

FACTSHEET

TITLE: ANNEXATION NO. 05019, requested by NEBCO, Inc., to annex approximately 41.7 acres, more or less, generally located at Hwy 34 and Fallbrook Blvd.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/01/06
Administrative Action: 03/01/06

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUESTS: Change of Zone No. 05085, Fallbrook Planned Unit Development (06-31)

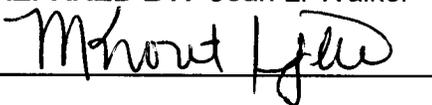
RECOMMENDATION: Approval (6-0: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson voting 'yes'; Strand and Larson absent).

FINDINGS OF FACT:

1. This proposed annexation was heard in conjunction with the associated Fallbrook Planned Unit Development.
2. The staff recommendation to approve the annexation request is based upon the "*Analysis*" as set forth on p.4-5, concluding that the proposed annexation is within the future service limit line and is within Priority A of Tier One. All utilities are available to serve the area of annexation. The proposed annexation is in conformance with the Comprehensive Plan.
3. The applicant's testimony is found on p.6 and 8. He indicated that his company understood the City was facing a shortage of road funds, and when the time comes for Alvo Road to be paved, his company will work with the City on a strategy that acknowledges this difficulty (the annexation agreement governing this property sets up a formula for the developer and City to share the cost of constructing Alvo to four lanes).
4. Testimony by Peter Katt on behalf of Prairie Homes, the developer of Highland View immediately to the west of this proposal, is found on p.6. He was not testifying in opposition but wanted to express the concern for access to the Highland View subdivision. The developer of Fallbrook stated that they would continue to work with Mr. Katt and his client.
5. There was no testimony in opposition.
6. On March 1, 2006, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval (Larson and Strand absent).
7. On March 1, 2006, the Planning Commission also voted 6-0 to recommend conditional approval of the associated Fallbrook Planned Unit Development.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 7, 2006

REVIEWED BY: 

DATE: March 7, 2006

REFERENCE NUMBER: FS\CC\2006\ANNEX.05019+

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for MARCH 1, 2006 PLANNING COMMISSION MEETING

PROJECT #: Annexation #05019
Change of Zone No.05085 Planned Unit Development

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: To annex approximately 41.7 acres. To combine the existing Fallbrook Use Permit, Special Permit and Preliminary Plat into a Planned Unit Development (PUD) for 1,767 dwelling units and 680,000 square feet of commercial. Change the zoning from AG, R-3, B-2, O-3 to R-3 PUD, B-2 PUD, and O-3 PUD.

LOCATION: Highway 34 and Fallbrook Blvd.

LAND AREA: Annexation #05109- Approximately 41.7 acres
Change of Zone #05085- Approximately 378 acres

CONCLUSION: The proposed annexation is within the future service limit line and is within Priority A of Tier One. All utilities are available to serve the area of annexation. This proposal is to combine an existing use permit, community unit plan and preliminary plat into a Planned Unit Development. A large portion of the area has been final platted and built. The proposed PUD will allow for greater flexibility in the future and will make amendments easier. The annexation and PUD are in conformance with the Comprehensive Plan and Zoning Ordinance.

RECOMMENDATION:

Annexation

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING ZONING: R-3, Residential; O-3, Office Park; B-2, Planned Neighborhood Business

EXISTING LAND USE: Residential and commercial

SURROUNDING LAND USE AND ZONING:

North:	AG, Agriculture	Undeveloped
South:	R-3 & R-5 Residential	Single family and multi-family south of U.S. Highway 34
East:	AG, Agriculture	Acreage development

West: AG, Agriculture Undeveloped, Highland View preliminary plat for single family residential

HISTORY:

November 14, 2004 Use Permit #124A to waive internal side yard setbacks in the O-3 District was approved by City Council.

August 19, 2002 Special Permit #1808B to expand the boundary of the Community Unit Plan was approved by City Council.

June 25, 2001 Special Permit #1808A to amend the CUP was approved by City Council.

