

INST NO 2003

043262

2003 MAY -9 A 9:13

LANCASTER COUNTY, NE

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## RESOLUTION NO. PC- 00800

1 A RESOLUTION accepting and approving the plat designated as **PINE LAKE**  
2 **HEIGHTS SOUTH 7TH ADDITION** as an addition to the City of Lincoln, filed in the office of  
3 the Planning Department of the City of Lincoln, Nebraska, upon certain conditions herein  
4 specified and providing for sureties conditioned upon the strict compliance with such  
5 conditions.

6 WHEREAS, **Ridge Development Company, a Nebraska corporation, and**  
7 **Southview, Inc., a Nebraska corporation**, owners of a tract of land legally described as:

8 Outlot "H" Pine Lake Heights South 4th Addition, located in the  
9 Southeast Quarter of Section 19, Township 9 North, Range 7  
10 East of the 6th P.M., City of Lincoln, Lancaster County,  
11 Nebraska, and more particularly described as follows:

12 Beginning at the southeast corner of said Outlot "H", said point  
13 being 60.00 feet west of the east line of said Southeast Quarter,  
14 and 60.00 feet north of the south line of said Southeast Quarter,  
15 said point also being the true point of beginning; thence on an  
16 assumed bearing of north 88 degree 05 minutes 40 seconds  
17 west, along a south line of said Outlot "H", said line being 50.00  
18 feet north of and parallel with the south line of said Southeast  
19 Quarter, a distance of 1881.53 feet to the southwest corner of  
20 said Outlot "H"; thence north 26 degrees 39 minutes 01 seconds  
21 west, along a westerly line of said Outlot "H", a distance of 9.03  
22 feet to a point; thence north 03 degrees 59 minutes 08 seconds  
23 west, along a west line of said Outlot "H", a distance of 125.95  
24 feet to a point; thence north 12 degrees 53 minutes 51 seconds  
25 west, along a westerly line of said Outlot "H", a distance of 48.67  
26 feet to a point; thence north 55 degrees 29 minutes 06 seconds  
27 west, along a southwesterly line of said Outlot "H", a distance of  
28 170.93 feet to a point; thence north 34 degrees 36 minutes 40  
29 seconds east along a northwesterly line, a distance of 145.73  
30 feet to a point; thence north 01 degrees 41 minutes 15 seconds  
31 east, along a west line of said Outlot "H", a distance of 163.21  
32 feet to a point; thence along a curve in a clockwise direction

City Clerk -

1 having a radius of 430.00 feet, arc length of 98.84 feet, delta  
2 angle of 13 degrees 10 minutes 14 seconds, a chord bearing of  
3 south 85 degrees 16 minutes 32 seconds west, and a chord  
4 length of 98.63 feet to a point of tangency; thence north 88  
5 degrees 08 minutes 21 seconds west along a south line of said  
6 Outlot "H", a distance of 319.10 feet to a point; thence north 01  
7 degrees 51 minutes 39 seconds east along a west line of said  
8 Outlot "H", a distance of 60.00 feet to a point; thence north 88  
9 degrees 08 minutes 21 seconds west along a south line of said  
10 Outlot "H", a distance of 10.00 feet to a point, said point also  
11 being the southeast corner of Lot 1, Block 8, of Pine Lake  
12 Heights South 4th Addition; thence north 01 degrees 51 minutes  
13 39 seconds east along a west line of said Outlot "H", said line  
14 also being the east line of said Lot 1, a distance of 113.48 feet  
15 to a point, said point also being a northeast corner of said Lot 1;  
16 thence north 90 degrees 00 minutes 00 seconds east along a  
17 north line of said Outlot "H", said line also being the south line of  
18 Lot 2, Block 8 of Pine Lake Heights south 4th Addition, a  
19 distance of 43.86 feet to a point, said point also being the  
20 southeast corner of said Lot 2; thence north 16 degrees 13  
21 minutes 21 seconds west, along a southwesterly line of said  
22 Outlot "H", said line also being the east line of said Lot 2, a  
23 distance of 55.40 feet to a point, said point also being the  
24 southeast corner of Lot 3, Block 8 of Pine Lake Heights South  
25 4th Addition; thence north 20 degrees 36 minutes 20 seconds  
26 east, along a northwesterly line of said Outlot "H", said line also  
27 being the east line of said Lot 3 and Lots 4 and 5, Block 8 of  
28 Pine Lake Heights South 4th Addition, a distance of 231.66 feet  
29 to a point; thence along a curve in a clockwise direction having  
30 a radius of 120.00 feet, arc length of 10.00 feet, delta angle of 04  
31 degrees 46 minutes 34 seconds, a chord bearing of south 65  
32 degrees 00 minutes 11 seconds east, and a chord length of  
33 10.00 feet to a point; thence north 27 degrees 23 minutes 06  
34 seconds east, along a northwesterly line, a distance of 60.00 feet  
35 to a point; thence along a curve in a counter-clockwise direction  
36 having a radius of 180.00 feet, arc length of 12.10 feet, delta  
37 angle of 03 degrees 51 minutes 05 seconds, a chord bearing of  
38 north 64 degrees 32 minutes 27 seconds west, and a chord  
39 length of 12.10 feet to a point, said point also being the  
40 southeast corner of Lot 1, Block 7, of Pine Lake Heights South  
41 4th Addition; thence north 20 degrees 36 minutes 20 seconds  
42 east, along a west line of said Outlot "H", said line also being the  
43 east line of said Lot 1 and Lot 2, Block 7, of Pine Lake Heights

