

Addendum
DIRECTORS'/ORGANIZATIONAL AGENDA
ADDENDUM

Monday, February 12, 2018

I. CITY CLERK

II. MAYOR'S CORRESPONDENCE

**III. DIRECTORS CORRESPONDENCE
PLANNING**

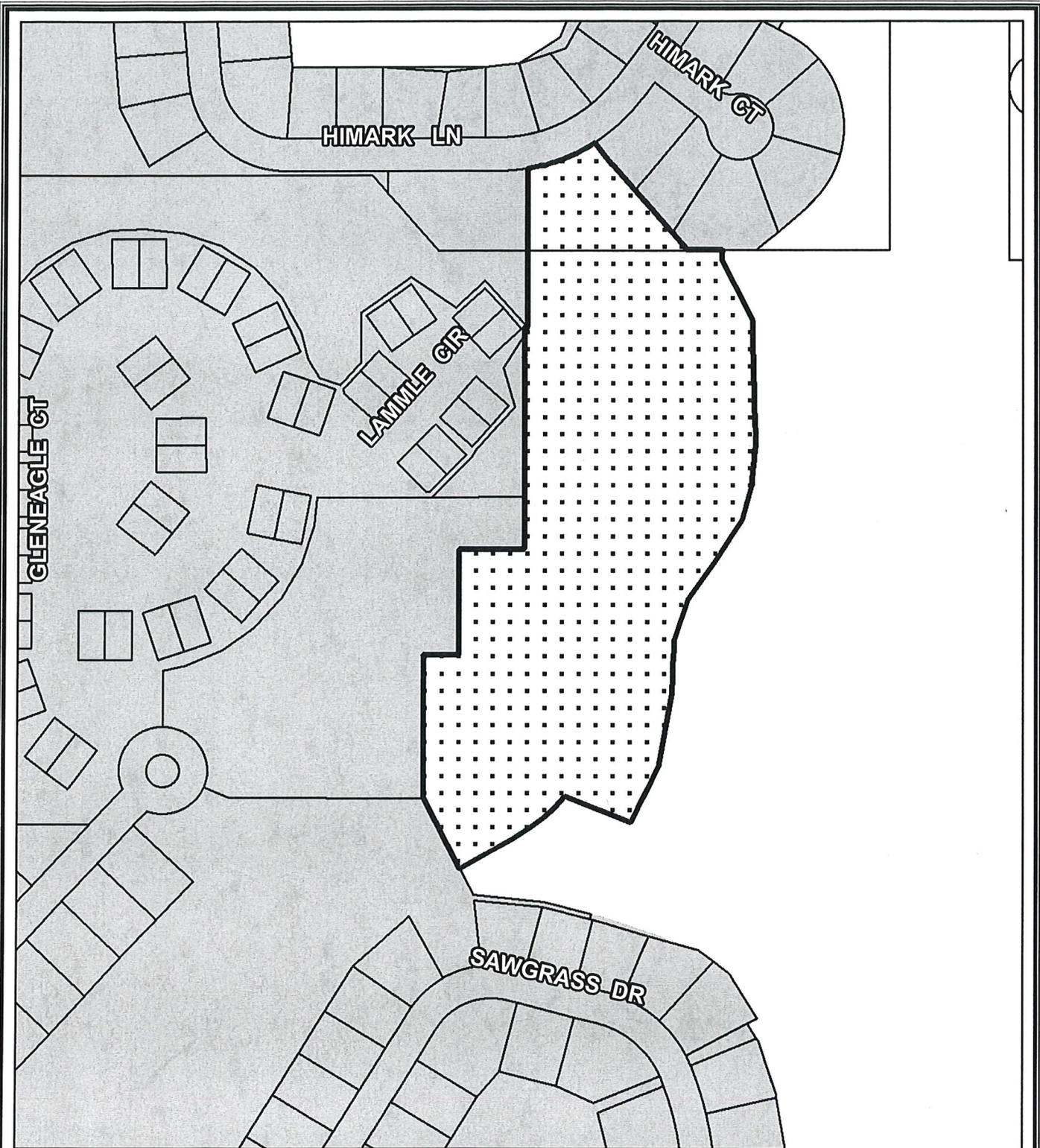
1. Annexation Map 17022
2. Annexation Map 17023

PUBLIC WORKS & UTILITIES

1. Proposed 17th Street Vacation, response to testimony - Miki Esposito, Director PW&U

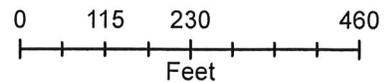
IV. CONSTITUENT CORRESPONDENCE

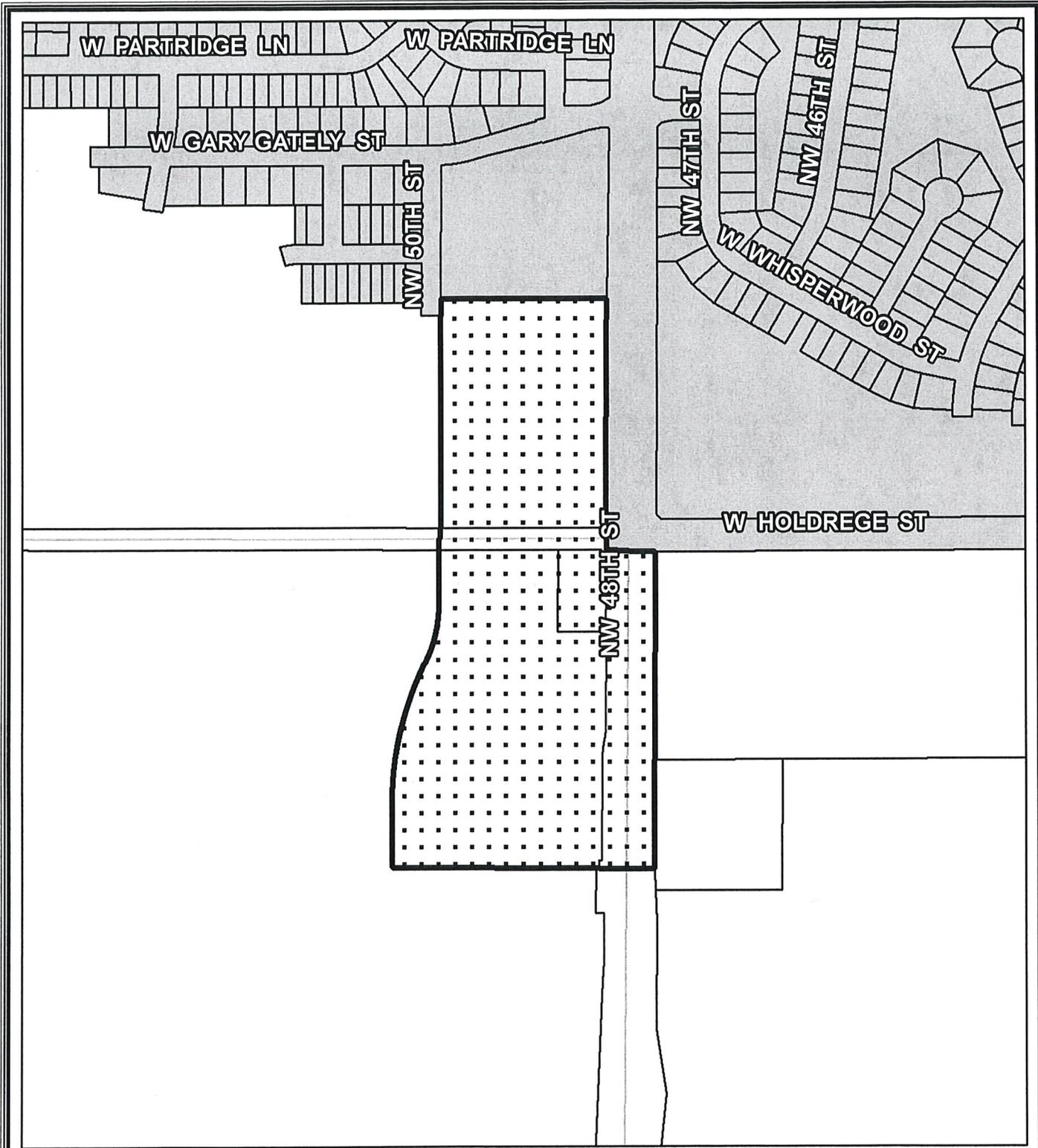
1. Proposed 17th Street Vacation, opposition - Lewis Linkugel
2. Proposed 17th Street Vacation, opposition - William Boernke
3. Proposed Resolution 18R-3, opposition - Mark and Susan Bigham
4. Proposed Resolution 18R-3, opposition - Ann Moss
5. Proposed Resolution 18R-3 - Roger Johnson
6. TIF-redevelopment project - Lincoln Zehr, Hampton Enterprises, President & CEO
7. Proposed Sales Tax for Streets - Thomas Taylor
8. Request for delay on proposed resolution 18R-3 - William F. Austin, Blake|Austin Law Firm
Objection to request for delay - Mark Hunzeker, Baylor Evnen Law Firm
9. Sky Ranch Acres HOA Land Ownership - Dave Dobesh
10. Proposed Change of Zone TX 17001 - Anna Wishart
Response provided by Councilwoman Raybould
11. Motion to Amend Bill No. 18R-3 - William F. Austin, Blake|Austin Law Firm
12. Response to Motion to Amend No. 18R-3 - Mark Hunzeker, Baylor Evnen Law Firm
13. Proposed Resolution 18R-3, opposition - Joe and Amy Borer
14. Staff response to Dave Dobesh provided by Robert Simmering, PW&U



