

City Council Introduction: **Monday**, August 24, 2009  
Public Hearing: **Monday**, August 31, 2009, at **5:30 p.m.**

Bill No. 09-120

## **FACTSHEET**

**TITLE:** **ANNEXATION NO. 09003**, requested by Andermatt, LLC, to annex 27.52 acres, more or less, generally located at South 91<sup>st</sup> Street and Highway 2.

**SPONSOR:** Planning Department

**STAFF RECOMMENDATION:** Approval

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 08/12/09  
Administrative Action: 08/12/09

**ASSOCIATES REQUESTS:** Change of Zone No. 09011, Southlake Planned Unit Development (09-121).

**RECOMMENDATION:** Approval (8-0: Gaylor Baird, Cornelius, Esseks, Francis, Partington, Larson, Taylor and Sunderman voting 'yes').

### **FINDINGS:**

1. This is a request to annex 27.52 acres, more or less, generally located at South 91<sup>st</sup> Street and Highway 2, for the purpose of developing the associated Southlake Planned Unit Development to allow 104,000 sq. ft. of health care facility, 50,000 sq. ft. of office and 15,000 sq. ft. of commercial floor area.
2. The staff recommendation to approve the annexation is based upon the "Analysis" as set forth on p.4-5, concluding that the area proposed for annexation can be provided the full range of city services and is subject to a prior annexation agreement which also covers a larger area. The proposed annexation is consistent with the Comprehensive Plan, which was amended in 2003 to designate this site for commercial development. The staff presentation is found on p.7-8.
3. The applicant's testimony is found on p.8-9.
4. There was no testimony in opposition.
5. On August 12, 2009, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval of the annexation request.
6. On August 12, 2009, the Planning Commission also voted 8-0 to recommend conditional approval of the associated Southlake Planned Unit Development, as revised (Bill #09-121).

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

**DATE:** August 18, 2009

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

**DATE:** August 18, 2009

**REFERENCE NUMBER:** FS\CC\2009\ANNEX.09003+

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 12, 2009 PLANNING COMMISSION MEETING

**\*\*As Revised by Staff and Recommended for Conditional Approval by Planning Commission on August 12, 2009\*\***

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 #09003***  
Change of Zone No. 09011 - Southlake PUD

**PROPOSAL:** To annex approximately 27.52 acres and change the zoning from AG to B-2 Planned Unit Development

**LOCATION:** South 91<sup>st</sup> Street and Highway 2

**LAND AREA:** Approximately 27.52 acres.

**EXISTING ZONING:** AG Agriculture

**WAIVER /MODIFICATION REQUEST:**

LMC 26.23.130	Allow block length in excess of 1,320'.
LMC 26.27.020(a)	No sidewalk along Highway 2.
LMC 27.69.046	Allow one additional free-standing sign.
LMC 27.39.090(a)	Adjust the front, side and rear setbacks to 0'.

**CONCLUSION:** The Comprehensive Plan was amended in 2003 designating this site for commercial development. This PUD allows the health care facility, office and commercial uses to be reviewed in the context of the larger development, and provides an appropriate mix of land uses that can be approved by a single zoning action. ~~With the exception of the additional freestanding sign,~~ The waivers are appropriate for this development and are typical for a mixed-use development of this size given the location and surrounding land uses. ~~Regarding the additional sign, the recent amendment to the sign regulations of the Zoning Ordinance addressed the issue of lots with multiple frontages, and the size of the center identification signs was increased to compensate, so an additional sign is not justified. (\*\*Revised by staff on August 12, 2009\*\*)~~ The area can be provided the full range of city services, and is subject to a prior annexation agreement which also covers a larger area. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

**RECOMMENDATION:**

AN#09003

Approval

CZ#09011 Southlake PUD

Conditional Approval

**Waivers:**

LMC 26.23.130

Allow block length in excess of 1,320'

Approval

LMC 26.27.020(a)

No sidewalk along Highway 2

Approval

LMC 27.69.046

Allow one additional ~~100~~ 50 square foot 8'-tall on-premises sign

~~Denial~~ Approval

LMC 27.39.090(a)

Adjust the internal front, side and rear Setbacks to 0'

Approval

**\*\*As revised on August 12, 2009\*\***

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**EXISTING LAND USE:** Vacant.

