

\$ 55.50

BLOCK

INST. NO 98
REGISTER OF DEEDS
1998 MAY 13 P 2:38

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EDITED

\$ 55.50

RESOLUTION NO. PC- 00423

1 A RESOLUTION accepting and approving the plat designated as TIMBER
2 RIDGE as an addition to the City of Lincoln, filed in the office of the Planning
3 Department of the City of Lincoln, Nebraska, upon certain conditions herein
4 specified and providing for sureties conditioned upon the strict compliance with
5 such conditions.

6 WHEREAS, Highway 15, Inc., a Nebraska corporation, owner of a tract
7 of land legally described as:

8 Lots 8 and 9, I.T. in the Northwest Quarter of Section
9 32, Township 10 North, Range 6 East of the 6th P.M.,
10 Lancaster County, Nebraska described as follows:

11 Beginning at the northeast corner of the Northwest
12 Quarter of said Section 32, and extending thence south
13 00 degrees 27 minutes 07 seconds east, on the east line
14 of said Northwest Quarter, 2668.10 feet; thence south 89
15 degrees 35 minutes 47 seconds west, 1330.02 feet; thence
16 north 00 degrees 07 minutes 52 seconds west, 2655.65
17 feet to the north line of said Northwest Quarter; thence
18 north 89 degrees 03 minutes 09 seconds east, on said
19 north line, 1315.20 feet to the point of beginning,
20 containing 80.77 acres;

21 has filed said plat in the office of the Planning Department of the City of
22 Lincoln, Nebraska, with a request for approval and acceptance thereof; and

23 WHEREAS, it is for the convenience of the inhabitants of said City
24 and for the public that said plat be approved and accepted as filed.

25 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City - Lancaster County
26 Planning Commission:

- 27 1. That the plat of TIMBER RIDGE as an addition to the City of
28 Lincoln, Nebraska, filed in the office of the Planning Department of said City
29 by Highway 15, Inc., a Nebraska corporation, as owner is hereby accepted and



1 approved, and said owner is given the right to plat said **TIMBER RIDGE** as an
2 addition to said City in accordance therewith. Such acceptance and approval are
3 conditioned upon the following:

4 First: That said owner shall at its own cost and expense pay
5 for all labor, material, engineering, and inspection costs in connection with the
6 construction of street improvements, including the grading, paving, and
7 installation of curb and gutter, curb inlets, and storm drain laterals for all
8 streets as shown on the approved final plat. The construction shall be completed
9 within two years following Planning Commission approval of this final plat.

10 Second: That said owner shall at its own cost and expense pay
11 for all labor, material, engineering, and inspection costs in connection with the
12 construction of sidewalks as shown on the final plat. The construction shall be
13 completed within four years following Planning Commission approval of this final
14 plat.

15 Third: That said owner shall at its own cost and expense pay
16 for all labor, material, engineering, and inspection costs in connection with the
17 construction of a public water distribution system as shown on the approved
18 preliminary plat. The construction shall be completed within two years following
19 Planning Commission approval of this final plat.

20 Fourth: That said owner shall at its own cost and expense pay
21 for all labor, material, engineering, and inspection costs in connection with the
22 construction of a public wastewater collection system as shown on the approved
23 preliminary plat. The construction shall be completed within two years following
24 Planning Commission approval of this final plat.

1 Fifth: That said owner shall at its own cost and expense pay
2 for all labor, material, engineering, and inspection costs in connection with the
3 construction of drainage facilities as shown on the approved drainage study. The
4 construction shall be completed within two years following Planning Commission
5 approval of this final plat.

6 Sixth: That said owner shall at its own cost and expense pay
7 for all labor, material, engineering, and inspection costs in connection with the
8 installation of an ornamental street lighting system as required by the
9 preliminary plat for all streets shown on this final plat. The construction
10 shall be completed within two years following Planning Commission approval of
11 this final plat.

12 Seventh: That said owner shall at its own cost and expense pay
13 for all labor, material, and related costs in connection with the installation
14 of street trees as shown on this final plat. The planting shall be completed
15 within four years following Planning Commission approval of this final plat.

16 Eighth: That said owner shall at its own cost and expense pay
17 for all labor, material, and related costs in connection with the installation
18 of street name signs as approved by the Public Works Department. This
19 installation shall be completed within two years following Planning Commission
20 approval of this final plat.

21 Ninth: That said owner shall at its own cost and expense pay
22 for all labor, material, engineering, and inspection costs in connection with the
23 placing of permanent lot stakes at all corners of all lots and blocks of this
24 final plat. The permanent lot staking shall be completed before construction on
25 or conveyance of any lot shown in this final plat.

