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Inst # 2006053139 Tue Oct 24 14:49:41 CDT 2006  
Filing Fee: \$28.50  
Lancaster County, NE Assessor/Register of Deeds Office SUAGRT  
Pages 5



## AGREEMENT

THIS AGREEMENT is made and entered into by and between **TDG LINCOLN-YANKEE HILL, L.L.C., a Missouri limited liability company**, 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 **YANKEE RIDGE COMMERCIAL CENTER ADDITION (the property depicted being hereinafter referred to as the "Shopping Center")**; 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 **YANKEE RIDGE COMMERCIAL CENTER ADDITION** it is agreed by and between Subdivider and City as follows:

1. The Subdivider agrees to complete the paving of public streets for the construction of two turn lanes, one on S. 40th Street, the other on Yankee Hill Road as shown on the final plat on or before 8/14/2007.
2. The Subdivider agrees to complete the installation of sidewalks along the south side of Grainger Parkway and the east side of S. 37th Street as shown on the final plat within four years following the approval of this final plat.

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3. The Subdivider agrees to complete the installation of sidewalks along the west side of S. 40th Street and the north side of Yankee Hill Road as shown on the final plat within two years following the approval of this final plat.

4. The Subdivider agrees to complete the public wastewater collection system to serve this plat on or before 8/14/2007.

5. The Subdivider agrees to complete the planting of the street trees along the south side of Grainger Parkway and the east side of S. 37th Street within this plat within four years following the approval of this final plat.

6. The Subdivider agrees to complete the planting of the street trees along the west side of S. 40th Street and the north side of Yankee Hill Road as shown on the final plat within two years following the approval of this final plat.

7. The Subdivider agrees to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

8. The Subdivider agrees to timely complete any other public or private improvement or facility required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived but inadvertently may have been omitted from the above list of required improvements.

9. The Subdivider has submitted to the Director of Public Works and the Director of Public Works has approved a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

10. The Subdivider agrees to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

11. The Subdivider agrees to complete the public and private improvements shown on the Preliminary Plat dated June 7, 2006, as prepared by Olsson Associates OA Project No. 2-2005-1650-18-11-502, as submitted to the City on June 8, 2006, and Use Permit.

12. The Subdivider agrees to place an Operation and Easement Agreement ("OEA") of record against the Shopping Center which will provide for the maintenance of the outlots and private improvements on a permanent and continuous basis, and will recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of stormwater detention/retention facilities as they were designed and constructed within the Shopping Center. The OEA will address the permanent and continuous maintenance of the outlots and the private improvements; provided, however, that Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until (1) a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans; and (2) the OEA has been reviewed and the maintenance obligations set forth in the OEA are approved by the City Attorney and the OEA filed of record with the Register of Deeds; it being understood that the City Attorney shall have no approval rights regarding any other issues addressed by the OEA.


13. The OEA will require each operator of an outlot at the Shopping Center under the OEA to agree to keep taxes and special assessments from becoming delinquent on each such operator's outlot.

14. The Subdivider agrees to relinquish the right of direct vehicular access from all lots to adjacent streets except where shown in the approved Use Permit 06004.

Dated this 12<sup>th</sup> day of October, 2006.

**TDG LINCOLN-YANKEE HILL, L.L.C.,  
a Missouri limited liability company,**

By: **THE DESCO GROUP, INC.  
A MISSOURI CORPORATION,  
its sole Manager,**

By:   
Mark J. Schnuck, President

ATTEST:

Jan E. Rood  
City Clerk



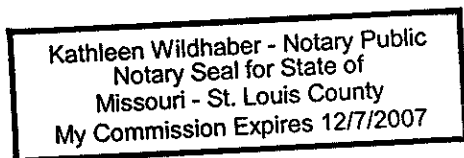
CITY OF LINCOLN, NEBRASKA,  
a municipal corporation,

Coleen J. Seng  
Mayor

STATE OF MISSOURI  
COUNTY OF ST. LOUIS

) ss.  
)

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of October, 2006, by Mark J. Schnuck, President of The DESCO Group, Inc., a Missouri corporation, as sole Manager of TDG Lincoln-Yankee Hill, L.L.C., a Missouri limited liability company.

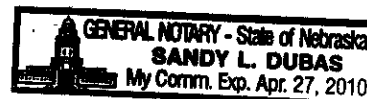


Kathleen Wildhaber  
Notary Public

STATE OF NEBRASKA )  
COUNTY OF LANCASTER ) ss.  
)

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of October, 2006, by Coleen J. Seng, Mayor of the City of Lincoln, Nebraska, a municipal corporation.

Sandy L. Dubas  
Notary Public



## **YANKEE RIDGE COMMERCIAL CENTER ADDITION**

Block 1: Lots 1 Through 6

Outlot "A"