

Omaha, Nebr. June 21, 1983

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, CHERRY TREE CORPORATION, a Nebraska Corporation proposes to build a Subdivision, SPRING GREEN, which will be located East of 490th Street and Farnam Street; and,

WHEREAS, CHERRY TREE CORPORATION, a Nebraska Corporation wishes to connect to Omaha's sewer system, the system of sanitary sewers to be constructed by CHERRY TREE CORPORATION, a Nebraska Corporation within the area to be developed; and,

WHEREAS, the parties wish to agree upon the manner which public improvements will be built by CHERRY TREE CORPORATION, a Nebraska Corporation and to clarify the responsibilities of the parties in building and maintaining the improvements in the subdivision; and,

WHEREAS, an Agreement has been prepared setting forth all the provisions mentioned above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

THAT, the Mayor is authorized to sign and the City Clerk is authorized to attest the Agreement between the City of Omaha and CHERRY TREE CORPORATION, a Nebraska Corporation providing for the public improvements and sewer connections to the Omaha sewer system.

APPROVED AS TO FORM:

*[Signature]*  
ASSISTANT CITY ATTORNEY

PWC/12:IC1:32

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's office.

y. *[Signature]*  
Councilman

adopted JUL 12 1983 7-0

*[Signature]*  
ACTING DEPUTY City Clerk

Approved *[Signature]*  
Mayor

*[Signature]*  
ACTING DEPUTY CITY CLERK

POOR INSTRUMENT FILED

This Subdivision Agreement, made this 12 day of July, 1983 by and between Cherry Tree Corporation, a Nebraska Corporation (hereinafter referred to as "SUBDIVIDER"), and the CITY OF OMAHA (hereinafter referred to as "CITY").

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WHEREAS, the Subdivider is the owner of the land shown on the proposed plat attached hereto as Exhibit "A" (hereinafter referred to as "PROPERTY"); and,

WHEREAS, the Subdivider proposes to build public improvements on the property; and,

WHEREAS, the Subdivider wishes to connect the system of sanitary sewers to be constructed within the property to the sewer system of the City of Omaha; and,

WHEREAS, the Subdivider and City desire to agree on the method for the installation and allocation of expenses for public improvements to be constructed in the property.

NOW, THEREFORE, in consideration of the above the following is agreed between the parties hereto:

1. Public improvements. ~~Attached hereto as Exhibit "B" and incorporated herein by reference are plats showing the public improvements to be installed on the property, i.e. storm sewer, sanitary sewer, and paving of public streets (hereinafter referred to as "IMPROVEMENTS"). All improvements must receive the approval of the Public Works Department of the City prior to construction. All improvements private.~~
2. Water, gas, and electrical power. The Subdivider agrees to enter into an Agreement with the Metropolitan Utilities District regarding all water and gas line extensions on the property, and into an Agreement with the Omaha Public Power District for power lines to be installed on the property. Copies of all Agreements with the Metropolitan Utilities District and the Omaha Public Power District will be provided to City within four months from the date of this Agreement.
3. Installation of improvements. The Subdivider agrees to commence the timely and orderly installation of the improvements following execution of this Agreement, pursuant to Section 53-9 of the Omaha Municipal Code. ~~Subdivider shall construct the private storm sewer in conformance with Exhibit "B".~~
4. Payment for improvements. The Subdivider shall pay the cost of the improvements, as well as all charges by the Metropolitan Utilities District for water and gas line installation and charges by the Omaha Public Power District for underground electrical service or overhead power installations.
5. Sidewalks. ~~Sidewalks along both sides of all public streets within the area to be developed shall be constructed by the Subdivider according to the following schedule:~~
  - (1) Sidewalks shall be constructed immediately abutting undeveloped lots on either side of any block or cul-de-sac (i.e. circle) as soon as the lots comprising 65% of the abutting footage on such side have been developed. A lot shall be developed for the purpose of this section when a dwelling has been constructed on the lot.
  - (2) Sidewalks shall be constructed immediately abutting developed lots as soon after development as weather shall permit.
  - (3) In any event, all sidewalks shall be constructed upon both sides of all public streets within the property within three years of the recording of the subdivision plat. City waives 53-9(9) re: sidewalks.
6. Right to connect to City sewer system. The City hereby ~~acknowledges that it has given the subdivider the right to connect the sanitary sewer system of the property to the City sanitary sewer system, subject to obtaining proper permits and paying the regular fees, and construct a private storm sewer in accord with Exhibit "B".~~
7. Binding effect. This Subdivision Agreement shall be binding upon the parties, their respective successors, and assigns.