**Annexation by Ordinance
S 93rd St & Pioneers Blvd
Effective: February 13, 2018**

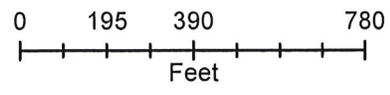
-  Area of Annexation
-  Ownership Parcels
-  City Limits Before Annexation





**Annexation by Ordinance
 NW 48th St & W Holdrege St
 Effective: February 13, 2018**

-  Area of Annexation
-  Ownership Parcels
-  City Limits Before Annexation



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 f:\its\gis\arcview\lann_notif\AN17023.pdf

Angela M. Birkett

From: Miki M. Esposito
Sent: Thursday, February 08, 2018 12:29 PM
To: Bennie R. Shobe; Carl B. Eskridge; Cyndi Lamm; Jane Raybould; 'Jon Camp'; Leirion Gaylor Baird; Roy A. Christensen
Cc: Angela M. Birkett; Jon D. Carlson; David R. Cary; Lonnie J. Burklund; Holley M. Salmi
Subject: 17th Street Vacation

Follow Up Flag: Follow up
Flag Status: Completed

Greetings City Council Members – in advance of the final vote on Monday regarding the proposed 17th Street Vacation, I wanted to respond to some of the questions raised in testimony about transit delays and/or pedestrian safety along the 16th Street corridor.

Currently, our traffic data suggests that the design of the 16th Street and Vine intersection is performing well in two very important areas: safety (for cars and pedestrians) and efficiency. As with any traffic flow change, we have to be cautious and patient. Monitoring traffic over time allows us to distinguish between growing pains and true operational issues. We do our best to avoid knee-jerk reactions to temporary or evolving traffic conditions.

Our traffic monitoring data suggests that the traffic changes are actually reducing the number of crashes at the intersection. Historically, five to six crashes annually are recorded there. Since the all-way stop control was implemented a little over seven months ago, there has been only one crash.

Operationally, StarTran's on-time performance shows minimal delays on select routes through the intersection when compared to the prior traffic signal control. Several other routes actually indicate time savings.

Overall, the data is demonstrating improvement in flow along the corridor. As we continue to monitor the situation, we will let you know of any changes. In the meantime, please let me know if you have any questions.

Thank you,
Miki

Miki Esposito, Director
Public Works & Utilities
O: 402.441.6173
C: 402.525.0065



Angela M. Birkett

From: WebForm <none@lincoln.ne.gov>
Sent: Thursday, February 08, 2018 11:35 AM
To: Cyndi Lamm; Jon Camp; Jane Raybould; Carl B. Eskridge; Leirion Gaylor Baird; Roy A. Christensen; Bennie R. Shobe
Subject: InterLinc - Contact

Follow Up Flag: Follow up
Flag Status: Completed

City Council - Contact

Date : 2/8/2018 11:35:25 AM

name Lewis Linkugel

address 849 South 40th Street

city Lincoln

state NE

zip 68510

email lewis@postalbenefits.com

comments I would ask that you vote NIOT to close 17th street that goes through UNL campus. It is hard enough to get around in that area with out closing another street.
Thank you for your consideration.

IP: 76.79.61.50

Form: <http://www.lincoln.ne.gov/city/council/contact.htm>

User Agent: Mozilla/5.0 (Windows NT 10.0; WOW64; Trident/7.0; rv:11.0) like Gecko

Angela M. Birkett

From: William Boernke <boernke@icloud.com>
Sent: Thursday, February 08, 2018 4:34 PM
To: Jon Camp
Subject: 17th Street

Follow Up Flag: Follow up
Flag Status: Completed

Dear Councilperson Camp:

“Councilman Jon Camp also questioned the \$80,000 price, which was set by the Urban Development Department.

“I’d love to have \$1-per-square foot land,” said Camp, noting that commercial land in the Haymarket, where he owns property, is up to ‘the \$30- to \$40-per-square foot range’ under the new county assessments.” (“Journal Star,” Feb. 8, 2016)

Private individuals who purchase land in the Haymarket will pay the free-market cost of the land. But the university is not a private individual. It is part of the general welfare. We the people pay taxes to fund the university because the Constitution (Article 1, Section 8) states that government has the power to tax to provide for the general welfare (the public sphere, you know, roads, parks, schools, etc.).

The founders thought that democracy is impossible if the people do not have civic virtue. Civic virtue is best seen in this quote of John F. Kennedy: “Ask not what your country can do for you [get as much money out of the university as you can by charging them the free-market cost of land]; ask what you can do for your country [allow the university to buy land as cheaply as possible because this will produce the greatest good for the greatest number]. All those Republicans who fought for tax cuts don’t have civic virtue. Ask not what your country can do for you (give me a tax cut so that I can keep more of my hard-earned income); ask what you can do for your country (pay my taxes so that Congress can pay down our massive debt as the Constitution mandates; Article 1, Section 8 gives Congress the power to tax to pay the nation’s debts].

If the National Park Service wanted to create a National Park on federal land, do you think they would have to pay the same price/acre that private ranchers pay to graze their cattle on public land?

Rational people are utilitarians who want government to produce the greatest good for the greatest number. Conservatives have an ethic that is the greatest good for me and the hell with the general welfare.

