

FACTSHEET

TITLE: ANNEXATION NO. 03007, requested by Mark Hunzeker, to annex approximately 400 acres, more or less, generally located at North 56th Street and Interstate 80.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/03/07
Administrative Action: 01/03/07

RECOMMENDATION: Approval (7-0: Esseks, Carroll, Strand, Krieser, Larson, Cornelius and Carlson voting 'yes'; Taylor and Sunderman absent).

FINDINGS OF FACT:

1. This is a request to annex approximately 400 acres, more or less, generally located at North 56th Street and Interstate 80. The area requested to be annexed is within the future service limit and within Tier I, Priority A. The Comprehensive Plan designates the majority of this area as commercial with some areas to the east as industrial and small portions designated as public use (I-80), green space, and agricultural stream corridor. Funds are programmed in the CIP to serve portions of the area with public utilities; tax increment financing (TIF) will fund additional improvements. Rights-of-way for arterial streets is a concern for the planned future widening of these facilities, along with utility service. Easements for utilities may have to be acquired to connect this area with service. Additionally, without a traditional subdivision or plat for the area being annexed, an internal street system will be difficult to create with any substantial connectivity.
2. The staff recommendation to approve the annexation is based upon the "Analysis" as set forth on p.6, concluding that the application is consistent with the City's annexation policy and the Comprehensive Plan. The staff presentation is found on p.8-9.
3. The applicant's testimony is found on p.9-10, pointing out that the proposed area has been declared blighted and a redevelopment plan has been approved. Annexation is the next step in the process to get city infrastructure to this area in the form of redevelopment agreements and the use of TIF funds.
4. Testimony in opposition by property owners, Teresa and Tom Tambke, is found on p.10-11. They do not see how annexation will benefit their intended use of their property as a residence, and are concerned about the costs and impacts of extending water and sewer lines into this area.
5. Commissioner Esseks did express concern for those property owners that are opposed to being annexed. The response by Wynn Hjermsstad of the Urban Development Department is found on p.11, along with the applicant's response to the opposition, noting that the City is required to fairly compensate owners for taking land needed for right-of-way or easements, and that the owners of all the property surrounding the Tambke's want their property annexed and provided with City water and sewer to allow development that is consistent with the City's adopted plans.
6. On January 3, 2007, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval (Taylor and Sunderman absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 10, 2007

REVIEWED BY: _____

DATE: January 10, 2007

REFERENCE NUMBER: FS\CC\2007\ANNEX.03007

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for January 3, 2007 PLANNING COMMISSION MEETING

- PROJECT #:** Annexation #03007-N. 56th St. & Arbor Rd.
- PROPOSAL:** To annex approximately 400 acres.
- LOCATION:** N. 56th Street and I-80.
- LAND AREA:** Approximately 400 acres.
- CONCLUSION:** The Comprehensive Plan designates the majority of this area as commercial with some areas to the east as industrial and small portions designated as public use (I-80), green space, and agricultural stream corridor. Funds are programmed in the CIP to serve portions of this site with public utilities; tax increment financing (TIF) will fund additional improvements. Rights of way for arterial streets is a concern for the planned future widening of these facilities, along with utility service. Easements for utilities may have to be acquired to connect this area with service. Additionally, without a traditional subdivision or plat for the area being annexed, an internal street system will be difficult to create with any substantial connectivity. The application is consistent with the City's annexation policy in the Comprehensive Plan.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: AG, H-1, H-3, and H-4

SURROUNDING LAND USE AND ZONING:

North:	Agriculture	AG
South:	Salt Creek, Agriculture, and Commercial	AG, P, I-1, H-4
East:	Agriculture	AG, I-1
West:	Agriculture and Future Development	AG, H-4, R-3

EXISTING LAND USE: Agriculture, Residential, Commercial, and Industrial

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 9 - Overall Form - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial

space per acre and more dwelling units per acre in new neighborhoods.

Natural and environmentally sensitive areas should be preserved within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods.

Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Parks, recreation, and open space corridors should be connected. Salt Creek Heritage Greenway should begin at Wilderness Park and be extended to the south. Natural and environmentally sensitive areas should be preserved along Interstate 80 and Little Salt Creek to the north, and a new "green space" should be developed along Stevens Creek to the east. Care should be taken that adequate future crossings of such corridors for roads, utilities, and other community facilities are ensured.

Page 19- This site is designated for agricultural stream corridor, green space, environmental resources, commercial, and industrial uses in the Land Use Plan.

Page 21 - Urban Growth Tiers - This site is in Tier 1, Priority Area A of the City's Future Service Limit.