1 South 4th Addition, a distance of 158.46 feet to a point, said  
2 point also being the northeast corner of said Lot 2; thence south  
3 69 degrees 23 minutes 40 seconds east, along a northerly line  
4 of said Outlot "H", said line also being the south line of Lot 3,  
5 Block 7, of Pine Lake Heights South 4th Addition, a distance of  
6 41.83 feet to a point, said point also being a southeast corner of  
7 said Lot 3; thence north 00 degrees 20 minutes 34 seconds  
8 east, along a west line of said Outlot "H", said line also being the  
9 east line of said Lot 3 and Lot 4, Block 7 of Pine Lake Heights  
10 South 4th Addition, a distance of 163.52 feet to a point, said  
11 point also being the southeast corner of Lot 5, Block 7 of Pine  
12 Lake Heights South 4th Addition; thence north 06 degrees 45  
13 minutes 55 seconds east, along a west line of said Outlot "H",  
14 said line also being the east line of said Lot 5, a distance of  
15 85.17 feet to a point, said point also being the southeast corner  
16 of Lot 6, Block 7 of Pine Lake Heights South 4th Addition; thence  
17 north 00 degrees 23 minutes 46 seconds east, along a west line  
18 of said Outlot "H", said line also being the east line of said Lot 6,  
19 a distance of 104.88 feet to a northwest corner of said Outlot "H",  
20 said point also being the northeast corner of said Lot 6; thence  
21 south 89 degrees 36 minutes 14 seconds east along a north line  
22 of said Outlot "H", said line also being the south right-of-way line  
23 of O'Hanlon Drive, a distance of 130.74 feet to a northeast corner  
24 of said Outlot "H", said point also being on the west right-of-way  
25 line of McBride Avenue; thence south 00 degrees 23 minutes 46  
26 seconds west, along an east line of said Outlot "H", a distance of  
27 6.11 feet to a point of curvature; thence along a curve in a  
28 counter-clockwise direction having a radius of 530.00 feet, arc  
29 length of 7.39 feet, delta angle of 00 degrees 47 minutes 55  
30 seconds, a chord bearing of south 00 degrees 00 minutes 11  
31 seconds east, along an east line of said Outlot "H" and a chord  
32 length of 7.39 feet to a point, said point also being the northeast  
33 corner of Lot 7, Block 7, of Pine Lake Heights South 4th  
34 Addition; thence north 89 degrees 36 minutes 14 seconds west  
35 along a south line of said Outlot "H", a distance of 110.79 feet to  
36 a point, said point also being the northwest corner of said Lot 7;  
37 thence south 00 degrees 23 minutes 46 seconds west, along an  
38 east line of said Outlot "H", a distance of 84.54 feet to a point;  
39 thence south 11 degrees 21 minutes 54 seconds east, along an  
40 east line of said Outlot "H", a distance of 24.53 feet to a point,  
41 said point also being the southeast corner of said Lot 7; thence  
42 north 80 degrees 03 minutes 40 seconds east, along a north line  
43 of said Outlot "H", a distance of 116.23 feet to a point; thence

