RECORDED

INDEXED MICRO-FILED GENERAL

6/2-335

LANCASTER COUNTY NOTARY PUBLIC

REGISTER OF DEEDS

1984 SEP 25 AM 9:10

FILED FOR RECORD AS:

INST. NO. 84- 23319

Mofer

Handwritten signature

ST
4



QUITCLAIM DEED

Flader Farm, L.L.C., Grantor, whether one or more, in consideration of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, quitclaims and conveys to **Kathleen Mae Benischek and William G. Benischek, Wife and Husband, Grantee**, the following described real estate (as defined in Neb. Rev. Stat. § 76-201) in Lancaster County, Nebraska:

See Attached Legal Description

Executed: October 27, 2006.

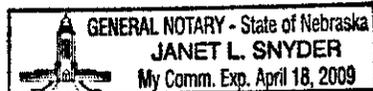
FLADER FARM, L.L.C.

Angela J. Fuller
Angela J. Fuller, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF Seward)

The foregoing instrument was acknowledged before me on October 27, 2006 by Angela J. Fuller, Manager, Flader Farm, L.L.C., Grantor.

Janet L. Snyder
Notary Public



Parcel 1

A tract of land located in the Northeast Quarter of Section 17, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Northwest Quarter; Thence: WEST, along and with the North line of said Section 17, a distance of 747.24 feet; Thence: SOUTH, at right angles to the said North line, a distance of 60.00 feet, to the Point of intersection of the West right of way of Northwest 33rd Street and the South right of way of West Waverly Road being the Point of Beginning; Thence: South 16°48'12" East, a distance of 430.64 feet, along and with the West right of way of Northwest 33rd Street; Thence: WEST, a distance of 134.00 feet; Thence: South 35°51'05" West, a distance of 145.25 feet; Thence: WEST, a distance of 572.93 feet; Thence: NORTH, a distance of 100.00 feet; Thence: North 65°19'58" West, distance of 195.00 feet, to a point of curvature of a horizontal curve to the right having a Central Angle of 28°43'06", a Radius of 250.00 feet and a Chord bearing North 52°53'45" West, for 124.00 feet; Thence: Northwesterly, along and with the Arc of said curve, a distance of 125.31 feet to the point of tangency; Thence: North 29°46'53" West, a distance of 207.16 feet; Thence: WEST, a distance of 370.00 feet; Thence: NORTH, a distance of 86.27 feet, to a point on the South right of way of West Waverly Road; Thence: South 87°55'14" East, along and with the South right of way of West Waverly Road, a distance of 338.08 feet; Thence: EAST, continuing along and with said South right of way, a distance of 650.00 feet; Thence: North 87°19'43" East, continuing along and with said South right of way, to a point on the West right of way of Northwest 33rd Street, a distance of 429.13 feet to the Point of Beginning and containing 11.60 Acres more or less.

EXHIBIT "A"

A tract of land out of and part of Lot 34 of Irregular Tracts located in the Northwest Quarter of Section 17, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska; more particularly described as:

Commencing at the Southeast Corner of said Lot 34;

Thence North 90 degrees 00 minutes 00 seconds West, a distance of 134.00 feet, along and with the South line of said Lot 34, to a capped 5/8 inch rebar being the Point of Beginning;

Thence: South 88 degrees 27 minutes 24 seconds West, a distance of 658.25 feet;

Thence South 00 degrees 00 minutes 00 seconds East, a distance of 100.00 feet, to a 5/8 inch Capped Rebar;

Thence: South 90 degrees 00 minutes 00secondsEast, a distance of 572.93 feet, to a 5/8 inch Capped Rebar;

Thence: North 35 degrees 51 minutes 18 seconds East, a distance of 145.25 feet, to the Point of Beginning.

