

R E S O L U T I O N

WHEREAS, a Petition had been previously filed for the creation of a County Industrial Area, comprising the hereto attached tract of land; and

WHEREAS, The City of Grand Island has approved the designation of such tract as a County Industrial Area, subject to certain terms and conditions; and

WHEREAS, The Hall County Board of Supervisors and City Counsel of the City of Grand Island have entered into an agreement designated No. 1A-10-72 containing such conditions; and

WHEREAS, a public hearing has been duly advertised and held, as required by law, as a result of which the following findings were made:

1. Said tract is suitable for use as an Industrial Area.
2. Said tract so designated as an Industrial Area will be generally beneficial to the community.
3. The owners of all the land embraced therein have consented to such designation.

NOW THEREFORE, BE IT RESOLVED that the Hall County Board of Supervisors hereby order and designate the tract described on the hereto attached exhibit, as a County Industrial Area, subject however, to the aforementioned agreement, executed by the Mayor and City Clerk of the City of Grand Island, October 19, 1972, and by the Hall County Supervisor and the Hall County Clerk on this 24th day of October, 1972, which agreement is on file with the Hall County Clerk, Hall County, State of Nebraska, and that in order to effectuate this Resolution and Order, a certified copy hereof be filed and recorded in the Office of the Register of Deeds in and for Hall County, Nebraska.

DATED this 24th day of October, 1972.



[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

A G R E E M E N T
No. IA-10-72

THIS AGREEMENT entered into between the City of Grand Island, Nebraska, hereinafter called the "City", and the County of Hall, Nebraska, hereinafter called the "County";

WHEREAS, a petition was filed with the County Board of Supervisors of the County of September 20, 1972, requesting the County Board to designate a tract of land described as shown on Exhibit "A" attached hereto and incorporated herein by reference as a "County Industrial Area", pursuant to Chapter 19, Article 25, R.R.S. 1943; and

WHEREAS, Section 19-2501.01, R.R.S. 1943, requires the municipal legislative body in whose area of zoning jurisdiction the proposed industrial area is located, to approve or disapprove the designation of such tract as a "County Industrial Area" within thirty days after receipt of such notification, which approval may be conditioned upon terms agreed to between the City and the County; and

WHEREAS, the City approves the designation of the proposed industrial area as a "County Industrial Area" only upon the following conditions set forth in this agreement; and

WHEREAS, the County agrees with the following conditions and consents that such conditions shall constitute conditions precedent and continuing requirements to the County's designation of such area as a "County Industrial Area".

NOW, THEREFORE, in consideration of the premises, the parties hereto agree that the following conditions shall attach to and be considered as conditions precedent and continuing requirements to the County's designation of the area described on Exhibit "A" as a "County Industrial Area", pursuant to Section 19-2503, R.R.S. 1943.

CONDITIONS

1. The final platting of the proposed "Connell Industrial Park" subdivision, pursuant to the proposed subdivision plat on file in the office of the Regional Planning Commission. The final plat of Connell Industrial Park shall be filed in the office of the Register of Deeds, Hall County, Nebraska, within sixty days after the designation of the area described in Exhibit "A" as a "County Industrial Area". It is understood and agreed that the proposed Connell Industrial Park subdivision, being contiguous to the corporate limits of the

City, shall not be considered an addition to the City as required by Section 16-112, R.R.S. 1943, for the reason that the prior designation of the area as a "County Industrial Area" supersedes the requirement that the proposed subdivision be considered as an addition to the City.

2. Public utilities; namely, sanitary sewer, water, and storm drainage, shall be provided for that part of the proposed County Industrial Area located within the Connell Industrial Park subdivision by the developer of said subdivision, pursuant to the subdivision agreement entered into between the developer and the City. Industries located in the Connell Industrial Park subdivision, except the industry located on Lot 1 of said subdivision, shall connect to the sanitary sewer and water mains constructed by the developer upon such utilities becoming available for connection. Rates for water and sanitary sewer service for users located in the proposed County Industrial Area will be the rates specified in the Grand Island City Code for users located outside the City. It is understood that the industries located on the lots in Connell Industrial Park subdivision shall not be permitted to deposit water into the natural drainage channels across the proposed county industrial area other than water that is deposited onto the area by natural precipitation.

3. The provisions of Chapter 13 of the Grand Island City Code, together with the provisions of the Fire Prevention Code adopted by Section 13-1 of the City Code, shall apply to all new industries located in the proposed county industrial area after the effective date of the designation of the area as a county industrial area. Such fire prevention code shall be enforced by the City's fire department, and failure to comply shall result in a violation of the Grand Island City Code and shall subject the violator to the penalties provided therein. All industries located in the proposed county industrial area are hereby encouraged to contract with the City for fire protection from the City's fire department.