ATTEST:

*Retiring Justice J. M. Matlock*  
Deputy CITY CLERK OF THE CITY OF OMAHA

APPROVED AS TO FORM:

*Paul J. Hornum*  
CITY ATTORNEY

CITY OF OMAHA

*Michael Boyle 7/15/83*  
MAYOR

DEVELOPER:

by: *John M. Hardy*  
Cherry Tree Corporation

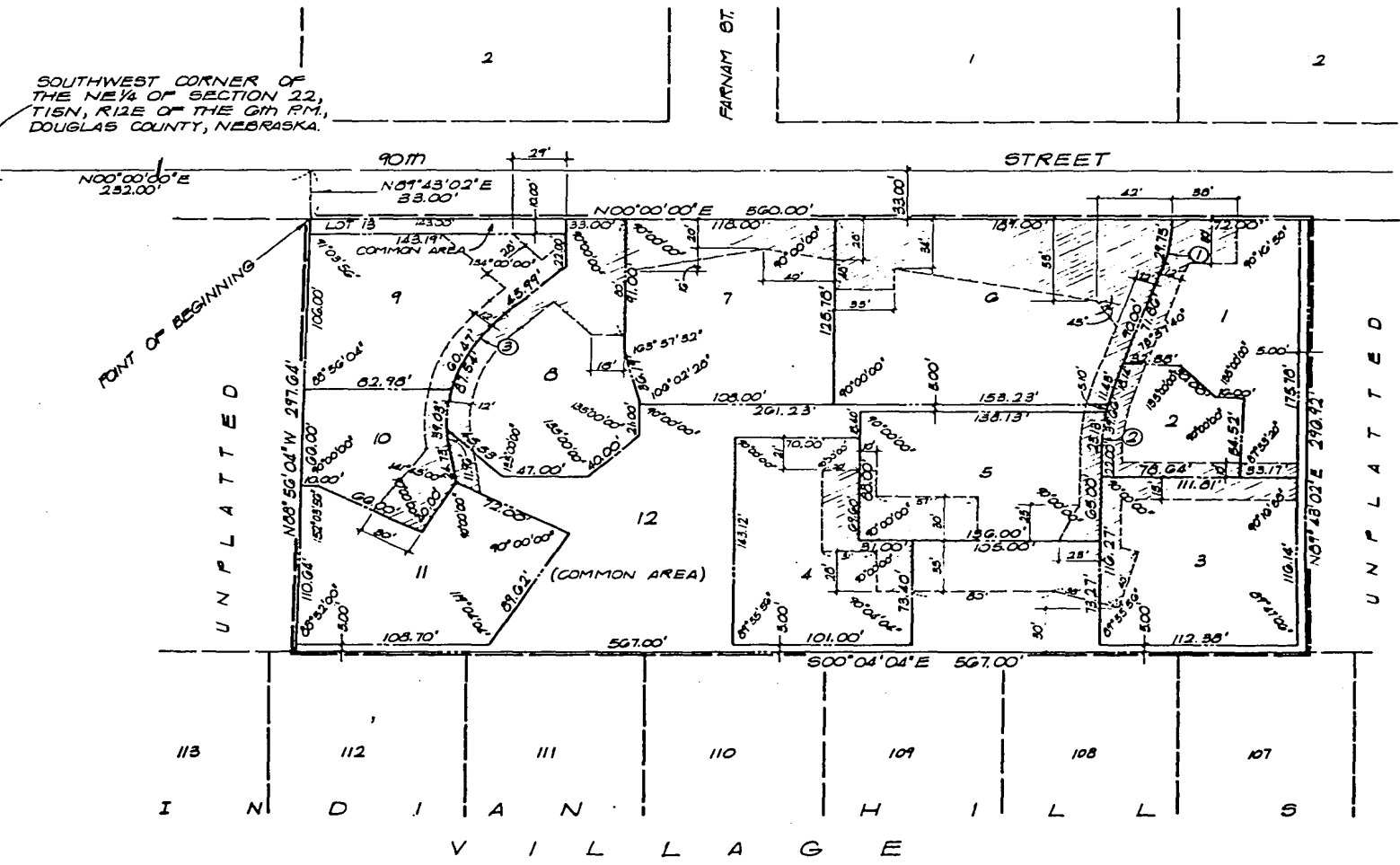
7/83

**POOR INSTRUMENT FILED**

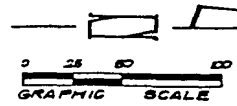
# SPRING GREEN


(A CLUSTER SUBDIVISION)  
 LOTS 1 THRU 13, INCLUSIVE

BEING A PLATTING OF PART OF THE NE 1/4 OF SECTION 22,  
 T15N, R12E OF THE 6TH RM., DOUGLAS COUNTY, NEBRASKA.