**SURROUNDING LAND USE AND ZONING:**

North:	Office, Vacant	O-3, R-3
South:	Highway 2, Residential	AG, R-2
East:	Vacant	AG
West:	Vacant	B-5

**HISTORY:**

**July 16, 2003** - CPA#03018 was approved changing the land use designation from urban residential to commercial on approximately 44 acres located northeast of South 91<sup>st</sup> Street and Highway 2.

**November 5, 2001** - AN#01006 was approved and included an annexation agreement that generally included the area bounded by Pine Lake Road and Highway 2, and South 84<sup>th</sup> and South 98<sup>th</sup> Streets, and included this site.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page 21** - Area is located in Tier I, Priority A of the Future Service Limit.

**Page 41** - Commerce Centers - This site is designated as a regional shopping center.

**Page 156** - Subarea Planning - By reference, the Southeast Lincoln/Highway 2 Subarea Plan is included in the Comprehensive Plan.

**Southeast Lincoln/Highway 2 Subarea Plan:**

**Page 8** - Designates commercial land use for this site.

**Page 9** - Promote a Desirable Entryway - An open space corridor (approximately 200 feet from centerline) is shown along highway 2.

**UTILITIES:** Streets - The proposed development is bounded by South 91<sup>st</sup> Street on the west, by Andermatt Drive on the north, and Highway 2 on the south. South 91<sup>st</sup> is classified as a minor arterial street, and Andermatt Drive is a local street.

Sanitary Sewer - Sewer exists in adjacent development and can be extended to serve this development.

Water - Water mains exist in adjacent streets and can be extended to serve this development.

### **ANALYSIS:**

1. This is a request for both annexation and a planned unit development over approximately 27.5 acres. The development plan includes a 104,000 square foot health care facility, 50,000 square feet of office space, and 15,000 square feet of commercial space.
2. This site, along with the larger commercial center to the west and which extends both sides of Highway 2, are covered by an annexation agreement approved in 1999. Among other things, the agreement states the financial responsibility for public improvements associated with development of the area covered, including limits on vehicle trip generation. As a result, no amendment or new agreement is needed for this project.
3. Access to the development is from both South 91<sup>st</sup> Street and Andermatt Drive. Internal access among the lots is provided by a new private roadway extending through the development. It is noted that Lot 1, Block 1 has a driveway off South 91<sup>st</sup> Street. Driveway access to arterial streets, particularly those serving only one user, is contrary the City's current access management policy and would not typically be supported by staff. In this case, the driveway has the City's prior approval in conjunction with the design and improvement of South 91<sup>st</sup> Street.
4. Four waivers are requested and are discussed individually below:
  - A. Allow block length in excess of 1,320'. Given the large size of the lots and the nature of the development, this waiver is appropriate. However, because the block in excess of 1,000', a pedestrian connection must be shown. The recommended location extends from the South 91<sup>st</sup> Street driveway along the south lot line of Lot 1, Block 1 connecting to the sidewalk along South 96<sup>th</sup> Street.
  - B. No sidewalk along Highway 2. The Nebraska Department of Roads discourages sidewalks along major facilities like Highway 2. Waiving the requirement for a sidewalk is consistent with the other commercial developments along Highway 2.
  - C. ~~Allow one additional free-standing on-premises sign. The B-2 sign requirements apply to this development per the recently adopted amendment to the sign regulations. Allowed signs for this center now include: one center identification sign per frontage up to 150 sq. ft. in area; one freestanding sign per main building up to~~

~~100 sq. ft; and wall signs up to 30% per architectural elevation or 500 sq. ft, whichever is less. One of the changes to the B-2 district sign requirements contained in the recently approved amendment increased the size of the center identification sign from 100 to 150 sq. ft. Center identification signs increased in area as opposed to increasing the number of freestanding signs per main building on a lot with multiple frontages. This development is typical of the scenario discussed during the formulation of and public hearing on the sign regulations text amendment, and an additional sign is not warranted.~~