Survey Lot 34

2006

AA-24870

① ③

Northwest Corner, Section 17,
Township 11 North, Range 6 East
Found LCSM Cap in approx. inter-
section W, Waverly Rd, and NW 40th St.
NE 80.60' Found 5/8" Rebar
SE 90.29' Set 5/8" Rebar
SW 91.31' Set 5/8" Rebar
NW 89.29' Found 5/8" Rebar

North Quarter Corner
Section 17, Township
11 North, Range 6 East
Found LCSM Cap in approx.
centerline W, Waverly Rd.
N 51.04' Found LCSM Ref. Cap
NE 58.44' Found 5/8" Rebar
SE 60.87' Found 5/8" Rebar
S 44.96' Found 5/8" Rebar
SW 61.14' Found 5/8" Rebar
NW 69.95' Found 5/8" Rebar



SCALE: 1" = 400'
DATE: Oct. 9, 2006

LEGEND

- ⊙ = Section Corner
- ⊙ = Corner Found - 1" Iron Pipe
- ⊙ = Corner Set - Capped 5/8" Rebar
- (P) = Pinned Distance/Angle
- (M) = Measure Distance/Angle
- (D) = Dened Distance/Angle
- (R) = Recorded Distance/Angle
- - - = Fence

SURVEY RECORD

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED.
This is to notify that I have, this date, made a
survey on the property described as follows:

Located in the North Half Quarter of Section 17,
Township 11 North, Range 6 East of the Sixth P.M.,
Lancaster County, Nebraska.

SURVEY CERTIFICATE

I, Karen D. Brouwer, a Registered Professional
Land Surveyor under the laws of the State of
Nebraska, Certify the above survey was executed
by me, or under my direct supervision.
Permanent monument corners of Section 17
5/8" x 30" rebar were placed at the corners
or monumented corners as shown on this
drawing. Distances shown are measured in feet
and decimals of a foot.

Karen D. Brouwer
Karen D. Brouwer

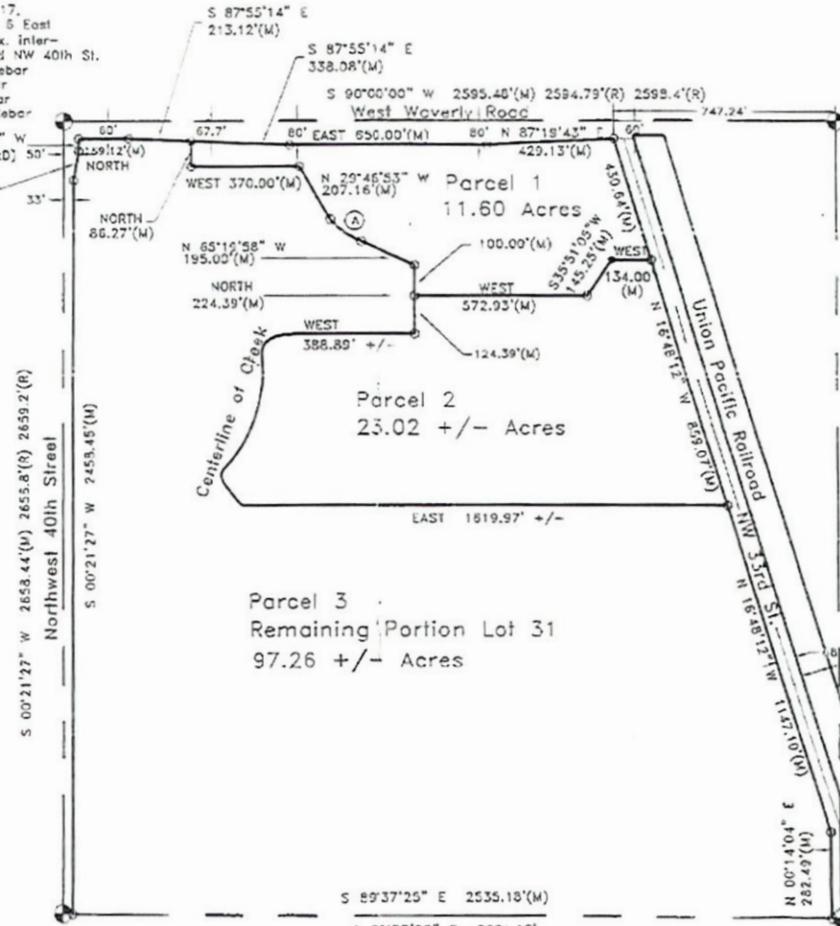


West Quarter Corner, Section 17,
Township 11 North, Range 6 East
Found LCSM Cap in approx.
centerline NW 40th St.
NE 39.28' Found 3/4" Iron Pipe
SE 86.24' Found 3/4" Iron Pipe
SW 56.76' Found 5/8" Rebar

