

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**for April 1, 2015 PLANNING COMMISSION MEETING**

- PROJECT #:** Use Permit #140E - Prairie Lakes Shopping Center
- PROPOSAL:** To expand the boundary of the use permit to allow for additional commercial development
- LOCATION:** South 84<sup>th</sup> Street and Pine Lake Road
- LAND AREA:** Area of expansion is approximately 17.47 acres  
Total area of use permit is approximately 182.99 acres
- CONCLUSION:** The Comprehensive Plan designates this area for future commercial land uses, and it is also a designated location for a regional shopping center. It has been anticipated the use permit would eventually be expanded to include all the area bounded by South 84<sup>th</sup> and South 91<sup>st</sup> Streets, from the south side of Pine Lake Road to Highway 2. The commercial development proposed are permitted uses in the B-5 zoning district, and are appropriate land uses inside a major shopping center. This request complies with the Zoning Ordinance and is consistent with the Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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**GENERAL INFORMATION:**

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

**EXISTING LAND USE:** Undeveloped

**SURROUNDING LAND USE AND ZONING:**

North:	Vacant, Residential	AGR, R-3
South:	Vacant, Commercial	B-5
East:	Apartments (under construction)	B-2
West:	Church, Undeveloped	R-3, O-3

**ASSOCIATED APPLICATIONS:**

CZ#15008 - A change of zone from AG and AGR to B-5 to allow the subject tract to be included in the Prairie Lakes use permit.

**HISTORY:**

- Sep 2001 - PP#01006 for Appian Way Regional Center with 28 commercial lots and 8 outlots was approved.
- Nov 2001 - ANN#01006 annexing 245 acres into the City of Lincoln was approved.
- Nov 2001 - CZ#3320 changed the zoning on 98.8 acres east of relocated South 91<sup>st</sup> Street from AG to R-3.
- Nov 2001 - CZ#3285 changed the zoning on 146.3 acres between South 84<sup>th</sup> and relocated South 91<sup>st</sup> Street north of Highway 2 from AG to B-5.
- Nov 2001 - UP#140 for 825,400 square feet of commercial space, with the option to expand to 940,000 square feet provided that the total p.m. peak hour trips does not exceed 2,925 was approved.
- Oct 2002 - UP#140A was approved adjusting the required parking for Menards from 877 spaces to 729 spaces.
- Apr 2005 - UP#140B was approved expanding the Appian Way use permit by 24 acres for a six-screen movie theater complex.
- Apr 2009 - UP#140C was approved granting an adjustment to the required number of parking spaces to 650 for the home improvement store use on Lot 2, Block 1, Appian Way Addition.
- Jun 2014 - UP#140D was approved to allow 722 multiple-family dwelling units, with waivers to height and tandem parking, and deleted approval of a six-screen movie theater complex.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

Pg 1.9 - The Future Land Use Map designates the area for commercial land uses.

Pg 5.6 - This area is designated for a regional shopping center.

Pg 6.2 - Mixed Use Guiding Principles

-Occur on sites supported by adequate road and utility capacity.

-Be located and designed in a manner compatible with existing or planned land uses.

-Develop with substantial connectivity between developing or existing neighborhoods and developing or redeveloping commercial centers.

**UTILITIES:** All utilities are available to serve this area.

**ANALYSIS:**

1. This is a request to expand the Prairie Lakes (formerly Appian Way) Shopping Center by approximately 18 acres. The associated change of zone request proposes this area be re-zoned to B-5 so that it can be included into the existing use permit.
2. The site plan shows the area of expansion being developed with a 210,000 square foot 'retail super store', and an 11,000 square foot car wash.
3. When first approved, the annexation agreement for this area (which included the commercial center on both sides of Highway 2 at this location) limited the amount of development within the use permit by capping the number of vehicle trips generated by uses within the shopping center. The number of vehicle trips was based upon the traffic study submitted by the applicant in part to show the impact of the development upon the surrounding road network. It was also used to help determine the developer's share of responsibility for street improvements.

The agreement allowed a total of 5,283 net p.m. peak vehicle trips, with 4,044 of the trips allocated for the area north of Highway 2, and 1,239 south of the highway (historically referred to as Appian Way Phase II). The land use table on the site plan has been used to keep track of vehicle trip generation. With the proposed expansion, 3,310 trips will be accounted for north of Highway 2.

4. A portion of the old Pine Lake Road right-of-way extends along the majority of the north line of the area of expansion. North of that lies Lot 81 I.T., under different ownership. Neither are part of this request. However, Lot 81 will need to be re-zoned and the right-of-way will need to be vacated before the land can be developed, which could be done independently or as part of the larger center.

