



RESOLUTION NO. 2004-12.1

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A RESOLUTION accepting and approving the plat designated **BENNET RIDGE**, filed in the Office of the Village Clerk of the Village of Bennet, Nebraska, upon certain conditions herein specified and providing for sureties conditioned upon the strict compliance with such conditions.

WHEREAS, Bennet Ridge, LLC, owner of a tract of ground designated as Lot 68 of irregular tracts in the Southeast Quarter of Section 3, Township 8 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northeast Corner of Lot 68 Irregular Tracts, and the POINT OF BEGINNING; Thence South 02°15'30" East, (an assumed bearing) on the West right of way line of Jefferson Street, a distance of 628.00 feet, to the Northeast Corner of Public Utility Addition; Thence South 88°43'57" West on the North line of said Public Utility Addition, and the North line of Lot 59 Irregular Tract, a distance of 662.10 feet, to a point on the East line of Vacated County Road # 634; Thence North 02°21'44" West, on the East line of said Vacated County Road, a distance of 457.81 feet, to the Southwest corner of Lot 67 Irregular Tract; Thence North 88°32'29" East, on the South line of said Lot 67, a distance of 124.00 feet, to the Southeast corner of said lot; Thence North 02°21'44" West, on the East line of Lot 67 Irregular Tracts, a distance of 168.00 feet, to a point on the South right of way of Apple Street; Thence North 88°32'59" East on said South right of way line, a distance of 539.20 feet to the POINT OF BEGINNING, and containing a calculated area of 394,531.92 square feet or 9.057 acres more or less,

has filed said plat in the Office of the Village Clerk of the Village of Bennet, Nebraska, with a request for approval and acceptance thereof; and

WHEREAS, it is for the convenience of the inhabitants of said Village and for the public that said plat be approved and accepted as filed.

NOW, THEREFORE, BE IT RESOLVED by the Chairman and the Board of Trustees of the Village of Bennet, Nebraska:

Village of Bennet

1. That the plat of Bennet Ridge, filed in the Office of the Village Clerk of the Village of Bennet by Bennet Ridge, LLC, as owner, is hereby accepted and approved and said owner is given the right to plat said Bennet Ridge in accordance therewith. Such acceptance and approval are conditioned upon the following:

First: That said owner shall, at its own cost and expense, pay for all labor, material, engineering, and inspection costs in connection with the construction of all required improvements as set forth in the Subdivision Improvements Agreement. Said improvements shall be installed and completed within two years after approval of this final plat and subject to final acceptance by the Village Engineer in accordance with the construction schedule and specifications.

Second: That said owner shall pay all fees incurred by the Village in contracting for the independent engineering review of the final plat and construction drawings and specifications.

Third: That said owner shall, at its own costs and expense, pay for all labor, material, engineering, and inspection costs in connection with the placing of monuments at all block corners, angle points, points of curves in streets, lot corners, and any required intermediate points. The permanent lot staking shall be completed before construction on or conveyance of any lot shown in this final plat. Upon completion of utility installation, owner shall check lot stakes and re-set as necessary.

Fourth: That said owner shall maintain the detention cell located on Outlot A of said plat on a permanent and continuous basis. However, the owner may be relieved and discharged of this maintenance obligation upon the creation in writing of a permanent association of property owners who would be responsible for said permanent and continuous

maintenance. The owner shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the Village and filed of record with the Register of Deeds. A note shall be included on the final plat indicating this maintenance responsibility of the owner and the right to delegate it to an association of property owners.

Fifth: That any existing utilities that must be relocated as a result of development of this final plat shall be done so at the expense of the owner.

Sixth: That the Bennet Rural Fire District must approve, in writing, the distance between fire hydrants as shown on the final plat.

Seventh: That the electrical easements and street light plan as shown in the construction drawings for this final plat must be approved by Nebraska City Utilities.

Eighth: That the construction drawings and specifications for sanitary sewer and water for this final plat be approved by the Nebraska Department of Environmental Quality and the State Department of Health. Notwithstanding the conditional approval given to this subdivision by the Village, the Village does not warrant the existence of sufficient capacity within its present sanitary sewer lagoons to support this development and rejection of construction plans for the sanitary sewer on that basis by any state agency shall not cause the Village to be liable to owner in any manner.

Ninth: That the plat and construction drawings and specifications shall be revised to conform to the recommendations set forth in the subdivision final plat and construction plan review letter submitted by Schemmer Associates to the Village Board on December 10, 2004, except that the detention pond side slopes shall remain at a ratio of 3:1.

Section 2. That said owner shall, prior to filing of this plat in the Office of the Register of Deeds, execute and deliver to the Village of Bennet:

(a) A bond or approved escrow or security agreement for improvements in the following sums:

Sanitary sewer	\$75,000.00
Water mains	\$69,000.00
Storm sewer	\$22,000.00
Grading	(completed)
Paving	\$96,000.00
Sidewalks (including pedestrian easement)	\$20,000.00

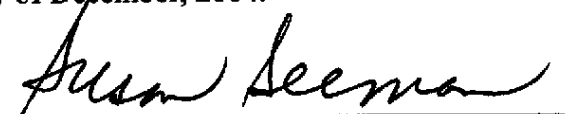
conditioned upon the strict compliance by said owner with the conditions contained in paragraph designated "First" of Section 1 of this Resolution.

(b) A bond or approved escrow or security agreement in the sum of \$282,000.00 conditioned upon the strict compliance by said owner with the conditions contained in paragraph designated "Third" of Section 1 of this Resolution.

PASSED AND APPROVED on this 13th day of December, 2004.

ATTEST:


Village Clerk


Chairman, Board of Trustees

(SEAL)

Approved as to Form & Legality:


Village Attorney