**(On August 12, 2009, upon further negotiation with the applicant, the staff revised its recommendation to approve this waiver request and recommends allowing one additional 8'-tall, 50 square foot free-standing sign for Lot 1, Block 1.)**

- D. Adjust the front, side and rear setbacks to 0'. This request to adjust setbacks affects those yards internal to the development, and is typical for larger, commercial development. At the perimeter of the entire development, a 20' setback is shown and maintains the required B-2 front setback between the development and adjacent properties, and from the internal private roadway.
5. A connection to the lot adjacent to the east is shown as required, but doing so creates a narrow sliver of land north the connection, and between the private roadway and the boundary of the PUD that is not suitable as a lot. A conceptual lot layout for the adjacent land needs to be shown to ensure the small parcel can be made usable. The Street stub to the east should also be named, and an acceptable grading plan for the street extending at least 300' needs to also be included. Depending upon the layout for the tract adjacent to the east, the stub may need to be moved to conform to block length east of South 96<sup>th</sup> Street.
6. It has been identified with prior developments that the centerline along Highway shifted as part of the 1990 improvement project, but that some development plans did not accurately reflect the new location. Because the Comprehensive Plan calls for a 200'-wide green space either side of the centerline of Highway 2 adjacent to commercial developments, the location as shown on the site plan needs to be verified.
7. The legend denotes shading to indicate the building envelope for building and parking, and includes the 80'-wide L.E.S. easement on Lot 2, Block 1. The legend must be modified to distinguish that no building is allowed within this easement.
8. Other minor revisions are noted, and are included as recommended conditions of approval. This includes a recommendation to delete several general site notes which restate requirements of either Lincoln Municipal Code or Design Standards and are redundant.

Prepared by:

Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)  
Planner  
July 28, 2009

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Seacrest and Kalkowski, PC  
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Lincoln, NE 68508  
(402)435-6000

**OWNER/  
APPLICANT:** Andermatt, LLC  
16934 Pella Road  
Adams, NE 68301  
(402)432-8975

**ANNEXATION NO. 09003  
AND  
CHANGE OF ZONE NO. 09011,  
SOUTHLAKE PLANNED UNIT DEVELOPMENT**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 12, 2009

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

Ex Parte Communications: None.

Staff recommendation: Approval of the annexation and conditional approval of the Planned Unit Development, as revised.

Staff presentation: **Brian Will of Planning staff** explained that this application covers 27.5 acres of land located northeast of the intersection of S. 91st Street and Highway 2, and is proposed for development of a health care facility, office space and commercial floor area. The future land use map was updated in 2003 which revised the land use designation for the area in this application and changed that designation to commercial. The proposed PUD is consistent with that designation.

There are four waivers being requested. Staff had previously agreed with three of the waivers and was recommending denial of one waiver of an additional on-premise sign. However, the staff has revised its recommendation to approve the additional sign and has revised Condition #1.1 and #1.7 as follows:

- 1.1 Show a pedestrian connection from the driveway at South 91<sup>st</sup> Street extending along the south lot line of Lot 1, Block 1, and/or the north lot line of Outlot A and Lot 2, Block 1, connecting to the sidewalk along South 96<sup>th</sup> Street.
- 1.7 Revise REQUESTED WAIVER #3 to state "MODIFICATION OF LMC CHAPTER 27.69 TO ALLOW ONE ADDITIONAL 8'-TALL, 50 SQUARE FOOT FREE-STANDING SIGN FOR LOT 1, BLOCK 1."

Gaylor Baird noted that the staff analysis indicates objection to the total number of signs and not the actual size. Why did you change your mind? Will explained that the revised staff recommendation relates to the physical character of the site. The site is fairly large and staff believes it is reasonable to want an identification sign along the arterial street. Given the amount of frontage along Andermatt Drive, it does not seem unreasonable for them to want an identification sign.

