CITY OF LINCOLN
NEBRASKA

Lincoln Police Department
Thomas K. Casady, Chief of Police
575 South 10th Street
Lincoln, Nebraska 68508

402-441-7204
fax: 402-441-8492

MAYOR CHRIS BEUTLER

lincoln.ne.gov

LINCOLN
The Community of Opportunity

December 12, 2007

Mayor Beutler and City Council
City of Lincoln
City County Building
Lincoln, NE

Mayor Beutler and Members of the City Council:

An investigation has been made regarding the application of Hy-Vee, 7151 Stacy Lane, holder of liquor license C-66563.

Hy-Vee is under reconstruction. They request the new license to read: One story building approximately 224 x 376.

For Council's information, the owners of the business remain the same, and background information on the owners is on file.

If this application is approved, it should be with the understanding that it conforms to all the rules and regulations of Lincoln, Lancaster County and the State of Nebraska.

THOMAS K. CASADY, Chief of Police

APPLICATION FOR ADDITION, DELETION, CHANGE OF LOCATION, RECONSTRUCTION

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov

FEE $45.00

RECEIVED
DEC 04 2007
NEBRASKA LIQUOR CONTROL COMMISSION

LICENSEE'S NAME Hy-Vee Inc.

TRADE NAME Hy-Vee #5

PREMISE ADDRESS 7151 Stacy Ln. Lane

CITY/COUNTY Lincoln NE Lancaster 68516

LICENSE NUMBER C66563 PHONE NUMBER 489 4244

jm

PLEASE CHECK ONE OF THE FOLLOWING

☒ **ADDITION** ☐ **RECONSTRUCTION** ☐ **DELETION**

☐ **CHANGE OF LOCATION (this application will not be accepted if the license is moving into another jurisdiction)**

Address From: _____

Address To: _____

1) Include a sketch of the proposed area to be licensed (8 ½ x 11 paper – no blueprints) indicate the dimensions of the area to be licensed and the direction "north" on the sketch
2) Submit a copy of your lease or deed demonstrating ownership
3) If you do not know what jurisdiction you are located in, call the city or county clerk
4) In order to clarify your changes, an attached explanation is always welcome

AFFIDAVIT

The above reference request, as filed, will comply with the rules and regulations of the Nebraska Liquor Control Act.

Scott Sentter
Signature of licensee

Subscribed in my presence and first duly sworn to before me on this 3rd **day of** December, 2007.