1 along a curve in a counter-clockwise direction having a radius of  
2 530.00 feet, arc length of 33.80 feet, delta angle of 03 degrees  
3 39 minutes 13 seconds, a chord bearing of south 11 degrees 45  
4 minutes 57 seconds east, and chord length of 33.79 feet to a  
5 point; thence north 76 degrees 24 minutes 27 seconds east,  
6 along a north line of said Outlot "H", a distance of 60.00 feet to  
7 a point; thence along a curve in a clockwise direction having a  
8 radius of 470.00 feet, arc length of 10.00 feet, delta angle of 01  
9 degrees 13 minutes 09 seconds, a chord bearing of north 12  
10 degrees 58 minutes 59 seconds west, and a chord length of  
11 10.00 feet to a point, said point also being the southwest corner  
12 of Lot 1, Block 9, of Pine Lake Heights South 4th Addition;  
13 thence south 89 degrees 36 minutes 14 seconds east, along a  
14 north line of said Outlot "H", said line also being the south line of  
15 said Lot 1 and Lots 2, 3, and Lot 4, Block 9, of Pine Lake  
16 Heights South 4th Addition, a distance of 346.54 feet to a point,  
17 said point also being the southeast corner of said Lot 4; thence  
18 south 01 degrees 42 minutes 02 seconds west, along a west line  
19 of said Outlot "H", a distance of 10.00 feet to a point; thence  
20 south 88 degrees 17 minutes 58 seconds east, along a north line  
21 of said Outlot "H", a distance of 60.00 feet to a point; thence  
22 north 01 degrees 42 minutes 02 seconds east, along a line of  
23 said Outlot "H", a distance of 18.77 feet to a point, said point  
24 also being the southwest corner of Lot 1, block 10, of Pine Lake  
25 Heights South 4th Addition; thence south 88 degrees 17 minutes  
26 58 seconds east, along a north line of said Outlot "H", said line  
27 also being the south line of said Lot 1, a distance of 110.00 feet  
28 to a point, said point also being a southeast corner of said Lot 1;  
29 thence south 01 degrees 42 minutes 02 seconds west, along an  
30 east line of said Outlot "H", said line also being the west line of  
31 Lot 2, Block 10, of Pine Lake Heights South 4th Addition, a  
32 distance of 27.88 feet to a point, said point also being a  
33 southwest corner of said Lot 2; thence south 88 degrees 17  
34 minutes 58 seconds east, along a north line of said Outlot "H",  
35 said line also being the south line of said Lot 2, a distance of  
36 122.62 feet to a point; thence along a curve in a counter-  
37 clockwise direction having a radius of 630.00 feet, arc length of  
38 10.00 feet, delta angle of 00 degrees 54 minutes 34 seconds, a  
39 chord bearing of south 03 degrees 26 minutes 47 seconds west,  
40 and a chord length of 10.00 feet to a point; thence south 87  
41 degrees 00 minutes 30 seconds east, along a north line of said  
42 Outlot "H", a distance of 60.00 feet to a point; thence along a  
43 curve in a clockwise direction having a radius of 570.00 feet, arc

length of 20.29 feet, delta angle of 02 degrees 02 minutes 23 seconds, a chord bearing of north 04 degrees 00 minutes 41 seconds east, and a chord length of 20.29 feet to a point of reverse curvature; thence along a curve in a counter-clockwise direction having a radius of 1030.00 feet, arc length of 44.96 feet, delta angle of 02 degrees 30 minutes 04 seconds, a chord bearing of north 03 degrees 46 minutes 51 seconds east, and a chord length of 44.96 feet to a point, said point also being the southwest corner of Lot 2, Block 11, of Pine Lake Heights South 4th Addition; thence south 87 degrees 28 minutes 12 seconds east, along a north line of said Outlot "H", said line also being the south line of said Lot 2, a distance of 114.50 feet to a point, said point also being the southeast corner of said Lot 2; thence north 02 degrees 33 minutes 14 seconds east, along a west line of said Outlot "H", said line also being the east line of said Lot 2, a distance of 81.20 feet to a point, said point also being the southeast corner of Lot 1, Block 11, of Pine Lake Heights South 4th Addition; thence north 22 degrees 56 minutes 13 seconds east, along a northwesterly line of said Outlot "H", said line also being the east line of said Lot 1, a distance of 151.29 feet to a point; thence along a curve in a counter-clockwise direction having a radius of 180.00 feet, arc length of 72.20 feet, delta angle of 22 degrees 58 minutes 56 seconds, a chord bearing of north 78 degrees 33 minutes 15 seconds west, and a chord length of 71.72 feet to a point, said point also being the southeast corner of Lot 1, Block 12, of Pine Lake Heights South 4th Addition; thence north 00 degrees 02 minutes 43 seconds west, along a west line of said Outlot "H", said line also being the east line of said Lot 1, a distance of 126.58 feet to a point; thence north 89 degrees 57 minutes 17 seconds east, along a northerly line of said Outlot "H", said line also being the south line of Lots 1 and 2, Block 2 of Pine Lake Heights 15th Addition, a distance of 132.78 feet to a point, said point also being the southeast corner of said Lot 2; thence north 81 degrees 50 minutes 13 seconds east, along a northerly line of said Outlot "H", said line also being the south line of Lots 3, 4, 5, 6, and 7, Block 2 of Pine Lake Heights 15th Addition, a distance of 362.13 feet to a point; thence north 85 degrees 36 minutes 54 seconds east, along a northerly line of said Outlot "H", a distance of 68.50 feet to a point, said point also being the southwest corner of Lot 9, block 2, of Pine Lake Heights 15th Addition; thence south 89 degrees 26 minutes 21 seconds east, along a northerly line of said Outlot "H", a distance of 219.97 feet to a point; thence south