William Boernke
1004 Galloway Circle
Lincoln, NE 68512

Angela M. Birkett

From: Mark and Susan Bigham <mbigham@fastmail.us>
Sent: Thursday, February 08, 2018 6:00 PM
To: Cyndi Lamm; Jon Camp; Jane Raybould; Carl B. Eskridge; Leirion Gaylor Baird; Roy A. Christensen; Bennie R. Shobe; Mayor
Subject: Sky Ranch Acres

Follow Up Flag: Follow up
Flag Status: Completed

I listened to our representatives at the City Council Meeting last Monday, trying to protect Sky Ranch Acres (SRA) from unnecessary disruption to our community due to the Dominion project. They brought up facts, concerns, discrepancies, fears and did their best to protect our association. We were told by one of the city people at a joint meeting with SRA that we have as much chance of protecting our community as winning the lottery. I hope the members of the City Council and Mayor Beutler will read in full what I have to say and how I feel about the past months.

First, SRA was developed in the 1970's. The goal was to create a community of small plane enthusiasts and included a grass runway and hangers in the basements of homes along the runway. Pester Air Port is recognized by the FFA and is used by small planes, helicopters, and flying wings. The Association Covenants also were written to protect our rural setting, respect for neighbors, control of domestic animals, and building regulations. It also spelled out association property to be enjoyed and maintained by all. In a nut shell, Sky Ranch Acres was a gated community without the gate. One way in and the same way out.

My husband Mark and I have lived in SRA for 14 years. We were looking for a new home in Lincoln and the house we now own came up on a real estate search. It wasn't all stone, it wasn't constructed pre 1940, it took a mountain goat to navigate all 14 steps to get onto the front porch, and it was in the country!!! Nothing that we were looking for. It did have a private fishing pond and a near acre of land. Out of curiosity we drove out to look at the house. We drove by the pond covered in ice with three children skating and playing ice hockey while their father watched from the bank. The setting sun reflected purples and pinks across the ice as we pulled over to watch. Without looking at the house, we decided this was the place we belonged. SRA has not disappointed us. The triplets that we watched skating are now grown and gone but the pond is there and so is my husband with pole and tackle box in hand.

The community that we live in is very unlike the one we lived in Lincoln for 32 years. SRA is quiet. It has provided a plethora of wild life that we have watched in our yard to include deer, fox, turkeys, ducks, quail, raccoons, opossums, black squirrels, and a variety of wonderful birds. Canadian geese live at our pond year around and have developed the tradition of walk about, wandering down streets and visiting yards in groups up to 50 strong. Better yet, SRA is a close knit family. We watch out for each other, help each other, and truly care for one other.

Our streets are our pathways to the little Lending Library, the pond, Howell's playground, and to each others homes. One would probably consider us a step back in time because we still find May baskets on our front porches as well as Easter baskets. In the summer, garden produce magically appears and apples show up in the autumn. Harry provides our neighborhood with farm-fresh brown eggs that his grandchildren sell. Winter means sledding down steep yards and across icy streets. In the summer, the streets are where children learn to ride their bikes and parades of big wheels, kick bikes, a pink Barbie car and a GI Joe jeep pick up play mates and travel from one house to another. The streets are important because we have no sidewalks and no crossing areas. The streets are where our community gathers to talk fishing, how many baby geese were hatched, plan picnics, talk about the weather, new recipes, and crab grass. It's where we walk and push baby strollers and drive riding mowers. We are all safe because we know where the children live (15 to date) and keep a diligent eye. We drive safely and slowly because we know that the streets are also where we walk and where the children will be traveling. One day, our children will be walking the same streets to the new

Grade School which will border SRA to the West. Note...all 15 children live on Beechcraft Road and/or at the intersection of Beechcraft and Cessna Lane.

The increased through traffic will threaten our community in many ways. Safe mobility from place to place without sidewalks would be made worse since our streets are only 20' wide, have no shoulders, tight turning radii at intersections, and are bordered by deep ditches since we have no storm drains. Our streets are also where visitors and workers park leaving room for only one car to pass at a time.

Dominion needs to provide their home buyers with streets that are better and safer than those of SRA. They need to be able to handle heavy traffic where two cars can meet without having to pull over and where trucks can maneuver. The developers of Dominion have talked about other streets to serve the home owners but don't have permits nor a time line in writing as to when they will be completed. If there would be a delay or Dominion decides not to invest in their own streets, even more traffic could be funneled into SRA with our only ONE outlet.

We are asking for a delay in voting to settle some of the issues which have not been resolved. Members of SRA have brought them to the Council's attention but Dominion wouldn't commit to dates and putting things in writing. Likewise, Dominion wouldn't give an answer to the council members that asked the same questions. The best solution would be to consider the safety of our gated community and dead-end Beechcraft Road and Piper Way. This would put to rest the parasitic relationship that connecting Dominion to SRA would create. Such a solution would not cause any problems for Dominion's development since they said that they will have their own roads as well as connections to the new lighted roads in Waterford Estates. This would also resolve the well issue.

The City Council, as our representatives, must protect our little piece of Nebraska Heaven. Please help us win the lottery and represent our gated Community. Save our way of life.

Most sincerely yours, Susan Bigham

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Mark and Susan Bigham
mbigham@fastmail.us

Angela M. Birkett

From: WebForm <none@lincoln.ne.gov>
Sent: Thursday, February 08, 2018 10:01 PM
To: Cyndi Lamm; Jon Camp; Jane Raybould; Carl B. Eskridge; Leirion Gaylor Baird; Roy A. Christensen; Bennie R. Shobe
Subject: InterLinc - Contact

Follow Up Flag: Follow up
Flag Status: Completed

City Council - Contact

Date : 2/8/2018 10:00:31 PM

name Ann Moss

address 1200 Piper Way

city Lincoln

state NE

zip 68527

email annmoss1@gmail.com

comments My husband and I live in Sky Ranch Acres. I know there are many issues being discussed in the matter of the Dominion at Stevens Creek development. All of these issues are important and relevant to us. This letter is not specific to these issues. I want to share my view as a homeowner in SRA.

We made a large investment in our future by purchasing a lovely home sitting on an acre of land. It is the best of both worlds, city and rural. One word describes our lives for the past 5 years - Peace! We anticipated that the field south of our home would one day become a housing development. But the thought had never crossed our mind that the street in front of our house would be a thoroughfare for a new development. It feels like we are being pushed around by "the powers that be." Developers, attorneys, city planners, etc. They want to get rolling on this project so going through SRA is the quickest way to begin. Whoa! Stop! Build the roads and streets to the south that will be needed. Leave us intact as we are. When all is said and done, the developer will have the houses built, developed the area as planned. But SRA will have been changed to the detriment of all of our residents if those streets are opened up.

Please, before the vote, think through our position. Come and drive through Sky Ranch Acres. We are a hidden gem!

Thank you for your time.

Ann Moss

1200 Piper Way

IP: 76.84.212.204

Form: <https://lincoln.ne.gov/city/council/contact.htm>

User Agent: Mozilla/5.0 (Windows NT 6.3; Win64; x64; rv:58.0) Gecko/20100101 Firefox/58.0

Angela M. Birkett

From: WebForm <none@lincoln.ne.gov>
Sent: Friday, February 09, 2018 9:01 AM
To: Cyndi Lamm; Jon Camp; Jane Raybould; Carl B. Eskridge; Leirion Gaylor Baird; Roy A. Christensen; Bennie R. Shobe
Subject: InterLinc - Contact

Follow Up Flag: Follow up
Flag Status: Completed

City Council - Contact

Date : 2/9/2018 9:00:44 AM

name Rodger Johnson

address 1320 Cessna Lane

city Lincoln

state NE

zip 68527

email rj62205@windstream.net

comments Members of Lincoln City Council:

The purpose of this memo is to correct a statement made by Mark Hunzeker at the Feb. 5 council meeting regarding the Sky Ranch Acres (SRA) well that is affected by the connection of Dominion streets to Piper Way. During his testimony supporting the Dominion amendment to the permit, Mr. Hunzeker, attorney for the Dominion Developer, stated that in the SRA Annexation Agreement with the City of Lincoln, SRA agreed to move the well. That is inaccurate. Section 3 of the Agreement addresses the Public Water System. It acknowledges that our current water lines are too small to supply fire protection through fire hydrants and that water to SRA cannot be provided until the 16 inch main along Holdrege Street is extended to the entry to SRA. The well is not mentioned.

