

AGREEMENT

WHEREAS, Byron Reed Company, Inc., a corporation, has made application to the City of Lincoln, Nebraska, for permission to plat and for approval of the plat of WOODHAVEN; and

WHEREAS, the ordinance approving said plat contains certain conditions relative to the construction of a sanitary sewer and the maintenance of common open areas;

NOW, THEREFORE, IN CONSIDERATION of the City of Lincoln, Nebraska, granting permission to plat and approval of the plat of WOODHAVEN, it is agreed by and between Byron Reed Company, Inc., hereinafter referred to as "Subdivider" and the City of Lincoln, Nebraska, hereinafter referred to as "City" as follows:

1. That the sanitary sewer between Oakridge Drive and LaSalle Street be constructed by the said Subdivider with an easement through privately owned land to its connection to an existing public sanitary sewer in Heritage Heights.

2. Subdivider hereby agrees to provide for the maintenance of all common open areas, including drainage ways, plantings, landscaping, recreational facilities, walkways, driveways and parking areas located thereon, all of which maintenance shall be performed on a permanent and continuing basis by said Subdivider; provided, however, that said Subdivider may be relieved and discharged from such maintenance obligations upon the creation in writing of a permanent and continuing agency of property owners within said plat, which agency shall assume said maintenance obligation. The instrument creating any such permanent and continuing agency shall have no force and effect until the same shall have been approved by the City Attorney.

3. The covenants and agreements contained herein shall run with the land in the said plat of Woodhaven and shall be binding and obligatory upon the successors and assigns of the Subdivider to all or any part of the real estate in said plat of Woodhaven.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this 11 day of Sept, 1972.

ATTEST:

BYRON REED COMPANY, INC.,
a corporation,

Robert E. Koldan
11557 Secretary

Walter E. Peterson
President

ATTEST:

CITY OF LINCOLN, NEBRASKA,
a municipal corporation,

Harold W. Sprunger
City Clerk

Sam Schwartzkopf
Sam Schwartzkopf, Mayor

Approved as to Form:

LANCASTER COUNTY NEBR.
Kenneth L. Ferguson
REGISTER OF DEEDS

Charles D. Hummel
Chief Assistant City Attorney

1972 SEP 27 PM 1:22

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INST. NO. 72-18227