To facilitate orderly development however, the site plan needs to be revised to show a driveway connection from the parking to the north boundary line of the use permit. This is to ensure that when the property to the north develops, there will be access through parking lots.

5. A grading and drainage plan was not included as part of the original submittal. One has since been submitted to the City, but it was not provided in time to be reviewed by staff prior to the writing of this report. As a result, a recommended condition of approval is that the grading and drainage plan be revised to the satisfaction of staff prior to building permits.

6. It has been anticipated that this area would be included into the use permit at some point. The proposed uses are permitted in the B-5 zoning district, and are typical for a regional shopping center. There is adequate infrastructure, including utilities and an improved street network, to support the proposed development. Subject to the recommended conditions of approval, this request complies with the Zoning Ordinance and Comprehensive plan.

**CONDITIONS:**

This approval expands the site plan for Use Permit #140E by 17.47 acres to allow for an additional 210,000 square foot super store and an 11,000 square foot car wash.

**Use Permit #140D**

Site Specific:

1. Prior to building permits the permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
  - 1.1 A revised site plan showing the following revisions:
    - 1.1.1 A driveway connection form South 88<sup>th</sup> Street through the parking lot extending to the north edge of the property line/use permit boundary which is in line with the Pine Lake Road driveway for Lot 81.
  - 1.2 A grading and drainage plan revised to the satisfaction of Public Works and Utilities.
2. Final plat(s) are approved by the City.
3. City Council approves CZ#15008.

Standard:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the buildings all development and construction is to be in substantial compliance with the approved plans.
  - 4.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner or an appropriately established owners association approved by the City.

- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

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Brian Will  
Planner  
March 18, 2015

**APPLICANT/  
CONTACT:**

Tim Gergen  
Clark Enersen Partners  
1010 Lincoln Mall  
Lincoln, NE 68508  
402-477-9291

**OWNER:**

Eiger Corporation  
16934 Pella Road  
Adams, NE 68301  
402-788-2572

## Use Permit No. 140E

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

April 1, 2015

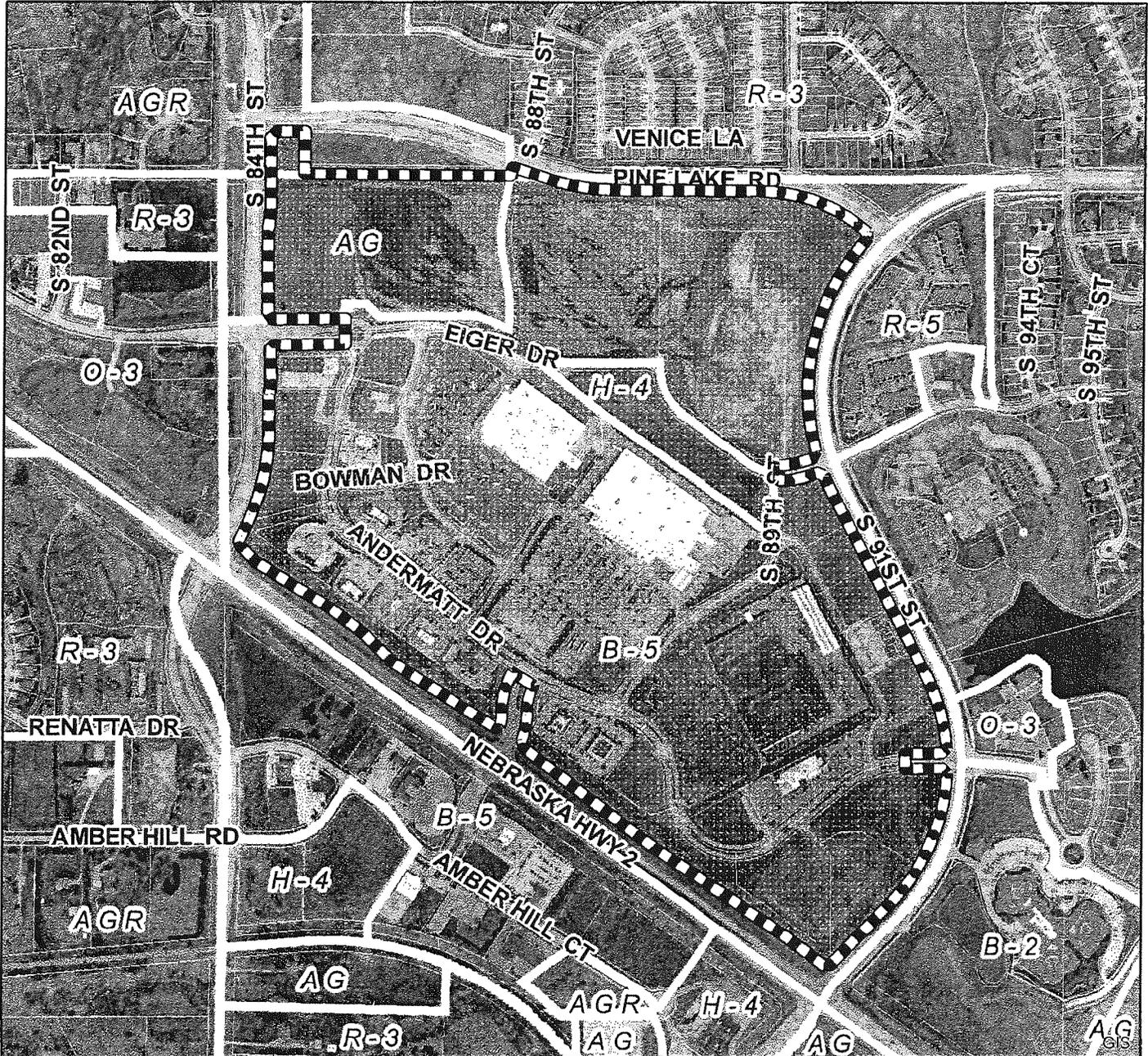
Members present: Lust, Hove, Beecham, Weber, Corr, Harris, and Sunderman; Scheer and Cornelius absent.