Page 30 - Capitalize on Public Infrastructure Investments - The community should seek to efficiently utilize the community's investments in existing and future public infrastructure to advance economic development opportunities.

The City and County will foster responsible land use and development through the timely provision of infrastructure and transportation system improvements, while at the same time maintaining the environmental values and stewardship they wish to sustain.

Page 41 - Highway Oriented Commercial Areas - this site has a designated highway oriented commercial area at N. 56th Street and Arbor Road.

Page 154 - The City's annexation policy of the 2030 Comprehensive Plan.

HISTORY:

- | | |
|-----------------|---|
| April 1, 1991: | City Council approved change of zone #2620 from AG to H-4 within this annexation boundary. |
| April 14, 1993: | City Council approved change of zone #2742 from H-1 to H-4 within this annexation boundary. |
| July 5, 1994: | City Council approved change of zone #2831 from AG to H-4 within this annexation boundary. |
| March 6, 1995: | City Council approved change of zone #2883 from H-1 to H-4 within this annexation boundary. |
| March 25, 1996: | City Council approved change of zone #2974 from AG to H-4 within this annexation boundary. |
| June 19, 1996: | Planning Commission denied change of zone #3003 from AG to I-1 and special permit #1622 for a small batch concrete dispensing unit within this annexation boundary. |

- July 1, 1996: City Council approved change of zone #2992 from AG to AGR within this annexation boundary.
- April 7, 1997: City Council approved change of zone #3052 from AG to H-4 within this annexation boundary.
- July 14, 1997: City Council approved change of zone #3061 from AG to H-1 within this annexation boundary.
- June 15, 1998: City Council approved change of zone #3123 from AG to H-4 within this annexation boundary.
- January 28, 2002: City Council approved change of zone #3345 from H-1 to H-3 within this annexation boundary.
- February 20, 2003: City staff met with representatives of Star City Combine to discuss annexation.
- February 28, 2003: Planning Department received a request for annexation for Star City Combine.
- April 14, 2004: Planning Commission approved preliminary plat #03004, a portion of which is within this annexation boundary.
- October 24, 2005: The N. 56th Street and Arbor Road Blight Study was adopted by City Council.
- September 25, 2006: City Council approved change of zone #3398 from AG to R-3 and AG to H-4, annexation #03001, and special permit #2004 for planned service commercial within this annexation boundary.
- November 21, 2006: Planning Department received a request for annexation for properties generally located in the N. 56th Street and Arbor Road area.
- November 30, 2006: City staff met with the applicants to discuss the annexation boundaries, tax increment financing, and infrastructure improvements.

SPECIFIC INFORMATION:

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** Design for the segment of sanitary sewer from N. 70th Street to N. 56th Street is scheduled for completion in January, 2007. Construction of the project will be funded initially by the North Bank Junction developers, with reimbursement contemplated by the current edition of the Capital Improvement Program in 2008-2009 (4a).

Design and construction for the segment of sanitary sewer in N. 56th Street from Salt Creek to the northwest corner of N. 56th Street and Interstate 80 will be funded by TIF.

- B. **Water:** Appropriations allow for award of a construction contract for a new main in N. 56th Street from Fletcher to Arbor Rd. Bids will be received late 2006 to early 2007 pending resolution of the details on pipe specifications. The Capital Improvement Program shows the water main east to west in Arbor Road from N. 56th Street to N. 70th Street to 1/4 mile south in 2006-2007 (7c).
- C. **Roads:** Arbor Road in the area of the proposed annexation is unpaved at the west end of the proposed annexation and a rural asphalt paved street from the end of the aggregate surfaced road east to 70th Street. Arbor Road is designated in the Comprehensive Plan as a future four-lane divided minor arterial with a bike trail with 120 to 130 feet of right-of-way. The existing right-of-way is of various widths but less than required. The existing and anticipated commercial or industrial development of this area will require pavement improvements and the dedication or acquisition of the required additional rights-of-way. Engineering Services recommends that the right-of-way needs to be addressed with annexation or redevelopment agreements. This right-of-way will also be needed to construct water or sewer mains in the correct locations in Arbor Road.

Interstate 80 is an existing four-lane divided highway classified as an urban/rural interstate.

N. 56th Street/US Highway 77 is an existing four-lane divided highway classified as an urban/rural principal arterial.

N. 70th Street is currently a rural asphalt paved street. N. 70th Street is designated in the Comprehensive Plan as a future four-lane divided minor arterial with a bike trail with 120 to 130 feet of right-of-way.

Alvo Road is not platted at this time and is not classified in the Comprehensive Plan.