Gaylor Baird expressed concern because the sign standards were just recently revised and approved and she wondered whether there was a flaw in those standards since staff is

recommending a modification in this situation. Will believes that the standards are good and reasonable, but by virtue of a planned unit development, the staff has the flexibility to look at the entire development and make accommodations, where necessary, based upon the specific character, which is being done in this case. The PUD ordinance allows modifications to the rules when necessary and appropriate on a case-by-case basis. This is one of those cases where staff has determined that it is not unreasonable. Staff suggests that the amount of frontage warrants this waiver.

Esseks referred to the discussion in the staff report about the driveway off of S. 91<sup>st</sup> Street, which is rather close to Hwy 2. The staff report indicates that this driveway is contrary to the city's current access management policy. Will explained that "prior approval" is the Executive Order for that public improvement for S. 91<sup>st</sup> Street. That driveway was approved by the City. Esseks observed that when we try to enforce the standard on a much larger space between a major highway and an access road onto an arterial, we get grief from some of the applicants saying we have allowed it at other places. Why did the city approve this? Dennis Bartels of Public Works & Utilities stated that the City traffic engineer and Mr. Korver negotiated this driveway probably a year or more ago. The land use was slightly different at that time with commercial on both sides. Mr. Korver convinced Public Works & Utilities that with the detention pond dividing the two areas, they could use another driveway. In agreeing to the driveway the developer agreed to construct four lanes of paving of Highway 2 to the next median at Andermatt Drive.

Francis asked Will to discuss allowing a block length in excess of 1320 feet. Will stated that this development has one larger user and there is going to be commercial and office development to the south. Given the unique character of the site, staff finds that it is reasonable to vary the standard in this case. There is also a major state highway to the south and 91<sup>st</sup> Street is an arterial street.

### Proponents

**1. Danay Kalkowski** appeared on behalf of **Andermatt, LLC**, the owner of the property requesting the annexation and PUD on 27.5 acres located east of 91<sup>st</sup> Street between Andermatt Drive and Hwy 2. The infrastructure was master planned with the annexation and zoning agreement for 84<sup>th</sup> & Highway 2. This area is also shown in the Comprehensive Plan for commercial use. The B-2 PUD is a good fit for this property because they are doing a mix of uses. Under the proposed PUD, the north half of the property is designated for a 104,000 sq. ft. health care facility, and the south half is shown for a mix of 65,000 sq. ft. of office, retail, and restaurant. There is also a rather large detention pond that will provide an amenity to all of the users.

**2. Mitch Elliott**, architect with **Vetter Health Services**, 5220 S. 118<sup>th</sup> Street, Omaha, presented the proposal for the health care facility. Vetter Health Services has been a family-owned business for 35 years, with 32 campuses in the Midwest, including the Milder Manor and Village Manor nursing facilities here in Lincoln. Vetter Health Services is committed to Lincoln and would like to expand and enhance its presence in Lincoln for long term care and retirement living.

This project is based on a project finished and opened in Omaha, being a 139 bed skilled nursing facility focusing on rehabilitation and long term care. Southlake Village will be a 120-resident/bed skilled nursing facility – 40 for short term rehabilitation; 20 for Alzheimer's and dementia care; and

60 for long term care. The 92,000 sq. ft. building is in Phase I with 130-150 full-time staff and \$19.8 million in development costs. They also plan to pursue LEED certification.

The intent is to have the zoning and PUD process completed by early October, 2009, with construction completed in December 2010, opening in early February 2011. Vetter Health Services is committed to Lincoln and is looking forward to raising the bar in terms of quality care.

Partington inquired about arrangements for security for the Alzheimer's section. Elliott explained that it there will be a door locking system so that they do not inadvertently step out of the building. The facility will be very secure.

Kalkowski then stated that the applicant is in agreement with the conditions of approval, as revised today. With respect to the signage, she suggested that the new standards work great in a typical B-2 setting with 1-2 acre lots. In this case, there is an 11+ acre lot for the health care facility, 500 lineal feet of frontage on 91<sup>st</sup> and over 1,000 lineal feet of frontage on Andermatt. This would allow multiple signs in a typical B-2 setting. The waiver requested allows one additional sign.

