

DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT

This Development and Conditional Zoning Agreement (“Agreement”) is hereby made and entered into this _____ day of _____, 2017, by and between Doug Derscheid, hereinafter referred to as “Developer”, Casey’s Retail Company, hereinafter referred to as “Record Owner,” and the County of Lancaster, Nebraska, a political subdivision of the State of Nebraska, hereinafter referred to as “County.” Collectively the Developer, the Record Owner, and the County may be referred to as “the Parties”.

RECITALS

I.

Developer, as equitable owner of the Property by virtue of a contract for sale to purchase the Property from Record Owner contingent on approval of a Change of Zone, has petitioned the County for a Change of Zone (“CZ17025”) from AG Agricultural District (“AG”) to B Business District (“B”) upon property generally located at 10200 South 158th Street, Lancaster County, Nebraska, and legally described as:

All of that portion of Lot 16, Irregular Tract in the Northeast ¼ of Section 34, Township 9 North, Range 8 east of the 6th PM, Lancaster County, NE, which is not presently zoned Industrial (the “Property”).

II.

Approval of CZ17025 would allow the Developer to develop the Property for a range of commercial and retail uses, and the Change of Zone should be subject to certain conditions to ensure the orderly development of the surrounding area.

III.

The Developer and the Record Owner have represented to the County that, in consideration of the County’s re-zoning the Property to B, the Developer and the Record Owner will enter into an agreement with the County to restrict use on the Property and the Casey’s Property as set forth in Section IV below.

IV.

The County desires an Agreement to be assured that the Property will be developed as represented should the Property be rezoned to B pursuant to CZ17025.

NOW THEREFORE, in consideration of the above recitals and the following terms and conditions, the Parties agree as follows:

1. The County hereby agrees to grant Developer’s petition to change the zoning

map from AG to B on the Property.

2. In consideration for the County’s rezoning the Property to B, the Developer and Record Owner agree that the development of the Property shall be subject to the following conditions:

a. The County shall change the zoning map from Industrial (“I”) to “B” on the following property, owned by Record Owner:

All of that portion of Lot 16, Irregular Tract in the Northeast ¼ of Section 34, Township 9 North, Range 8 east of the 6th PM, Lancaster County, NE, which is presently zoned Industrial (“the Casey’s Property”)

b. No new access to/from the Property shall be allowed to/from Highway 43

c. For purposes of accessing the Property and the Casey’s Property to/from Highway 43, Record Owner and Developer shall share the existing access to/from Highway 43 located on the Casey’s Property, as depicted in Exhibit A to this Agreement, which Exhibit is attached hereto and incorporated herein by this reference; and

d. No building permit or final plat for the Property shall be approved until a preliminary plat for the Property has been approved pursuant to the Lancaster County Land Subdivision Resolution.

2. This Agreement shall run with the land and shall be binding upon the Parties hereto and their respective successors and assigns.

3. This Agreement, when executed by the Parties hereto, shall be recorded by the County in the office of the Register of Deeds of Lancaster County, Nebraska, filing fees to be paid by Developer.

IN WITNESS WHEREOF, the Parties herein have executed this Agreement on the day and year set forth above.

EXECUTED this ____ day of _____ 2017, by the County.

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM
this _____ day of _____ 2017.

Deputy County Attorney
For JOE KELLY
Lancaster County Attorney

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by

_____, County
Commissioners of the Board of County Commissioners of the County of Lancaster, Nebraska.

Notary Public

EXECUTED this ____ day of _____ 2017, by the Developer.

By: _____

Name: _____

Title: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by
_____.

Notary Public

EXECUTED this ____ day of _____ 2017, by the Record Owner.