- D. **Parks and Trails:** The Comprehensive Plan shows an environmental resource in the wetlands north of Salt Creek between N. 56th Street and N. 70th Street. Portions of this wetlands are affected by this annexation. The Comprehensive Plan shows a bike trail along Arbor Road.
- E. **Fire Protection:** The closest City fire station is located at N. 56th Street and Fremont Street. The Lincoln Fire Department anticipates the need for additional fire stations to service the City's projected expansion during the 25 year planning period.

These new stations would house a variety of "Fire and Rescue" and "Emergency Medical" units. In general, the new facilities would be placed in growth areas to the north, east, southeast, south, and southwest. No specific locations have been identified for these possible stations in the Comprehensive Plan. The Department also routinely monitors the response time of all existing stations. Changing

development patterns or other conditions may warrant the relocation of these stations.

ANALYSIS:

1. TIF generated from this area will assist in extending services to this area and open up land further north and north of I-80 for commercial and industrial development.
2. A blight study was adopted on October 24th, 2005. The blight study encompasses the entire area of this proposed annexation. Please see attached exhibit extracted from the adopted blight study.
3. A redevelopment plan for the N. 56th Street and I-80 area is included in the 2006-2007 Capital Improvements Program. Please see attached exhibit from the CIP outlining Urban Development projects for 2006-2012. The redevelopment plan boundary is the same as the blight study boundary.
4. Annexation policy:
 - ! Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
 - ! Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.
 - ! Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County."
5. Several properties in this annexation have not applied for a change of zone; therefore, there will be several parcels zoned AG in the City.

Prepared by:

Brandon M. Garrett, AICP
441-6373, bgarrett@lincoln.ne.gov
Planner

DATE: December 26, 2006

APPLICANT:

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ANNEXATION NO. 03007

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 3, 2007

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

Staff recommendation: Approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda at the request of Teresa Tambke.

Staff presentation: **Brandon Garrett of Planning staff** presented the proposal to annex approximately 400 acres generally located at N. 56th and I-80. The area being annexed is within the future service limit and within Tier I, Priority A. The Comprehensive Plan shows the majority of this area as commercial and industrial. This is a stand-alone application with no accompanying change of zone requests at this time. Several of the parcels are already zoned. This application was found to be in conformance with the Comprehensive Plan because it is consistent with the city's annexation policy as stated in the staff report.

The blight study for N. 56th Street was adopted by the City Council on October 24, 2005. A Redevelopment Plan will encompass this entire area that is proposed to be annexed. There will be a redevelopment agreement rather than the typical annexation agreement.

Garrett pointed out that some city departments have expressed concern about right-of-way acquisition in this area, future street connectivity throughout this area and a general lack of good platting in this area just because of its piecemeal development over time. This annexation will result in several parcels within the city limits being zoned AG, and there will be several parcels that will only be partially annexed into the city. The area being annexed will surround some properties to the south that have not been annexed, which would be inconsistent with the city's annexation policy.

Garrett reported that he received one phone call in opposition from the owner at 6001 Arbor Road. The staff did request the applicant to provide a list of property owners within this annexation who are in agreement or disagreement. The applicant indicated that he has communicated with several of the property owners, but a formal list of property owners has not been provided to the Planning Department.

Esseks asked for clarification of the city's policy and/or state statute policy regarding annexation when the property owners do not approve. Ray Hill of Planning staff indicated that, to the best of his knowledge, there is nothing that requires the owner to agree. The city has the power to annex any property that meets the annexation policy. Esseks confirmed then, that the state statute provides for annexation as long as there is contiguity. Hill agreed. The City Law Department has indicated that when the city does annex property, there needs to be some assurance of providing them with all the services. Lots of times we enter into the annexation agreement and if the city does not have the financial ability to pay for the improvements, then the annexation agreement does set forth the costs and how they will be paid.

Carlson asked for a description of the area that becomes surrounded – is it public or private? Garrett advised that it is private land and entirely within the 100-year floodplain. There are some old creek meanders and underlying areas that would not be developable without a great deal of fill.

Proponents

1. Peter Katt and Mike Eckert appeared on behalf of the applicant. Katt gave some background on the history of this area. His office has been involved in this area for nearly a decade now, trying to find a way to allow it to develop and be incorporated into the city. The first several years, it was included in various Comprehensive Plan updates. About six years ago, a serious push was made to try to make things happen by a group of 20+ property owners that was called the Star City Combine. They worked for nearly three years with the city and were unsuccessful in making it happen. Two of those clients, Hartland Homes and Roger Schwisow, went forward with the Northbank Junction component on the west side of N. 56th Street north of the creek, which is already approved and annexed. What has happened since then and why this is here is because of the Angelou economics study and the interest by the city in making large industrial tracts available with adequate highway frontage and utilities. That has driven this over the top with the location of the large tract north of the Interstate, west of Hwy 77, and that has been identified as a key area to provide the necessary economic development opportunities.