1 2. That prior to adoption of this resolution, said owner shall enter
2 into a written agreement with the City which shall provide as follows:

3 The owner, its successors and assigns agree:

4 a. To submit to the Director of Public Works an erosion
5 control plan.

6 b. To protect the remaining trees on the site during
7 construction and development.

8 c. To pay all improvement costs.

9 d. To submit to lot buyers and home builders a copy of the
10 soil analysis.

11 e. To complete the private improvements shown on the
12 preliminary plat.

13 f. To maintain the outlots and private improvements on a
14 permanent and continuous basis. However, the owner may be relieved and
15 discharged of this maintenance obligation upon creating in writing a permanent
16 and continuous association of property owners who would be responsible for said
17 permanent and continuous maintenance. The owner shall not be relieved of such
18 maintenance obligation until the document or documents creating said property
19 owners association have been reviewed and approved by the City Attorney and filed
20 of record with the Register of Deeds.

21 g. To relinquish the right of direct vehicular access to
22 West "A" Street from those lots abutting West "A" Street.

23 h. To relinquish direct vehicular access to West Peach
24 Street, S.W. 34th Street, and West Rose Street from the lots abutting said

1 streets, temporary dead-end streets, until West Peach Street, S.W. 34th Street,
2 and West Rose Street, are extended into the abutting property.

3 i. To comply with the provisions of the Land Subdivision
4 Ordinance regarding land preparation.

5 j. To complete the permanent lot and block staking before
6 construction on or conveyance of any lot shown on this final plat.

7 3. That said owner shall, prior to adoption of this resolution,
8 execute and deliver to the City of Lincoln:

9 a. A bond or an approved escrow or security agreement in the
10 sum of \$231,300.00 conditioned upon the strict compliance by said owner with the
11 conditions contained in paragraph designated "First" of Paragraph 1 of this
12 resolution.

13 b. A bond or an approved escrow or security agreement in the
14 sum of \$54,000.00 conditioned upon the strict compliance by said owner with the
15 conditions contained in paragraph designated "Second" of Paragraph 1 of this
16 resolution.

17 c. A bond or an approved escrow or security agreement in the
18 sum of \$91,600.00 conditioned upon the strict compliance by said owner with the
19 conditions contained in paragraph designated "Third" of Paragraph 1 of this
20 resolution.

21 d. A bond or an approved escrow or security agreement in the
22 sum of \$127,400.00 conditioned upon the strict compliance by said owner with the
23 conditions contained in paragraph designated "Fourth" of Paragraph 1 of this
24 resolution.

1 e. A bond or an approved escrow or security agreement in the
2 sum of \$36,300.00 conditioned upon the strict compliance by said owner with the
3 conditions contained in paragraph designated "Fifth" of Paragraph 1 of this
4 resolution.

5 f. A bond or an approved escrow or security agreement in the
6 sum of \$22,300.00 conditioned upon the strict compliance by said owner with the
7 conditions contained in paragraph designated "Sixth" of Paragraph 1 of this
8 resolution.

9 g. A bond or an approved escrow or security agreement in the
10 sum of \$31,485.00 conditioned upon the strict compliance by said owner with the
11 conditions contained in paragraph designated "Seventh" of Paragraph 1 of this
12 resolution.

13 h. A bond or an approved escrow or security agreement in the
14 sum of \$805.00 conditioned upon the strict compliance by said owner with the
15 conditions contained in paragraph designated "Eighth" of Paragraph 1 of this
16 resolution.

17 i. A bond or an approved escrow or security agreement in the
18 sum of \$3,550.00 conditioned upon the strict compliance by said owner with the
19 conditions contained in paragraph designated "Ninth" of Paragraph 1 of this
20 resolution.

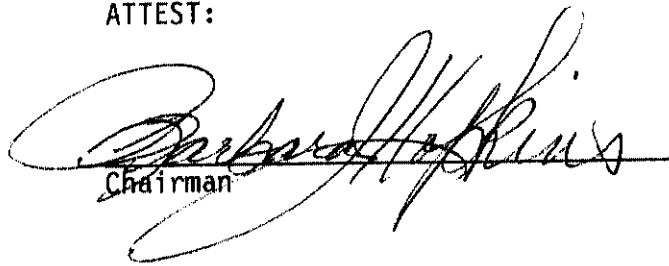
21 The bonds required above shall be subject to approval by the City
22 Attorney. In the event that said owner or its surety shall fail to satisfy the
23 conditions herein set forth within the time specified in this resolution, the
24 City may cause the required work to be performed and recover the cost thereof
25 from said owner and its surety.

1 4. Immediately upon the adoption of this resolution, the City
2 Clerk shall cause the final plat and a certified copy of this resolution together
3 with the written agreement required herein to be filed in the office of the
4 Register of Deeds of Lancaster County, Nebraska. Filing fees shall be paid by
5 said owner.

