

City Council Introduction: **Monday**, February 28, 2011  
Public Hearing: **Monday**, March 7, 2011, at **3:00** p.m.

Bill No. 11-20

## **FACTSHEET**

**TITLE:** ANNEXATION NO. 11001, by the Director of Planning at the request of Village Gardens Development Company, LLC, to annex approximately 47 acres, more or less, generally located at South 63<sup>rd</sup> Street and Pine Lake Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 02/09/11  
Administrative Action: 02/09/11

**STAFF RECOMMENDATION:** Approval

**RECOMMENDATION:** Approval (7-0: Esseks, Partington, Cornelius, Taylor, Lust, Francis and Gaylor Baird voting 'yes'; Larson and Sunderman absent).

**ASSOCIATED REQUESTS:** Change of Zone No. 04075B (11-21)

### **FINDINGS OF FACT:**

1. This annexation request and the associated amendment to the Village Gardens Planned Unit Development (Change of Zone No. 04075B) were heard at the same time before the Planning Commission.
2. This is a request to annex approximately 47 acres, more or less, to expand the previously approved PUD to allow approximately 220 additional dwelling units and a domiciliary care facility.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-6, concluding that the proposed annexation is consistent with the overall concept plan when the original PUD was approved in 2005. Allowing assisted living facilities in the residential areas is consistent with the Comprehensive Plan. It has been determined that this additional area of the PUD is covered by the previously approved annexation agreement. The staff presentation is found on p.7.
4. The applicant's testimony is found on p.8.
5. There was no testimony in opposition.
6. On February 9, 2011, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of the annexation request.
7. On February 9, 2011, the Planning Commission also voted 7-0 to recommend conditional approval of the associated amendment to the Planned Unit Development, with amendments as requested by the applicant (Change of Zone No. 04075B).

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** February 22, 2011

**REVIEWED BY:** \_\_\_\_\_

**DATE:** February 22, 2011

**REFERENCE NUMBER:** FS\CC\2011\ANNEX.11001+

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for February 9, 2011 PLANNING COMMISSION MEETING**

**\*\*As Revised and Recommended for Conditional Approval\*\***

**By Planning Commission**

**February 9, 2011**

**Note:** This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

- PROJECT #:** ***Annexation #11001***  
Change of Zone #04075B - Village Gardens Planned Unit Development (PUD)
- PROPOSAL:** To expand the existing PUD by annexing and changing the zoning from AG to R3 PUD for approximately 46.42 acres of land and amending the development plan to include provisions for assisted living facilities.
- LOCATION:** South 63<sup>rd</sup> Street and Pine Lake Road
- LAND AREA:** Annexation #11001 - 46.42 acres more or less  
Change of Zone #04075B - 46.42 acres more or less
- EXISTING ZONING:** AG Agriculture (for the area to be re-zoned and annexed)
- PROPOSED ZONING:** R-3 Residential (PUD)
- WAIVER REQUESTS:**
1. Lincoln Municipal Code (LMC) 26.23.190 - Adjust the street right-of-width from 60' to 43.5' to allow for a 22'-wide paved street surface termed 'Way' on the site plan.
  2. LMC 26.27.020 & 090 - Waive sidewalks and street trees on one side of a street when associated with the 'Way' street cross-section.
- CONCLUSION:** The proposed annexation and change of zone are consistent with the overall concept plan when the original PUD was approved early in 2005. Allowing assisted living facilities in the residential areas is consistent with the Comprehensive Plan, and allowing such facilities as a permitted use in this case is appropriate given the associated minimum lot area of 10,000 square feet. The requested adjustments to allow for the 'Ways' has a limited application, but is appropriate in two of the cases shown on the plan (Balboa Park and Olmstead). In these two cases, they enhance connectivity, reduce block length, and occur in locations where pedestrian sidewalks might otherwise be proposed. A street connection with sidewalk on one side, albeit reduced in width, is preferred to a pedestrian connection only in this case.

**RECOMMENDATION:**

**AN#11001**

CZ#04075B from AG to R-3 PUD

**Approval**

Conditional Approval

Waiver to allow reduced right-of-way width

Approval

Waive sidewalks and street trees on one side of reduced-width streets

Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

AN#11001 - See attached legal description.