Additional information is in Factsheet to Bill No. 12-100 presented to the City Council at the August 13, 2012, Public Hearing regarding annexation of SRA, and in the Planning Staff Report prepared for that meeting. Each of these documents state that SRA will continue to operate its existing water supply system. Neither document specifically mentions the well.

Furthermore, in discussions with Planning Staff, SRA has been repeatedly told that if at some future date, SRA water lines are upgraded to meet fire protection standards and city water is brought into the development, one option available to SRA is to retain the existing water system for irrigation purposes.

IP: 40.131.189.161

Form: <http://www.lincoln.ne.gov/city/council/contact.htm>

User Agent: Mozilla/5.0 (Windows NT 6.3; Win64; x64; rv:58.0) Gecko/20100101 Firefox/58.0

Angela M. Birkett

From: Lincoln Zehr <LZehr@hampton1.com>
Sent: Friday, February 09, 2018 9:28 AM
To: Jon Camp; Cyndi Lamm; Roy A. Christensen
Subject: Quick FYI TIF

Follow Up Flag: Follow up
Flag Status: Completed

Jon, Cyndi & Roy,

I wanted to give you a heads up about a TIF-redevelopment project we've been helping with that is working its way toward the Council for approval. The Viet Hao Project is located at 2353 O Street (parking lot), 2365 O Street and 2373 O Street. The project, which we've been working on for nearly two years to make it go, consists of the rehabilitation of the 2365 O Street building and the partial demolition (front half) of the two-story building at 2373 and construction of a new front building at 2373 O Street. The demolition is required on 2373 simply because the front half of the building, as it exists today, has so many structural problems it is not salvageable.

The owner of the properties purchased the buildings to expand the Viet Hao Asian grocery store – currently operating out of leased space on the North side of O street. Preliminary plans had been drawn up and Hampton had provided cost estimates for the project, which was ready to move forward with construction. The project came to a halt when the soils testing was done as we discovered a 15 foot concrete tunnel that was part of the old Antelope Creek - however many decades ago. The existing building (2373) had been built directly on top of the 15 foot concrete tunnel. The portion of the tunnel which runs underneath O street was filled and compacted to allow for O Street to be constructed over the tunnel, but the portion underneath the building was not. In the current condition of the site typical footings and foundations aren't possible. The condition of the soil beneath the tunnel is so bad that we would have to significantly over excavate the area and bring in all new fill at a cost that was just unconscionable. A more cost effective solution we have identified uses helical piers driven into the ground on either side of the tunnel – thus providing a stable foundation that the building rests on. While a more cost effective solution it is still an unexpected additional cost that is far more than the owner can spend and still make the grocery store project a go.

I will admit that I have historically not been a huge fan of TIF but I believe this project is exactly the type of project TIF was designed for. Without the assistance of the TIF funds – the project doesn't happen and that area of O Street would continue to decline.

I would appreciate your support when this comes before the Council and I'm happy to answer any questions you might have about the project at your convenience.

Best regards,

~Lincoln

Lincoln Zehr
Hampton Enterprises
President & CEO

402.659.7397 Mobile
402.489.8858 Office

Angela M. Birkett

From: WebForm <none@lincoln.ne.gov>
Sent: Friday, February 09, 2018 12:42 PM
To: Cyndi Lamm; Jon Camp; Leirion Gaylor Baird; Roy A. Christensen; Bennie R. Shobe
Subject: InterLinc - Contact

Follow Up Flag: Follow up
Flag Status: Completed

City Council - Contact

Date : 2/9/2018 12:42:09 PM

name Thomas Taylor
address 7650 Kennelley Drive
city Lincoln
state NE
zip 68516
email Thomasktaylor@mac.com
comments re. Proposed ADDITIONAL sales tax for streets.

I would be in favor of a sales tax for our streets to capture a fee on the people that visit Lincoln and that live in the bedroom communities around our city. These people use our streets and benefit from all the factors of our infrastructure. Many of these people work in Lincoln and use our streets everyday.

I really think that the money captured should ONLY be used for street maintenance PERIOD. NOT building new streets and NOT for trails or bike paths. The Mayor has already said that he wanted some of it to go for some fire equipment. Let's face it, the current administration has been a VERY POOR steward of the taxpayers money. I also think that there should be a sunset clause on this tax at least to re-evaluate its success or failure at a later date.

If this is proposed, I think that the current method of collection by number of wheels, should be reduced or eliminated. You shouldn't have it both ways.

You CAN'T just keep on adding on taxes and fees without some relief for the residents. The money spent on the "prairie corridor" should have been used for streets or even helping catch up on the fire retirement pension fund.

The way our Mayor is spending, is a serious concern and must be reigned in.

IP: 108.167.3.179

Form: <http://lincoln.ne.gov/city/council/contact.htm>

User Agent: Mozilla/5.0 (iPad; CPU OS 11_2_5 like Mac OS X) AppleWebKit/604.5.6 (KHTML, like Gecko) Version/11.0 Mobile/15D60 Safari/604.1

Angela M. Birkett

From: William Austin <waustin@blakeaustinlaw.com>
Sent: Friday, February 09, 2018 3:14 PM
To: Council Packet
Subject: FW: Resolution 18R-3/Dominion at Stevens Creek

Follow Up Flag: Follow up
Flag Status: Completed

First try sending failed.

From: William Austin
Sent: Friday, February 9, 2018 3:10 PM
To: 'mailto:councilpacket@lincoln.ne.gov' <<mailto:councilpacket@lincoln.ne.gov>>; 'tmeier@lincoln.ne.gov' <tmeier@lincoln.ne.gov>
Cc: Steve S. Henrichsen <shenrichsen@lincoln.ne.gov>; 'Amy Borer' <am_bro4685@hotmail.com>; mhunzeker@baylorevnen.com
Subject: Resolution 18R-3/Dominion at Stevens Creek

Dear City Council and City Clerk,

On behalf of the Sky Ranch Acres Neighborhood Association, we hereby request that action be delayed on Resolution 18R-3, which is the resolution of approval for Dominion at Stevens Creek C.U.P. The Association would like additional time to consider the ramifications of the last amendments proposed by the Permittee.

Thanking you in advance for your consideration.