January 24, 2000 Use Permit #124, Special Permit #1808 Community Unit Plan and Preliminary Plat #99023 for Fallbrook was approved by the City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

Lincoln's future urban growth should generally occur in multiple directions around the existing city. Lincoln will continue to have managed and contiguous growth. (F-17)

Maximize the community's present infrastructure by encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods. (F-17)

Streams, trees, open space and other environmentally sensitive features should be preserved within new development as design standards allow. (F-18)

Many activities of daily living should occur within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F-18)

The Land Use plan designates this site as urban residential and commercial. The area of annexation is within the future service limit. (F-23)

Future Service Limit: The land use plan also displays the future service limit for the City of Lincoln. Land inside this line represents the anticipated area to be provided with urban services within the planning period. (F-28)

Urban Growth Tiers- The area for annexation is shown in Tier One Priority A. (F-31)

Commerce Centers are defined as areas containing a mix of retail, office, services and residential uses, with some light manufacturing and warehousing in selected circumstances. Commerce Centers have been divided into three separate size categories. The three categories of Commerce Center are: Regional Centers, Community Centers and Neighborhood Centers. Fallbrook is identified as a Community Center. (F-40, 41)

Typically, new Community Centers will range from 300,000 to 500,000 square feet. Community centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and other mixed-use activities. (F-45)

Guiding principles for new neighborhoods include the following principles:

1. Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area;

2. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
3. Parks and open space within walking distance of all residences;
4. Multi-family and elderly housing nearest to commercial area;
5. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads;
6. Public uses (elementary schools, churches) as centers of neighborhood-shared facilities (city parks & school sites). (F-67)

UTILITIES: All utilities are available to serve this development.

TRAFFIC ANALYSIS:

Alvo Rd. and NW 12th St. are designated minor arterial in the 2025 Comprehensive Plan. N.W. 12th St. has not been constructed south of Alvo Rd. The 2025 Comprehensive Plan, under proposed projects, identifies N.W. 12th St. as 4 lanes plus turn lanes from Highlands Blvd. to Alvo Rd. and Alvo Rd. as 4 lanes plus turn lanes from N.W. 12th St. to Arbor Rd. NW 12th St. is not proposed to be constructed with this application.

N. 1st St. is designated a principal arterial in the 2025 Comprehensive Plan. The 2025 Comprehensive Plan, under proposed projects, identifies N. 1st St. as 4 lanes plus turn lanes from US-34 to Alvo Rd.

These projects are not listed in the City’s 2005-2011 Capital Improvement Program.

PUBLIC SERVICE:

The nearest fire station is Station 14 located at 5435 NW 1st St. The nearest elementary school is Fredstrom located at N.W. 10th St. and W. Harvest Dr. There is a proposed middle school within this development.

ANALYSIS:

1. This request is to annex approximately 41.7 acres and for a change of zone from AG, R-3, O-3 and B-2 to a Planned Unit Development (PUD) for 1,767 residential units and 680,000 square feet of commercial space. The PUD will allow for greater flexibility in the overall development and require less amendments in the future.
2. The commercial area was previously approved for 680,000 square feet; 500,000 square feet office and 180,000 square feet retail. The proposed PUD does not change the allocated square footage. The 180,000 square feet of retail is shown within the Village Center.
3. The PUD allows a density of 1,767 dwelling units. The dwelling units are comprised of the following:

Single family/attached single family	696 du
Village Center lofts	60 du
Village Center Row-house	50 du
Multi-family	557 du
Unassigned	404 du
4. A substantial portion of the Fallbrook development has been final platted into buildable lots. (See attached site plan and aerial) The proposed site plan does not change the layout of areas that have a final plat.

5. The area of annexation is within the future service limit and is contiguous to the city limits. The uses designated within the annexation area are multi-family, school/recreation and the extension of Alvo Rd. to NW 12th St.
6. The area of annexation is designated as Tier 1, Priority "A" in the 2025 Comprehensive Plan. The Comprehensive Plan identifies Priority "A" of Tier 1 as areas designated for near term development generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the Plan.
7. The proposed uses for the annexation area are compatible with the adjacent land uses and in conformance with the 2025 Comprehensive Plan.
8. This PUD will allow angle parking on Fallbrook Blvd. between the two round-a-bouts; NW 6th St south of Blue Sage Blvd. and on NW 7th St. south of Blue Sage Blvd. The portion of the streets that allow angled parking will be vacated and changed to private streets. An application for the street vacation has been submitted and is scheduled for Public hearing at Planning Commission on March 15, 2006.
9. A portion of the PUD is designated Village Center. This area is proposed to be a mix of retail, dwellings above the first floor of a building containing another permitted use retail townhouses. The Village Center utilizes New Urbanism concepts such as, buildings located closer to the street with parking in the rear, smaller lots and mixed uses.
10. The proposed waivers are the same waivers that were previously granted through the Use Permit, Special Permit and Preliminary Plat.

