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AGREEMENT

CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK
BLAIR, NEBR.

THIS AGREEMENT made and executed as of the 29th day of June, 2001, by and between WASHINGTON COUNTY, a Political Subdivision of the State of Nebraska (hereinafter "County"), and HAROLD COOPERMAN (hereinafter "Developer"), WITNESSETH:

WHEREAS, Developer has submitted to County a preliminary and final plat of Cooper Woods, a Subdivision of Washington County, Nebraska, and

WHEREAS, said final plat has been accepted and approved by the Board of Supervisors of County, subject to certain requirements regarding improvements therein, and

WHEREAS, Developer has furnished to the appropriate officials of County copies of approvals for access to County Highway P30 and State Highway 133, and

WHEREAS, the plans and specifications for the roads within the Subdivision have been approved by the necessary officials of County, but the construction of said road system is not yet complete, and

WHEREAS, purchasers of lots within the Subdivision have made application to County for the issuance of building permits for the construction of dwellings on certain lots within the Subdivision, and

WHEREAS, County has agreed to issue said building permits provided, however, that certain assurances are provided to County regarding the completion of the roads within the Subdivision, and

WHEREAS, Section 1.030 of the Subdivision Regulations of County provides for a procedure by which Developer can guarantee to County the proper completion of the road system in said Subdivision, and

WHEREAS, County and Developer have mutually agreed to enter into this Agreement to provide for the guarantee to County by Developer of the completion of the road system within the

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Subdivision, and the inspection and maintenance of the dry cell that comprise the drainage system in the Subdivision, and

WHEREAS, County has agreed that, upon the execution of this Agreement and the other documents contemplated hereby, subject only to the satisfaction of all other requirements in connection therewith, County will issue building permits so that construction may begin on individual dwellings within the Subdivision.

NOW, THEREFORE, in consideration of the Subdivision Regulations of Washington County, Nebraska, the agreements and covenants contained herein, and for other valuable consideration, it is agreed by and between County and Developer as follows:

1. Developer agrees to construct and install all interior roads and drainage structures as shown on the final plat of Cooper Woods Addition. In addition thereto, Developer agrees as follows:

- (a) That the proposed turning lane off of County Road P30 be constructed as shown on the final plat and pursuant to the County Highway Department's specifications;
- (b) That the provisions of the September 9, 1999 correspondence from the Department of Environmental Quality, State of Nebraska, be followed. A copy of said September 9, 1999 correspondence is attached hereto, marked Exhibit "A" and incorporated by this reference herein; and
- (c) That the provisions of the November 4, 1999 correspondence from the Papio-Missouri River Natural Resources District to Mr. Doug Cook be followed. Attached hereto, marked Exhibit "B" is a copy of said correspondence.

2. Developer will furnish to County a bid for the completion of the surfacing of the road system within Cooper Woods, and County agrees that, if said roads are completed pursuant to the specifications thereof, the roads will meet standards of the County.

3. Developer agrees, that upon approval of the final plat of Cooper Woods, and before construction of the interior roads of the Subdivision (including Kevin Lane, Keri Circle, Merriam

Lane and Kimara Circle), that Developer will furnish a corporate completion bond by a firm authorized to do business in Nebraska with good and sufficient sureties thereon, or a cashier's check, escrow account or irrevocable letter of credit in favor of Washington County, Nebraska, in the amount of the estimated cost, as approved by the Washington County Planning Administrator. Such financial guarantee shall be conditioned on the approval of the final plat and further conditioned upon the actual completion and installation of such required improvements within two years from the date that the final plat is approved by the Planning Commission and County Board of Supervisors. Prior to construction of the interior roads, described above, Developer shall also deposit in escrow with Washington County, Nebraska, cash in the amount of 15% of the cost of construction of such road improvements to be made in accordance with the terms and provisions of the final plat. The Developer agrees that such deposit into escrow may be held by Washington County, Nebraska for a period of 18 months after the final completion of such improvements for the purpose of:

- (a) Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection for acceptance by the governing body; and,
- (b) Guarantee against damage to such improvements by reason of the settling of the ground, base or foundation thereof.

