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LANCASTER COUNTY, NE

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5-21-03/lw/tb

CITY OF LINCOLN
EXECUTIVE ORDER

NO. 67489

BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln,

Nebraska:

The attached Agreement between Villas at Lakeside L.L.C. and the City of Lincoln, Nebraska for the development of the amended Lakeside Village Community Unit Plan on property generally located at Lakeside Drive and West Lakeshore Drive is hereby accepted and I have executed the same on behalf of the City of Lincoln, Nebraska.

The City Clerk is directed to send the original Agreement and a copy of this Executive Order to the Planning Department to be filed in the Register of Deeds with the plat.

Dated this 23rd day of May, 2003.

Robert J. Seery
Mayor

Approved as to Form & Legality:

Rich Peo
Law Department

City Law Dept

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between **Villas at Lakeside L.L.C., a Nebraska limited liability company**, hereinafter called "Permittee", whether one or more, and the **CITY OF LINCOLN, NEBRASKA, a municipal corporation**, hereinafter called "City."

WHEREAS, Permittee has made application to City for permission to waive the filing of a preliminary plat and for authorization allowing the Planning Director to approve the administrative final plat submitted in accordance with the **LAKESIDE VILLAGE COMMUNITY UNIT PLAN**; and

WHEREAS, the resolution approving said Community Unit Plan contains certain provisions requiring an agreement between Permittee and City relating to said Community Unit Plan and the development thereof.

NOW, THEREFORE, IN CONSIDERATION of City granting permission to waive the filing of a preliminary plat and for authorization allowing the Planning Director to approve the administrative final plat submitted in accordance with the **LAKESIDE VILLAGE COMMUNITY UNIT PLAN**, it is agreed by and between Permittee and City as follows:

1. The Permittee agree to submit a plan for approval of the Director of Public Works showing revisions to the grading and drainage plan to reflect the comments of the Lower Platte South NRD and the Nebraska Game and Parks Commission regarding stormwater detention and retention facilities.

2. The Permittee agrees to submit a plan for approval of the Director of Public Works showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land.

3. The Permittee agrees to complete the private improvements shown on the Community Unit Plan.

4. The Permittee agrees to maintain the outlots and private improvements on a permanent and continuous basis. However, the Permittee 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 Permittee 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.

5. The Permittee agrees to continuously and regularly maintain the street trees along Lakeside Drive, the private roadways, and landscape screens.

6. The Permittee agrees to submit to the lot buyers and home builders a copy of the soil analysis.

7. The Permittee agrees to pay all improvement costs.

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

9. The Permittee agrees to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper

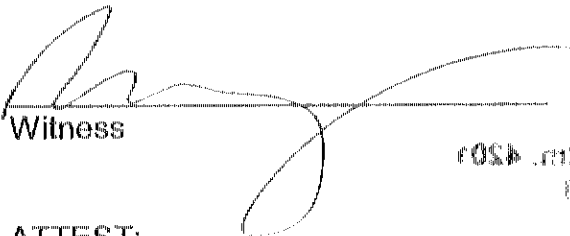
functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

10. The Permittee agrees to inform all purchasers and users that the land is located within the outer approach zone of the Airport Environs District and that all construction shall be in conformance with the airport zoning requirements and the aviation and noise easement and covenant agreement.


11. The Permittee agrees to inform all purchases and users that the land is located within a noise impact zone as established by the Nebraska Department of Roads based upon proximity to Interstate 80, and that no noise abatement devices will be installed by the Nebraska Department of Roads along the Interstate.

Dated this 19th day of May, 2003.

Villas at Lakeside L.L.C.,
a Nebraska limited liability company




Witness

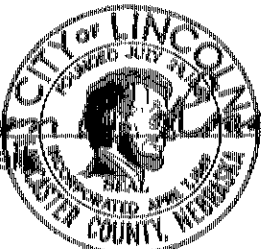


Craig S. Bauer
Managing Member

ATTEST:

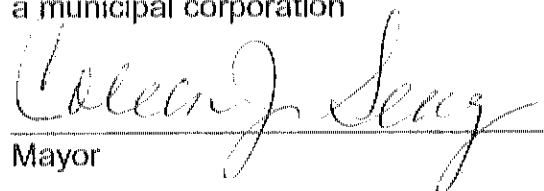


City Clerk



The seal of the City of Lincoln, Nebraska, featuring a central figure and the text "CITY OF LINCOLN", "FOUNDED JULY 23, 1831", "INCORPORATED APRIL 1856", and "LINCOLN COUNTY, NEBRASKA".

CITY OF LINCOLN, NEBRASKA,
a municipal corporation



Mayor

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 19th day of May, 2003, by Craig Bauer, Managing Member, Villas at Lakeside L.L.C., a Nebraska limited liability company.



Teresa J. Meier
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 23rd day of May, 2003, by Coleen Seng, Mayor of the City of Lincoln, Nebraska, a municipal corporation.



Judith A. Roscoe
Notary Public

Notary Public
My Comm. Exp. Dec. 20, 2005

Lots 1-54 and Outlot A, Lakeside Village 3rd Addition