1 79 degrees 04 minutes 53 seconds east, along a northerly line  
2 of said Outlot "H", a distance of 62.04 feet to a point; thence  
3 south 89 degrees 35 minutes 16 seconds east, along a northerly  
4 line of said Outlot "H", a distance of 281.09 feet to the northeast  
5 corner of said Outlot "H"; thence south 00 degrees 05 minutes 36  
6 seconds west, along an east line of said Outlot "H", a distance of  
7 32.15 feet to a point; thence south 00 degrees 46 minutes 15  
8 seconds east, along an east line of said Outlot "H", a distance of  
9 120.07 feet to a point; thence south 00 degrees 45 minutes 55  
10 seconds east, along an east line of said Outlot "H", a distance of  
11 412.90 feet to a point; thence south 00 degrees 05 minutes 36  
12 seconds west, along an east line of said Outlot "H", a distance of  
13 1,352.85 feet to the point of beginning, said tract contains a  
14 calculated area of 3,592,313.83 square feet or 82.4682 acres,  
15 more or less;

16 have filed said plat in the office of the Planning Department of the City of Lincoln, Nebraska,  
17 with a request for approval and acceptance thereof; and

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

20 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City - Lancaster County  
21 Planning Commission:

22 1. That the plat of **PINE LAKE HEIGHTS SOUTH 7TH ADDITION** as an  
23 addition to the City of Lincoln, Nebraska, filed in the office of the Planning Department of said  
24 City by **Ridge Development Company, a Nebraska corporation, and Southview, Inc.,**  
25 **a Nebraska corporation,** as owners is hereby accepted and approved, and said owners are  
26 given the right to plat said **PINE LAKE HEIGHTS SOUTH 7TH ADDITION** as an addition  
27 to said City in accordance therewith. Such acceptance and approval are conditioned upon  
28 the following:

1                   First: That said owners shall at their own cost and expense pay for all  
2 labor, material, engineering, and inspection costs in connection with the construction of street  
3 improvements, including the grading, paving, and installation of curb and gutter, curb inlets,  
4 and storm drain laterals for all streets as shown on the approved final plat and for the required  
5 street connection with either Yankee Hill Road or South 40th Street. The construction shall be  
6 completed within two years following Planning Commission approval of this final plat.

7                   Second: That said owners shall at their own cost and expense pay for  
8 all labor, material, engineering, and inspection costs in connection with the construction of  
9 sidewalks along both sides of the streets as shown on the final plat and for sidewalks along  
10 the street connection to either Yankee Hill Road or South 40th Street. The construction shall  
11 be completed within four years following Planning Commission approval of this final plat.

12                   Third: That said owners shall at their own cost and expense pay for all  
13 labor, material, engineering, and inspection costs in connection with the construction of a  
14 public water distribution system as shown on the approved preliminary plat and along the  
15 street connection to either Yankee Hill Road or South 40th Street. The construction shall be  
16 completed within two years following Planning Commission approval of this final plat.

17                   Fourth: That said owners shall at their own cost and expense pay for all  
18 labor, material, engineering, and inspection costs in connection with the construction of a  
19 public wastewater collection system as shown on the approved preliminary plat and along the  
20 street connection to either Yankee Hill Road or South 40th Street. The construction shall be  
21 completed within two years following Planning Commission approval of this final plat.

1 Fifth: That said owners shall at their own cost and expense pay for all  
2 labor, material, engineering, and inspection costs in connection with the construction of  
3 drainage facilities as shown on the approved drainage study and along the street connection  
4 to either Yankee Hill Road or South 40th Street. The construction shall be completed within  
5 two years following Planning Commission approval of this final plat.

6 Sixth: That said owners shall at their own cost and expense pay for all  
7 labor, material, engineering, and inspection costs in connection with the installation of an  
8 ornamental street lighting system as required by the preliminary plat for all streets shown on  
9 this final plat and along the street connection to either Yankee Hill Road or South 40th Street.  
10 The construction shall be completed within two years following Planning Commission approval  
11 of this final plat.

12 Seventh: That said owners shall at their own cost and expense pay for  
13 all labor, material, and related costs in connection with the installation of street trees within this  
14 plat as shown on the final plat and along the street connection to either Yankee Hill Road or  
15 South 40th Street. The planting shall be completed within four years following Planning  
16 Commission approval of this final plat.