Such escrow agreement shall also provide that, as such defects have so developed, that the deposit may be applied by Washington County, Nebraska for any reasonable amounts incurred for correcting such defects; and that the balance of such deposit, if any, held at the end of such 18 month period shall be returned by Washington County, Nebraska, to the Developer, or paid to the order of the Developer without payment of interest by Washington County, Nebraska.

The Developer shall have the option, after completion of the improvements set forth in the final plat, to purchase a two year maintenance bond in the amount of the original construction contract, which bond shall be approved by the Board of Supervisors and upon approval of the maintenance bond, the 15% cash bond held in escrow shall be immediately remitted to Developer.

Disbursements from the 15% escrow account will be made only upon the joint approval of Washington County, Nebraska and Developer.

4. The plans and specifications for said road improvements have been inspected and approved by County, and the actual construction work will be inspected by County during construction to insure conformity with the plans and specifications and with the applicable provisions of the Subdivision and Zoning Regulations and other codes of County. Developer will notify the Washington County Road Department of the commencement of final construction.

5. Developer agrees that it will form a Nebraska Corporation to act as a Homeowner's Association and to transfer title to the roads, common area and dry cell (which are located in the Subdivision as shown on the plat thereof to facilitate drainage) to said Corporation. Developer further agrees to execute a Management Agreement with said Corporation which shall provide, inter alia, that for a period of four years from the date of the execution of said Agreement, Developer will, at its expense, have the dry cell inspected by a licensed professional engineer and perform any necessary maintenance in order to preserve the integrity of its design. Inspections shall occur in years one, two and four of the four-year period during the month of September of each of said years. Copies of the inspection report prepared by the licensed professional engineer shall be provided to the Planning Department of Washington County, Nebraska, as requested from time to time.

At the expiration of the four-year period, inspection and maintenance of the dry cell shall revert to the Corporation and the organizational documents of said Corporation shall specifically provide that 5% of the annual assessment to the landowners within the Subdivision shall be the budgeted cost for the maintenance and inspection of the dry cell with a cap of \$1,000.00. The Corporation shall be required to cause a licensed professional engineer to inspect the dry cell once every three years in the month of September and a copy of the report of said inspection shall be furnished to the Planning Department of Washington County, Nebraska, as may be requested from time to time. In addition, the Washington County Planning staff, in cooperation with the Papio Resources District may, at their option, require inspections following major storm events.

6. For so long as the obligations of the parties pursuant to this Agreement are being satisfactorily performed, Developer and its successors in interest may obtain building permits and commence construction of dwellings on the individual lots located within the Subdivision. However, in the event of any material default by Developer, the County may immediately suspend the issuance of further building permits until such default or defaults are cured.

7. That the Developer and Frank R. Krejci, the owner of real property to the southwest of the Cooper Woods Subdivision, have entered into a Dedication and Maintenance Agreement for the public road dedication of the west 66 feet of Tax Lot 5 lying south of Kevin Drive as shown on the recorded plat of Cooper Woods (the "Road Right-of-Way Property"), the improvement and maintenance of the Road Right-of-Way Property and the shared maintenance of Kevin Drive upon the connection of the roadway of the developed Krejci Property to the dedicated Road Right-of-Way Property, based upon the conditions and terms set forth in the Dedication and Maintenance Agreement which is to be recorded in the Register of Deeds, Washington County, Nebraska against the Road Right-of-Way Property.

- 8. This Agreement shall not be amended unless agreed upon in writing by the parties hereto.
- 9. This Agreement shall be binding upon the heirs, personal representatives, successors, and assigns of all parties hereto.