Parcel 3
Remaining Portion Lot 31
97.26 +/- Acres

S 89°37'25" E 2535.18'(M)
S 89°37'25" E 2601.18'

Center Corner, Section 17,
Township 11 North, Range 6 East
Found LCSM Cap in NW 33rd St.
NE 50.96' Found 5/8" Rebar
E 53.58' Found 5/8" Rebar
SW 52.34' Found 5/8" Rebar



CURVE DATA
① = 28°43'06"
R = 250.00'
L = 125.31'
T = 64.00'

RECEIVED
DEC 13 2006
LANCASTER COUNTY
ENGINEERING DEPT

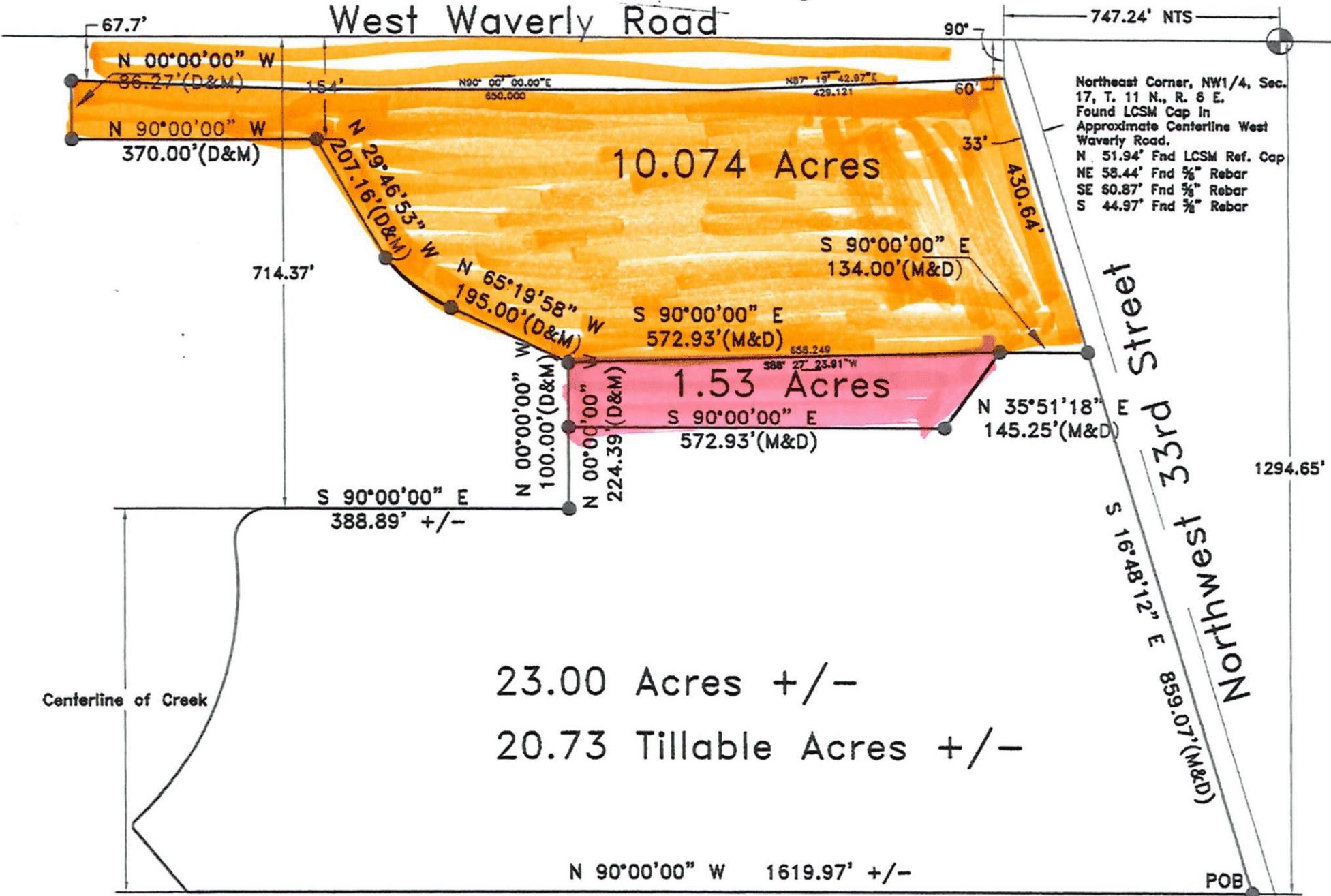
RECEIVED
NOV 21 2006
SURVEY RECORD REPOSITORY
LANCASTER County
790-324 1/2