Bill Austin

WILLIAM F. AUSTIN
BLAKE|AUSTIN LAW FIRM, LLP
301 SOUTH 13TH STREET, SUITE 101
LINCOLN, NE
PHONE: (402) 480-7003
E-MAIL: WAUSTIN@BLAKEAUSTINLAW.COM

Angela M. Birkett

From: Mark A. Hunzeker <MHunzeker@baylorevnen.com>
Sent: Friday, February 09, 2018 4:01 PM
To: William Austin; Council Packet; Teresa Meier
Cc: Steve S. Henrichsen; Amy Borer
Subject: RE: Resolution 18R-3/Dominion at Stevens Creek

Follow Up Flag: Follow up
Flag Status: Completed

All:

On behalf of the developer we object to a delay. The amendment “sponsored by the Permittee” was in fact drafted by the city staff in response to the amendment proposed by Sky Ranch Acres N.A. As approved by the Planning Commission, the barricades could be removed upon occupancy permits for 74 lots “in the development” (NOT limited to Phase I, which has only 74 lots). The proposal by Sky Ranch Acres would have required occupancy permits for 100% of Phase I, which could be a very difficult standard to reach, possibly taking several years. (For example, if a lot were purchased by a member or members of Sky Ranch Acres N.A. for the purpose of preventing the connection, it might take an amendment to the CUP to allow removal of the barricades). The amendment drafted by Planning, and offered by the developer simply expands the area to include about 13 lots in Phase 2 (all north of Century Lane), so that 74 of 87 lots (85%) must have occupancy permits, rather than the 100% proposed by the SRA amendment.

The “ramification” of the amendment drafted by staff and offered by the developer is to clarify that the lots which must have occupancy permits are those in the northernmost portion of the project (which is actually a bit more restrictive than the language approved by the Planning Commission), and to be sure that it does not impose a 100% condition on removal of the barricades.

By now it should be clear that the objective of all the SRA testimony, as well as this request, has been to prevent, or at least delay the connection of stub streets in Sky Ranch Acres to new streets in Dominion. You are all familiar with the reasons city policy has required such connections for many, many years. Please do not delay action on the Dominion project.

Mark A. Hunzeker
Baylor Evnen Law Firm
600 Wells Fargo Center
1248 “O” Street
Lincoln, NE 68508
402-458-2131
(direct line)
MHunzeker@baylorevnen.com

From: William Austin [<mailto:waustin@blakeaustinlaw.com>]
Sent: Friday, February 9, 2018 3:10 PM
To: <mailto:councilpacket@lincoln.ne.gov>; tmeier@lincoln.ne.gov
Cc: Steve S. Henrichsen; Amy Borer; Mark A. Hunzeker
Subject: Resolution 18R-3/Dominion at Stevens Creek

Dear City Council and City Clerk,

On behalf of the Sky Ranch Acres Neighborhood Association, we hereby request that action be delayed on Resolution 18R-3, which is the resolution of approval for Dominion at Stevens Creek C.U.P. The Association would like additional time to consider the ramifications of the last amendments proposed by the Permittee.

Thanking you in advance for your consideration.

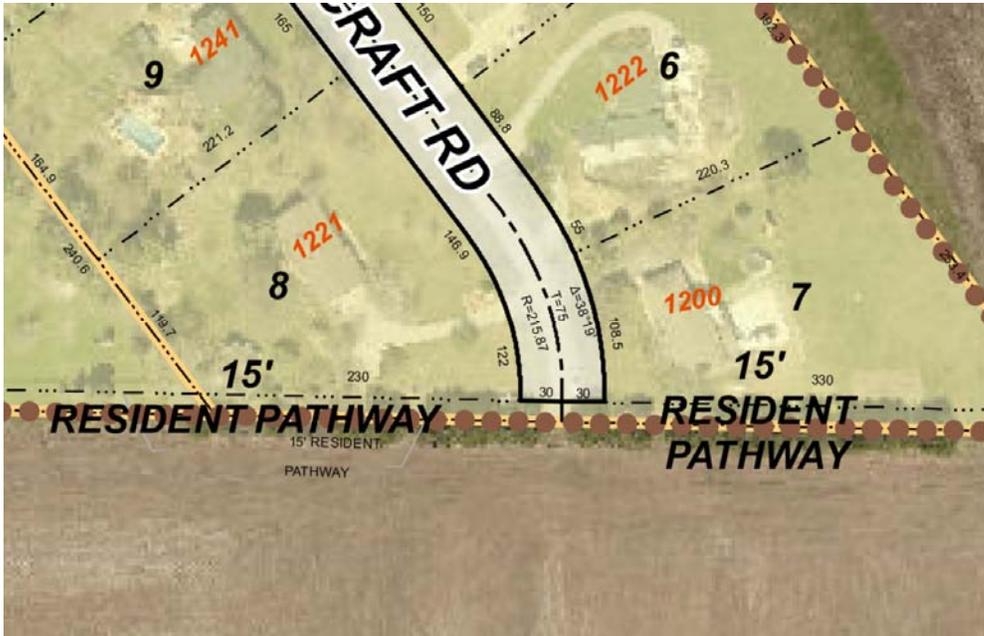
Bill Austin

WILLIAM F. AUSTIN
BLAKE|AUSTIN LAW FIRM, LLP
301 SOUTH 13TH STREET, SUITE 101
LINCOLN, NE
PHONE: (402) 480-7003
E-MAIL: WAUSTIN@BLAKEAUSTINLAW.COM

Angela M. Birkett

From: Dave Dobesh <davedobesh1@gmail.com>
Sent: Friday, February 09, 2018 10:30 PM
To: Cyndi Lamm; Jon Camp
Subject: I am confused/Sky Ranch hoa land ownership
Attachments: sra original plat.pdf

Follow Up Flag: Follow up
Flag Status: Completed



The two screen grabs show Beechcraft Rd. in Sky Ranch acres as it interacts with the resident pathway next to the proposed Dominion property. Both pictures come from the sectional,

Picture one is from November 2017. Picture two is from Feb. 9, 2018.

The first picture clearly shows Beechcraft ending at the resident pathway.

The second picture seems to show Beechcraft and the resident pathway sharing the same easement. Picture two is much clearer when it is enlarged.

The original plat, 71.10054 registered July 23, 1971 supports the road ending on what is termed on the plat as '15 foot resident pathway easement'. (attachment listed as sra original plat.pdf)

In the annexation agreement of Sky Ranch, the city acknowledged that the 15 foot resident pathway easement is owned by the Sky Ranch home owner's assn.

It seems someone in city planning has brokered a deal to sell the resident pathway.

I have requested an instrument or document from the city that has changed this pedestrian easement to right of way. It has not been provided it to me. Now when I look at the mapping and sectional of our homeowners land, it seems to be classified as right of way without documentation proving it. As a citizen of Lincoln, to a council member, I implore you to investigate why this has happened.