By: _____

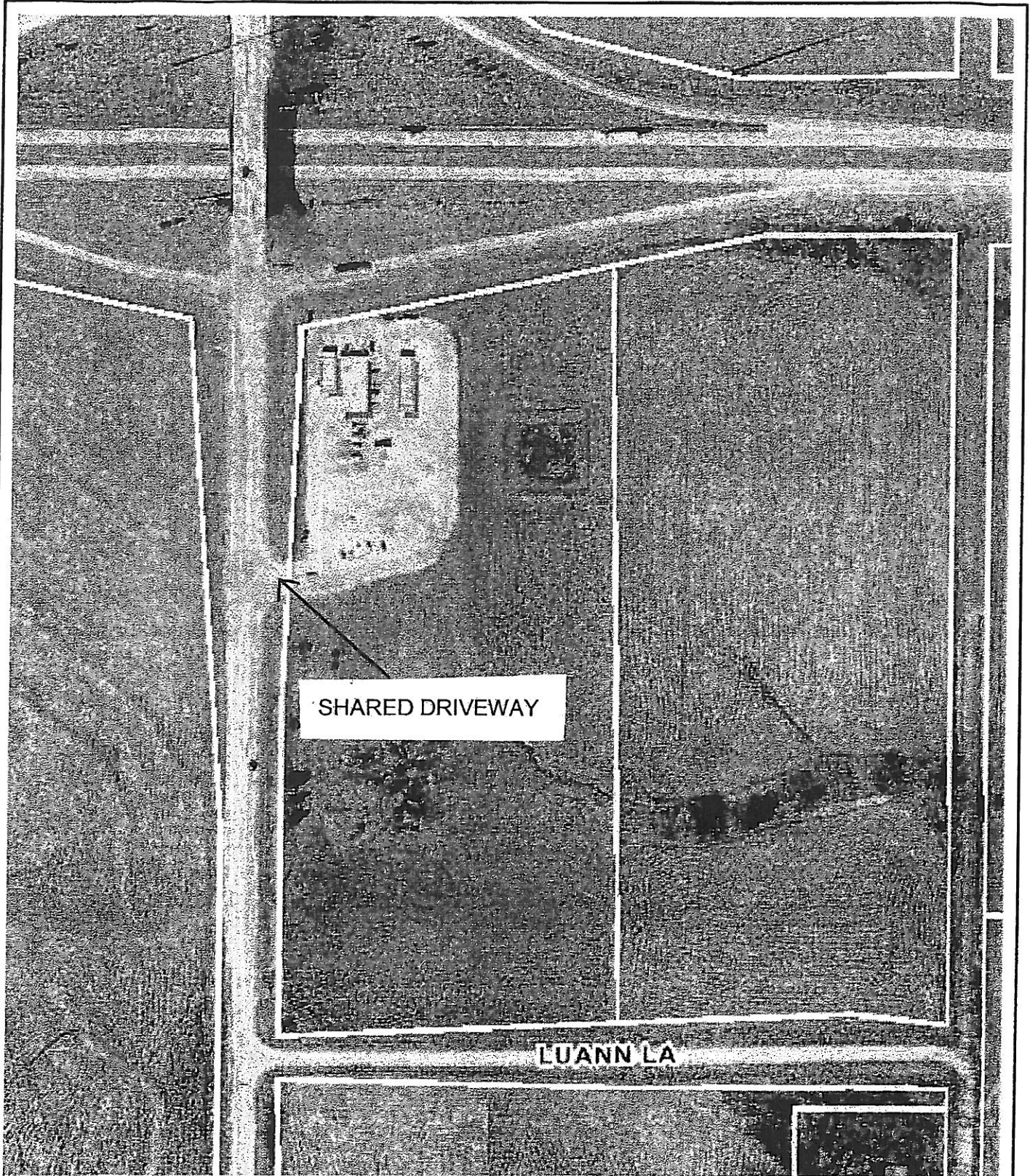
Name: _____

Title: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by
_____.

Notary Public



Lancaster County/City of Lincoln GIS Map

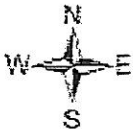


EXHIBIT "A"

Printed: Sep 05, 2017

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.