CZ#04075B - See attached legal description.

**EXISTING LAND USE:**

Vacant

**SURROUNDING LAND USE AND ZONING:**

North:	Park, Residential	AG, AGR
South:	Vacant	AG
East:	Railroad, Acreage Residential	AGR
West:	Residential, Opens Space	R-3 PUD, R-3

**HISTORY:**

On **February 14, 2005**, CZ#04075 was approved by the City Council to allow the Village Gardens (PUD).

On **December 20, 2007**, CZ#04075A was approved by the City Council to allow an adjustment to the applicable sign regulations and change the zoning on 2.17 acres from R3 (PUD) to B-3 (PUD) within the Village Gardens (PUD).

**COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page 17** - The Future Land Use Map designates commercial and urban residential land uses for this PUD.

**Page 65** - Overall Guiding Principles - A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family "starter" home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community.

- Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

- Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods.

**Page 71-** Strategies for New and Existing Urban Neighborhoods - The key to both new and existing urban neighborhoods is diversity. For new neighborhoods, it is having a greater mix of housing types and land uses. New neighborhoods should have a variety of housing types and sizes, plus commercial and employment opportunities. Developing a pedestrian orientation of buildings and streets is also a priority.

-The congregate living facility codes and regulations were recently updated in order to continue to provide housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods. Congregate facilities should be designed and located to enhance the neighborhood. Reasonable spacing, design, and operational requirements were established for all congregate facilities to preserve the neighborhood character while providing for those with special needs.

### **ANALYSIS:**

1. This is an amendment to the Village Gardens PUD, and is a combined request for both annexation and a change of zone from AG to R-3 PUD for approximately 47 acres of land.
2. The annexation of the original PUD in 2005 included an annexation agreement. That agreement specially covered the Phase I area annexed in 2005, but also referenced the conceptual Phases II and III. This request seeks to annex the area designated as Phase II in the original agreement, which will need to be amended to update it to reflect this annexation.
3. The area to be re-zoned to R-3 PUD is designated for two residential use districts already in use within the PUD, Neighborhood General and Neighborhood Edge.
4. The proposed changes to the Development Plan include the use 'Assisted Living Facility', with provisions that allow it as a permitted use in the Neighborhood Center, Neighborhood General, and Neighborhood Edge on lots over 10,000 square feet in area. Being residential in nature, such facilities are a compatible land use in residential neighborhoods and this change is appropriate.
5. There are two waivers to the Subdivision Ordinance and two waivers to Design Standards being requested, and they all relate to streets. See that attached exhibit for the reduced-width street labeled as a 'Way'. Each waiver is addressed separately below.

It is noted that 911 Emergency Communications objects to the use of the term 'by-pass' for the reduce-width streets. This has already been discussed with the applicant, and a revised plan using the suffix 'Way' instead is attached.

A. LMC 26.23.190 - Adjust the street right-of-width from 60' to 43.5'. This request would allow for a 22'-wide paved street surface, which was initially identified by the term 'by-pass' on the site plan, but is now shown as 'Way' on the revised plan now also attached. There are three such streets shown on the plan: Balboa Park, Olmstead, and Sissinghurst. The blocks where Olmstead and Balboa Park are shown would otherwise exceed the maximum block length, and both serve to reduce block length and enhance connectivity. Without them, a waiver to block length would be required to not construct a street, and a pedestrian connection would also need to be shown since the block exceeded 1,000'. However,

Sissinghurst does not appear to satisfy the same conditions and should be shown a typical-sized public street. The applicant has stated agreement with this comment. A no-parking restriction on one side of the street is proposed and appropriate.

B. LMC 26.27.020 and 090 - To allow a sidewalk and street trees on only one side of the reduced-width street. Staff has been considering alternatives to the standard 1,320' block length requirement LMC 26.23.130 which states: I - Block lengths shall not exceed 1,320' between cross-streets except where a major street, other man-made barrier, lake, or other natural barrier forms one boundary of a block; II - At the sole determination of the city, the 1,320' maximum block length may be increased if substantially different zoning or land use forms one boundary of the block.