There was no testimony in opposition.

**ANNEXATION NO. 09003**

**ACTION BY PLANNING COMMISSION:**

August 12, 2009

Cornelius moved approval, seconded by Francis and carried 8-0: Esseks, Taylor, Partington, Cornelius, Francis, Gaylor Baird, Larson and Sunderman voting 'yes'. This is a recommendation to the City Council.

**CHANGE OF ZONE NO. 09011**

**ACTION BY PLANNING COMMISSION:**

August 12, 2009

Francis moved to approve the staff recommendation of conditional approval, as revised today, seconded by Taylor.

Sunderman commented that this sounds like a great project.

Motion for conditional approval, as revised, carried 8-0: Esseks, Taylor, Partington, Cornelius, Francis, Gaylor Baird, Larson and Sunderman voting 'yes'. This is a recommendation to the City Council.



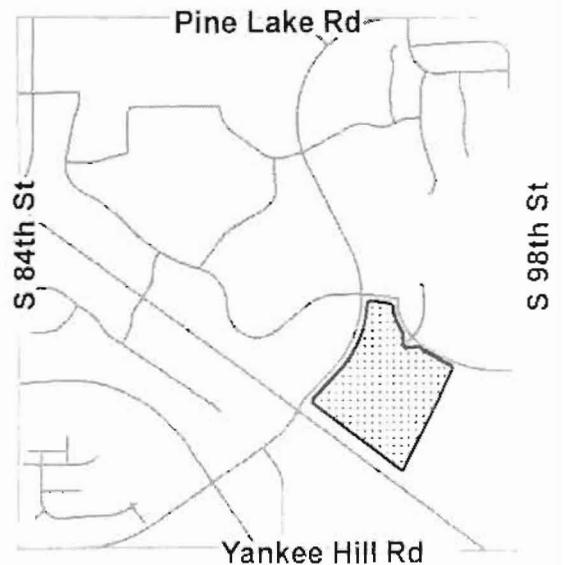
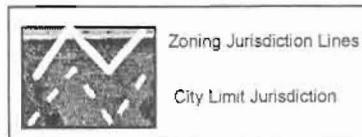
2007 aerial

## Change of Zone #09011 and Annexation #09003 S 91st & Highway 2

### Zoning:

One Square Mile  
Sec. 23 T09N R07E

- 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



# SEACREST & KALKOWSKI, PC, LLO

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July 15, 2009

## **HAND DELIVERY**

Marvin Krout, Director  
Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Revised PUD and Annexation Requests

Dear Marvin:

Our office represents Andermatt, L.L.C., the owner of Lots 70, 122 and 123, Irregular Tracts, located in Section 23, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska, east of South 91<sup>st</sup> Street and south of Andermatt Drive (the "Property"). In April, we submitted a request for annexation and an application for a change of zone to B-2 and R-8 PUD on a portion of the Property. Circumstances have changed since the submittal, and Andermatt desires to amend the annexation and change of zone requests previously submitted. Consequently, Andermatt is requesting annexation and a change of zone from AG to B-2 PUD for approximately 27.52 acres of the Property legally described on the attachment enclosed herein. The underlying zone for the PUD will be B-2.

Enclosed please find the following:

- a. Revised City of Lincoln Zoning Application
- b. Annexation and B-2 PUD Legal Description

The plan set for the B-2 PUD will be submitted electronically by Olsson Associates. An ownership certificate has been ordered for the Property and will be delivered to the Planning Department.

The following waivers are being requested and are listed on the PUD plans:

1. A waiver to allow block length in excess of 1,320 feet. This waiver is requested due to the large size and layout of the health care facility on Lot 1, Block 1.

2. A reduction of the internal setbacks to 0 feet. This will allow the development of the Property consistent with a commercial center.

