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Duplicate Original

## SUBDIVISION IMPROVEMENT AGREEMENT

This Subdivision Improvement Agreement is made and entered into by and between Bennet Ridge, LLC, a Nebraska limited liability company (the "Subdivider") and the Village of Bennet, Nebraska, a municipal corporation (the "Village").

### RECITALS

- A. Subdivider has made application to Village for permission to subdivide and for approval of the subdivision plat of Bennet Ridge;
- B. Resolution No. 2004-12.1 approving said plat contains certain provisions requiring an agreement between Subdivider and Village relating to said plat and the development thereof.

NOW THEREFORE, in consideration of Village granting permission to plat and approval of the plat of Bennet Ridge, it is agreed by and between Subdivider and Village as follows:

- 1. Subdivider accepts the conditions set forth in said Resolution and agrees to construct, at its cost and expense, improvements for Bennet Ridge consisting of the following:
  - a. Asphalt surfacing with concrete curb and gutter for the internal public streets of Bennet Ridge, consisting of Adams Street, Finch Road, and Starling Drive;
  - b. The grading and construction of the detention cell to be located on Outlot "A";
  - c. The construction and installation of the sanitary sewer lines, water mains, and storm-sewer improvements;
  - d. The installation of permanent monuments; and
  - e. The installation of sidewalks on both sides of streets within this Subdivision, and within the pedestrian way easement in Outlot "A."

Said improvements will be completed in accordance with approved plans and within two (2) years of the date of approval of the final plat.

- 2. Subdivider agrees to maintain Outlot "A" on a permanent and continuous basis, including the detention cell, pedestrian easement and sidewalk and on any other improvements located thereon. However, Subdivider may be relieved and discharged of this maintenance obligation upon creating a permanent and continuous association of property owners who shall be responsible for the maintenance obligation. Subdivider shall not be relieved of such

Village of Bennet

maintenance obligation until the documents creating the property owners association have been reviewed and approved by the Village Attorney and filed of record with the Register of Deeds.

3. Subdivider agrees to timely complete the public and private improvements and facilities required by the Village which have not been waived as shown on the approved final plat. Subdivider further agrees to post the required security to guarantee completion of such public and private improvements and facilities.

4. 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.

5. The agreements contained herein shall be binding and obligatory upon the heirs, successors, and assigns of Subdivider.

Dated this 28 day of October, 2005.

"SUBDIVIDER"

BENNET RIDGE, LLC, a Nebraska limited liability company

By: Jeff T. Colson, Manager



ATTEST:

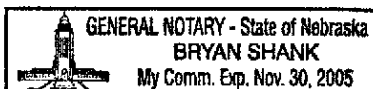
VILLAGE OF BENNET, NEBRASKA,  
a municipal corporation

Kathleen M. Rule  
City Clerk

By: Susan Seeman  
Susan Seeman, Chairman

STATE OF NEBRASKA                    )  
  ) ss.  
COUNTY OF LANCASTER            )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of OCTOBER, 2005, by Jeff T. Colson, Manager of Bennet Ridge, LLC, a Nebraska limited liability company, on behalf of the company.



Bryan Shank  
Notary Public

STATE OF NEBRASKA                    )  
  ) ss.  
COUNTY OF LANCASTER            )

The foregoing instrument was acknowledge before me this 30 day of November, 2005, by Susan Seeman, Chair of the Village of Bennet, Nebraska, a municipal corporation, on behalf of the corporation.



Patricia M. Rule  
Notary Public

## **Bennet Ridge Addition**

### **Block 1**

Lot 1  
Lot 2  
Lot 3  
Lot 4  
Lot 5  
Lot 6  
Lot 7  
Lot 8  
Lot 9  
Lot 10  
Lot 11  
Lot 12

### **Block 2**

Lot 1  
Lot 2  
Lot 3  
Lot 4  
Lot 5  
Lot 6  
Lot 7  
Lot 8  
Lot 9  
Lot 10  
Lot 11

### **Block 3**

Lot 1  
Lot 2  
Lot 3  
Lot 4  
Lot 5  
Lot 6  
Lot 7  
Lot 8  
Lot 9  
Lot 10  
Lot 11  
Lot 12  
Lot 13