Prepared by:

Tom Cajka
Planner

DATE: February 15, 2006

APPLICANT: Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

OWNER: NEBCO, Inc.
1815 Y St.
Lincoln, NE 68508
(402) 434-1212

CONTACT: Scott Osterhaus
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 458-5630

**ANNEXATION NO. 05019 and
CHANGE OF ZONE NO. 05085,
FALLBROOK PLANNED UNIT DEVELOPMENT**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 1, 2006\

Members present: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson; Strand and Larson absent.

Staff recommendation: Approval of the annexation and conditional approval of the planned unit development.

Ex Pate Communications: None.

These applications were removed from the Consent Agenda and had separate public hearing at the request of Peter Katt.

Proponents

1. Tim Mettenbrink, 1815 Y Street, Vice-President of Real Estate for **Nebco**, the developer of Fallbrook, presented the applications. He chose to defer his presentation until there are questions. This is a complicated application. It is one which they have worked with both Planning and Public Works staff for about the last nine months. It is a culmination of those conversations. Nebco is happy with the staff comments. Everyone has worked hard on this project and he thanked the staff.

2. Peter Katt appeared on behalf of **Prairie Homes**. He stated that he did not pull this item from the consent agenda to express opposition. Less than a year ago, Prairie Homes brought forward a project immediately west of this proposal called Highland View. Prairie Homes has had discussions with the Nebco interests from time to time during the period while they were working on Highland View, but they have not been involved recently in the discussions on the final package and the approval of this proposal which was released last Thursday. Prairie Homes has not had an opportunity to fully review this proposal; however, Katt is sure it is very complicated and very detailed and very well worked out with staff.

The issue and concern is that access to the Highland View properties and that development has always been problematic. The concern is that the only connection point that this proposal brings forward (and there is a section of the property that is excluded from the PUD) would connect to the two access points on NW 12th that would join the developments. That is the planning question – what is the plan? What is the timeline for other connections that will allow Highland View to be incorporated into the fabric of the City of Lincoln? Katt did not have any specific amendments because he has not had the opportunity to review all of the information and why the applicant is excluding part of the property they own now. He just wanted to let people know that there is that issue out there.

Esseks asked Katt to explain his major concern – do you need a connection to N.W. 12th? Katt recalled the challenges on access that Highland View had. It was finally resolved. The City

Council granted a full movement interchange on Hwy 34, which must also be approved by the Nebraska Department of Roads. The Nebraska Department of Roads is not in agreement with the City's recommendation and it is uncertain at this point what will happen with that particular access to the Highland View subdivision. In order for the Highland View development to move forward (which is in Tier I, Priority A), access and connection to the existing city street paved road network is important. This project gets us part way there. He does not know the timeline for the paving of Alvo, which will be covered in the annexation agreement. He is in the process of getting that information put together, but it would be helpful to Highland View to have connection points other than the one at N.W. 12th and Alvo.

Esseks inquired whether Katt is requesting a delay on the Fallbrook PUD. Katt stated that he does not think it should be delayed. He believes there will be adequate opportunity for public involvement and comment as this proposal moves forward to the City Council. The last thing he wants to do after they have spent nine months of effort on this, is to delay their process. They have important work to do. We need to get access in that area. If there is any way, it is important to improve additional access for Highland View, but he does not want to jeopardize the Fallbrook project.

Sunderman referred to the map and asked what access Katt was talking about, and whether there is other access that is not shown on the map. Katt pointed out the current Highland View access points at the map, consistent with the future city stub requirements stubbing into adjoining property. The difference is that part of the property owned by Nebco is not technically part of this PUD. Therefore, they are not required to show the connection points. The Highland View plat did not provide for any direct connections because there is an arterial street 1/4 mile to the west. That would be a later phase, so the access point would be south on N.W. 12th in order to access to Alvo Road. N.W. 12th is an existing right-of-way from a county right-of-way standard. The right-of-way on the east side has not been dedicated. There is a partial right-of-way in existence there.