FINE LINE LAND SURVEYING

1524 West Raymond Road
Raymond, Nebraska 68426
Phone: 402/429-5007 Fax: 402/743-5003
fsl@earthlink.net

DRAWN BY
KDB
JOB NO.
06613
SHEET:
1 of 3

2015



Northeast Corner, NW1/4, Sec. 17, T. 11 N., R. 8 E.
 Found LCSM Cap In
 Approximate Centerline West
 Waverly Road.
 N 51.94' Fnd LCSM Ref. Cap
 NE 58.44' Fnd 5/8" Rebar
 SE 60.87' Fnd 5/8" Rebar
 S 44.97' Fnd 5/8" Rebar

10.074 Acres

1.53 Acres

23.00 Acres +/-

20.73 Tillable Acres +/-

N 90°00'00" W 1619.97' +/-

POB

DENNIS C. TEGTMEIER
ATTORNEY AT LAW

SUITE 250 – THE APOTHECARY BUILDING – 140 NORTH 8TH STREET – LINCOLN, NEBRASKA 68508
402-476-1829
FAX 402-476-7499
E-MAIL tegtmeierlaw@gmail.com

March 26, 2012

Kathleen Mae Benischek
3601 West Waverly Road
Lincoln, Nebraska 68524

Re: Real Estate Purchase Agreement Between Kathleen Mae Benischek individually and as Personal Representative of the Estate of William G. Benischek, deceased, Seller, and Kurt K. Schachenmeyer and Denise L. Schachenmeyer, Husband and Wife, Buyer, of the Following Described Real Estate: A tract of land out of and a part of Lot 34 of Irregular Tracts located in the Northwest Quarter of Section 17, Township 11 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska, as more particularly described in the Real Estate Purchase Agreement:

(approximately 1.530 acres)

Dear Kathleen:

I represent Kurt and Denise Schachenmeyer. Please find 4 duplicate originals of a Real Estate Purchase Agreement signed by them and a copy of their check payable to TitleCore, LLC as earnest money deposit. My clients had me put April 24, 2015 as the closing date, but are willing to close the purchase as soon as possible.

If the Agreement meets with your approval please sign all four duplicate originals in front of a notary public, keep a copy for yourself and return 3 duplicate originals to me.

I look forward to hearing from you.