This proposal illustrates one of the concepts that Planning has been considering for broader application. While it is something less than a typical public street with a 27'-wide paved surface in a 60'-wide right-of-way, these 'ways' provide much more amenity and accessibility when compared to either an alley or pedestrian sidewalk. Given that the alternative could be either an alley or sidewalk, the reduced-width street with a sidewalk and trees on only one side is still a much improved facility.

In this case, one of the applicant's alternatives is the elimination of both streets in question, which would result in less vehicular circulation and potentially longer trips. Also, even with the sidewalks and street trees on only one side of the street, it still results in a better pedestrian environment as compared to a 5'-wide pedestrian easement with fences on both sides.

In their comments, Public Works objects to this reduced-width standard, noting a potential conflict with State street design standards, and the lack of a demonstrated hardship on the part of the applicant.

C. Design Standards Chapter 2.15, Section 3.4 - Public Street Design Standards, to allow increased vertical street curves and intersection grades. Public Works notes the lack of grading and drainage plan prohibits the review of these requests in the context of the larger project. These requests will be reviewed with the grading and drainage plan and subject to approval by Public Works.

6. This amendment includes frontage along Pine Lake Road, and can accommodate the extension of Blanchard Blvd to intersect with Pine Lake Road. Public Works notes that if this connection is made prior to Pine Lake Road being upgraded to a four-lane facility, temporary left and right-turn lanes will be required.
7. Blenheim Road is essentially a north-south tending street, and LMC calls for such a street to typically be numbered. Given the lack of numbered streets in this development, the occasional numbered street will help in way-finding and allow people to more easily navigate through the area. Changing Blenheim to a numbered street would be appropriate. Also, 911 object to the name Olmstead due to similarity with Homestead Expressway and recommends another be selected.

8. The Fire Department notes that fire hydrants must meet Design Standards, and 'Lack of facilities in the area which allow a timely emergency response that our citizens expect.'
9. The U.S. Post Office notes in their review that all new addresses established as part of this review will be required to receive mail delivery in Centralized Box Units.
10. Watershed Management reviewed both the original and revised drainage plans, and their review comments from both reviews are attached. The deficiencies identified will be noted as an item to be corrected in the recommended conditions of approval.
11. Minor revisions to the site plan or the development plan were noted by staff for clarity, and are included in the recommended conditions of approval.

This approval annexes and changes the zoning from AG to R-3 PUD for 46.42 acres of land with an amendment to the development plan to allow assisted living facilities as a permitted use in the R-3 with waivers to LMC 26.23.190 for right-of-width from 60' to 43.5' and to LMC 26.27.020 & 090 to allow a sidewalk and street trees on one side of the street for Balboa Park Way and Olmstead Way and to Design Standards Chapter 2.15 Section 3.4 for vertical street curves and intersection grades.

Prepared by:

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Planner  
January 26, 2011

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**APPLICANT/  
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**ANNEXATION NO. 11001  
and  
CHANGE OF ZONE NO. 04075B,  
AMENDMENT TO THE VILLAGE GARDENS PUD,**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 9, 2011

Members present: Taylor, Gaylor Baird, Partington, Esseks, Lust, Francis and Cornelius; Larson and Sunderman absent.

Ex Parte Communication: None.

Staff recommendation: Approval of the annexation and conditional approval of the amendment to the PUD.

Staff presentation: **Brian Will of Planning staff** explained that this is Phase II of the Village Gardens development. The existing Village Gardens development is just to the west of the area proposed to be annexed and zoned with this application.

The intent of this amendment to the PUD is for the purposes of amending the development plan to allow a domiciliary care facility as a permitted use, and to bring in more area for residential development. Staff finds that this application meets both the intent of the original PUD and the Comprehensive Plan.

Will explained that the only issue relates to the waivers being requested, which boils down to one issue. Within the development plan now described, there are a couple of street connections containing reduced width streets. The waivers requested are to the typical 60' right-of-way width for public street in addition to sidewalk and street trees on one side of the street as opposed to both sides. One street tree has already been deleted from one side at the request of the staff. The request is for 43.5' right-of-way as opposed to 60' and they are showing a paved 22' wide driving lane as opposed to typical 27'. Staff has been talking about an alternative somewhat similar to this which has not yet been presented to the Planning Commission. It is suggested that in those cases where, due to block length or pedestrian connection, something less than the 60' right-of-way public street might be required. The proposal requested by this application is fairly consistent with the discussion that the staff has had to this point. The Planning Department is not opposed to the waivers being requested, but others among city staff do have some concerns.