There was no testimony in opposition.

Staff questions

Carlson inquired about potential connections other than N.W. 12th and Alvo Road. Tom Cajka of Planning staff agreed that Highland View to the west was approved with access to Hwy 34 and they ran into problems with the state. Highland View was approved to allow the final platting of 115 lots with one access onto Hwy 34. Future access points were going to be to Alvo Road and some other stub streets to the east into Fallbrook. The other option was that they could use Alvo Road and go to the west to N.W. 27th and back to Hwy 34, but that would require them to pave those streets. The Fallbrook PUD does not include that area west that abuts Highland View except for Alvo Road that is shown in the PUD. He does not believe that area was ever shown in any previously approved plat. Fallbrook currently has a preliminary plat, community unit plan and use permit. This proposed PUD rolls those three separate permits into one PUD.

Esseks inquired whether there is anything that can be done to serve the interests of both developments. Cajka explained that we cannot require that the west portion of the Fallbrook property be included in the PUD.

Response by the Applicant

Mettenbrink further testified that what they are trying to accomplish out in Fallbrook is something that is different and unique, and in many ways is special in this community. They are doing things that a lot of people would not do and cannot do. They are trying to do something that is better; that is a signature piece for this community for the next century.

Nebco has met with Mr. Katt and his client at least three times. Nebco agreed with Prairie Homes quite some time ago that Nebco would do exactly what is being requested in this proposal, which is to annex Alvo Road over to N.W. 12th Street so that we can get Alvo built. Nebco is trying to get the perimeters of its development put in place. It is time to branch out to the north and the west. Nebco is agreeing to annex that property and to start design and engineering those improvements. Nebco has committed to LPS and the YMCA that before that school is completed in Fallbrook in the fall of 2009, Alvo Road will be completed, Tallgrass Parkway will be completed and Stonebrook Parkway will be completed, at significant expense to Nebco. The previous annexation agreement calls for payback from the city on a shared basis. Those funds are no longer in the CIP and Nebco understands that. They have agreed with the City to move ahead and do what is required and what is necessary for this community to continue to grow.

Mettenbrink then addressed Prairie Homes and Highland View. In their meetings, they did discuss additional access points along N.W. 12th Street, but unfortunately, with the plan that Nebco has right now and some of the conversations that are underway with some major developments over on that side, Nebco is not prepared to plat that piece yet. They are not exactly sure where the boundaries of a particular development might end up. Nebco has said that they are willing to live with the consequences of "you being ahead of us – you go ahead and plat your side – you fix the access points on N.W. 12th Street, and we'll work to those." Nebco believes it has given up quite a bit. Nebco did not put any restrictions on Prairie Homes about where those access points might be shared on N.W. 12th Street. Nebco has also agreed that if Prairie Homes ended up at their trigger point of having two accesses from their development, Nebco would work with them to get Alvo done, even if Nebco isn't ready yet. Nebco has made this commitment to Prairie Homes. Nebco typically does what it says it is going to do.

ANNEXATION NO. 05019

ACTION BY PLANNING COMMISSION:

March 1, 2006

Carroll moved approval, seconded by Sunderman and carried 6-0: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson voting 'yes'; Strand and Larson absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 05085

FALLBROOK PLANNED UNIT DEVELOPMENT.

ACTION BY PLANNING COMMISSION:

March 1, 2006

Carroll moved approval of the staff recommendation of conditional approval, second by Sunderman and carried 6-0: Krieser, Carroll, Sunderman, Esseks, Taylor and Carlson voting 'yes'; Strand and Larson absent. This is a recommendation to the City Council.