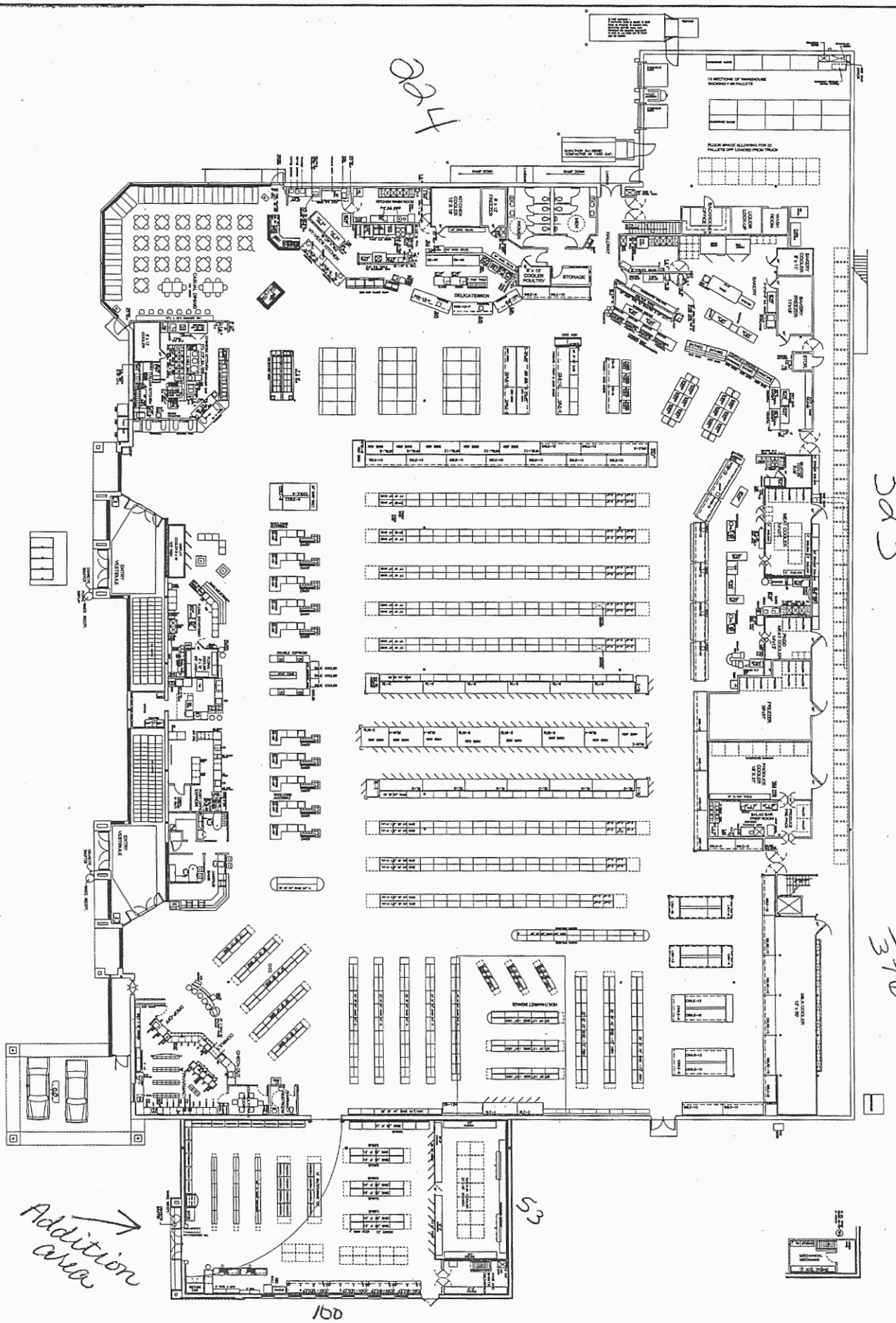
Notary Public signature and seal

MO 5727955429
45-

ANTHONY FLORES
General Notary
State of Nebraska
My Commission Expires Aug 30, 2011

FORM 35-4179

Nebraska Liquor Control Act.


324
323
323
+53
376
53
Addition area
100
NOTE:
ONLY THE PORTION OF BUILDING SHOWN INSIDE THE CLOUDED BORDER IS THE PROJECT.
FE
FIXTURE & EQUIPMENT PLAN
TRUE NORTH
LOCATION:
LINCOLN #5, NE.
HyVee
HY-VEE, INC.
5820 WESTOWN PARKWAY
WEST DES MOINES, IOWA 50266
REVISION

Lincoln 5

32.50

BLOCK

CODE LEVI

CHECKED

ENTERED

EDITED

Dan Nolte
REGISTER OF DEEDS

1998 JUL 13 A 11:30

INST. NO 98

034905

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made this 18th day of June, 1998, between SFI Ltd. Partnership 23, a Nebraska limited partnership, hereinafter referred to as "Landlord", whose address for the purpose of this lease is 10040 Regency Circle, Suite 200, Omaha, NE 68114; and Hy-Vee, Inc., an Iowa corporation, hereinafter referred to as the "Tenant", whose address for the purpose of this lease is 5820 Westown Parkway, West Des Moines, IA 50266.

1. Landlord has leased to Tenant the real property situated in Lincoln, Lancaster County, Nebraska, more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof, together with the building on or to be erected on the demised premises, and together with certain rights to use adjacent property more particularly described on Exhibit "B" attached hereto and by this reference made a part hereof in addition to the demised premises, for a term commencing upon completion of the supermarket building, and ending December 31 of the twentieth (20th) full calendar year thereafter, provided Tenant shall have six (6) successive options to renew and extend said lease, each option for a period of five (5) years.

2. The rentals to be paid by Tenant and all of the obligations and rights of Landlord and Tenant in respect to the above-described property are set forth in that certain lease dated March 4, 1997, executed by the parties hereto covering the above-described property. This instrument is merely a memorandum of the aforesaid lease and is subject to all of the terms and conditions thereof. In the event of any inconsistency between the terms of this instrument and said lease, the terms of said lease shall prevail as between the parties hereto.

IN WITNESS WHEREOF, the parties have executed this lease as of the day and year first above written.

LANDLORD:

SFI LTD. PARTNERSHIP 23

By Lenox Supermarket, Inc.,
general partner

By _____
Richard H. Slosburg, President

By _____
D. David Slosburg, Secretary

Richard H. Slosburg, President

TENANT:

HY-VEE, INC.