Dave Dobesh

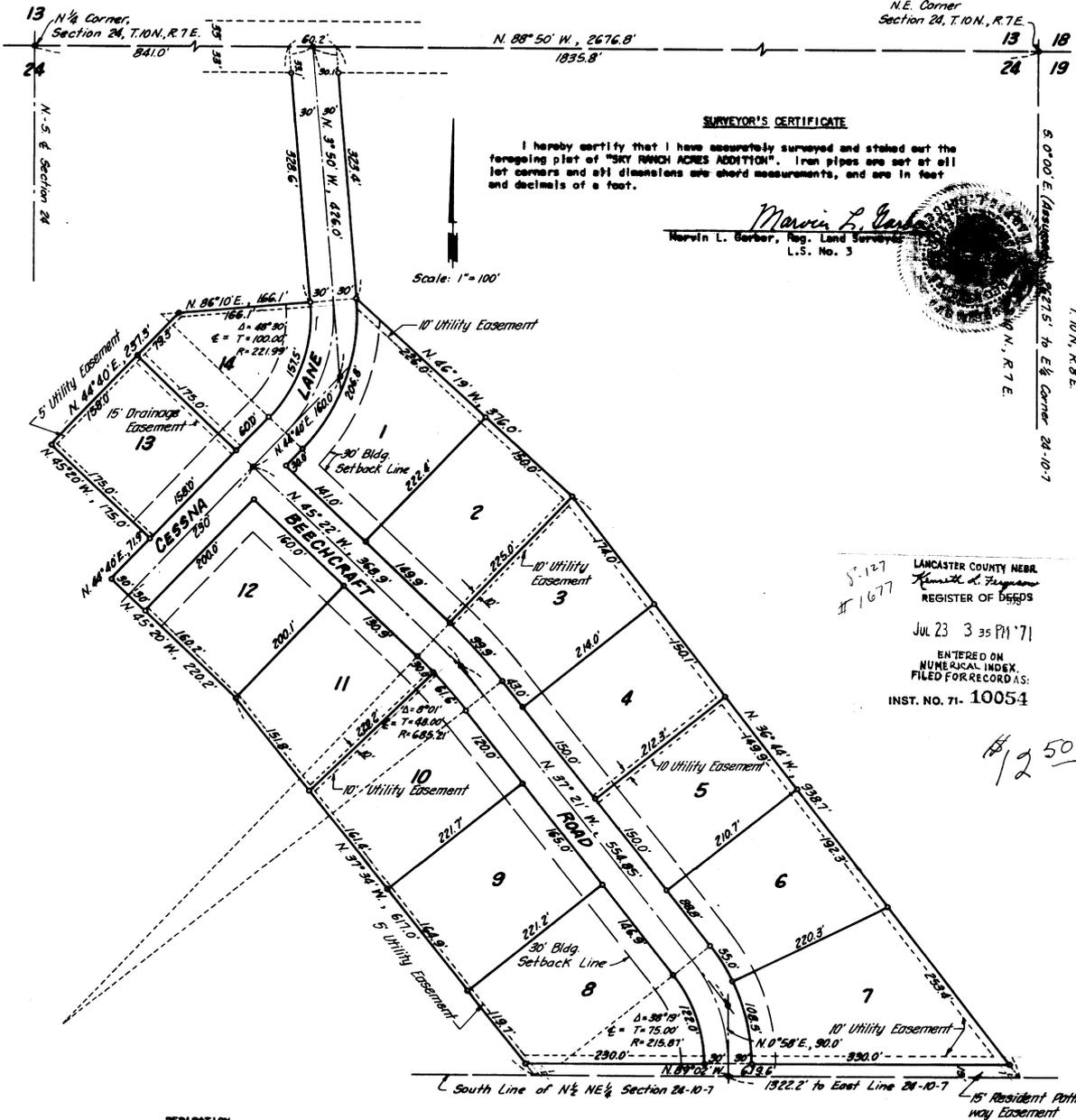


Virus-free. www.avg.com

"SKY RANCH ACRES ADDITION"

A Subdivision of a Part of the N 1/2 of the NE 1/4 of Section 24, T.10N., R.7E.

29-527 7E-179
127



SURVEYOR'S CERTIFICATE

I hereby certify that I have accurately surveyed and staked out the foregoing plat of "SKY RANCH ACRES ADDITION". Iron pipes are set at all lot corners and all dimensions are chord measurements, and are in feet and decimals of a foot.

Marvin L. Garber
Marvin L. Garber, Reg. Land Surveyor
L.S. No. 3



LANCASTER COUNTY NEBR.
Kenneth D. Ferguson
REGISTER OF DEEDS
JUL 23 3 35 PM '71
ENTERED ON
NUMERICAL INDEX.
FILED FOR RECORD AS:
INST. NO. 71-10054

#250

DEDICATION

The foregoing plat, known as "SKY RANCH ACRES ADDITION", a plat of a parcel of land situated in the NE 1/4 of Section 24, T. 10 N., R. 7 E., of the 6th P.M., Lancaster County, Nebraska, described as follows:

Commencing at the quarter Section corner between Sections 24 and 13, T. 10 N., R. 7 E., of the 6th P.M., Lancaster County, Nebraska, and extending S. 89° 50' E. 810.9 feet to the point of beginning of the land parcel herein described:

- thence S. 3° 50' E., 328.6' feet;
- thence S. 89° 10' W., 166.1' feet;
- thence S. 44° 40' W., 237.3' feet;
- thence S. 45° 20' E., 175.0' feet;
- thence S. 44° 40' W., 71.9' feet;
- thence S. 45° 20' E., 220.2' feet;
- thence S. 37° 34' E., 617.0' feet, to the South line of the N 1/2 of the NE 1/4 of said Section 24;
- thence S. 89° 02' E., along said South line, 619.6' feet;
- thence N. 36° 44' W., 936.7' feet;
- thence N. 46° 19' W., 576.0' feet;
- thence N. 3° 50' W., 523.4' feet;
- thence N. 89° 50' W., 60.2' feet to the point of beginning;

is made with the free consent and in accordance with the desire of the undersigned owners and proprietors, and the easements shown thereon are hereby granted in perpetuity to the City of Lincoln, Lincoln Telephone and Telegraph Company, and other public utilities, their successors and assigns to construct, operate, maintain, repair, and replace storm sewers, sanitary sewers, water mains, conduits, buried cable, wire, poles, and appurtenances thereto, over, upon, or under the easements as shown on the foregoing plat. Said owner hereby dedicates the streets, as shown, to the public use and benefit.

Witness my hand this 28 day of April, 1971.

Paul C. Edon
Paul C. Edon

Marjorie J. Edon
Marjorie J. Edon

ACKNOWLEDGMENT

STATE OF NEBRASKA
LANCASTER COUNTY

Before me, a Notary Public, qualified in said county personally came Paul C. Edon and Marjorie J. Edon, persons known to me to be the identical persons who signed the foregoing instrument, and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and notarial seal this 28 day of April, 1971.

Jack Hill
Notary Public

My commission expires 21 day of June, 1971.

APPROVAL

The foregoing plat was approved by the Lincoln Lancaster Planning Commission on this 26 day of MAY, 1971.

ATTEST: *W.D. Johnson*
Chairman

The foregoing plat was accepted by the City Council of the City of Lincoln by Ordinance No. 10200, passed May 10, 1971.

W. Springer
City Clerk

Angela M. Birkett

From: Jane Raybould
Sent: Saturday, February 10, 2018 8:26 AM
To: Angela M. Birkett
Subject: RE: Wishart Letter of Support

Follow Up Flag: Follow up
Flag Status: Completed

Thank you Senator Wishart for this letter. I concur with you however since one of our grocery stores would benefit from this change I have had to recuse myself on this matter.

Grateful to you for your service.

Jane

From: Angela M. Birkett
Sent: Monday, February 05, 2018 8:34 AM
To: 'joncamp@lincolnhaymarket.com'; 'royforlincoln@gmail.com'; Cyndi Lamm; Leirion Gaylor Baird; Jane Raybould; Carl B. Eskridge; Bennie R. Shobe; 'bennie.shobe@gmail.com'
Subject: FW: Wishart Letter of Support

FYI for the addendum.

Angie Birkett
Office Coordinator
Lincoln City Council
555 South 10th St., Ste 111
Lincoln, NE 68508
Phone 402-441-6867
Fax 402-441-6533
abirkett@lincoln.ne.gov



From: Anna Wishart [<mailto:adwishart@gmail.com>]
Sent: Sunday, February 04, 2018 4:12 PM
To: Council Packet
Cc: Amy Tabor
Subject: Wishart Letter of Support

Please submit my letter of support for TX 17001 into the public record.