Will deleted the condition that an amendment to the previously approved annexation agreement be required. That will no longer be necessary.

Esseks inquired whether there is any issue as to whether these acres should be annexed. Will stated that the proposed annexation meets the annexation policy within the Comprehensive Plan.

## Proponents

1. **Dick Campbell** appeared on behalf of **Village Gardens**, along with Tim Gergen of Olsson Associates. Campbell stated that the developer is in agreement with most of items contained in the staff report. He proposed the following amendments relating to the new street profile which the developer has been discussing with the staff:

~~2.3 Change Blenheim Road to a numbered street as approved by Building and Safety.~~

~~2.10 Revise the Development Plan as appropriate to note that the applicable minimum setback for dwellings fronting onto Olmstead and Balboa Way is 20'.~~

2.13 ~~Revise the Development Plan as appropriate to require that the minimum setback for dwellings adjacent to Olmstead and Balboa Park Way is 20'. Add a note that a setback easement for the sight triangle shall be granted on the final plat for the lots adjacent to the reduced right-of-way abutting Olmstead and Balboa Park Way, to the satisfaction of the Planning Department.~~

Campbell showed the overall master plan for Village Gardens. The area to be annexed is Phase II of the development. Some of the street profiles were adjusted to develop the lot for the domiciliary care facility. The Emergency Management 911 Center has requested that the street name for Olmstead Way be changed, and Campbell stated that they will agree to change the name, probably to Sunken Garden Way.

The reason for this new street profile is the fact that the lots are going to face each way with the drainage area, so having the narrower street does allow greater connectivity in the block, which is one of the main principles of traditional neighborhood development. We will recommend one side only for parking on the narrower streets, leaving a 13.5' driveway and a sidewalk on one side of the street. The traditional street profile has sidewalks on both sides of the street with two trees on both sides – with two cars parked, that leaves a 10' wide driveway. Campbell believes that the profile being requested is better for the connectivity in the neighborhood and to create a new element for the City that can be a stronger plus than what all of us see in so many subdivisions with two wood fences and a 5' wide sidewalk in between. This is a far more positive solution and direction for our community.

Campbell explained that the only other issue is that the city is requiring that Blenheim Road be renamed as a numbered street. Village Gardens is attempting to maintain the famous garden concept as much as possible throughout the development. Blenheim does not connect with anything so someone has to live in the neighborhood to even be concerned about Blenheim.

Gaylor Baird asked the applicant to clarify why the street needs to be a smaller width. Campbell explained at the map. The front of the residential lot will have a front load or side load garage driveway because there is a pond behind those lots that is a detention basin and aesthetic benefit. The house will not be facing the street because of the aesthetics behind the house. Blanchard is significantly at a higher elevation than Blenheim Road, so the lots on Blanchard would be walkout lots because of the natural grade.

There was no testimony in opposition.

Lust noted that Public Works had objections to the street profile. **Dennis Bartels of Public Works** explained that most of the comments had to do with information and details that were left out of the application versus comments in opposition. He agrees with the concept of a narrower street – there are just some details that need to be worked out in order to meet the state and federal design standards. Those kinds of details warrant discussion that has not occurred at this point.

Lust inquired about deleting the condition to change Blenheim Road to a numbered street. Will stated that the staff understands and respects the developer's concept, but the ordinance requires that north/south streets be numbered. He does not believe the unique circumstances in this case are compelling enough when looking at the overall development and the greater good. Numbered streets provide a good reference point, and for that reason the staff is suggesting that it makes common sense to make it a numbered street.

Lust was not sure how important the numbering issue is now that we are in the days of GPS and Map Quest. She can understand when there were not a lot of options to find locations, but in these days when you can get turn by turn directions, why do we want to stick with the numbered streets concept? Will suggested that the issue would require more discussion and would need an amendment to the ordinance. He believes it pertains to the pedestrian public as well as the driving public. Emergency responders perhaps have the electronic devices, but it is hard to find a good reason for not using a numbered street.