By _____
Dennis Ausenhus,
Vice President

By _____
James D. Meyer,
Assistant Secretary

STATE OF NEBRASKA)
) ss.
DOUGLAS COUNTY)

This instrument was acknowledged before me on the 18th day of June, 1998, by Richard H. Slosburg, the President of Lenox Supermarket, Inc., a Nebraska corporation, the general partner of SFI Ltd. Partnership 23, a Nebraska limited partnership, on behalf of said corporation and limited partnership.

GENERAL NOTARY-State of Nebraska
CONNIE LOPER
My Comm. Exp. May 8, 2000

_____
Connie Loper
Notary Public in and for
the State of Nebraska

STATE OF IOWA)
) ss.
POLK COUNTY)

On this 2nd day of September, 1997, before me, the undersigned, a Notary Public in and for the state of Iowa, personally appeared Dennis Ausenhus and James D. Meyer, to me personally known, who being by me duly sworn did say that they are the Vice President and Assistant Secretary, respectively, of Hy-Vee, Inc., that the seal affixed hereto is the seal of said corporation; that said instrument was signed and sealed on behalf

) ss.

of said corporation by authority of its Board of Directors; and that the said Dennis Ausenhus and James D. Meyer as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Matina D. Anderson

Notary Public in and for the
State of Iowa

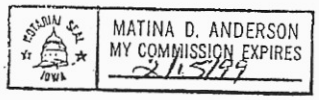


EXHIBIT "A"

All that tract of land known as Lot 2, Block 2, LENOX VILLAGE SUBDIVISION located in the Northwest Quarter (1/4) of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska more particularly described as follows: BEGINNING at a 5/8" Rebar found for the Northwest Corner of said Lot 2; THENCE: N.50°00'00"E., a distance of 272.08 feet to the Point of Curvature of a Horizontal Curve to the Right having a Central Angle of 40°00'00", a Radius of 159.32 feet, an Arc Length of 111.23 feet, and a Chord Bearing N.70°00'00"E. for 108.98 feet; THENCE: Northeasterly, along and with the Arc of said curve, a distance of 111.23 feet, to the Point of Tangency thereof; THENCE: EAST, a distance of 169.02 feet, to the Point of Curvature of a Horizontal Curve to the Left having a Central Angle of 26°16'11", a Radius of 158.00 feet, an Arc Length of 72.44, and a Chord Bearing N.76°51'54"E. for 71.81 feet; THENCE: Northeasterly, along and with the Arc of said Curve, a distance of 72.44 feet, to a Point of Tangency; THENCE: S.30°04'24"E., a distance of 445.72 feet; THENCE: S.59°55'33"W., a distance of 406.28 feet; THENCE: S.89°34'15"W., a distance of 212.62feet; THENCE: N.30°04'24"W., a distance of 418.21 feet to the POINT OF BEGINNING and containing in all 6.974 Acres of land subject to any Easements, Reservations or Restrictions of Record.

All that tract of land known as Lot 2, Block 1, LENOX VILLAGE SUBDIVISION located in the Northwest Quarter (1/4) of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska more particularly described as follows: BEGINNING at a 3/8" Rebar found on the South Right-of Way of Pioneer Blvd. being the Northernmost Northwest Corner of said Lot 2; THENCE: N.89°32'59"E., a distance of 237.82 feet, along and with the South Right-of-Way of Pioneer Blvd.; THENCE: SOUTH, a distance of 289.09 feet, to a Point of Curvature of a Horizontal Curve to the Left having a Central Angle of 40°00'00", a Radius of 225.32 feet, an Arc Length of 157.31, and a Chord Bearing S.70°00'00"W. for 154.13 feet; THENCE: Southwesterly, along and with the Arc of said Curve, a distance of 157.31 feet, to the Point of Tangency thereof; THENCE: S.50°00'00"W., a distance of 50.87 feet; THENCE: N.40°00'52"W., a distance of 119.88 feet; THENCE: N.00°28'52"W., a distance of 258.00 feet; THENCE: N.54°15'04"E., a distance of 31.98 feet to the POINT OF BEGINNING and containing in all 1.905 Acres of land subject to any Easements, Reservations or Restrictions of Record.