Sincerely,

--

Anna Wishart

402-314-5688

adwishart@gmail.com

Angela M. Birkett

From: William Austin <waustin@blakeaustinlaw.com>
Sent: Saturday, February 10, 2018 11:02 AM
To: Teresa Meier; Council Packet; Cyndi Lamm; Bennie R. Shobe; Leirion Gaylor Baird; Roy A. Christensen; Jane Raybould; Jon Camp; Carl B. Eskridge
Cc: mhunzeker@baylorevnen.com; Amy Borer; rwillhelmnfg@gmail.com; Steve S. Henrichsen
Subject: Sky Ranch Acres/Substitute Motion to Amend
Attachments: Motion to Amend Bill No. 18R-3 (Sky Ranch Acres Substitute).docx

Follow Up Flag: Follow up
Flag Status: Completed

Dear City Clerk and Councilmembers,

Attached is a substitute Motion to Amend that the Sky Ranch Acres Neighborhood Association asked that I proffer to you for your consideration. It would amend the special permit conditions for the Dominion at Stevens Creek C.U.P. in the following manner:

- By providing that the barricades to be installed at Piper Way and Beechcraft Road would remain in place until 70% of the dwelling units in Phase 1 and 70% of the dwelling units in Phase 3A (the phases most affecting Sky Ranch Acres) receive occupancy permits. The Association believes this would provide reasonable protection for the neighborhood, and the rural cross sections streets found therein, from excessive construction traffic as these phases are built out.
- By requiring the Permittee to pay for relocation of the south wellhouse if it is needed; the Association has received assurances that the Permittee can work around the wellhouse in its current location. This would simply provide for the alternate contingency in the event the assurances are unavailing.
- By assuring that weight limit signs are installed within Sky Ranch Acres to prevent use by overweight construction vehicles. Public Works has indicated that these would be installed. A resolution stating that would be comforting. (An appropriate weight still needs to be inserted in the blank in the Motion).

Thank you for your consideration.

Sincerely,

William F. Austin

WILLIAM F. AUSTIN
BLAKE|AUSTIN LAW FIRM, LLP
301 SOUTH 13TH STREET, SUITE 101
LINCOLN, NE
PHONE: (402) 480-7003
E-MAIL: WAUSTIN@BLAKEAUSTINLAW.COM

MOTION TO AMEND

(Substitute)

I hereby move to amend Bill No. 18R-3 in the following manner:

(a) By deleting all of lines 9 through 13 on page 3 and inserting in lieu thereof the following:

Prior to commencement of any construction, the Permittee shall install temporary traffic barricades on Piper Way and Beechcraft Road, at the connection between Sky Ranch Acres and the Dominion at Stevens Creek, which shall remain in place until such time as occupancy permits have been granted for at least 70% of the dwelling units comprising Phase 1 and 70 % of the dwelling units comprising Phase 3A of the new development, as shown on the Phasing Exhibit for the Community Unit Plan.

Add a fourth condition to note Phase 2 or Phase 3B may begin prior to Phase 1.

(b) By adding on page 7, after line 4 a new paragraph 8 to read as follows:

8. In order to ameliorate the effects of this development on Sky Ranch Acres:

a. If the Permittee is unable to complete the development without relocating the existing south well house located at the southerly end of Piper Way, then such relocation will be at the cost and expense of the Permittee

b. The City will install traffic signage at appropriate locations within Sky Ranch Acres limiting truck traffic to a maximum weight not exceeding _____.

(c) Renumber the subsequent paragraphs accordingly.

Introduced by:

Approved as to Form & Legality:

City Attorney

Angela M. Birkett

From: Mark A. Hunzeker <MHunzeker@baylorevnen.com>
Sent: Sunday, February 11, 2018 5:17 PM
To: William Austin; Teresa Meier; Council Packet; Cyndi Lamm; Bennie R. Shobe; Leirion Gaylor Baird; Roy A. Christensen; Jane Raybould; Jon Camp; Carl B. Eskridge; Mike Eckert; Mark Lewis (mlewishomes@gmail.com)
Cc: Amy Borer; rwilhelmnfg@gmail.com; Steve S. Henrichsen
Subject: RE: Sky Ranch Acres/Substitute Motion to Amend

Follow Up Flag: Follow up
Flag Status: Completed

All:

We respectfully suggest that this is moving the wrong direction. The first change proposed by Mr. Austin's new amendment would approximately double the number of occupancy permits required prior to removal of the temporary barricades at Piper Way and Beechcraft Road. In terms of time, there is a reason that Phase 3A is not Phase 2...sewer for Phase 3A must come from the east, and is not yet available, which extends the timing even longer. The developer has made significant efforts to accommodate neighbors' concerns over connection of the existing streets to the new. We have sought and received permission to take temporary construction access from 112th Street and agreed to a condition that we place barricades at the end of the two stub streets until 74 of the first 90+/- lots have received occupancy permits. **PLEASE NOTE that the 74 lot threshold CANNOT BE MET UNLESS the Crescent Moon Drive connection to N. 104th Street (connection to Holdrege) has been constructed**, because Phase I is limited to 35 lots until the connection of Crescent Moon Drive to N. 104th Street is completed (see item 3.a.i, page 3, lines 17-10 of 18R-3). Every reasonable effort has been made to accommodate the concerns of Sky Ranch Acres neighbors, while complying with the City's subdivision regulations.

Nothing about this project has anything to do with the well house. It was placed in the public right of way by Sky Ranch Acres, not this developer. The Public Works Department has said there is no intention to require that it be moved. However, if for any reason it needs to be moved, it is not due to anything being done by this developer. If it becomes an issue, it is between the city and Sky Ranch Acres to resolve, not this developer.

Public Works has stated it would place weight limit signs in Sky Ranch Acres. A requirement that the city must make good on that promise is not an appropriate condition of the CUP, which is a document setting forth requirements to be met by the developer as conditions of approval of the project. Moreover, it is obviously in the City's interest to install the signs. Piper Way and Beechcraft Road are, after all, city-owned streets, and it is in the City's interest to prevent damage to those streets by restricting the weight of vehicles allowed to drive on them.

Mark A. Hunzeker
Baylor Evnen Law Firm
600 Wells Fargo Center
1248 "O" Street
Lincoln, NE 68508
402-458-2131
(direct line)
MHunzeker@baylorevnen.com

From: William Austin [<mailto:waustin@blakeaustinlaw.com>]
Sent: Saturday, February 10, 2018 11:02 AM

To: tmeier@lincoln.ne.gov; councilpacket@lincoln.ne.gov; clamm@lincoln.ne.gov; bshobe@lincoln.ne.gov; lgaylorbaird@lincoln.ne.gov; rchristensen@lincoln.ne.gov; jraybould@lincoln.ne.gov; jcamp@lincoln.ne.gov; ceskridge@lincoln.ne.gov

Cc: Mark A. Hunzeker; Amy Borer; rwilhelmnfg@gmail.com; Steve S. Henrichsen

Subject: Sky Ranch Acres/Substitute Motion to Amend

Dear City Clerk and Councilmembers,

Attached is a substitute Motion to Amend that the Sky Ranch Acres Neighborhood Association asked that I proffer to you for your consideration. It would amend the special permit conditions for the Dominion at Stevens Creek C.U.P. in the following manner:

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Thank you for your consideration.