Taylor inquired whether Blenheim Road goes into another street. Will stated that Blenheim Road terminates on the south so it does not continue to the south. The houses will have numbers. Taylor understands the big picture, but in terms of looking at this neighborhood in its totality, the named street does make a lot of sense. Will agreed that the overall naming concept makes sense, but staff is suggesting that there is a larger purpose in naming versus numbering. It relates more to wayfinding, reference marking, etc. If this were any other development, the staff would be making the same recommendation. Village Gardens is unique in a lot of good ways, but that does not appear to be justification to override the numbering rationale.

Francis noted that she knows of several other north/south streets throughout the city which are not numbered, e.g. Idylwild Drive. The street in question is only four or five blocks long like some others in the city. She does not see the need to shove a numbered street into this subdivision. She thinks the name works great and people will know that it is in Village Gardens.

Lust pointed to Phase I where it appears that Kentwell Lane is a north/south street. Did the Planning Department require that to be changed to a numbered street? Will stated that it was not a requirement. He did not know whether that was debated at the time.

### Response by the Applicant

Campbell advised the Planning Commission that throughout the entire process of developing this PUD, the developer's working relationship with Public Works and Planning has been excellent. As exhibited by Public Works, they have really jumped out of the engineering mind set in dealing with

Village Gardens and have explored a lot of new possibilities. Village Gardens has different cul-de-sac designs, street platforms, etc.

In relation to Kentwell Lane, Campbell advised that city staff did desire it be numbered as 59<sup>th</sup> Street. The compromise was that it would be 59<sup>th</sup> Street for one block and then changed to Kentwell. However, when the street signs were put up, they put up Kentwell. The street sign for South 59<sup>th</sup> Street never showed up.

**ANNEXATION NO. 11001**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

February 9, 2011

Lust moved approval, seconded by Francis. An amendment to the annexation agreement is not required.

Gaylor Baird commented that the Fire Department points out that there could be a lack of timely response in this area due to lack of nearby fire facilities. This is important to recognize.

Motion for approval carried 7-0: Taylor, Gaylor Baird, Partington, Esseks, Lust, Francis and Cornelius voting 'yes'; Larson and Sunderman absent. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 04075B**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