EXHIBIT "B"

A Tract of land being all of Lots 1, 2, and 3, Block 1 and Lots 1 and 2, Block 2, Lenox Village Subdivision located in the Northwest Quarter (1/4) of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska more particularly described as follows: BEGINNING at a Chiseled "V" found for the Northwest Corner of the aforementioned Lot 1, Block 1, Lenox Village Subdivision; THENCE: N.89°59'46"E., a distance of 266.37 feet, to a 3/8" Rebar; THENCE: N.00°28'52"W., a distance of 258.00 feet, to a 1/2" Pipe; THENCE: N.54°15'04"E., a distance of 31.98 feet, to a 3/8" Rebar on the South Right-of-Way of Pioneer Blvd.; THENCE: N.88°32'59"E., a distance of 248.41 feet, along and with the South Right-of-Way of Pioneer Blvd.; THENCE: EAST, a distance of 282.54 feet, continuing along and with the South Right-of-Way of Pioneer Blvd.; THENCE: S.00°04'24"E., a distance of 197.20 feet, to the Point of Curvature of a Horizontal Curve to the Right having a Central Angle of 64°48'35", a Radius of 125.00 feet, an Arc Length of 141.39 feet and a Chord Bearing S.32°19'53"W. for 133.98 feet; THENCE: Southwesterly, along and with the Arc of said Curve, a distance of 141.39 feet, to a Point of Tangency; THENCE: S.30°04'24"E., a distance of 478.82 feet; THENCE: S.59°55'33"W., a distance of 406.28 feet; THENCE: S.89°34'15"W., a distance of 656.30 feet, to a 1" Pipe on the East Right-of-Way of South 70th Street; THENCE: N.01°04'29"E., a distance of 299.19 feet, along and with the East Right-of-Way of South 70th Street, to a 1" Pipe being the Point of Curvature of a Horizontal Curve to the Right having a Central Angle of 51°54'11", a Radius of 33.00 feet, an Arc Length of 29.89 feet, and a Chord Bearing N.27°05'53"E. for 28.88 feet; THENCE: Northwesterly, along and with the Arc of said Curve, a distance of 29.89 feet, continuing along and with the East Right-of-Way of South 70th Street, to a Point of Tangency being 1" Pipe; THENCE: N.89°59'28"E., a distance of 41.04 feet, continuing along and with the East Right-of-Way of South 70th Street, to a 1" Pipe; THENCE: N.01°17'39"E., a distance of 60.02 feet, continuing along and with the East Right-of-Way of South 70th Street, to a 1" Pipe; THENCE: S.89°52'56"W., a distance of 21.52 feet, continuing along and with the East Right-of-Way of South 70th Street, to a 1" Pipe; THENCE: N.46°56'37"W., a distance of 38.47 feet, continuing along and with the East Right-of-Way of South 70th Street, to a 3/4" Pipe; THENCE: N.01°37'13"E., a distance of 239.31 feet, to the POINT OF BEGINNING and containing in all 16.227 Acres of land subject to any Easements, Reservations or Restrictions of Record.

Reese's file

STATE OF NEBRASKA

LIQUOR LICENSE

GRANTED UNDER PROVISIONS OF NEBRASKA LIQUOR CONTROL ACT

66563

CLASS C - ALCOHOLIC LIQ ON/OFF SALE

LICENSEE	PREMISE
HYVEE, INC	HYVEE #5
5820 WESTOWN PARKWAY	7151 STACY LANE LANCASTER
	MAIL TO CORP
WEST DES MOINES IA 50266	LINCOLN NE 68516

RECEIVED
MAR 07 2005
BY:

LEGAL DESCRIPTION:
ENTIRE BLDG APPROX 323' X 224'

RESTRICTIONS:
1)ON PREMISE CONSUMPTION OF ALCOHOL SHALL BE LIMITED TO SAMPLINGS OF TWO OUNCES OR LESS OF ANY ALCOHOLIC BEVERAGE

WHEREAS, THE ABOVE HAS ON FILE WITH THE LIQUOR COMMISSION AN APPLICATION AND BOND AS REQUIRED BY LAW WHICH HAS BEEN DULY APPROVED, AND HAS PAID ALL FEES REQUIRED BY LAW, AS PROVIDED IN THE NEBRASKA LIQUOR CONTROL ACT.

LICENSE PERIOD: 02/22/2005 - 10/31/2005

UNLESS SOONER REVOKED, SUBJECT TO THE PROVISIONS OF SAID ACT AND SUCH RULES AND REGULATIONS AS MAY HAVE BEEN OR MAY HEREAFTER BE PROMULGATED OR ADOPTED.

Attest

NEBRASKA LIQUOR CONTROL COMMISSION

Executive Director

Chairman

Form 35-4100 Rev.1/04