3. Modification of L.M.C. 27.69.046(c) to permit one additional on-premises ground sign up to 100 square feet in area and 8 feet in height on Lot 1, Block 1 adjacent to S. 91<sup>st</sup> Street and another one adjacent to Andermatt Drive. Lot 1, Block 1 has significant frontage along both S. 91<sup>st</sup> Street and Andermatt Drive to justify the additional ground signs that will identify the health care facility to be located upon the Lot.

4. No sidewalks along Highway 2 frontage. This waiver is consistent with the development of the shopping center west of 91<sup>st</sup> Street where sidewalks were not required along either side of Highway 2.

If you have any questions regarding the enclosed or need any additional information, please feel free to contact me or Tim Gergan at Olsson Associates.

Very truly yours,



DANAY KALKOWSKI  
For the Firm

Enclosures

## LEGAL DESCRIPTION

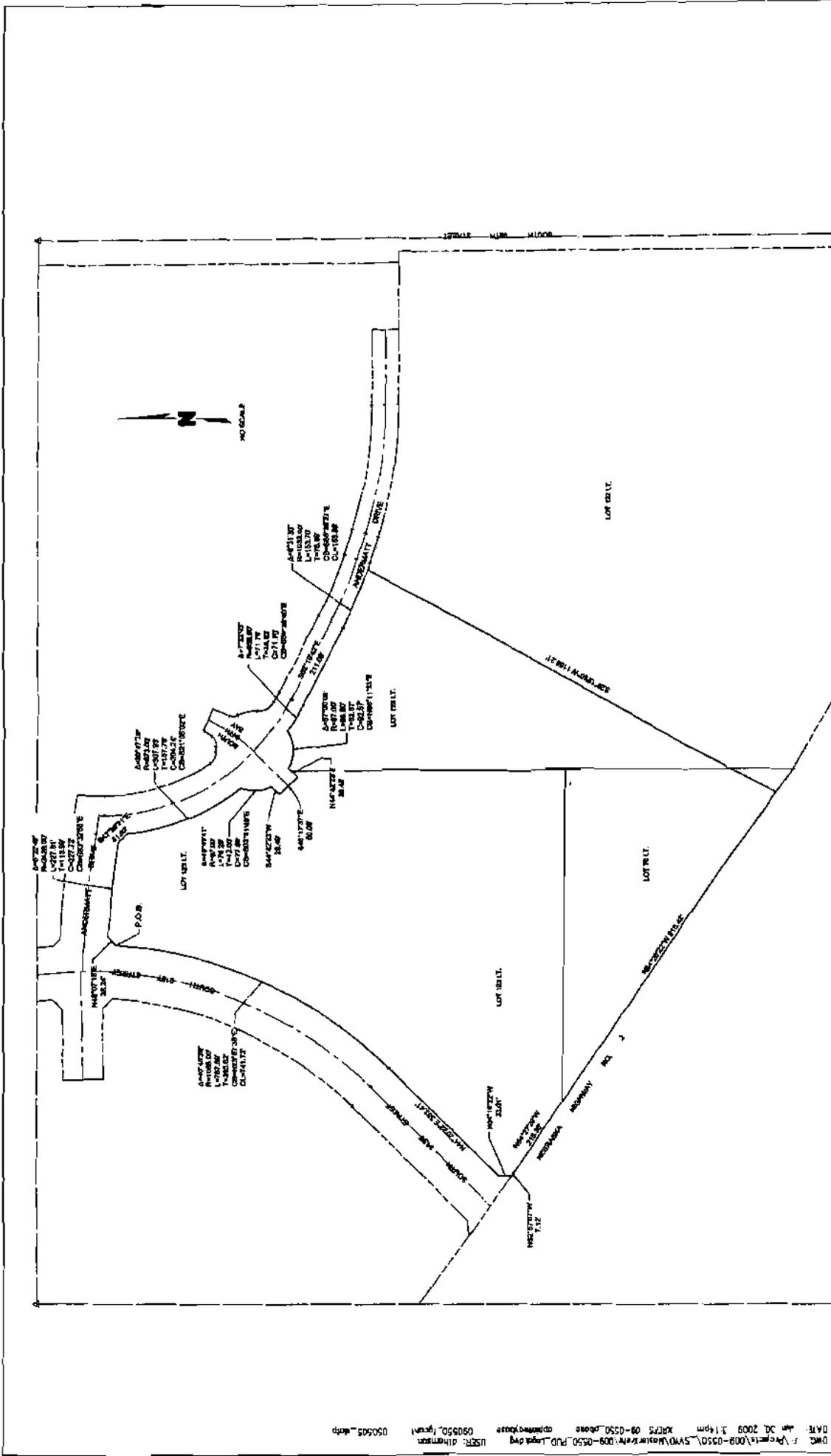
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 70 I.T., A PORTION OF LOT 122 I.T. AND ALL OF LOT 123 I.T., ALL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY AND WEST CORNER OF SAID LOT 123 I.T., SAID POINT BEING AN INTERSECTION POINT OF THE EAST RIGHT-OF-WAY LINE OF SOUTH 91<sup>ST</sup> STREET WITH THE SOUTH RIGHT-OF-WAY LINE OF ANDERMATT DRIVE, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG A NORTHWEST LINE OF SAID LOT 123 I.T., SAID LINE BEING A SOUTH RIGHT-OF-WAY LINE OF SAID ANDERMATT DRIVE, ON AN ASSUMED BEARING OF NORTH 48 DEGREES 07 MINUTES 16 SECONDS EAST, A DISTANCE OF 28.24 FEET TO THE NORTHWEST CORNER OF SAID LOT 123 I.T., SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 2,426.00 FEET, A CENTRAL ANGLE OF 05 DEGREES 22 MINUTES 49 SECONDS, AN ARC DISTANCE OF 227.81 FEET ALONG A NORTH LINE OF SAID LOT 123 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 113.99 FEET, A CHORD BEARING OF SOUTH 83 DEGREES 32 MINUTES 58 SECONDS EAST, AND A CHORD DISTANCE OF 227.72 FEET TO A NORTHEAST CORNER OF SAID LOT 123 I.T.; THENCE SOUTH 42 DEGREES 39 MINUTES 21 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 123 I.T., SAID LINE BEING A SOUTH LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 31.53 FEET TO A NORTHEAST CORNER OF SAID LOT 123 I.T., SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 573.00 FEET, A CENTRAL ANGLE OF 30 DEGREES 47 MINUTES 28 SECONDS, AN ARC DISTANCE OF 307.93 FEET ALONG AN EAST LINE OF SAID LOT 123 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 157.78 FEET, A CHORD BEARING OF SOUTH 21 DEGREES 05 MINUTES 02 SECONDS EAST, AND A CHORD DISTANCE OF 304.24 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 97.00 FEET, A CENTRAL ANGLE OF 46 DEGREES 49 MINUTES 41 SECONDS, AN ARC DISTANCE OF 79.28 FEET ALONG AN EAST LINE OF SAID LOT 123 I.T., SAID LINE BEING A WEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF

42.00 FEET, A CHORD BEARING OF SOUTH 03 DEGREES 51 MINUTES 49 SECONDS EAST, AND A CHORD DISTANCE OF 77.09 FEET TO A POINT, SAID POINT BEING ON THE NORTHWEST RIGHT-OF-WAY LINE OF SOUTH 94<sup>TH</sup> STREET STUB; THENCE SOUTH 44 DEGREES 42 MINUTES 23 SECONDS WEST ALONG A SOUTHEAST LINE OF SAID LOT 123 I.T., SAID LINE BEING A NORTHWEST RIGHT-OF-WAY LINE OF SAID SOUTH 94<sup>TH</sup> STREET STUB, A DISTANCE OF 28.49 FEET TO A POINT; THENCE SOUTH 45 DEGREES 17 MINUTES 37 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 123 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY STUB, A DISTANCE OF 60.00 FEET TO A POINT; THENCE NORTH 44 DEGREES 42 MINUTES 23 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 123 I.T., AND A NORTHWEST LINE OF LOT 122 I.T., SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY STUB, A DISTANCE OF 28.49 FEET TO A POINT, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF ANDERMATT DRIVE, SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 97.00 FEET, A CENTRAL ANGLE OF 57 DEGREES 00 MINUTES 08 SECONDS, AN ARC DISTANCE OF 96.50 FEET ALONG A NORTH LINE OF SAID LOT 122 I.T., SAID LINE BEING A SOUTH RIGHT-OF-WAY LINE OF SAID ANDERMATT DRIVE, A TANGENT LENGTH OF 52.67 FEET, A CHORD BEARING OF NORTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, AND A CHORD DISTANCE OF 92.57 FEET TO A POINT, SAID POINT BEING A POINT OF CURVATURE OF A NON-TANGENT CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 558.00 FEET, A CENTRAL ANGLE OF 07 DEGREES 22 MINUTES 03 SECONDS, AN ARC DISTANCE OF 71.75 FEET ALONG A NORTHEAST LINE OF SAID LOT 122 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 35.92 FEET, A CHORD BEARING OF SOUTH 58 DEGREES 38 MINUTES 40 SECONDS EAST, AND A CHORD DISTANCE OF 71.70 FEET TO A POINT; THENCE SOUTH 62 DEGREES 19 MINUTES 42 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 122 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 211.09 FEET TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 1,033.00 FEET, A CENTRAL ANGLE OF 08 DEGREES 31 MINUTES 30 SECONDS, AN ARC LENGTH OF 153.70 FEET ALONG A NORTHEAST LINE OF SAID LOT 122 I.T., SAID LINE BEING A SOUTHWEST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 76.99 FEET, A CHORD BEARING OF SOUTH 66 DEGREES 35 MINUTES 27 SECONDS EAST, AND A CHORD DISTANCE OF 153.56 FEET TO A POINT; THENCE SOUTH 28 DEGREES 12 MINUTES 50 SECONDS WEST A DISTANCE OF 1,158.21 FEET TO A POINT ON THE