CURVE DATA		
① Δ = 18° 09' 00"	② Δ = 18° 09' 00"	③ Δ = 55° 15' 00"
D = 61.01139	D = 45.75976	D = 55.52994
T = 15.00'	T = 20.00'	T = 54.00'
L = 29.75'	L = 39.66'	L = 99.50'
R = 93.91'	R = 125.21'	R = 103.18'



LEGEND  
 PRIVATE INGRESS AND EGRESS EASEMENT   
 EXHIBIT "A"

10

SCALE: 1" = 40'

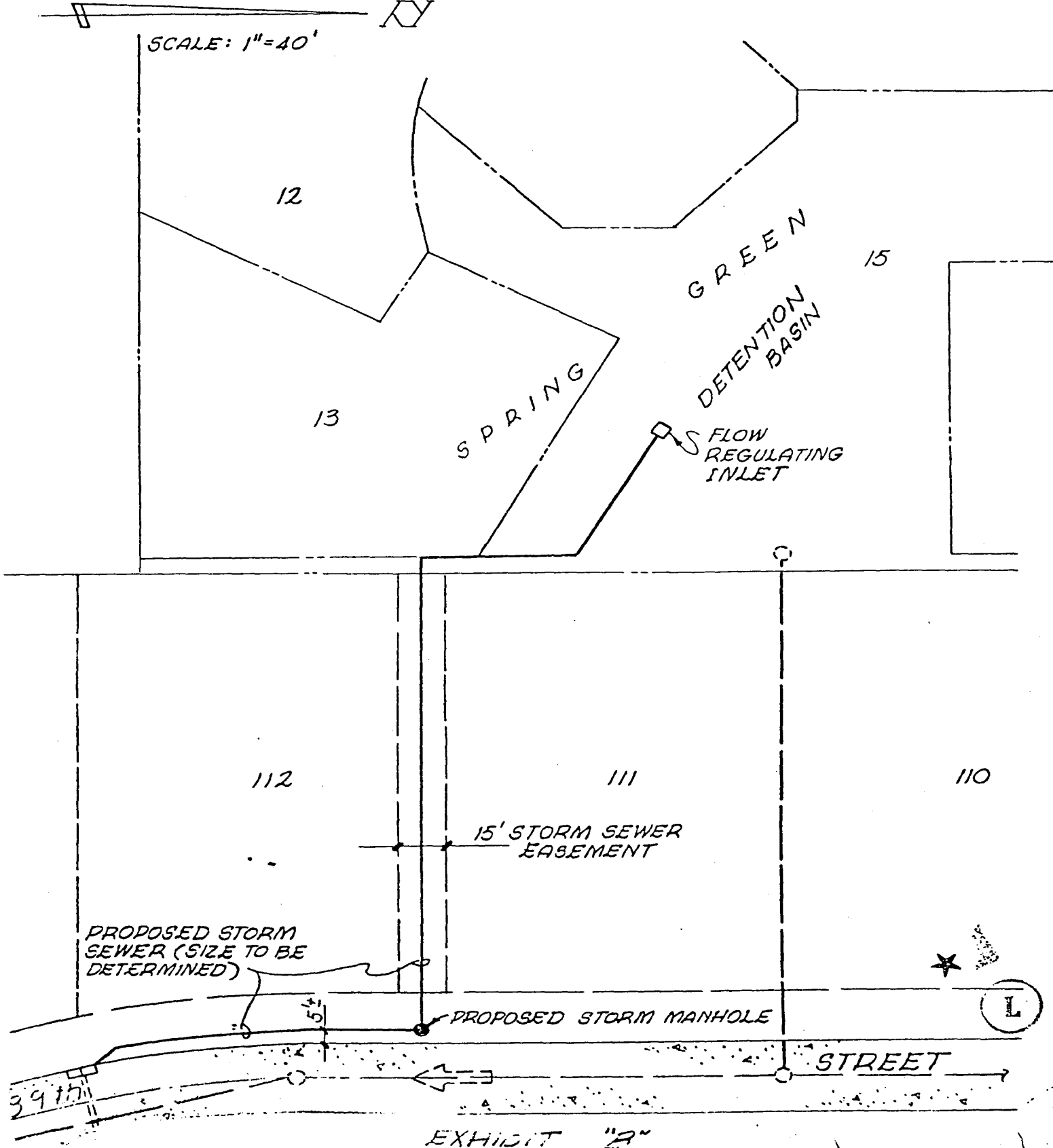


EXHIBIT "A"

26 here

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1983 JUL 25 PM 1:44

C. HAROLD ESTLER  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

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