17 Eighth: That said owners shall at their own cost and expense pay for all  
18 labor, material, and related costs in connection with the installation of street name signs as  
19 approved by the Public Works Department. This installation shall be completed within two  
20 years following Planning Commission approval of this final plat.

21 Ninth: That said owners shall at their own cost and expense pay for all  
22 labor, material, engineering, and inspection costs in connection with the placing of permanent



1 lot stakes at all corners of all lots and blocks of this final plat. The permanent lot staking shall  
2 be completed before construction on or conveyance of any lot shown in this final plat.

3 2. That this plat shall not be filed for record or recorded in the Office of the  
4 Register of Deeds of Lancaster County and no lot shall be sold from this plat unless and until  
5 said owners shall enter into a written agreement with the City which shall provide as follows:

6 The owners, their successors and assigns agree:

7 a. To submit to the Director of Public Works for review and approval  
8 a plan showing proposed measures to control sedimentation and erosion and the proposed  
9 method to temporarily stabilize all graded land.

10 b. To protect the remaining trees on the site during construction and  
11 development.

12 c. To pay all improvement costs.

13 d. To submit to lot buyers and home builders a copy of the soil  
14 analysis.

15 e. To comply with the provisions of the Land Subdivision Ordinance  
16 regarding land preparation.

17 f. To continuously and regularly maintain the outlots and private  
18 improvements. However, the owner may be relieved and discharged of this maintenance  
19 obligation upon creating in writing a permanent and continuous association of property owners  
20 who would be responsible for said permanent and continuous maintenance. The owner shall  
21 not be relieved of such maintenance obligation until the document or documents creating said

1 property owners association have been reviewed and approved by the City Attorney and filed  
2 of record with the Register of Deeds.

3 g. To complete the permanent lot and block staking before  
4 construction on or conveyance of any lot shown on this final plat.

5 3. That said owners shall, prior to adoption of this resolution, execute and  
6 deliver to the City of Lincoln:

7 a. A bond or an approved escrow or security agreement in the sum  
8 of \$554,700.00, plus the amount required to complete a street connection with either Yankee  
9 Hill Road or South 40th Street, conditioned upon the strict compliance by said owners with the  
10 conditions contained in paragraph designated "First" of Paragraph 1 of this resolution.

11 b. A bond or an approved escrow or security agreement in the sum  
12 of \$93,900.00, plus the amount required to complete a street connection with either Yankee  
13 Hill Road or South 40th Street, conditioned upon the strict compliance by said owners with the  
14 conditions contained in paragraph designated "Second" of Paragraph 1 of this resolution.

15 c. A bond or an approved escrow or security agreement in the sum  
16 of \$152,400.00, plus the amount required to complete a street connection with either Yankee  
17 Hill Road or South 40th Street, conditioned upon the strict compliance by said owners with the  
18 conditions contained in paragraph designated "Third" of Paragraph 1 of this resolution.

19 d. A bond or an approved escrow or security agreement in the sum  
20 of \$196,800.00, plus the amount required to complete a street connection with either Yankee  
21 Hill Road or South 40th Street, conditioned upon the strict compliance by said owners with the  
22 conditions contained in paragraph designated "Fourth" of Paragraph 1 of this resolution.

1                   e.       A bond or an approved escrow or security agreement in the sum  
2 of \$135,800.00, plus the amount required to complete a street connection with either Yankee  
3 Hill Road or South 40th Street, conditioned upon the strict compliance by said owners with the  
4 conditions contained in paragraph designated "Fifth" of Paragraph 1 of this resolution.

5                   f.       A bond or an approved escrow or security agreement in the sum  
6 of \$68,000.00, plus the amount required to complete a street connection with either Yankee  
7 Hill Road or South 40th Street, conditioned upon the strict compliance by said owners with the  
8 conditions contained in paragraph designated "Sixth" of Paragraph 1 of this resolution.

9                   g.       A bond or an approved escrow or security agreement in the sum  
10 of \$36,740.00, plus the amount required to complete a street connection with either Yankee  
11 Hill Road or South 40th Street, conditioned upon the strict compliance by said owners with the  
12 conditions contained in paragraph designated "Seventh" of Paragraph 1 of this resolution.

13                  h.       A bond or an approved escrow or security agreement in the sum  
14 of \$690.00, plus the amount required to complete a street connection with either Yankee Hill  
15 Road or South 40th Street, conditioned upon the strict compliance by said owners with the  
16 conditions contained in paragraph designated "Eighth" of Paragraph 1 of this resolution.

17                  i.       A bond or an approved escrow or security agreement in the sum  
18 of \$6,900.00, plus the amount required to complete a street connection with either Yankee Hill  
19 Road or South 40th Street, conditioned upon the strict compliance by said owners with the  
20 conditions contained in paragraph designated "Ninth" of Paragraph 1 of this resolution.

