

Change of Zone 3134B

WILLOW SPRINGS
AMENDMENT NO. 2 TO THE
DEVELOPMENT PLAN AGREEMENT

This Amendment No. 2 to the Development Plan and Agreement is hereby certified and agreed to this ____ day of _____, 2001 by and between JUDY FRICKE, Trustee of the "Judy Fricke Revocable Living Trust" successor in interest to DONALD FRICKE; CHRISTIAN RETIREMENT HOMES, INC. d/b/a Eastmont Towers; hereinafter collectively referred to as "Developer", and the CITY OF LINCOLN, NEBRASKA, a municipal corporation, hereinafter referred to as "City".

WHEREAS, Ordinance No. 17399 approved the Willow Springs Planned Unit Development and Development Plan and Agreement for 50 dwelling units, three office/medical buildings with a total floor area of 17,325 square feet, a waiver to the private roadway design standards to permit a 100 foot centerline radius and tangent length between curves in Weeping Willow Lane, and a waiver to storm sewer design standards to not require storm water ditch liners; and

WHEREAS, Ordinance No. 17574 approved Amendment No. 1 to the Willow Springs Development Plan and Agreement to reduce the side yard from 10 feet to 5 feet in the area zoned R-1 on property generally located at 78th Street and Pioneers Blvd.; and

WHEREAS, the Developer has petitioned the City for an amendment to the Willow Springs Planned Unit Development to add a six bed health care facility on Lots 7, 8, and 9, Block 4, Willow Springs Addition; and

WHEREAS, the Development Plan and Agreement, approved by Ordinance No. 17399, provides that the Development Plan and Agreement should not be amended or modified except with the written consent of the parties thereto or their successors and assigns; and

WHEREAS, the City is agreeable to Developer's request for a six bed health care facility on Lots 7, 8, and 9, Block 4, Willow Springs Addition.

NOW, THEREFORE, the Developer and the City mutually agree that paragraph 1 of the Development Plan and Agreement for the Willow Springs Planned Unit Development be amended to read as follows:

1. This Development Plan approves 50 dwelling units, three office/medical buildings with a total floor area of 17,325 square feet and a six bed (6,360 square foot) health care facility. The Developer agrees that the Development Plans for Willow Springs PUD including the site plan and preliminary plat and all other approved associated plans, which are attached hereto and referred to as Exhibit "A" shall be strictly adhered to and the Developer will develop the Planned Unit Development known as Willow Springs in accordance with said Development Plans.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 as of the day and year first written above.

Witness

Judy Fricke, Trustee of the
Judy Fricke Revocable Living Trust

CHRISTIAN RETIREMENT HOMES, INC.,

Witness

By: _____
President

ATTEST:

CITY OF LINCOLN, NEBRASKA,
a municipal corporation,

City Clerk

Don Wesely, Mayor

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2001, by Judy Fricke, Trustee of the Judy Fricke Revocable Living Trust.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2001, by _____, president of Christian Retirement Homes, Inc., a Nebraska corporation, on behalf of the corporation.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2001, by Don Wesely, Mayor of the City of Lincoln, Nebraska, a municipal corporation.

Notary Public