Sincerely,



Dennis C. Tegtmeier
Attorney at Law

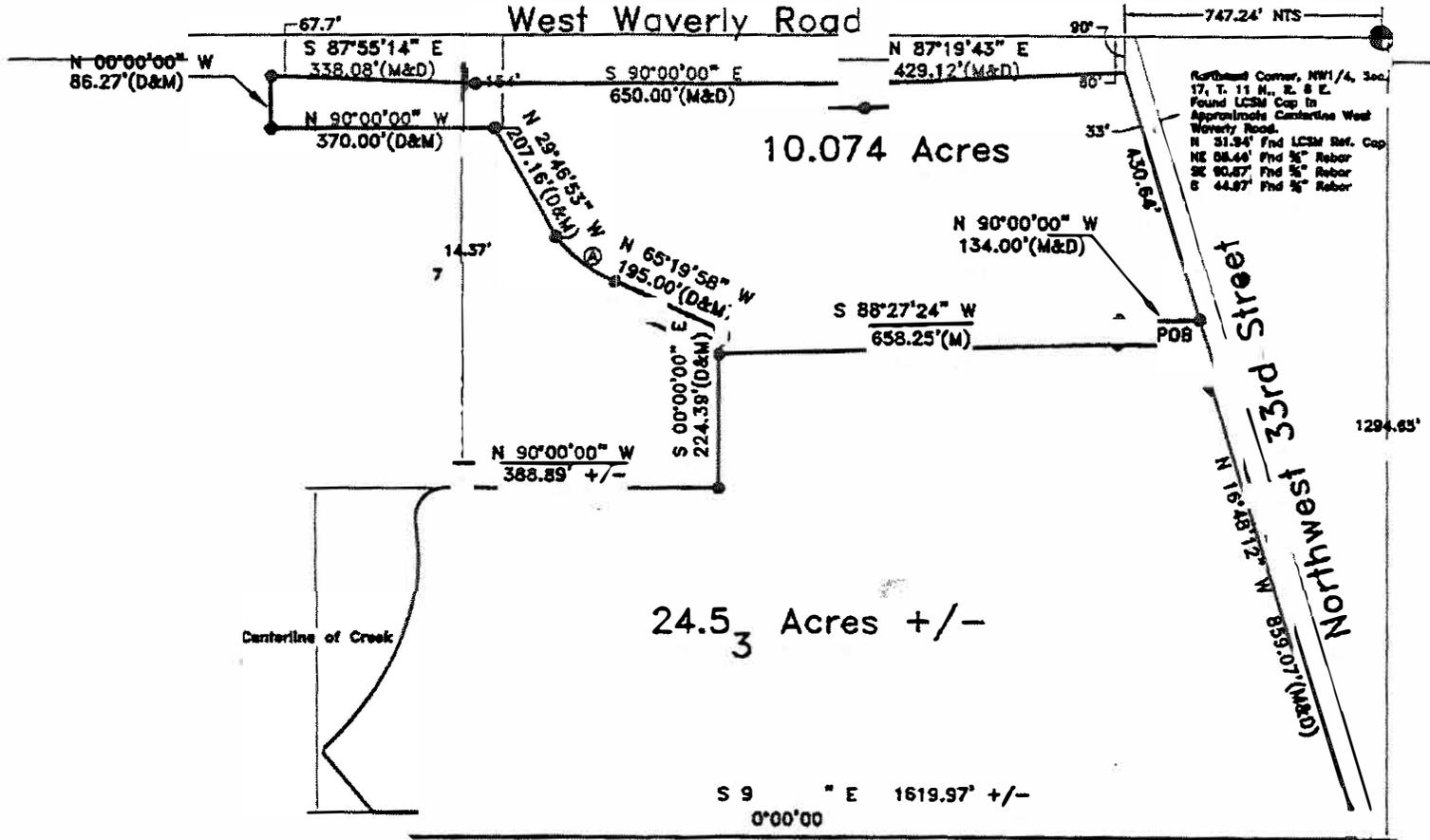
DCT

Enclosures

cc Kurt & Denise Schachenmeyer

N.T.S. = NOT TO SCALE
 SCALE: 1" = 300'

2024 Now



SURVEYOR'S CERTIFICATE
 I hereby certify that the accompanying survey was conducted by me or under my direct supervision. Points and improvements found are certified to be accurately shown on this Plat. All distances are Arc distances, unless otherwise noted. All distances are measured in feet or decimals of a foot.

Signed this 1st day of August, 2014.

By: Karen D. Brightenburg, NE. L.S. #611