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 15002, CHANGE OF ZONE NO. 15008, USE PERMIT NO. 140E, and SPECIAL PERMIT NO. 11013A,.**

Item 1.3, Special Permit No. 876C, was removed from the Consent Agenda and had separate public hearing due per the request of Commissioner Beecham.

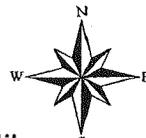
There were no ex parte communications disclosed.

Beecham moved approval of the Consent Agenda (Item Nos. 1.1, 1.2a, 1.2b, 1.4), seconded by Weber and carried 7-0: Lust, Hove, Beecham, Weber, Corr, Harris, and Sunderman; Scheer and Cornelius absent.



2013 aerial

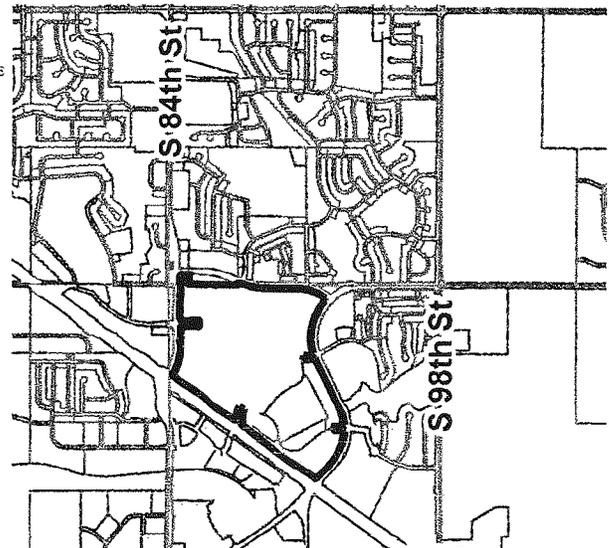
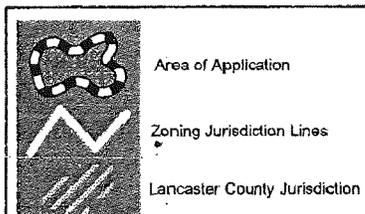
**Use Permit #: UP140E**  
**Appian Way Regional Shopping Center**  
**S 84th St & Pine Lake Rd**

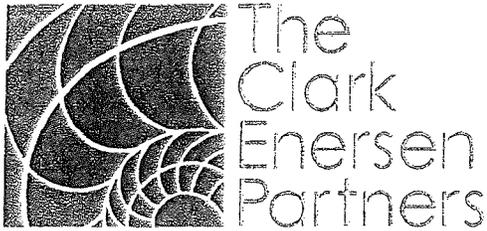


**Zoning:**

- 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-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

**Two Square Miles:**  
**Sec.14 T09N R07E**  
**Sec.23 T09N R07E**





March 3, 2015

Mr. David Cary  
Planning Department, City of Lincoln  
County-City Building  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Amendment to the Appian Way Use Permit

Dear Mr. Cary:

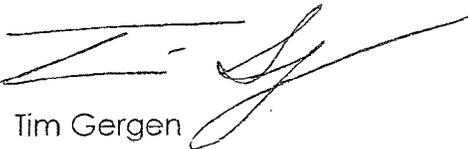
Enclosed please find the following for the above-mentioned project:

1. Zoning Application
2. Change of Zone Application fee (\$792.00)
3. Use Permit Application fee (\$792.00+\$132x17.47=\$3,098.40)
4. Use Permit Site Plan

On behalf of the Developer, Eiger Corporation, 16934 Pella Road, Adams NE 68301, we are requesting an Amendment to the Use Permit to expand the limits of the existing Use Permit to include an automated car wash and a 210,000 SF free-standing super store. The revised Site Plan and Land Use Table have been included to show the new uses and their respective site plans.

Please contact me if you have any questions or require additional information.

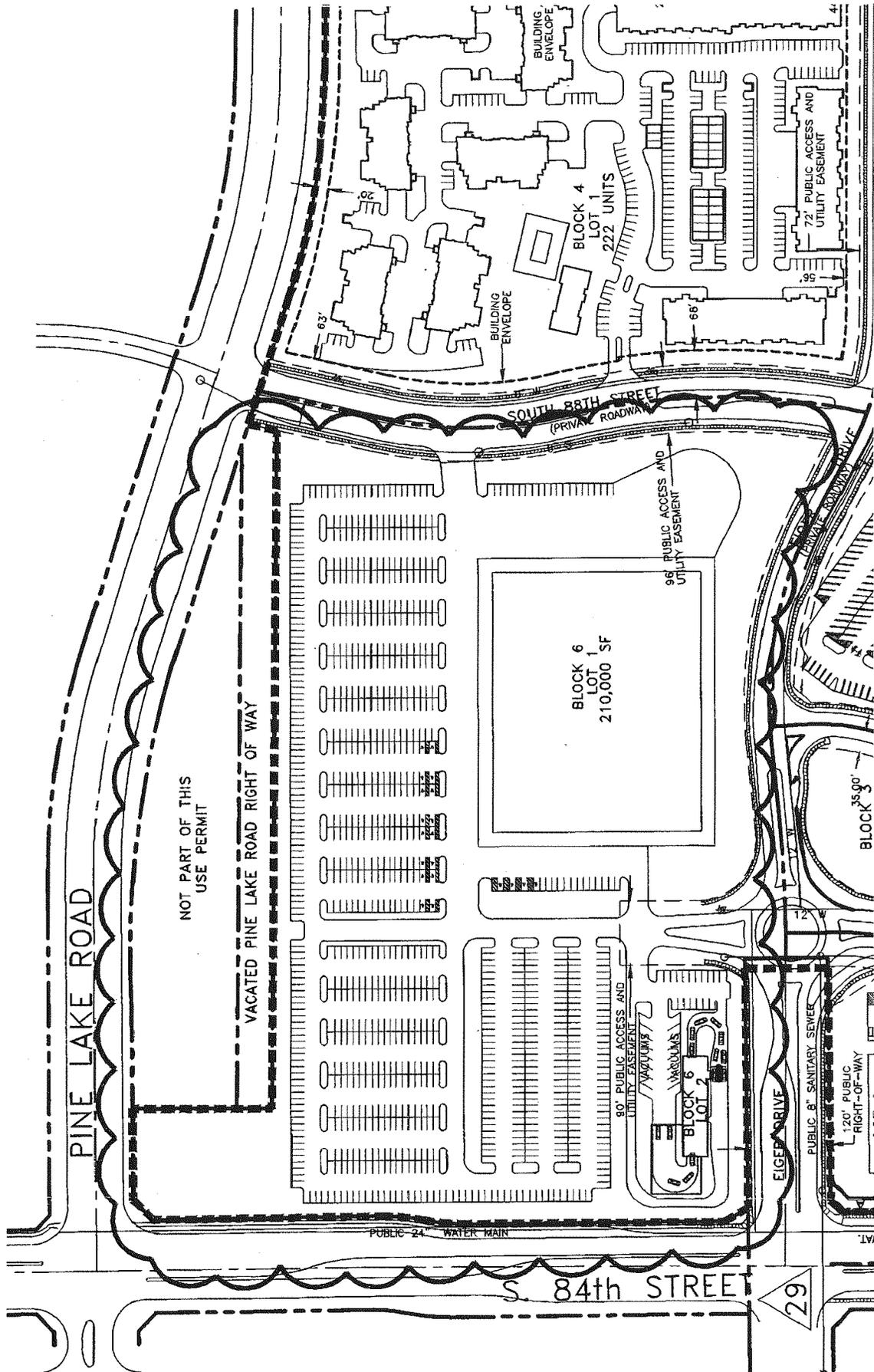
Sincerely,



Tim Gergen

cc: Eiger Corp.