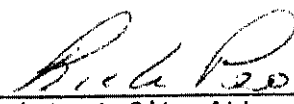
6 The foregoing Resolution was approved by the Lincoln City - Lancaster
7 County Planning Commission on this 22 day of April, 1998.

8 Dated this 22 day of April, 1998.

ATTEST:


Chairman

Approved as to Form & Legality:


Assistant City Attorney

A G R E E M E N T

THIS AGREEMENT is made and entered into by and between Highway 15, Inc., a Nebraska corporation, 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 TIMBER RIDGE; 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 TIMBER RIDGE, it is agreed by and between Subdivider and City as follows:

1. The Subdivider agrees to submit to the Director of Public Works an erosion control plan.
2. The Subdivider agrees to protect the remaining trees on the site during construction and development.
3. The Subdivider agrees to pay all improvement costs.
4. The Subdivider agrees to submit to lot buyers and home builders a copy of the soil analysis.
5. The Subdivider agrees to complete the private improvements shown on the preliminary plat.
6. The Subdivider agrees to relinquish the right of direct vehicular access to West "A" Street from those lots abutting West "A" Street.

7. The Subdivider agrees to relinquish direct vehicular access to West Peach Street, S.W. 34th Street, and West Rose Street from the lots abutting said streets, temporary dead-end streets, until West Peach Street, S.W. 34th Street, and West Rose Street, are extended into the abutting property.

8. The Subdivider agrees to comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

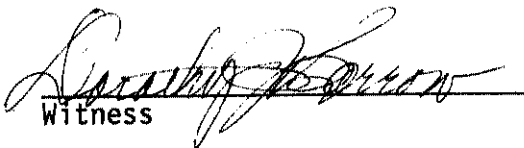
9. The Subdivider agrees to complete the permanent lot and block staking before construction on or conveyance of any lot shown on this final plat.

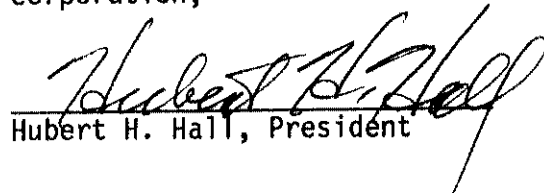
10. The Subdivider agrees to maintain the outlots and private improvements on a permanent and continuous basis. However, the Subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The Subdivider 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.

11. That the agreements contained herein shall be binding and obligatory upon the heirs, successors and assigns of Subdivider.

Dated this 20 day of April, 1998.

HIGHWAY 15, INC., a Nebraska corporation,


Witness


Hubert H. Hall, President

ATTEST:

CITY OF LINCOLN, NEBRASKA,
a municipal corporation

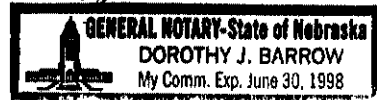
[Signature]
City Clerk

[Signature]
Mayor

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 30th day of April, 1998, by Hubert H. Hall, President of Highway 15, Inc., a Nebraska corporation, on behalf of the corporation.

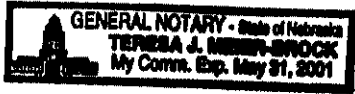
[Signature]
Notary Public



STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 1st day of May, 1998, by Mike Johanns, Mayor of the City of Lincoln, Nebraska, a municipal corporation.

[Signature]
Notary Public



CERTIFICATE

STATE OF NEBRASKA)
)
COUNTY OF LANCASTER) SS.
)
CITY OF LINCOLN)

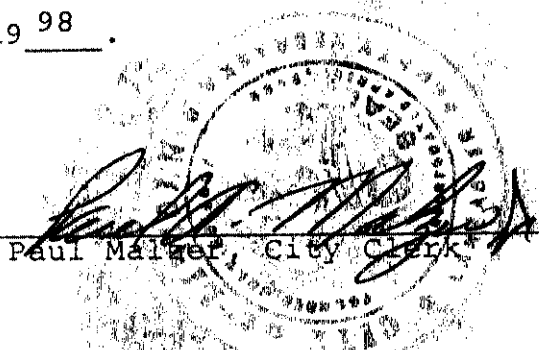
I Paul A. Malzer, Jr. City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of _____
RESOLUTION NO. PC-00423, PLAT AND AGREEMENT

(TIMBER RIDGE) (EXECUTIVE ORDER NO. 054849)

as passed and approved by the LINCOLN CITY-LANCASTER COUNTY PLANNING COMMISSION at its meeting held APRIL 22, 1998

as the original appears of record in my said office and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 5TH day of MAY, A.D., 19 98.


Paul Malzer, City Clerk