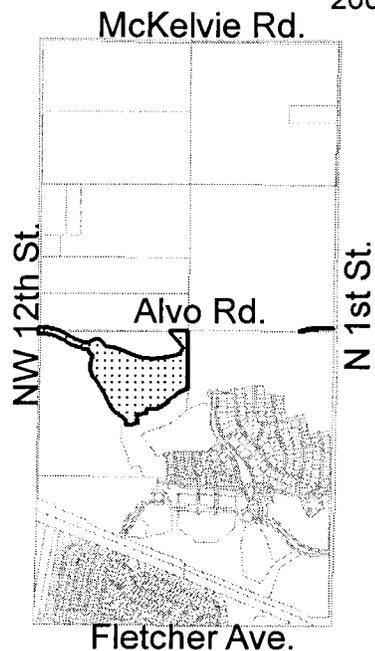
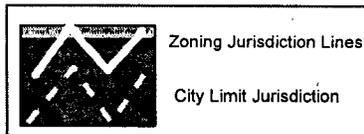
**Annexation #05019
Fallbrook
NW 8th St. & Alvo Rd.**

2005 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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

Two Square Miles
Sec. 27 T11N R6E
Sec. 34 T11N R6E



**LEGAL DESCRIPTION
ANNEXATION**

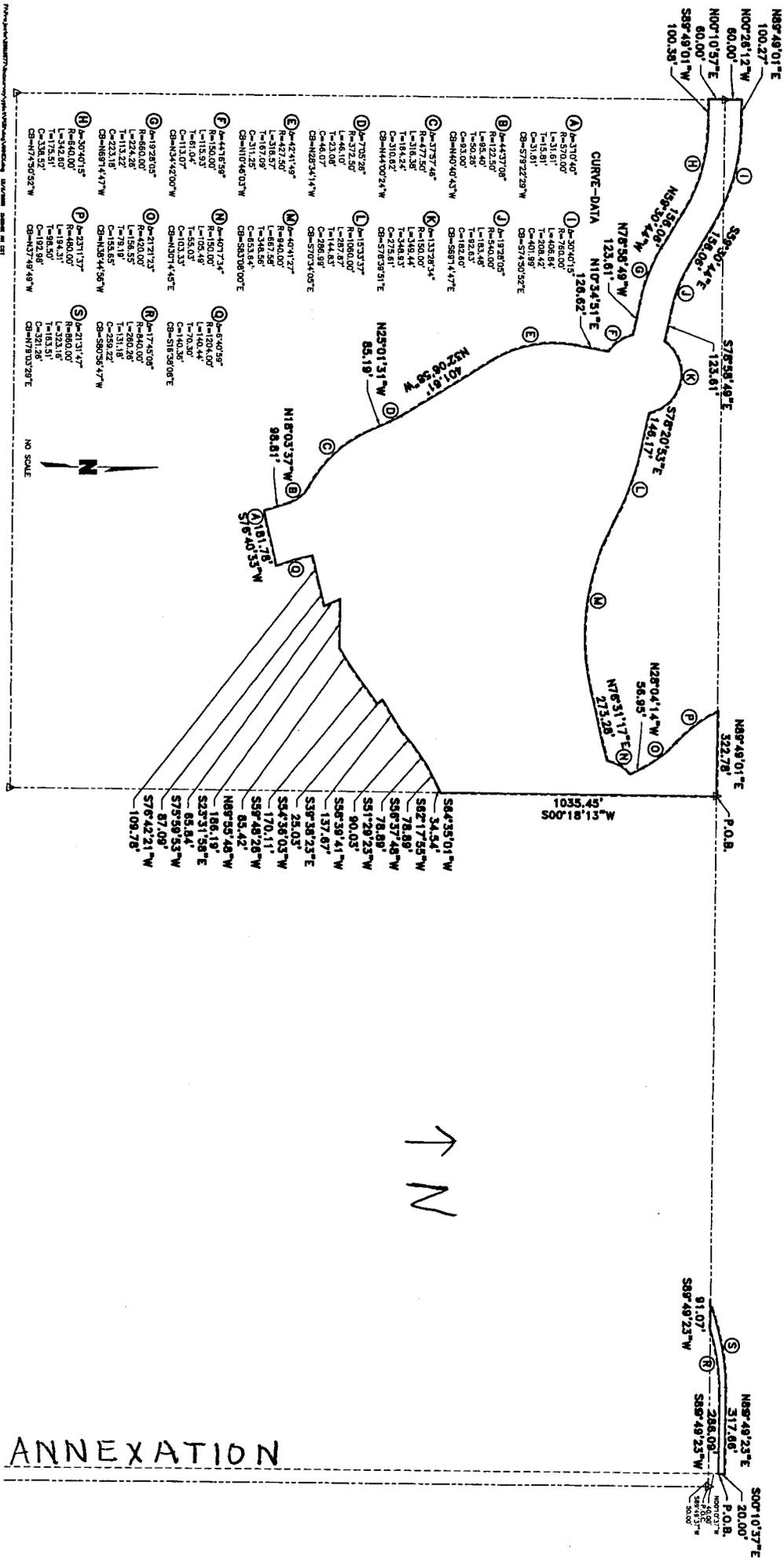
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 11 I.T., LOCATED IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 11 NORTH, RANGE 6 EAST, AND A PORTION OF LOT 9 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 11 NORTH, RANGE 6 EAST, ALL OF THE 6TH P.M., LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 11 I.T., SAID POINT BEING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 34, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 11 I.T., SAID LINE BEING AN EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34 ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 18 MINUTES 13 SECONDS WEST, A DISTANCE OF 1,035.45 FEET TO A EAST CORNER OF SAID LOT 11 I.T., THENCE SOUTH 64 DEGREES 35 MINUTES 01 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 34.54 FEET TO A POINT, THENCE SOUTH 62 DEGREES 17 MINUTES 55 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 78.89 FEET TO A POINT, THENCE SOUTH 56 DEGREES 37 MINUTES 48 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 78.89 FEET TO A POINT, THENCE SOUTH 51 DEGREES 29 MINUTES 23 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 90.03 FEET TO A POINT, THENCE SOUTH 58 DEGREES 39 MINUTES 41 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 137.67 FEET TO A POINT, THENCE SOUTH 39 DEGREES 38 MINUTES 23 SECONDS EAST ALONG A EAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 25.03 FEET TO A POINT, THENCE SOUTH 54 DEGREES 36 MINUTES 03 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 170.11 FEET TO A POINT, THENCE SOUTH 59 DEGREES 48 MINUTES 26 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 85.42 FEET TO A POINT, THENCE NORTH 89 DEGREES 55 MINUTES 48 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 11 I.T., A DISTANCE OF 186.19 FEET TO A POINT, THENCE SOUTH 23 DEGREES 31 MINUTES 58 SECONDS EAST ALONG A EAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 65.84 FEET TO A POINT, THENCE SOUTH 75 DEGREES 59 MINUTES 53 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 87.09 FEET TO A POINT, THENCE SOUTH 76 DEGREES 42 MINUTES 21 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 11 I.T., A DISTANCE OF 109.78 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 06 DEGREES 40 MINUTES 59 SECONDS, A RADIUS OF 1,204.00 FEET, A ARC LENGTH OF 140.44 FEET, A CHORD BEARING OF SOUTH 16 DEGREES 38 MINUTES 08 SECONDS EAST ALONG A EAST LINE OF SAID LOT 11 I.T., AND A CHORD DISTANCE OF 140.36 FEET TO A POINT, THENCE SOUTH 76 DEGREES 40 MINUTES 33 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 11 I.T., A DISTANCE OF 181.78 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 03 DEGREES 10 MINUTES 40 SECONDS, A RADIUS OF 570.00 