21                  The bonds required above shall be subject to approval by the City Attorney. In  
22 the event that said owners or their surety shall fail to satisfy the conditions herein set forth


1 within the time specified in this resolution, the City may cause the required work to be  
2 performed and recover the cost thereof from said owners and their surety.

3 4. Immediately upon the adoption of this resolution and receipt of the written  
4 agreement required herein, the City Clerk shall cause the final plat and a certified copy of this  
5 resolution together with said written agreement to be filed in the office of the Register of  
6 Deeds of Lancaster County, Nebraska. Filing fees shall be paid by said owners.


7 The foregoing Resolution was approved by the Lincoln City - Lancaster County  
8 Planning Commission on this 2nd day of April, 2003.

9 Dated this 2nd day of April, 2003.

ATTEST:

  
Chairman

Approved as to Form & Legality:

  
Chief Assistant City Attorney

## AGREEMENT

THIS AGREEMENT is made and entered into by and between **Ridge Development Company, a Nebraska corporation, and Southview, Inc., a Nebraska corporation**, hereinafter called "Subdivider", whether one or more, and the **CITY OF LINCOLN, NEBRASKA, a municipal corporation**, hereinafter called "City."

WHEREAS, Subdivider has made application to City for permission to subdivide and for approval of the subdivision plat of **PINE LAKE HEIGHTS SOUTH 7TH ADDITION**; and

WHEREAS, the resolution approving said plat contains certain provisions requiring an agreement between Subdivider and City relating to said plat and the development thereof.

NOW, THEREFORE, IN CONSIDERATION of City granting permission to plat and approval of the plat of **PINE LAKE HEIGHTS SOUTH 7TH ADDITION**, it is agreed by and between Subdivider and City as follows:

1. The Subdivider agrees to submit to the Director of Public Works for review and approval a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land.
2. The Subdivider agrees to protect the remaining trees on the site during construction and development.
3. The Subdivider agrees to pay all improvement costs.
4. The Subdivider agrees to submit to lot buyers and home builders a copy of the soil analysis.

5. The Subdivider agrees to comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

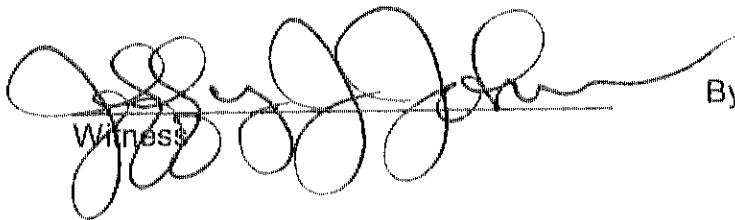
6. The Subdivider agrees to maintain the outlots, and private improvements on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The owners 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 City Attorney and filed of record with the Register of Deeds.


7. The Subdivider agrees to complete the permanent lot and block staking before construction on or conveyance of any lot shown on this final plat.

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

Dated this 20th day of April, 2003.

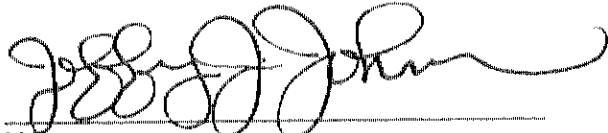
RIDGE DEVELOPMENT COMPANY,  
a Nebraska corporation,


  
Witness

By:   
Thomas E. White  
President of Development Division

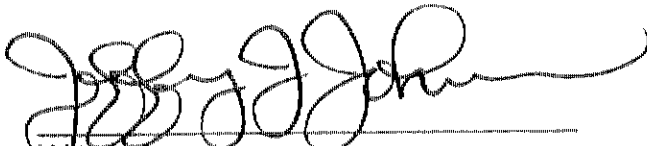
2003 APR 20 PM 4:00  
2003 APR 20 PM 4:00

RIDGE DEVELOPMENT COMPANY,  
a Nebraska corporation,

  
Witness

By:   
John Brager  
President of Construction Division


SOUTHVIEW, INC.  
a Nebraska corporation,


  
Witness

By:   
Gerald L. Schleich, President

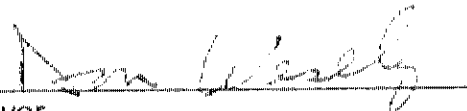
ATTEST:

CITY OF LINCOLN, NEBRASKA,  
a municipal corporation

  
City Clerk

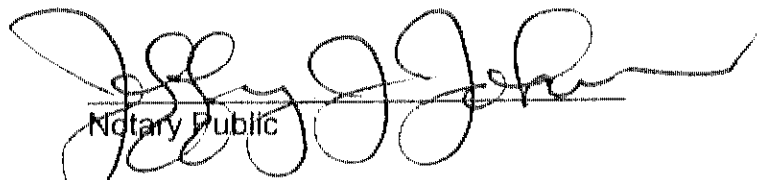


The seal of the City of Lincoln, Nebraska, is circular. It features a profile of Abraham Lincoln facing right. The text around the seal reads "CITY OF LINCOLN" at the top, "FOUNDED JULY 23, 1832" on the left, "SEAL" in the center, and "INCORPORATED APRIL 1859" on the right. Below the seal, it says "LANCASTER COUNTY, NEBRASKA".