# APPIA REGIONAL

## USE PERM

**ENGINEER & PREPARER**  
**THE CLARK EBERSEN PARTNERS**  
 1010 LINCOLN MALL, SUITE 200  
 LINCOLN, NE 68508  
 PHONE: (402)477-8231

## GENERAL

- SIDEWALKS WITHIN USE PERMIT TO BE BUILT AS STREET WILL BE CONSTRUCTED DURING INITIAL CIVIL CONSTRUCTION. A 10' BIKE TRAIL RATHER THAN A 4' SIDEWALK. NO SIDEWALK CROSSINGS SHALL BE LOCATED OUTSIDE OF THE PLAT.
- ALL DIMENSIONS ALONG CURVES ARE CHORD DIMENSIONS.
- DIRECT VEHICULAR ACCESS TO S. 84TH STREET EXCEPT AS SHOWN ON THE PLAT.
- PROPOSED INTERVAL LOT DIMENSIONS SHOWN AS THE LOCATION OF A PUBLIC STREET OR PRIVATE STREET.
- SIGNAGE ALLOWED WILL BE AS SPECIFIED FOR THE MUNICIPAL CODE AT THE TIME OF SIGN PERMITS. SIGNAGE AND MAY BE ILLUMINATED.
- ALL ELEVATIONS ARE TO NAVD 1988.
- LOTS MAY BE CREATED WITHOUT FRONTAGE TO THE PLAT HAVE ACCESS TO A PUBLIC ACCESS EASEMENT THROUGH THE PLAT.
- UNLESS OTHERWISE SHOWN, BUILDING ENVELOPE SHALL BE AS SPECIFIED IN THE MUNICIPAL CODE.

LAND USE										
LOT ZONE	FLOOR AREA (S.F.)	USE	MIN. PARK	ITE CODE	TRIP RATE	PM PEAK HR. TRIP	INTERNAL TRIP REDUCTION	NET PM TRIPS	PASS BY REDUCTION	NET PM TRIPS
<b>BLOCK 1</b>										
B-5	10,500	MEDICAL OFFICE	55	720	3.65	36	15%	32	20%	26
B-5	58 ROOMS	HOTEL	88	310	0.59	52	15%	44	20%	35
B-5	6,000	FAST FOOD/DRIVE THRU	60	834	33.48	201	15%	171	20%	137
B-5	7,300	DRIVE THRU BANK (4 LINES)	34	912	63.33	293	15%	215	20%	172
B-5	5,066	FAST FOOD/DRIVE THRU	51	834	33.48	170	15%	144	20%	115
B-5	3,300	FAST FOOD/DRIVE THRU	33	834	33.48	110	15%	94	20%	75
B-5	3,200	FAST FOOD	32	834	33.48	107	15%	91	20%	73
B-5	5,882	DRIVE THRU BANK	25	912	54.77	322	15%	274	20%	219
<b>BLOCK 2</b>										
B-5	6,500	HIGH T/O SIT-DOWN REST.	65	832	10.66	71	15%	60	20%	48