February 9, 2011

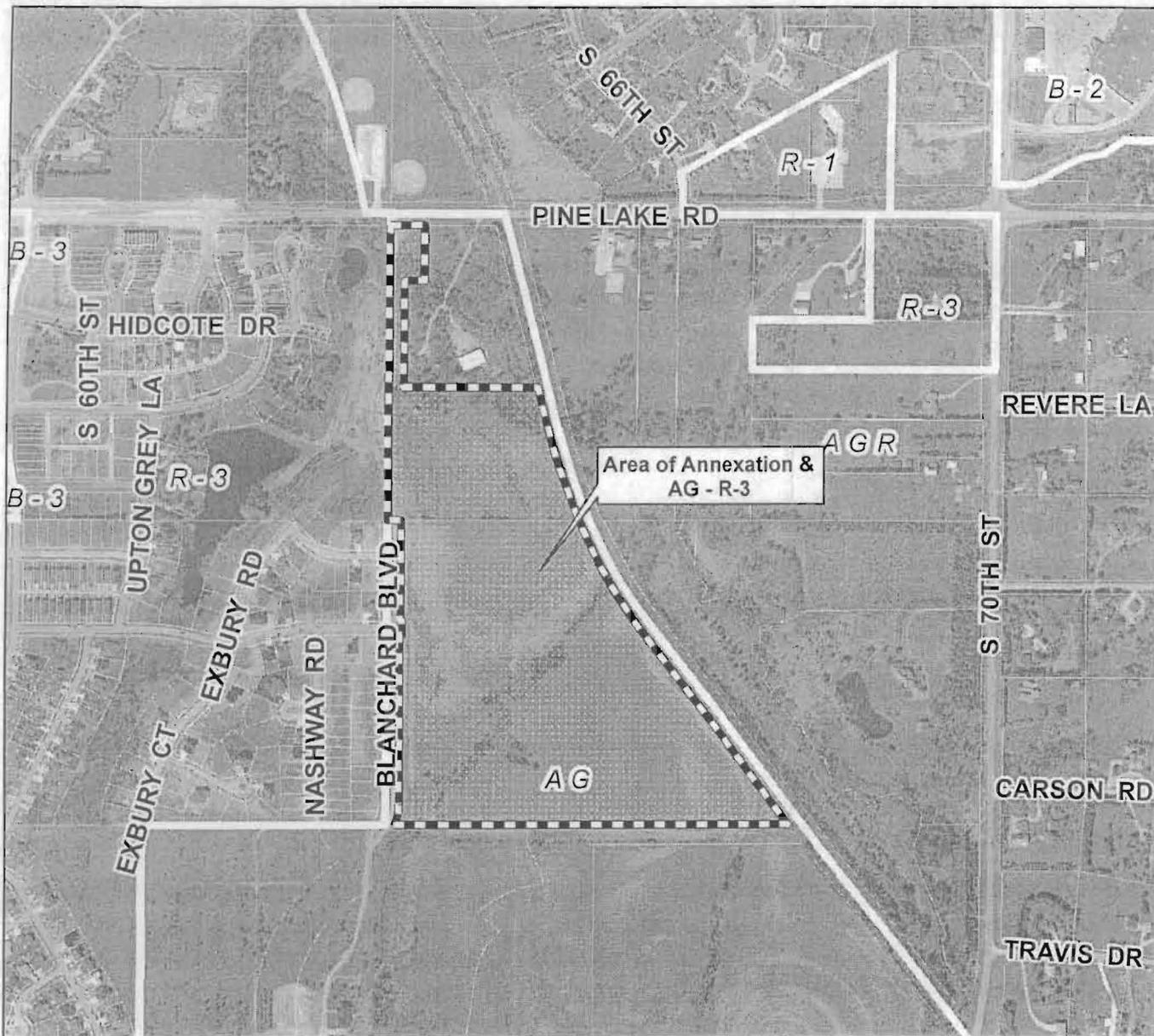
Lust moved to approve the staff recommendation of conditional approval, with the amendments requested by the applicant, seconded by Francis.

Lust complimented the Campbells on just a wonderful development for the city. She is encouraged to see it going forward and is encouraged that the staff is flexible in giving this type of development and neighborhood design. Through the planning process, we have all been involved in lots of discussions on how we make neighborhoods more sustainable and more walkable and encouraging healthy habits. She is pleased to see this development go into the second phase. She does not believe the numbered street is necessary in this particular development, especially when we have allowed it in the past.

Gaylor Baird believes that the concept of "new urbanism" in this development does have some special bearing. Given the choice, she believes people would rather live on a named street rather than a numbered street. She believes that the developer's target market for home buyers may care quite a bit about this issue.

Cornelius stated that he does not have data on named versus numbered street, but he anecdotally suggested that there is very little more harmful to his wayfinding than being on 118<sup>th</sup> Street, for example, and finding that it hits some other street and stops and then begins again later. That is more of a problem than having a north/south street with other connections on either end.

Motion for conditional approval, with amendments, carried 7-0: Taylor, Gaylor Baird, Partington, Esseks, Lust, Francis and Cornelius voting 'yes'; Larson and Sunderman absent. This is a recommendation to the City Council.



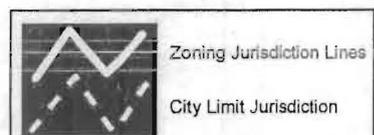
2007 aerial

**Annexation #11001 & Change of Zone #04075B  
S 63rd St & Pine Lake 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. 21 T09N R07E