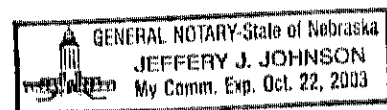
  
Mayor

STATE OF NEBRASKA                    )  
  ) ss.  
COUNTY OF LANCASTER            )

The foregoing instrument was acknowledged before me this 28 day of April, 2003, by Thomas E. White, President of Development Division, Ridge Development Company, a Nebraska corporation.

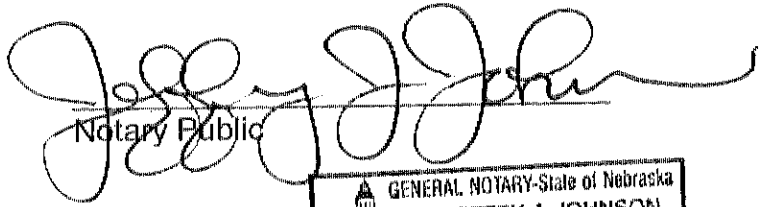
  
Notary Public

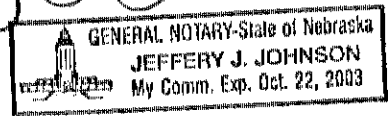
NOTARY PUBLIC STATE OF NEBRASKA  
202882-04 03-01-01



STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

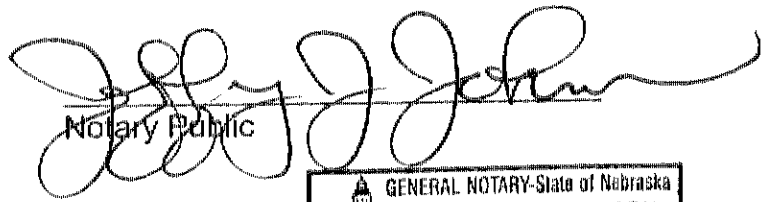
The foregoing instrument was acknowledged before me this 28 day of April, 2003, by John Brager, President of Construction Division, Ridge Development Company, a Nebraska corporation.

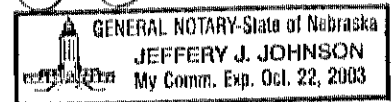
  
Notary Public



STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

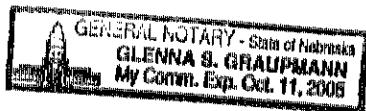
The foregoing instrument was acknowledged before me this 28 day of April, 2003, by Gerald L. Schleich, President of Southview, Inc., a Nebraska corporation.

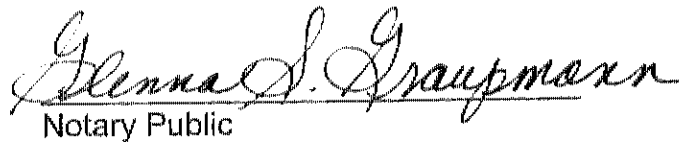
  
Notary Public



STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of May, 2003, by Don Wesely, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



  
Notary Public



## ASSIGNMENT, ASSUMPTION, AND RELEASE AGREEMENT

This Assignment, Assumption, and Release Agreement dated the <sup>14th</sup> ~~13th~~ day of March, 2003, is entered into between Ridge Development Company, a Nebraska corporation and Southview, Inc., a Nebraska corporation (collectively "Assignor"), and Campbell's Nurseries and Garden Centers, Inc., a Nebraska corporation ("Assignee"), and the City of Lincoln, Nebraska, a municipal corporation ("City").