B-5	11,900	SPEC. RETAIL INCL. SMALL REST.	54	814	2.59	31	15%	26	20%	21
B-5	7,000	AUTOMOBILE PARTS SALES	32	843	2.67	18	15%	16	20%	12
B-5	3,500	MEDICAL OFFICE	16	720	3.65	13	15%	11	20%	9
B-5	35,000	FURNITURE STORE	158	860	0.45	16	15%	14	20%	11
B-5	10,000	QUALITY RESTAURANT	100	831	7.79	75	15%	64	20%	51
<b>BLOCK 3</b>										
B-5	3,600	FAST FOOD/DRIVE THRU	36	834	33.48	121	15%	102	20%	82
B-5	11,570	SPEC. RETAIL INCL. SMALL REST.	50	814	2.59	30	15%	25	20%	20
B-5	11,570	SPEC. RETAIL INCL. SMALL REST.	50	814	2.59	30	15%	25	20%	20
B-5	1,361,000	DISCOUNT CLUB	612	861	3.80	517	15%	440	20%	352
B-5	205,000	FREE STANDING SUPER STORE	923	813	3.82	783	15%	666	20%	532
B-5	184,000/10,853	COMMERCIAL/RETAIL	877	862	2.67	528	15%	449	20%	359
B-5	17,200	ATM ONLY	77	814	2.59	45	15%	38	20%	30
B-5	24,000	COMMERCIAL/RETAIL	1130	540	1.77	42	15%	36	20%	29
B-5	10,780	PRIVATE SCHOOL	49	710	1.49	16	15%	14	20%	11
B-5	10,780	OFFICE	49	710	1.49	16	15%	14	20%	11
B-5	10,120	OFFICE	46	710	1.49	15	15%	13	20%	10
B-5	10,780	OFFICE	49	710	1.49	16	15%	14	20%	11
B-5	10,182	OFFICE	46	710	1.49	15	15%	13	20%	10
H-4	60,000	MINI-WAREHOUSE	180	151	0.26	21	15%	18	20%	14
B-5	10,000	OFFICE	40	710	1.49	15	15%	13	20%	10
B-5	12 POSITIONS	GAS STATION	N/A	844	14.56	175	15%	149	20%	119
B-5	3,000	FAST FOOD/DRIVE THRU	30	834	33.48	100	15%	85	20%	68
B-5	3,000	FAST FOOD/DRIVE THRU	30	834	33.48	100	15%	85	20%	68
<b>BLOCK 4</b>										
B-5	222 UNITS	APARTMENTS	**444	220	N/A	N/A	15%	N/A	20%	N/A
<b>BLOCK 5</b>										
B-5	500 UNITS	APARTMENTS	**1000	220	N/A	N/A	15%	N/A	20%	N/A
<b>BLOCK 6</b>										
B-5	210,000	FREE STANDING SUPER STORE	945	813	3.82	802	15%	682	20%	548
B-5	11,000	CAR WASH (2 WASH STALLS)	12	847	2.73	6	15%	5	20%	4
TOTAL	1,088,893							3,310		2,310
TOTAL ALLOWED	1,250,000							4,044		2,944