The question becomes: How do we extend city infrastructure to provide for that? This area has been a part of the redevelopment area. This is now the next step in that entire process, which is to have that area that is going to have city infrastructure be annexed and become a part of the city because the redevelopment law requires that expenditures be made only within the city. This is the area that has been identified for the public improvements necessary for it to become a part of the city.

Katt stated that some properties were included north of the Interstate and he acknowledged that there is one objection. That property would be surrounded by other property owners who want to be annexed. A meeting was held in December and, in general, everyone in the area continues to clearly want to be a part of the city and have city infrastructure. There is an interest in finding ways for city infrastructure to be extended and made available at the lowest possible cost. This applicant has committed to try to do that as a part of the redevelopment agreements that will be coming forward.

Esseks asked Katt to discuss any benefits that are to be realized through this annexation by a property owner who is opposed. Katt suggested that the property will eventually have city infrastructure available, including sewer and water. The advantage is that the property value increases, and the disadvantage would be that the taxes will go up. In this particular instance, the ability to grow into this area, taking advantage of the state and federal investment in the highway infrastructure, outweighs any individual property owner's desire to be left alone.

Esseks inquired whether the city sewer and water lines would go through the property of the owner objecting. Katt believes it is necessary to include their property because it is adjacent to Arbor Road and there will be a need to expand right-of-way. The Comprehensive Plan shows

this particular property as being out of place. It is a residential acreage and the Comprehensive Plan does not contemplate residential uses in this area. It is time for this property to be considered because it does not fit the city's plans for this area in its current use.

Eckert pointed out two operating businesses that attended the meeting who that did not think they would need to be annexed. He stated that they will try to add some language in the redevelopment agreement to use TIF dollars to extend hookups to those operating businesses in the area. The entire annexation area is in the TIF area.

Opposition

1. Teresa and Tom Tambke, 6001 Arbor Road, testified in opposition. They received notice of this public hearing on December 23rd. Most offices have been closed or people they needed to speak with were not available. They are concerned that they have not been notified about the necessary right-of-way acquisition for Arbor Road. Their house is probably 50 feet from the road. Public Works was not sure which way the sewer will go, whether on the north or south side of Arbor Road, thus they do not know who will be affected. Ms. Tambke was told by Public Works that the sewer trunk would follow Salt Creek from 70th Street at the wastewater plant down Salt Creek to the west side of 56th Street, and then carry it up the west side of 56th past I-80. They were concentrating on the west side of 56th Street because that is where the money is for the sewer. The Tambke property on the east side of 56th Street is not even on the Comprehensive Plan to receive any sewer unless a developer or property owner wanted to access the trunk on the west side of 56th and carry it up the hill. At whose cost? The sewer map shows one of the trunks going right up through the middle of their five acres.

Ms. Tambke also advised that some of the property owners were told that they would receive sewer within a year at a nominal fee if they agreed with the annexation. The Tambke's have not been contacted by anyone about this annexation proposal for over three years. It is her understanding that this annexation will only benefit the new developments on the west side, and none of the existing business owners on the east side of 56th Street.

The Tambke's are concerned about paying higher property taxes, yet they will not have any of the perks of the city. They also have quite a few dogs and they raise quail and pheasant. Financially, they cannot afford to pay additional expenses to bring water and sewer to their property.

Ms. Tambke also pointed out that LES is building a substation at 56th Street and I-80 somewhere between 2007-2009. With the 120-130 of right-of-way needed for sewer, water and a future wider road, what kind of protection will the Tambke's have from the city or developers after living there for 27 years? Is there any kind of concession? The Tambke's understand that they cannot stop the annexation forever, but they cannot afford the increase in taxes, etc.

Esseks inquired whether the Tambke's have been able to talk with city staff or the developer. Ms. Tambke indicated that she was not aware that the annexation had gone this far. December 23rd was the first she knew about it. She did not get invited to the meeting held in December. The holiday caused problems in making contacts. They need to have more of their questions answered. What is the cost going to be to them? When is it coming? Where are they taking the right-of-way? Have they already decided that the Tambke home is not worth anything and it is up as the sacrificial lamb?

****Commissioner Taylor left at this point in the meeting****

Staff response

Cornelius confirmed that this application was properly advertised. Garrett stated that it was advertised and noticed in the normal process just like every other application. The first that Ms. Tambke had heard of this was when she received the notice from the City. She had not had any communication from the applicant.