FEET, A ARC LENGTH OF 31.61 FEET, A CHORD BEARING OF SOUTH 79 DEGREES 22 MINUTES 29 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 11 I.T., AND A CHORD DISTANCE OF 31.61 FEET TO A POINT, THENCE NORTH 18 DEGREES 03 MINUTES 37 SECONDS WEST, A DISTANCE OF 98.81 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 44 DEGREES 37 MINUTES 08 SECONDS, A RADIUS OF 122.50 FEET, A ARC LENGTH OF 95.40 FEET, A CHORD BEARING OF NORTH 40 DEGREES 40 MINUTES 43 SECONDS WEST, AND A CHORD DISTANCE OF 93.00 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 37 DEGREES 57 MINUTES 46 SECONDS, A RADIUS OF 477.50 FEET, A ARC LENGTH OF 316.38 FEET, A CHORD BEARING OF NORTH 44 DEGREES 00 MINUTES 24 SECONDS WEST, AND A CHORD DISTANCE OF 310.62 FEET TO A POINT, THENCE NORTH 25 DEGREES 01 MINUTES 31 SECONDS WEST, A DISTANCE OF 85.19 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 07 DEGREES 05 MINUTES 26 SECONDS, A RADIUS OF 372.50 FEET, A ARC LENGTH OF 46.10 FEET, A CHORD BEARING OF NORTH 28 DEGREES 34 MINUTES 14 SECONDS WEST, AND A CHORD DISTANCE OF 46.07 FEET TO A POINT, THENCE NORTH 32 DEGREES 06 MINUTES 58 SECONDS WEST, A DISTANCE OF 401.61 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 42 DEGREES 41 MINUTES 49 SECONDS, A RADIUS OF 427.50 FEET, A ARC LENGTH OF 318.57 FEET, A CHORD BEARING OF NORTH 10 DEGREES 46 MINUTES 03 SECONDS WEST, AND A CHORD DISTANCE OF 311.25 FEET TO A POINT, THENCE NORTH 10 DEGREES 34 MINUTES 51 SECONDS EAST, A DISTANCE OF 126.62 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 44 DEGREES 16 MINUTES 59 SECONDS, A RADIUS OF 150.00 FEET, A ARC LENGTH OF 115.93 FEET, A CHORD BEARING OF NORTH 34 DEGREES 42 MINUTES 00 SECONDS WEST, AND A CHORD DISTANCE OF 113.07 FEET TO A POINT, THENCE NORTH 78 DEGREES 58 MINUTES 49 SECONDS WEST, A DISTANCE OF 123.61 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 19 DEGREES 28 MINUTES 05 SECONDS, A RADIUS OF 660.00 FEET, A ARC LENGTH OF 224.26 FEET, A CHORD BEARING OF NORTH 69 DEGREES 14 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 223.18 FEET TO A POINT, THENCE NORTH 59 DEGREES 30 MINUTES 44 SECONDS WEST, A DISTANCE OF 156.06 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 30 DEGREES 40 MINUTES 15 SECONDS, A RADIUS OF 640.00 FEET, A ARC LENGTH OF 342.60 FEET, A CHORD BEARING OF NORTH 74 DEGREES 50 MINUTES 52 SECONDS WEST, AND A CHORD DISTANCE OF 338.52 FEET TO A POINT, THENCE SOUTH 89 DEGREES 49 MINUTES 01 SECONDS WEST ALONG A LINE 60.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 11 I.T., SAID LINE BEING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 100.38 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID LOT 11 I.T., THENCE NORTH 00 DEGREES 10 MINUTES 57 SECONDS EAST ALONG A WEST LINE OF SAID LOT 11 I.T., SAID LINE BEING THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 60.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 11 I.T., SAID POINT BEING THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE NORTH 00 DEGREES 26 MINUTES 12 SECONDS WEST ALONG THE WEST LINE OF LOT 9 I.T., SAID LINE BEING THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 27, A DISTANCE OF 60.00 FEET TO A POINT, THENCE NORTH 89 DEGREES 49 MINUTES 01 SECONDS EAST ALONG A LINE 60.