**DEVELOPMENT AREA**  
 USE PERMIT  
 181 AC.  
 TOTAL BUILDING AREA 28 AC.  
 14% FLOOR AREA RATIO

**HEIGHT**  
 52' (ALL LOTS)

FAST FOOD & RESTAURANT 1/100 S.F.  
 FINANCIAL & OFFICE 4.5/1000 S.F.  
 COMMERCIAL & RETAIL 4.5/1000 S.F.

\* PARKING RATIO WAS CALCULATED USING A 6000 S.F. ASSEMBLAGE AREA ASSIGNING 1 PARKING STALL PER 50 S.F. (6000/120 STALLS MIN.)

BOUNDARY

23

23

23

23

23

23



## USE PERMIT

LOTS 2 AND 3, BLOCK 1, AND OUTLOT "O", APPIAN WAY ADDITION; LOT 1, APPIAN WAY 1st ADDITION; LOT 1, APPIAN WAY 2nd ADDITION; LOT 1, APPIAN WAY 3rd ADDITION; LOTS 1, 2 AND 3, APPIAN WAY 4TH ADDITION; LOTS 1, 2 AND 3, APPIAN WAY 5TH ADDITION; LOTS 1 AND 2, APPIAN WAY 6TH ADDITION; LOTS 1, 2, 3, 4 AND 5, OUTLOT "A", APPIAN WAY 7TH ADDITION; LOTS 1 AND 2, APPIAN WAY 9TH ADDITION; LOTS 1 AND 2, OUTLOT "A", APPIAN WAY 11TH ADDITION; LOT 2, APPIAN WAY 12TH ADDITION; LOT 1, APPIAN WAY 13TH ADDITION; LOTS 1, 2, 3 AND 4, OUTLOT "A", APPIAN WAY 14TH ADDITION; AND LOTS 1 AND 2, BLOCK 1, LOT 1, BLOCK 2, AND OUTLOTS "A", "B", "C", "D" AND "E", APPIAN WAY 15<sup>TH</sup> ADDITION, ALL LOCATED IN SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH. P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE EASTERLY ON THE NORTH LINE OF SAID NORTHWEST QUARTER ON AN ASSIGNED BEARING OF S 89°30'32"E, A DISTANCE OF 229.80', TO A POINT OF INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE FOR SOUTH 84th STREET, SAID POINT BEING THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WEST LINE OF OUTLOT "A", APPIAN WAY 15th ADDITION; THENCE ON SAID WEST LINE FOR THE NEXT THREE (3) COURSES, N 0°52'18"W 56.57'; THENCE N 0°19'32"W 111.49'; THENCE N 44°36'44"E 39.64', TO A POINT ON THE SOUTH LINE OF RELOCATED PINE LAKE ROAD; THENCE EASTERLY ON SAID SOUTH LINE, N 89°37'32"E 129.50'; THENCE SOUTHERLY FOR THE NEXT TWO COURSES ON A LINE OF SAID OUTLOT "A", S 0°11'09"W 148.46'; THENCE S 0°29'28"W 50.00', TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE EASTERLY ON SAID NORTH LINE, S 89°30'32"E 965.26'; THENCE N 12°38'36"E 41.43'; THENCE S 72°15'11"E 188.73', TO THE POINT OF CURVATURE OF A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1099.09' AND A CENTRAL ANGLE OF 11°06'40"; THENCE ON SAID CURVE, HAVING A CHORD OF S 77°48'18"E 212.81'; THENCE S 86°25'49"E 118.09'; THENCE S 89°49'12"E 605.71'; THENCE N 88°41'42"E 50.63', TO THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 740.00' AND A CENTRAL ANGLE OF 1°56'57"; THENCE ON SAID CURVE, HAVING A CHORD OF N 89°40'12"E 25.17'; THENCE S 0°29'28"W 5.23', TO A POINT ON THE NORTH LINE OF SAID OUTLOT "O", APPIAN WAY ADDITION AND ON THE SOUTH RIGHT OF WAY LINE OF PINE LAKE ROAD, SAID POINT ALSO BEING ON A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 735.00' AND A CENTRAL ANGLE OF 41°15'52"; THENCE ON SAID CURVE, HAVING A CHORD OF S 68°52'37"E 517.98', TO A POINT ON THE WEST RIGHT OF WAY LINE FOR SOUTH 91<sup>ST</sup> STREET; THENCE ON SAID WEST RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, S 2°19'38"E 35.39', TO THE POINT ON A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1065.00' AND A CENTRAL ANGLE OF 57°34'57"; THENCE ON SAID CURVE, HAVING A CHORD OF S 13°09'07"W 1025.85'; THENCE S 27°23'01"W 36.15', TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR HERITAGE LAKES DRIVE; THENCE ON HERITAGE LAKES DRIVE RIGHT OF WAY LINE FOR THE NEXT SIX (6) COURSES, S 71°04'43"W 57.97', TO THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 264.00' AND A CENTRAL ANGLE OF 22°09'07"; THENCE ON SAID CURVE, HAVING A CHORD OF S 82°09'17"W 101.43'; THENCE S 3°13'50"W 72.00', TO THE POINT ON A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 336.00' AND A CENTRAL ANGLE OF 22°09'07"; THENCE ON SAID CURVE, HAVING A CHORD OF N 82°09'17"E 129.10'; THENCE N 71°04'43"E 57.97', TO A POINT ON THE WEST RIGHT OF WAY LINE FOR SOUTH 91<sup>ST</sup> STREET; THENCE ON SAID WEST RIGHT OF WAY LINE FOR THE NEXT FOUR (4) COURSES, S 65°13'34"E 36.15', TO THE POINT ON A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1065.00' AND A CENTRAL ANGLE OF 5°27'34"; THENCE ON SAID CURVE, HAVING A CHORD OF S 24°56'00"E 101.44'; THENCE S 27°39'47"E 937.76', TO THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 935.00' AND A CENTRAL