Sincerely,

William F. Austin

WILLIAM F. AUSTIN
BLAKE|AUSTIN LAW FIRM, LLP
301 SOUTH 13TH STREET, SUITE 101
LINCOLN, NE
PHONE: (402) 480-7003
E-MAIL: WAUSTIN@BLAKEAUSTINLAW.COM

Angela M. Birkett

From: Joe Borer <jborer8@hotmail.com>
Sent: Sunday, February 11, 2018 9:25 PM
To: Cyndi Lamm; Jon Camp; Jane Raybould; Carl B. Eskridge; Leirion Gaylor Baird; Roy A. Christensen; Bennie R. Shobe
Cc: am_bro4685@hotmail.com; Joe Borer
Subject: Letter in regards to Sky Ranch Acres

Follow Up Flag: Follow up
Flag Status: Completed

To the city council members. My name is Joe Borer and I live at 1200 Beechcraft Road. I am writing you this letter with a concern for my future, my families future and the future of my neighborhood. I attended your February 5th council meeting and gave a short testimony. I thank you all for taking the time and allowing us to voice our concerns. I am now finding myself feeling let down and incomplete from the meeting. Due to weather, illnesses, arrangements for kids so that more could have attended the meeting and jobs, a very large majority of our residents couldn't make it to the meeting. Unfortunately, we only had 6 out of the 30 houses in Sky Ranch Acres able to make it. I had stated in my testimony that we are supportive of Lincolns growth and expansion. 5 years ago, we were excited when we purchased our current house at 1200 Beechcraft road. We all knew that we would be getting neighbors in the future, we just would have never guessed it would have been to this extent or at the proposed rate of density. My family will go from having a cornfield on the south edge of our lot, to have 5, maybe 6 neighboring houses along that same south edge. We had all assumed that when our small community got more neighbors that it would have looked much the same as Sky Ranch Acres was designed. With slow asphalt roads and larger lots. There are still a few major concerns that haven't been given definite answers.

First, there still seems to be some confusion in regards to what the future will bring for our wellhouse that was legally constructed with proper approvals and permits. Jane and Jon both had asked the attorney for the dominion questions only to **not** get a straight, definite answer.

Second, it seems unfair for the developer to announce so late in the game that they want to amend changes to read 74 houses of phase 1 and phase 2 combined would allow the barricades to be removed. How are we supposed to contest something like that? Is this now out of our hands and we just have to deal with it?

Third, how does a plan get to make it this far without even allowing any considerations in regards to the active airstrip behind Sky Ranch to the East. The flight paths will pass over the houses in the dominion and the ones towards the east will be in an unsafe path. In my short 5 years out here, I have witnessed a small airplane take off, go up in the air towards the south, have a mechanical error on his plane leaving him to crash in the very same field that the dominion will be in. Fortunately, the guy that put his plane down that day turned out fine, just sore. But if that same thing happens into a house or yard the outcome to be very bad, property damage, or serious injury.

Fourth, we are still uncertain on why we learned all about the dominion development at a public planning group at SCC in early November when the Planning Commission meeting was scheduled for November 15th. So, we have been scrambling as a neighborhood trying to determine as a group what is the best thing to do for our neighborhood. Also, to make sure at the same time we are trying to think of everything else that could be overlooked as well. It took a lot of phone calls and hard work/time from some of our determined residents last fall to protect our sewer lines. Initially part of the dominion was going to use our old, undersized sewer pipes.

That would have caused very expensive repairs for us immediately as their sewage input into the sanitary sewer pipes increased as new dominion houses became occupied.

Fifth, is the intersection of Holdrege and Cessna. The density of this modern, high density development funneling their traffic through our neighborhood indefinitely will forever become a problem for not only the SRA members but also the Dominion neighbors that don't have other proper intersections to use going out to 112th or going around on 104th since the paperwork to develop this road has "expired" (why would that even happen if your trying to develop a neighborhood). All the streets that tie into the Waterford development seem to be years away from being connected. Not sure if it is due to paperwork with FEMA or is it another expense that is trying to be avoided. A permanent street out to 112th street needs to be established before Phase 3A is started for the safety of all residents.

I hate to sound like a broken record here but there is a simple solution that would protect Sky Ranch in many ways, also it would be the most cost-effective way for the city and also would allow the dominion more lots to sell and in turn that would create more tax revenue for the great city of Lincoln. If the city could decide that we could maintain our two dead end streets, all would be happy.

Sincerely

Joe and Amy Borer

1200 Beechcraft Road

Angela M. Birkett

From: Robert K. Simmering
Sent: Monday, February 12, 2018 8:38 AM
To: 'Jon Camp'
Cc: David R. Cary; Miki M. Esposito; Steve S. Henrichsen; Angela M. Birkett
Subject: RE: Dominion funding--Constituent Questions

Follow Up Flag: Follow up
Flag Status: Flagged

Jon

Two engineering firms conducted the cost estimates for both projects. The project on O Street involves relocating a natural gas line (estimated at \$250K) and significant grade adjustment On O Street due to limited sight distance. Therefore the engineer's estimate on O Street is significantly higher than the project on Van Dorn Street.

Considering that the O Street project is in the 2040 plan, but not dated as a funded project, indicates that the improvements proposed are definitely long term and can be designed in such a way as to be defined as permanent. The Nebraska Department of Transportation doesn't have any plans to construct this intersection and a significant part of the O Street project helps implement the long term improvement at this location. The proposed improvement will be done in concrete and should last for decades.

Let me know if you would like me to communicate directly with Mr. Dobesh.

Bob

Robert K. Simmering P.E.
Public Works & Utilites
Development Services Section
555 South 10th Street, Suite 203
Lincoln, NE 68508-3994
rsimmering@lincoln.ne.gov
Cell: 402-525-5617

From: Jon Camp [<mailto:joncamp@lincolnhaymarket.com>]
Sent: Wednesday, February 7, 2018 8:44 AM
To: Miki M. Esposito <MEsposito@lincoln.ne.gov>
Cc: jdobesh1@gmail.com; Angela M. Birkett <ABirkett@lincoln.ne.gov>; David R. Cary <dcary@lincoln.ne.gov>
Subject: Dominion funding--Constituent Questions
Importance: High

Public Works Director Miki Esposito

Please see James Dobesh's email with questions below. I am also copying David Cary of Planning as these questions may have relevance to his Department as well.

Thank you in advance for your assistance, or that of your staff, in providing further information and explanations.

Jon

JON A. CAMP
Lincoln City Council
200 Haymarket Square
808 P Street
P.O. Box 82307
Lincoln, NE 68501-2307

Office: 402.474.1838/402.474.1812

Fax: 402.474.1838

Cell: 402.560.1001

Email: joncamp@lincolnhaymarket.com

From: James Dobesh [<mailto:jdobesh1@gmail.com>]

Sent: Tuesday, February 06, 2018 7:10 PM

To: Jon Camp

Subject: Dominion funding?

Councilman Camp,

I attended the City Council meeting last night, and I am one of your constituents. I had a question as to the validity of the money given to O street for Dominion Creek (Item 18-R11). The amount I see in the agreement is \$450,000. This seems excessive since it is not going to be a permanent improvement as the 2040 plan shows this road being widened. During the meeting there was another development at 91st, and Van Dorn (18R-20) which is only getting \$200,000 for a permanent roundabout that will cost \$550,000. (This portion of road is not in the 2040 plan). The development at 91st is also paying for the turn lanes at 88th and Van Dorn with their own money.

1. Why is the estimate to do a couple of turnouts \$900,000 vs. a roundabout is only \$550,000?

I ask because it sounds like the city is pretty much paying for it since a roundabout should cost more than just a couple of turnouts.

2. Why is the City of Lincoln giving that kind of money to this development for O St knowing that it is not a permanent upgrade? Especially since the developer doesn't even know when they will connect to O st.

To me as a business man it seems fiscally irresponsible of the City and Citizens to double pay, and should be a cost of development. At the very least an explanation why?

Thank You,
James Dobesh
4221 Duxhall Dr
Lincoln, NE 68516