4. All lawfully existing land and building uses in the area proposed to be designated as a County Industrial Area as of the date such area is officially designated as a County Industrial Area may continue in existence, but any new land and building uses in such County Industrial Area must conform to the definition of "industrial". For purposes of this agreement, and for the zoning of the area in the proposed County Industrial Area, the word "industrial" shall

mean "manufacturing", "fabricating", "wholesaling", or "retailing" of products from industries located in the proposed County Industrial Area, which products are manufactured or directly related to those manufactured on the same industrial area site. It is understood that during the time the area shown on Exhibit "A" is designated as a County Industrial Area, the zoning of such area shall be under the jurisdiction of the City, and that the City's building, electrical, and plumbing codes and ordinances shall apply in the area to the exclusion of similar codes and resolutions of the County.

5. Either or both of the tracts of land within the proposed County Industrial Area owned by Terminal Grain Co., a co-partnership, and Union Stock Yards Co. of Grand Island, Nebraska, a Nebraska corporation, may be withdrawn at any time from the proposed County Industrial Area upon written notification to the County and the City, provided, that the assessed valuation of the tract remaining in the County Industrial Area equals or exceeds one hundred thousand dollars. Such withdrawal shall take effect only upon the written approval of the City and the County after the determination by the City and the County that the said remaining tract equals or exceeds one hundred thousand dollars in assessed valuation.

6. The designation of the area described on Exhibit "A" as a County Industrial Area will by operation of law expire and terminate at the end of seven years from the date such area is officially designated as a County Industrial Area; provided, that if construction has not begun on any industrial plants or improvements within the Connell Industrial Park subdivision, excluding the plant constructed on Lot 1 of said subdivision, within twelve months from the date such area is officially designated as a County Industrial Area, such designation shall by operation of law expire and terminate at the end of such twelve month period. At such time as the industrial area designation expires, all or a part of the property in such area may be subject to inclusion within the boundaries of the City by appropriate city council action.

7. This agreement, together with resolutions of the County and City authorizing its execution, shall be attached to and become a part of the order of the County Board of Supervisors of the County which designates the area in Exhibit "A" as a County Industrial Area and shall be filed and recorded in the office of the Register of Deeds, Hall County, Nebraska.

8. If any of the conditions set out in this agreement are broken, violated, or not complied with, in addition to any other remedies that the parties may have, the parties hereto agree that any lot or tract wherein such conditions are broken, violated, or not complied with, shall be subject to inclusion within the boundaries of the City by adoption of an annexation ordinance by the city council.

WITNESS our signatures on the dates below written.

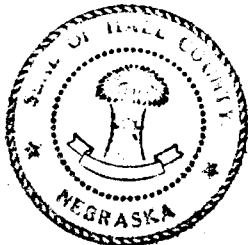
CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

By John Dittler
President of the Council

Attest J. J. Miller
City Clerk



Oct 19, 1972



COUNTY OF HALL, NEBRASKA
By Its Board of Supervisors

Stan Sabuniggel
Robert Baer
Walter H. Still
Donald C. Mergerson
Ralph A. Hunter
Albert Helzer

Attest Jack [unclear]
County Clerk

Dated Oct 24, 1972
Seal

A tract of land comprising part of the northeast quarter, the southwest quarter and the southeast quarter of Section Eleven, Township Eleven North, Range Nine West and the 6th P.M. Hall County, Nebraska, beginning at a point on the northerly line of the Union Pacific Railroad Company right-of-way where it intersects the east line of Section Eleven, thence southwesterly along and upon said northerly right-of-way line to the point of intersection of said right-of-way line with the west line of the west one-half of the northeast quarter of said Section Eleven; thence, southerly along and upon the west line of the said west half of the northeast quarter and the west line of the west half of the southeast quarter of said Section Eleven to a point 222.63' south of the southerly line of the Union Pacific Railroad Company right-of-way; thence southwesterly along and upon the southerly right-of-way line a distance of 1,473.36' to a point on the southerly line of said right-of-way where it intersects the west line of the east half of the southwest quarter of said Section Eleven; thence southerly along and upon the west line of the east one-half of the southwest quarter of said Section Eleven 871.8' to a point on the northerly right-of-way line of Highway # 30; thence northeasterly 2,332.65' along and upon said northerly right-of-way line to a point; thence running north 241.44' on a line parallel to the east line of the west half of the southeast quarter of said Section Eleven; thence running northeasterly parallel to the northerly line of the right-of-way of Highway # 30 a distance of 600 feet to a point on the east line of the west one-half of the southeast quarter; thence running north on the east line of the west half of the southeast quarter of said Section Eleven a distance of 344.92 feet to the northeast corner of the west half of the southeast

quarter of said Section Eleven; thence running east along and upon the north line of the northeast quarter of the southeast quarter to the southeast corner of the east half of the northeast quarter of said Section Eleven; thence north on the east section line of said Section Eleven to the point of intersection of the northerly right-of-way line of the Union Pacific Railroad Company and the east line of said Section Eleven which is the point of beginning.