Wynn Hjermsstad of Urban Development reiterated that this is an area that has been declared blighted and substandard. The Redevelopment Plan was approved near the end of last year. This is the next step in implementing that Redevelopment Plan. One of the key elements is extending the sewer and water, which was one of the primary reasons the area was found to be blighted – lack of city utilities. TIF dollars are being used to build the sewer and water all the way up through the area.

Esseks inquired whether the city has a policy for dealing with property owners who are in opposition whose quality of life is threatened. Hopefully, we can work out some approach that can deal with their needs so that this doesn't look like government ignoring their needs. Hjermsstad stating that there is nothing specifically in place other than to try and be as accommodating as possible. This is really the first time that this problem has been encountered because this is kind of a new frontier in using TIF in an area that is not exactly in the core of the city. Urban Development can work with Planning and Public Works to see if there is anything that can be done. Esseks suggested the possibility of eminent domain and compensate the property owner fairly. Hjermsstad agreed that to be a possibility, depending on where the sewer and water lines would go. However, she advised that anytime the city would need to take their property, the owner would be paid for relocation and the fair market value of the property.

Response by the Applicant

Katt did not know why the Tambke's did not receive notice of the neighborhood meeting because they were on the mailing list, but they have been involved in past meetings. Their position has consistently been to "leave us alone - we don't want to pay anything".

If there are any direct impacts on the Tambke's, they will need to be fairly compensated, unless they voluntarily agree to participate. If the city needs additional right-of-way, the city will have to either negotiate with them and pay by agreement or condemn it. The city does not get anything for free as a part of this annexation. The details of extending water and sewer lines have not been worked out. It has not been the primary focus. You cannot worry about the feeder lines until you get the main trunks, which has been the objective. The discussions that the applicant just started having with the property owners is how to design and extend the feeder line systems for sewer and water. In that regard, there needs to be some cooperation with the property owners, but they are not yet at that level. The Tambke's are welcome to continue to participate in those discussions. Generally, when you participate, there is some expectation that you share in the costs of the improvements, and most of the property owners in this area are willing to do that.

Eckert explained how the utilities are going to get to this area. A major trunk line will be extended over to 56th Street, which is scheduled to be out to bid by March and constructed in the course of 2007. TIF funds will be used to extend a major trunk line to the north. The water line is already out to bid, extending from Fletcher up to Arbor, and in that same CIP package, there is money to take it from 56th to 40th if there are users. Then in next year's CIP, the water main extends from 56th to 70th.

Eckert also advised that the sewer sub-basin analysis done for the city anticipates that there will be a series of redevelopment agreements that will provide for extending the sewer and water mains. Outside of the normal process of the CIP, there will be the ability to do some of these sewer and water lines with TIF. Some of the sewer lines will be dependent on when the users want them. The Tambke property will be totally surrounded by industrial users that will be annexed.

ACTION BY PLANNING COMMISSION:

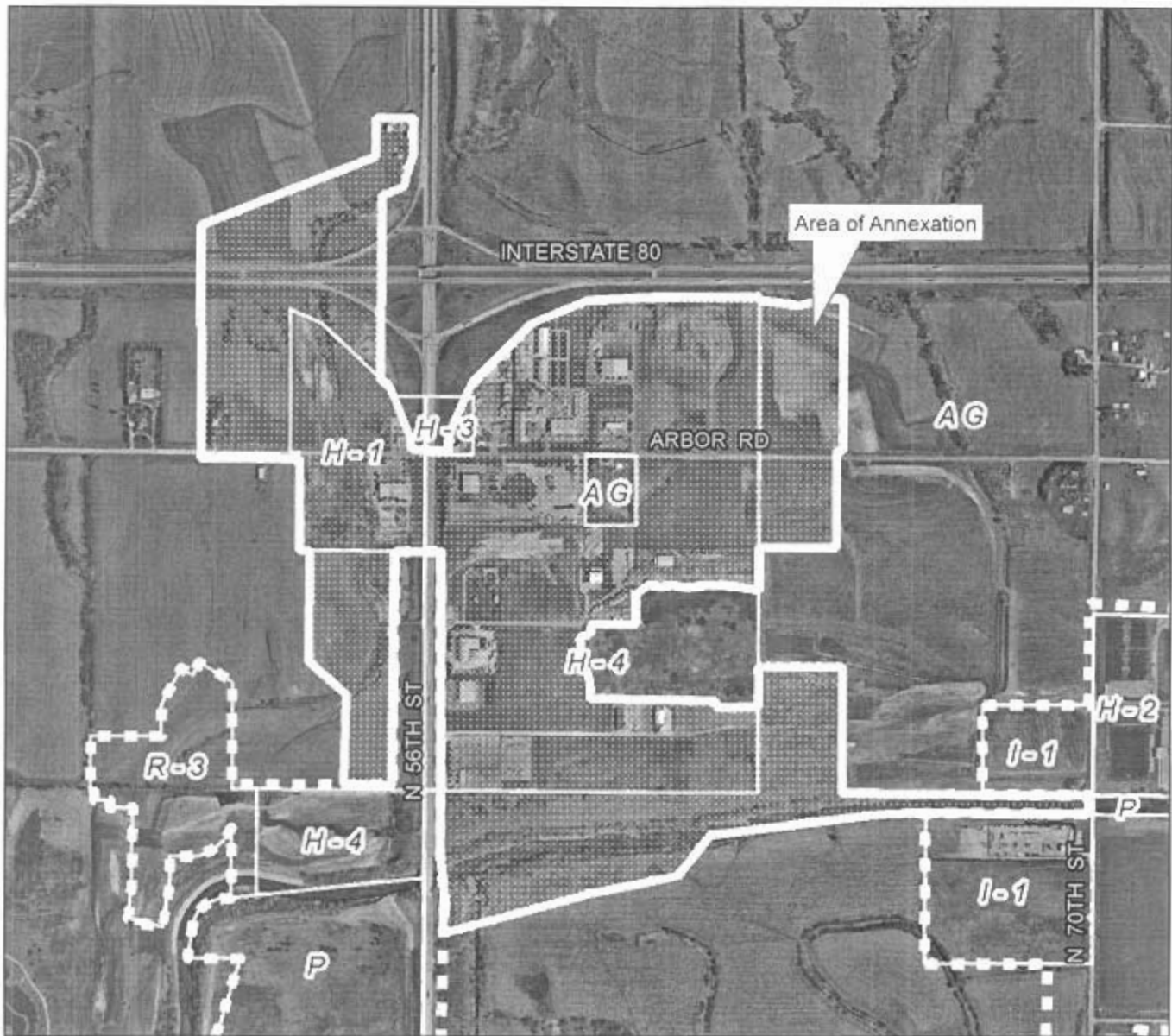
January 3, 2007

Carroll moved approval, seconded by Strand.

Carroll commented that the applicant has been working on this area for a number of years and he believes it is important to help the north end of the city and reach out to the Interstate for the economic development opportunities. It has been needed for a long time and helps improve the area.

Carlson observed that there is going to be opportunity for the details to be worked out in the redevelopment agreement. From the broader perspective, it is contiguous, the utilities can be extended and it is programmed to occur.

Motion for approval carried 7-0: Cornelius, Esseks, Carroll, Strand, Larson, Krieser and Carlson voting 'yes'; Taylor and Sunderman absent. This is a recommendation to the City Council.



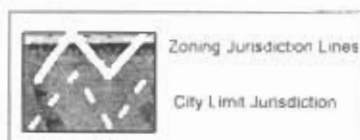
2005 aerial

**Annexation #03007
N 56th St & Arbor Rd**

Zoning:

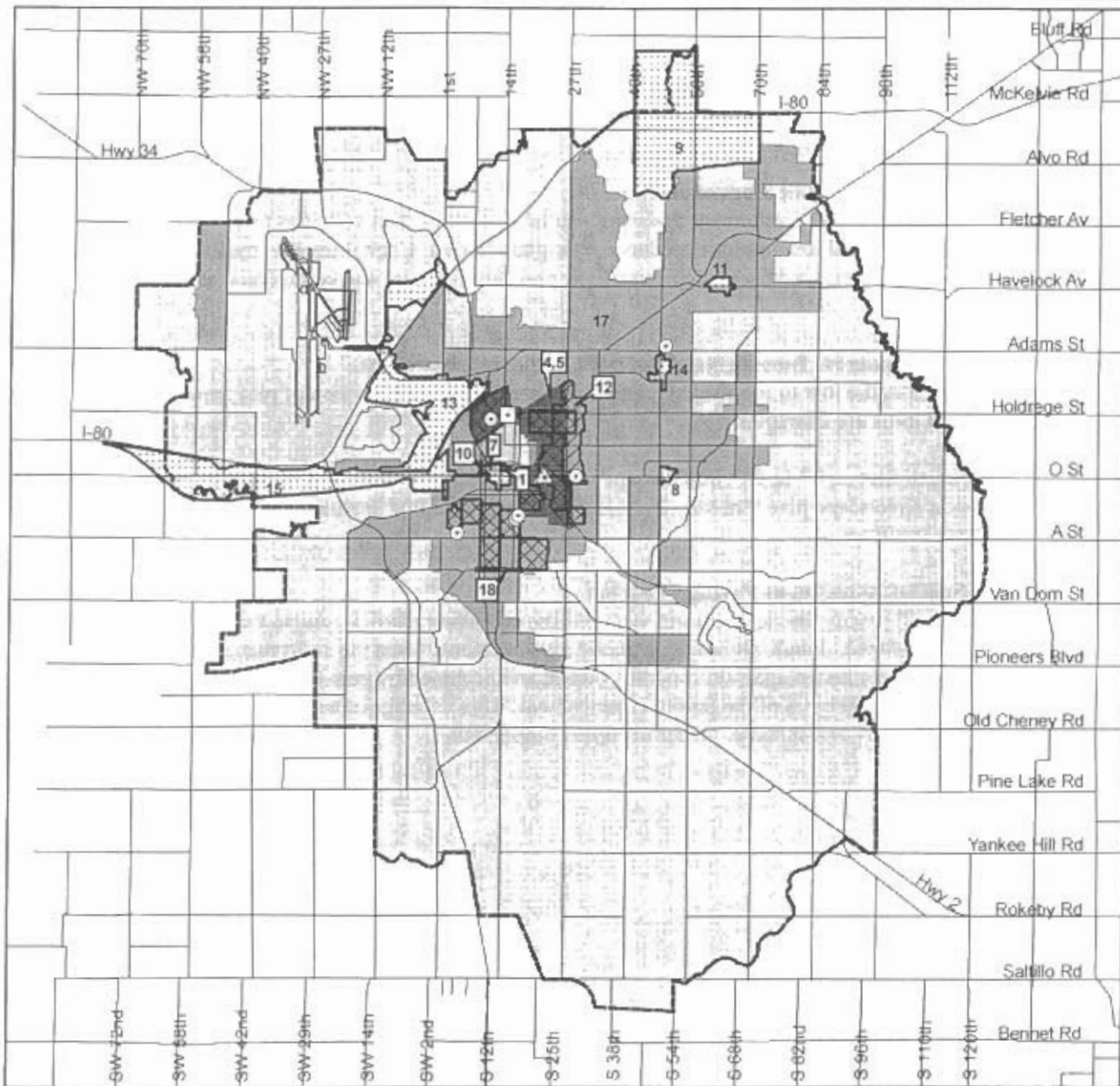
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 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