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 9 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 100.27 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 30 DEGREES 40 MINUTES 15 SECONDS, A RADIUS OF 760.00 FEET, A ARC LENGTH OF 406.84 FEET, A CHORD BEARING OF SOUTH 74 DEGREES 50 MINUTES 52 SECONDS EAST, AND A CHORD DISTANCE OF 401.99 FEET TO A POINT, THENCE SOUTH 59 DEGREES 30 MINUTES 44 SECONDS EAST, A DISTANCE OF 156.06 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 19 DEGREES 28 MINUTES 05 SECONDS, A RADIUS OF 540.00 FEET, A ARC LENGTH OF 183.48 FEET, A CHORD BEARING OF SOUTH 69 DEGREES 14 MINUTES 47 SECONDS EAST, AND A CHORD DISTANCE OF 182.60 FEET TO A POINT, THENCE SOUTH 78 DEGREES 58 MINUTES 49 SECONDS EAST, A DISTANCE OF 123.61 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 133 DEGREES 28 MINUTES 34 SECONDS, A RADIUS OF 150.00 FEET, A ARC LENGTH OF 349.44 FEET, A CHORD BEARING OF SOUTH 78 DEGREES 39 MINUTES 51 SECONDS EAST, AND A CHORD DISTANCE OF 275.61 FEET TO A POINT, THENCE SOUTH 78 DEGREES 20 MINUTES 53 SECONDS EAST, A DISTANCE OF 146.17 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 15 DEGREES 33 MINUTES 37 SECONDS, A RADIUS OF 1,060.00 FEET, A ARC LENGTH OF 287.87 FEET, A CHORD BEARING OF SOUTH 70 DEGREES 34 MINUTES 05 SECONDS EAST, AND A CHORD DISTANCE OF 286.99 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 40 DEGREES 41 MINUTES 27 SECONDS, A RADIUS OF 940.00 FEET, A ARC LENGTH OF 667.58 FEET, A CHORD BEARING OF SOUTH 83 DEGREES 08 MINUTES 00 SECONDS EAST, AND A CHORD DISTANCE OF 653.64 FEET TO A POINT, THENCE NORTH 76 DEGREES 31 MINUTES 17 SECONDS EAST, A DISTANCE OF 273.28 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 40 DEGREES 17 MINUTES 34 SECONDS, A RADIUS OF 150.00 FEET, A ARC LENGTH OF 105.49 FEET, A CHORD BEARING OF NORTH 30 DEGREES 14 MINUTES 45 SECONDS EAST, AND A CHORD DISTANCE OF 103.33 FEET TO A POINT, THENCE NORTH 28 DEGREES 04 MINUTES 14 SECONDS WEST, A DISTANCE OF 56.95 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 21 DEGREES 21 MINUTES 23 SECONDS, A RADIUS OF 420.00 FEET, A ARC LENGTH OF 156.55 FEET, A CHORD BEARING OF NORTH 38 DEGREES 44 MINUTES 56 SECONDS WEST, AND A CHORD DISTANCE OF 155.65 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 23 DEGREES 11 MINUTES 37 SECONDS, A RADIUS OF 480.00 FEET, A ARC LENGTH OF 194.31 FEET, A CHORD BEARING OF NORTH 37 DEGREES 49 MINUTES 49 SECONDS WEST, AND A CHORD DISTANCE OF 192.98 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 11 I.T., SAID LINE BEING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, THENCE NORTH 89 DEGREES 49 MINUTES 01 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 11 I.T., SAID LINE BEING THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 322.78 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1,805,260.87 SQUARE FEET OR 41.4431 ACRES, MORE OR LESS.

