

**CONDITIONAL ANNEXATION
AND ZONING AGREEMENT
(Scouts Treefield Park)**

This Conditional Annexation and Zoning Agreement (Scouts Treefield Park) hereinafter "Annexation Agreement" is entered into by and between the City of Lincoln, Nebraska a municipal corporation ("City") and Anderson Homes, Inc., a Nebraska Corporation ("Developer").

RECITALS

A. Developer is the owner of Lot 45 Irregular Tract and Lot 102 of Irregular Tract located in the southeast quarter (SE¼) of Section 29, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska (collectively, "the Property").

B. The Developer has filed an application requesting the City to annex the Property, approve a Comprehensive Plan Amendment to change the land use designation of the Property to Urban Density Residential and include the Property in Priority A, Tier 1, rezone the Property from AG Agriculture District and AGR Agricultural Residential District to R-4 Residential District and approve a special permit for the Scouts Treefield Park Community Unit Plan to allow the Developer to construct up to 582 multi-family dwelling units on the Property. The requests have been designated as Annexation #15014, Comprehensive Plan Amendment #15004, Change of Zone #15036 and Special Permit #15072.

C. The Lincoln-Lancaster County Planning Commission has recommended approval of the Developer's application for the Scouts Treefield Park Community Unit Plan (Scouts Treefield Park CUP) upon condition that the City Council approves the associated comprehensive plan amendment, annexation, and R-4 Zoning.

D. The Scouts Treefield Park CUP is composed of three residential lots to be developed in phases (i.e. Lot 1 and Lot 2 as phase one, and Lot 3 as phase two) and two outlots (i.e. Outlot A – for private roadway and Outlot B – for conservation easement).

E. Lot 1 and Lot 2 of the Scouts Treefield Park CUP can be sewered by gravity flow by connecting its sewer lines to the existing public sanitary sewer located in West A Street. However, Lot 3 cannot be sewered by gravity flow until a future sanitary trunk sewer along Middle Creek is constructed.

F. In order to allow the Developer to develop Lot 3 prior to construction of the Middle Creek Trunk Sewer the City is willing to allow the Developer to sewer Lot 3 via a privately owned and maintained ejector pump provided that (i) the ejector pump only sewers Lot 3, (ii) Lot 3 only be developed for multi-family use, (iii) Lot 3 is not subdivided or subjected to

a condominium form of ownership and remains under single ownership, and (iv) Lot 3 and all of the multi-family dwelling units located on Lot 3 be under the same single ownership until such time as Lot 3 may be sewerred by gravity flow sewer.

G. Developer desires to and is willing to enter into this Annexation Agreement as an inducement for and in consideration of the City approving the comprehensive plan amendment, annexation, and rezoning of the Property as requested by the Developer.

NOW THEREFORE in consideration of the above Recitals, which are made a part hereof, and the mutual covenants contained herein the parties agrees as follows:

1. CITY APPROVALS. The City agrees to approve the comprehensive plan amendment, annex the Property and rezone the Property to R-4 Residential District.

2. EJECTOR PUMP. The Developer agrees at its own cost and expense to provide suitable land and related improvements for the ejector pump to sewer Lot 3, Scouts Treefield Park CUP. The Developer further agrees at its own cost and expense to design and construct the ejector pump. The ejector pump will only be used to sewer Lot 3. Construction plans shall be approved by the Director of Public Works and Utilities Department and be per City design standards.

3. DEVELOPMENT AND USE OF THE PROPERTY.

- a. Outlot B. Developer agrees to subject all of Outlot B Scouts Treefield Park CUP to a permanent non-buildable conservation easement for open space upon terms acceptable to the City. The conservation easement shall be, at the option of the City, conveyed to the City before receiving approval of a final plat or dedicated to the City in the final plat of the Property.
- b. Lot 3. Developer agrees that (i) Lot 3 shall be sewerred by ejector pump, (ii) Lot 3 shall only be developed for multi-family use, (iii) Lot 3 shall not be subdivided or subjected to a condominium form of ownership and shall remain under single ownership, and (iv) all of the multi-family dwelling units constructed on Lot 3 Scouts Treefield Park CUP must be owned by the owner of Lot 3 until such time as Lot 3 can be sewerred by gravity flow sewer.

4. OWNERSHIP OF THE EJECTOR PUMP. The Developer of Lot 3 Scouts Treefield Park CUP shall be the owner of the ejector pump and shall be responsible to operate, repair and maintain the ejector pump on a continuous and permanent basis until such time as Lot 3 can be sewerred by gravity flow by connecting to the future Middle Creek Trunk Sewer.

5. BINDING EFFECT. This Agreement shall run with the Property and be binding upon the Developer, its successors and assigns.

6. RECORDING. This Annexation Agreement shall be recorded by the City with the Register of Deeds of Lancaster County, Nebraska, filing fees therefor to be paid in advance by the Developer.

Executed by the City of Lincoln, Nebraska this ____ day of _____, 2016.

CITY OF LINCOLN, NEBRASKA

BY: _____
Chris Beutler, Mayor

Executed by Anderson Homes, Inc., this 16 day of May, 2016.

ANDERSON HOMES, INC., a Nebraska Corporation

BY: [Signature]
Scott Anderson, President

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Chris Beutler, Mayor of the City of Lincoln.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 16th day of May, 2016, by Scott Anderson, President of Anderson Homes, Inc.

[Signature]
Notary Public