Three Square Miles
 Sec. 28 T11N R07E
 Sec. 29 T11N R07E
 Sec. 33 T11N R07E



Lincoln CIP 2006 - 2012

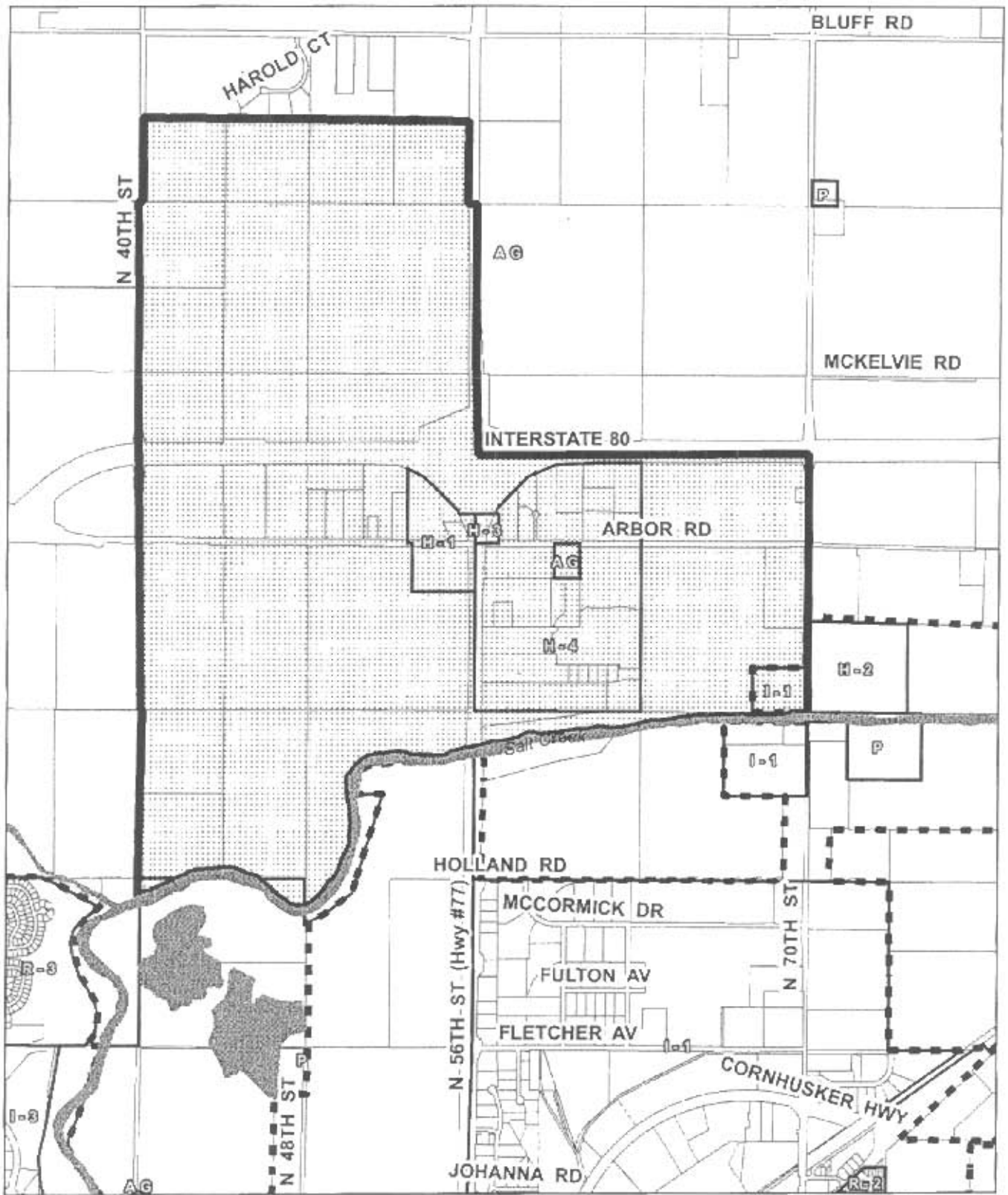
Urban Development



Lincoln's Future Service Limit Shown as Gray



- 5 Project Number
- ⊙ AHP II Resolution (Proj. 6)
- △ □ Antelope Valley Community Revitalization; Mandatory relocation and rehabilitation of properties; Current and Future Sites (Proj. 2)
- ▨ Focus Area Public Improvements (Proj. 16)
- ▧ N. 27th Street Redevelopment (Proj. 12)
- Antelope Valley Community Revitalization; Catalyst Projects and Community Revitalization (Projs. 4,5)
- ▒ Low-Moderate Income Neighborhood Park Improvements (Proj. 17)
- ▤ Other Projects



Map 3: Zoning
 North 56th Street & Arbor Road Blight Study



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November 21, 2006

Steve Hendrichson
Planning Dept
555 S. 10th Street
Lincoln, NE 68508

Re: Annexation No. 03007

Dear Steve:

Pursuant to our prior discussions of this matter, this letter and attached map will serve to update the above request for annexation.

As you know, property owners in this area have been working toward annexation and obtaining sewer and water services for many years. The area of the annexation request is shown on the attached map as follows:

- A. All of Lots 7 through 41;
- B. Approximately 20 acres (roughly 660 feet of frontage along Arbor Road) of Lot 42;
- C. Approximately 10 acres (roughly 660 feet of frontage along Arbor Road) in the northwest corner of Lot 44;
- D. Approximately 15 acres (approximately 660 feet east/west dimension) in the southwest corner of Lot 44; and
- E. Approximately 24 acres in Lot 46.

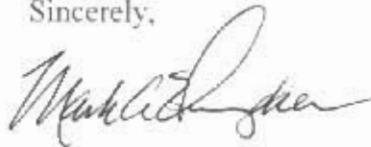
None of Lots 1 through 6 are included in this request at this time. As you know, "Lot" 46 is not configured as shown on the map and is approximate. The exact acreage and dimension may change.

The owners of the lot numbers which are circled have not been affirmatively contacted; however, several of them have been previously involved in efforts to secure annexation of this area and we expect they will embrace the idea. We anticipate possible opposition to annexation from the owner of Lot 14 and Lot 30. All of the other owners have been contacted and have affirmatively indicated their desire to be annexed.

Steve Hendrickson
November 21, 2006
Page 2

I will be out of town until Monday, November 30th. If you have questions while I am out, please contact my partner, Peter Katt.

Sincerely,



Mark A. Hunzeker
For the Firm

MAIL:la
Enclosure

(G:\AP\5500-5599\5527\001 - JTS, LJ C--56th & 1-801\Hunzeker 11-21-06.wpd)