TOGETHER WITH:

A TRACT OF LAND COMPOSED OF A PORTION OF LOT 10 I.T. LOCATED IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, STATE OF NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 49 MINUTES 23 SECONDS WEST, A DISTANCE OF 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10 I.T., SAID POINT BEING ON THE WEST LINE OF NORTH 1ST STREET RIGHT-OF-WAY, THENCE NORTH 00 DEGREES 10 MINUTES 37 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 10 I.T., SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 49 MINUTES 23 SECONDS WEST ALONG A LINE 40.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 10 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 286.09 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 17 DEGREES 45 MINUTES 08 SECONDS, A RADIUS OF 840.00 FEET, A ARC LENGTH OF 260.26 FEET, A CHORD BEARING OF SOUTH 80 DEGREES 56 MINUTES 47 SECONDS WEST, AND A CHORD DISTANCE OF 259.22 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 10 I.T., THENCE SOUTH 89 DEGREES 49 MINUTES 23 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 10 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 91.07 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A DELTA ANGLE OF 21 DEGREES 31 MINUTES 47 SECONDS, A RADIUS OF 860.00 FEET, A ARC LENGTH OF 323.16 FEET, A CHORD BEARING OF NORTH 79 DEGREES 03 MINUTES 29 SECONDS EAST, AND A CHORD DISTANCE OF 321.26 FEET TO A POINT, THENCE NORTH 89 DEGREES 49 MINUTES 23 SECONDS EAST ALONG A LINE 60.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 10 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 317.66 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 10 I.T., THENCE SOUTH 00 DEGREES 10 MINUTES 37 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 10 I.T., SAID LINE BEING THE WEST LINE OF SAID RIGHT-OF-WAY, SAID LINE BEING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 13,471.0179 SQUARE FEET OR 0.3092 ACRES, MORE OR LESS.



ANNEXATION