WHEREAS, Resolution No. PC-0800, accepted and approved the final plat of Pine Lake Heights South 7<sup>th</sup> Addition as an addition to the City of Lincoln upon condition that Assignor, at Assignor's own cost and expense, pay for all labor, material and related costs in connection with the planting of street trees along both sides of all streets and private roadways within Pine Lake Heights South 7<sup>th</sup> Addition, and on the side of the streets and private roadways which abut said Addition within four years following Planning Commission approval of said final plat. Said condition is hereinafter referred to as "the Obligation"; and

WHEREAS, as a prerequisite for the adoption of Resolution No. PC-0800 the Assignor was required to execute and deliver to the City a bond or an approved escrow or security agreement in the sum of Sixty Three thousand, Eight hundred Dollars (\$63,800.00) to guarantee the Obligation; and

WHEREAS, Assignor desires to transfer and convey to Assignee and Assignee is willing to assume the Obligation; and

WHEREAS, Assignor and Assignee desire that the City consent to the assignment and assumption of the Obligation and to release Assignor from said Obligation; and

WHEREAS, the City is willing to release Assignor from the Obligation and to accept the assignment and assumption of the Obligation by Assignee provided that Assignee provides the City with a bond or an approved escrow or security agreement in the sum of Sixty Three thousand, Eight hundred Dollars (\$63,800.00) to guarantee satisfaction of the Obligation.

NOW, THEREFORE, in consideration of one dollar and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Assignor does hereby assign, transfer and convey to Assignee all of the Obligation.
2. Assignee does hereby accept the assignment and agrees to assume the Obligation and further agrees to provide the City with a bond, or an approved escrow or other security agreement in the amount of \$63,800.00 to guarantee satisfaction of the Obligation.
3. The City does hereby acknowledge receipt of a bond, or approved escrow or other security in the amount of \$63,800.00 from Assignee to guarantee satisfaction of the

Obligation and does hereby consent to the assignment. The City further hereby releases Assignor from the Obligation.

4. This agreement shall be binding upon and inure to the benefit of Assignor, Assignee, and the City and their respective successors and assigns.

**RIDGE DEVELOPMENT COMPANY**, a Nebraska corporation

By: Thomas E. White  
Thomas E. White  
President of Development

By: John C. Brager  
John C. Brager  
President of Construction

**SOUTHVIEW, INC.**, a Nebraska corporation

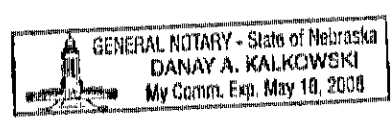
By: Gerald L. Schleich  
Gerald L. Schleich, President

**CAMPBELL'S NURSERIES AND GARDEN CENTERS, INC.**, a Nebraska corporation

By: Richard B. Campbell  
Richard B. Campbell, President

STATE OF NEBRASKA                    )  
  ) ss.  
COUNTY OF LANCASTER            )

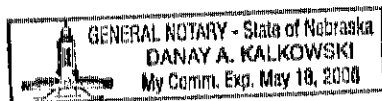
The foregoing was acknowledged before me this 13 day of March, 2003, by Thomas E. White, President of Development of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



Danay Kalkowski  
Notary Public

STATE OF NEBRASKA                    )  
  ) ss.  
COUNTY OF LANCASTER                )

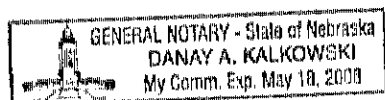
The foregoing was acknowledged before me this 13 day of March, 2003, by John C. Brager, President of Construction of **Ridge Development Company**, a Nebraska corporation, on behalf of the corporation.



Danay A. Kalkowski  
Notary Public

STATE OF NEBRASKA                    )  
  ) ss.  
COUNTY OF LANCASTER                )

The foregoing was acknowledged before me this 13 day of March, 2003, by Gerald L. Schleich, President of **Southview, Inc.**, a Nebraska corporation, on behalf of the corporation.



Danay A. Kalkowski  
Notary Public

STATE OF NEBRASKA                    )  
  ) ss.  
COUNTY OF LANCASTER                )

The foregoing was acknowledged before me this 14th day of March, 2003, by Richard B. Campbell, President of **Campbell's Nurseries and Garden Centers, Inc.**, a Nebraska corporation, on behalf of the corporation.



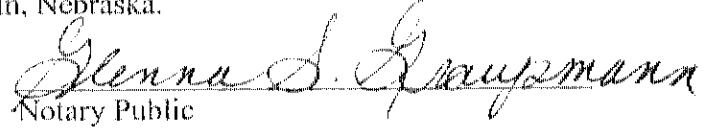
Sandy Priefert  
Notary Public

City Clerk

City Attorney

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of May, 2003 by DON WESELY, Mayor of the City of Lincoln, Nebraska, on behalf of the City of Lincoln, Nebraska.

Mayor



# C E R T I F I C A T E

STATE OF NEBRASKA                    )  
COUNTY OF LANCASTER                ) ss:  
CITY OF LINCOLN                        )

I, Teresa J. Meier, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of the plat designated as **PINE LAKE HEIGHTS SOUTH 7<sup>TH</sup> ADD.** as passed and approved by the Lincoln City-Lancaster County Planning Commission at its meeting held **April 2, 2003**, as the original appears of record in my office and is now in my charge remaining as City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 9<sup>th</sup> day of May, 2003.