ANGLE OF 22°49'13"; THENCE ON SAID CURVE, HAVING A CHORD OF S 16°15'10"E 369.94'; THENCE S 42°24'34"W 34.43', TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR ANDERMATT DRIVE; THENCE ON THE RIGHT OF WAY LINE FOR ANDERMATT DRIVE FOR THE THREE (3) COURSES, S 88°53'45"W 174.03'; THENCE S 1°06'15"E 72.00'; THENCE N 88°53'45"E 174.03', TO A POINT ON THE WEST RIGHT OF WAY LINE FOR SOUTH 91<sup>ST</sup> STREET; THENCE ON SAID WEST RIGHT OF WAY LINE FOR THE NEXT FOUR (4) COURSES, S 44°37'04"E 34.43', TO THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 935.00' AND A CENTRAL ANGLE OF 41°42'18"; THENCE ON SAID CURVE, HAVING A CHORD OF S 23°29'13"W 665.65'; THENCE S 44°20'22"W 400.02'; THENCE S 85°41'38"W 37.53', TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR NEBRASKA HIGHWAY NO. 2; THENCE ON SAID NORTH RIGHT OF WAY LINE FOR THE NEXT THREE (3) COURSES, N 52°57'07"W 206.15'; THENCE N 56°19'51"W 780.25'; THENCE N 52°26'00"W 758.61', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR SOUTH 87<sup>TH</sup> STREET; THENCE ON THE RIGHT OF WAY LINE FOR SOUTH 87<sup>TH</sup> STREET FOR THE NEXT SEVEN (7) COURSES, N 14°44'12"W 39.56', TO THE POINT ON A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 350.00' AND A CENTRAL ANGLE OF 21°57'58"; THENCE ON SAID CURVE, HAVING A CHORD OF N 9°55'33"E 133.36', TO THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 250.00' AND A CENTRAL ANGLE OF 30°00'47"; THENCE ON SAID CURVE, HAVING A CHORD OF N 13°56'57"E 129.46', TO THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 1550.00' AND A CENTRAL ANGLE OF 4°14'10"; THENCE ON SAID CURVE, HAVING A CHORD OF N 58°39'35"W 114.57', TO THE POINT ON A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 364.50' AND A CENTRAL ANGLE OF 30°45'45"; THENCE ON SAID CURVE, HAVING A CHORD OF S 14°19'26"W 193.36', TO THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 235.50' AND A CENTRAL ANGLE OF 14°51'55"; THENCE ON SAID CURVE, HAVING A CHORD OF S 6°22'31"W 60.93'; THENCE S 70°21'51"W 30.30', TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR NEBRASKA HIGHWAY NO. 2; THENCE ON SAID NORTH RIGHT OF WAY LINE FOR THE NEXT SIX (6) COURSES, N 57°09'01"W 556.12'; THENCE N 45°55'04"W 202.24'; THENCE N 53°03'46"W 200.03'; THENCE N 58°00'35"W 400.90'; THENCE N 43°05'38"W 117.22'; THENCE N 10°49'43"W 18.79', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR SOUTH 84<sup>TH</sup> STREET; THENCE NORTHERLY ON SAID EAST RIGHT OF WAY LINE FOR THE NEXT SEVEN (7) COURSES, N 29°00'57"E 22.22', TO THE POINT ON A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 1020.00' AND A CENTRAL ANGLE OF 29°41'38"; THENCE ON SAID CURVE, HAVING A CHORD OF N 14°10'08"E 522.72'; THENCE N 0°40'41"W 155.34', TO THE POINT ON A CIRCULAR CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 280.00' AND A CENTRAL ANGLE OF 1°35'07"; THENCE ON SAID CURVE, HAVING A CHORD OF N 20°09'19"E 7.75', TO THE POINT ON A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION, HAVING A RADIUS OF 320.00' AND A CENTRAL ANGLE OF 11°28'25"; THENCE ON SAID CURVE, HAVING A CHORD OF N 5°03'32"E 63.97'; THENCE N 0°40'41"W 151.61'; THENCE N 44°19'19"E 22.42', TO A POINT ON THE SOUTH RIGHT OF WAY LINE FOR EIGER DRIVE; THENCE ON THE RIGHT OF WAY LINE FOR EIGER DRIVE FOR THE NEXT THREE (3) COURSES, N 89°19'19"E 330.59'; THENCE N 0°22'12"W 120.00'; THENCE S 89°19'19"W 338.88', TO A POINT ON THE EAST RIGHT OF WAY LINE FOR SOUTH 84<sup>TH</sup> STREET; THENCE ON THE EAST RIGHT OF WAY LINE OF SOUTH 84<sup>TH</sup> STREET AND THE WEST LINE OF OUTLOT "A", APPIAN WAY 15th ADDITION FOR THE NEXT SIX (6) COURSES, N 29°44'08"W 39.33'; THENCE N 0°13'54"W 371.54', TO A POINT OF CURVATURE OF A CIRCULAR CURVE IN A CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 11°28'42", A RADIUS OF 280.00' AND AN ARC LENGTH OF 56.09'; THENCE ON SAID CURVE, HAVING A CHORD OF N 5°30'27"E 56.00', TO A POINT OF REVERSE CURVATURE FOR A CIRCULAR CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A CENTRAL ANGLE OF 11°28'42", A RADIUS OF 320.00' AND AN ARC LENGTH OF 64.11'; THENCE ON SAID CURVE, HAVING A CHORD OF N 5°30'27"E 64.00', TO THE POINT OF TANGENCY; THENCE ON SAID TANGENT, N 0°13'54"W 109.04'; THENCE N 0°52'18"W 50.89', TO THE POINT

OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 7,971,201.95 SQUARE FEET OR 182.99 ACRES, MORE OR LESS.

EXCLUDING OUTLOT 'C', APPIAN WAY 14TH ADDITION CONTAINS A CALCULATED AREA OF 271,828 SQUARE FEET OR 6.24 ACRES, MORE OR LESS.