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**LEGAL DESCRIPTION  
ANNEXATION  
R-3 CHANGE OF ZONE**

~~A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 54 I.T. AND 71 I.T., ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID NORTHEAST QUARTER ON AN ASSUMED BEARING OF  $S00^{\circ}16'19''W$ , A DISTANCE OF 50.00' TO THE NORTHWEST CORNER OF SAID LOT 54 I.T., SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF PINE LAKE ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE  $S89^{\circ}58'02''E$  ALONG A NORTH LINE OF SAID LOT 54 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 0.16' TO A POINT; THENCE  $S89^{\circ}50'43''E$  ALONG A NORTH LINE OF SAID LOT 54 I.T., SAID LINE BEING 50.00' SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, SAID ALSO BEING THE SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 150.00' TO THE NORTHEAST CORNER OF SAID LOT 54 I.T.; THENCE  $S00^{\circ}16'19''W$  ALONG A EAST LINE OF SAID LOT 54 I.T., A DISTANCE OF 243.00' TO A POINT; THENCE  $N89^{\circ}50'43''W$  ALONG A SOUTH LINE OF SAID LOT 54 I.T., A DISTANCE OF 84.15' TO A POINT; THENCE  $S00^{\circ}16'19''W$  ALONG A EAST LINE OF SAID LOT 54 I.T., A DISTANCE OF 456.40' TO A POINT; THENCE  $S89^{\circ}50'43''E$  ALONG A NORTH LINE OF SAID LOT 54 I.T., A DISTANCE OF 566.69' TO A NORTHEAST CORNER OF SAID LOT 54 I.T., SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD; THENCE  $S14^{\circ}10'36''E$  ALONG A EAST LINE OF SAID LOT 54 I.T., SAID LINE ALSO BEING A WEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 165.77' TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF  $14^{\circ}58'24''$ , A RADIUS OF 2,720.07', AN ARC LENGTH OF 710.85' ALONG A EAST LINE OF SAID LOT 54 I.T., AND A EAST LINE OF LOT 71 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 357.46', A CHORD LENGTH OF 708.83', AND A CHORD BEARING OF  $S21^{\circ}39'20''E$  TO A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF  $08^{\circ}45'59''$ , A RADIUS OF 1,760.11', AN ARC LENGTH OF 269.30' ALONG A EAST LINE OF SAID LOT 71 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 134.91', A CHORD LENGTH OF 269.04', AND A CHORD BEARING OF  $S33^{\circ}20'43''E$  TO A POINT; THENCE  $S37^{\circ}44'56''E$  ALONG A NORTHEAST LINE OF SAID LOT 71 I.T., SAID LINE BEING A

SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 1,066.50' TO THE SOUTHEAST CORNER OF SAID LOT 71 I.T., SAID POINT BEING ON THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE N89°58'03"W ALONG THE SOUTH LINE OF SAID LOT 71 I.T., SAID LINE BEING THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,695.64' TO THE SOUTHWEST CORNER OF SAID LOT 71 I.T., SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF BLANCHARD BOULEVARD, SAID POINT ALSO BEING A POINT OF CURVATURE FOR A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 21°32'51", A RADIUS OF 243.50', AN ARC LENGTH OF 91.57' ALONG A WEST LINE OF SAID LOT 71 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 46.33', A CHORD LENGTH OF 91.04', AND A CHORD BEARING OF N11°02'44"E TO A POINT; THENCE N00°16'19"E ALONG A WEST LINE OF SAID LOT 71 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 733.30' TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THOMPSON CREEK BOULEVARD; THENCE S89°58'12"E ALONG A NORTH LINE OF SAID LOT 71 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.78' TO A POINT; THENCE N00°16'19"E ALONG A WEST LINE OF SAID LOT 71 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00' TO A POINT; THENCE N89°58'12"W ALONG A SOUTH LINE OF SAID LOT 71 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 10.78' TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF BLANCHARD BOULEVARD; THENCE N00°16'19"E ALONG A WEST LINE OF SAID LOT 71 I.T., SAID LINE BEING A EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 436.11' TO THE NORTHWEST CORNER OF SAID LOT 71 I.T., SAID POINT BEING ON THE SOUTH LINE OF LOT 54 I.T.; THENCE N89°54'23"W ALONG A SOUTH LINE OF SAID LOT 54 I.T., SAID LINE BEING A NORTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 60.00' TO THE SOUTHWEST CORNER OF SAID LOT 54 I.T., SAID POINT BEING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE N00°16'19"E ALONG THE WEST LINE OF SAID LOT 54 I.T., SAID LINE BEING THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1,268.84' TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 2,022,027.03 SQUARE FEET OR 46.42 ACRES, MORE OR LESS.