SOUTHWEST LINE OF SAID LOT 70 I.T., SAID POINT BEING ON THE NORTHEAST RIGHT-OF-WAY LINE OF NEBRASKA HIGHWAY NUMBER 2; THENCE NORTH 54 DEGREES 28 MINUTES 22 SECONDS WEST ALONG THE SOUTHWEST LINE OF SAID LOT 70 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 916.42 FEET TO THE NORTHWEST CORNER OF SAID LOT 70 I.T., SAID POINT BEING A SOUTHWEST CORNER OF LOT 123 I.T.; THENCE NORTH 54 DEGREES 27 MINUTES 29 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 123 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 215.36 FEET TO A POINT OF DEFLECTION; THENCE NORTH 52 DEGREES 57 MINUTES 07 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 123 I.T., SAID LINE BEING A NORTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 7.12 FEET TO A SOUTHWEST CORNER OF SAID LOT 123 I.T., SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 91<sup>ST</sup> STREET; THENCE NORTH 04 DEGREES 18 MINUTES 22 SECONDS WEST ALONG A WEST LINE OF SAID LOT 123 I.T., SAID LINE BEING AN EAST RIGHT-OF-WAY LINE OF SAID SOUTH 91<sup>ST</sup> STREET, A DISTANCE OF 33.01 FEET TO A POINT OF DEFLECTION; THENCE NORTH 44 DEGREES 20 MINUTES 22 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 123 I.T., SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 383.41 FEET TO A POINT OF CURVATURE OF A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 1,065.00 FEET, A CENTRAL ANGLE OF 40 DEGREES 45 MINUTES 28 SECONDS, AN ARC LENGTH OF 757.60 FEET ALONG A NORTHWEST LINE OF SAID LOT 123 I.T., SAID LINE BEING A SOUTHEAST LINE OF SAID RIGHT-OF-WAY, A TANGENT LENGTH OF 395.62 FEET, A CHORD BEARING OF NORTH 23 DEGREES 57 MINUTES 38 SECONDS EAST, AND A CHORD DISTANCE OF 741.73 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 1,198,925.47 SQUARE FEET OR 27.52 ACRES, MORE OR LESS.



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