WASHINGTON COUNTY, A Political
Subdivision of the State of Nebraska

By Douglas E. Cook
DOUGLAS E. COOK
Planning and Zoning Administrator

Harold Cooperman
HAROLD COOPERMAN

20012874

STATE OF NEBRASKA COUNTY OF WASHINGTON)SS
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 2nd DAY OF July A.D. 2001
AT 9:44 O'CLOCK A M AND RECORDED IN BOOK
339 AT PAGE 305-316
COUNTY CLERK Charlatta S. Petersen
DEPUTY Marion Madson

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Recorded _____
General _____
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Photostat _____
Prooted _____

STATE OF NEBRASKA



DEPARTMENT OF ENVIRONMENTAL QUALITY
Suite 400, The Atrium
1200 'N' Street
P.O. Box 98922
Lincoln, Nebraska 68509-8922
Phone (402) 471-2186

September 9, 1999

Mike Johanns
Governor

Douglas E. Cook, Planning Administrator
Washington County Planning and Zoning Department
City Hall - 218 South 16th Street
Blair, NE. 68008

RE: Cooper Woods Subdivision
Sec. 2, Twn 17N, R 11E

Dear Doug:

We have reviewed the above referenced subdivision and have the following comments.

1. Lots 1 and 2 have a considerable amount of vegetation that limit the usable lot size. Will these trees be removed? Preplanning the location of wells and septic systems on these lots would be very important.
2. Lots 3 through 11 have a moderate slope, a drainage, and trees in the back portions of the lots. This may limit the usable area for septic systems on these lots. Preplanning the location of wells and septic systems on these lots would be very important as well.
3. Placement of individual wells severely limits the available area for a septic system. Even wells serving more than one residence should be carefully planned out. While these shared wells open up more area for septic systems other items need to be considered.
 - a. If the well becomes a public well the minimum setback distance is 500 feet instead 100 feet. A review distance of 1000 and 200 feet respectively apply.
 - b. Public wells may be subject to the proposed disinfection rule if a contaminate source is within the two year time of travel. This could be very expensive to the well owners. (Public well - 25 or more persons or 15 service connections) please contact Health and Human services for more detail.

Douglas E. Cook, Planning Administrator
August 25, 1999
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c. If multiple residences are served by one well a legal agreement should be in place to make sure the well is properly serviced and replacement needs satisfied.

4. Enclosed is the proposed Chapter 4, Section 004 and Section 005 of Title 124 which outlines subdivision development and the need for a reserve area. These regulations are not yet signed by the governor but we recommend that they be complied with to help ensure the viability of this development.

If you have any questions, please contact me at (402) 471-2580.

Sincerely,



Steven M. Goans, P.E.
Environmental Engineer IV
Ground Water Section

Title 124 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 4 - SITE EVALUATION

001 Each proposed site for the location an on-site wastewater treatment system shall be evaluated by the owner or his or her contractor, and the following information shall be recorded.

001.01 The type, size, location, and elevation of the proposed system, clearly identified on a scaled drawing of sufficient size which will include: the legal description and survey of the lot and immediate vicinity property lines, buildings, water supply wells, buried water pipes and utility lines, the ordinary high water mark of lakes, rivers, streams, and the location and the type of water supply wells within 1000 feet of the proposed on-site wastewater treatment system.

001.02 Depth to the highest measured or estimated water table and to the bedrock surface, if this depth is less than the depth of the water table.

001.03 Direction of ground water flow.

001.04 Soil conditions, properties, and permeability.

001.05 When construction permits are to be issued, additional information may be required.

002 A new on-site wastewater treatment system shall not be installed in a designated ten-year flood plain.

003 The seasonal high water elevation of the ground water table must be at least four feet below the bottom of the soil absorption system in order to provide adequate filtration through the soil and avoid pollution of the ground water. When available the following sources or types of information shall be used in determining the high water elevation of the ground water.

003.01 U.S. Department of Agriculture Natural Resources Conservation Service soils maps and soil interpretation records.

003.02 Evaluation of soil color and the presence or absence of mottling.

003.03 Evaluation of impermeable or semi-permeable soil layers.

Title 124

Chapter 4

003.04 Measured water levels for any nearby test hole(s), observation well(s), or water supply well(s).

004 Prior to construction of a development area where an on-site wastewater treatment system is proposed, the following requirements shall be met:

004.01 Development areas with lot sizes less than 3 acres (12,140 sq. m) but greater than or equal to 1 3/4 acres (8,470 sq. m) shall submit drawings and soil information to the Department. The drawings must include the location of all on-site wastewater treatment systems, reserve areas, and well locations for all lots. Also, soil percolation tests, and soil borings or site excavations shall be conducted on a minimum of every fifth lot to determine the soil characteristics and evidence of ground water. The Department will review the drawings and soil data and determine the acceptability of on-site wastewater treatment systems for the development area. The Department will either approve or deny the use of on-site wastewater treatment systems for the development area. Approval will be based upon an evaluation of the submitted information to meet design requirements of this Title.

004.02 Development areas with lot sizes less than 1 3/4 acres (8,470 sq. m) but greater than or equal to 1 1/4 acre (6050 sq. m) shall submit drawings and soil information to the Department. The drawings must include the location of all on-site wastewater treatment systems, reserve areas, and well locations and areas for structures including the dwelling or establishment, driveway, and outbuildings for all lots. Also, soil percolation tests, and soil borings or site excavations shall be conducted on a minimum of every fifth lot to determine the soil characteristics and evidence of ground water. The Department will review the drawings and soil data and determine the acceptability of on-site wastewater treatment systems for the development area. The Department will either approve or deny the use of on-site wastewater treatment systems for the development area. Approval will be based upon an evaluation of the submitted information to meet design requirements of this Title.

Title 124

Chapter 4

004.03 Development areas with lot sizes less than 1 1/4 acre (6050 sq. m) shall submit drawings and soil information to the Department. The drawings must include the location of all on-site wastewater treatment systems, reserve areas, and well locations and areas for structures including the dwelling or establishment location, driveway, sidewalks, and outbuildings for all lots and the number of bedrooms available for dwellings and maximum flows for establishments. Also, soil percolation tests, and soil borings or site excavations shall be conducted on a minimum of every lot to determine the soil characteristics and evidence of ground water. The Department will review the drawings and soil data and determine the acceptability of on-site wastewater treatment systems for the development area. The Department will either approve or deny the use of on-site wastewater treatment systems for the development area. Approval will be based upon an evaluation of the submitted information to meet design requirements of this Title.

005 All dwellings and establishments constructed after the effective date of these regulations shall establish a reserve area to be used for a replacement on-site wastewater treatment system which will meet the requirements of these regulations.

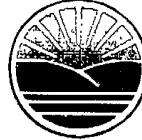
005.01 The reserve area will be considered a part of the on-site wastewater treatment system and all setback requirements will apply.

Enabling Legislation: Neb. Rev. Stat. §81-1505(8).

Legal Citation: Title 124, Ch. 4, Nebraska Department of Environmental Quality.

**PAPIO-MISSOURI RIVER
NATURAL
RESOURCES
DISTRICT**

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8901 S. 154TH ST.
OMAHA, NE 68138-3621
(402) 444-6222
FAX (402) 895-6543

Exhibit "B"

November 4, 1999

Mr. Doug Cook
Washington County Planning & Zoning
218 South 16th Street
Blair, Nebraska 68008

ITEM 04

Re: Cooper Woods

Dear Mr. Cook:

We have reviewed the referenced preliminary plat and have the following comments.

1. Apparently, the majority of the grading will be for the internal roadway system. The cross section appears to be adequate. The roadside ditches will require the use of erosion control matting to establish a suitable vegetative cover. Seeding needs to closely follow the grading operation.
2. The developer plans to install two drainage ditches near Lots 3 and 15. These ditches will also require the use of erosion control matting to establish vegetative cover.
3. It is recommended that the engineer investigate the use of grade control measures on the drainage ditch located near Lot 3. The slopes are between 6% and 10%.
4. It is our understanding that the pond located near Lot 5 will be a permanent part of the development. It is recommended that the pond be utilized as a sediment basin during grading of the development.

If you have any questions about these comments, please contact me.

Sincerely,

Gerry Bowen
Natural Resources Planner

cc: Chris Johnson, KM
Ginny Kermoade, NP Dodge

GB,lb.75299

Papio-Missouri River Natural Resources District Board of Directors

Fred Conley	John H. Conley	Richard P. Connealy	Tim A. Heller
Kenneth Jansen	Richard W. Jansen	Tim Krojicek	Joseph T. Neary
Larry Peterson	Wayno Rosmussen	Peter Rubin	
Steven G. Ollmans, General Manager			

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