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FILED FOR RECORD 12-05-95 AT 9:04 A. M.
IN BOOK 47 OF Misc. PAGE 481

REGISTER OF DEEDS, CASS CO., NE *Parties Missing*
Dec # 43 \$66.50 *with*

DEVELOPMENT AGREEMENT

COMPARED

This Agreement, made and entered into by and between the Village of Eagle, Nebraska, hereafter "Eagle," and James Buel, hereafter "Buel," on this 17 day of November, 1995:

WITNESSETH:

1. Buel agrees to comply with the requirements of the Board of Public Roads Classifications and Standards, for municipal streets, with the exception of dust free surface in laying out and constructing the streets within the subdivision. Buel agrees to file protective covenants which run with the land and shall be filed of record in the office of the Register of Deeds of Cass County, Nebraska, in a form acceptable to the Village Board of Trustees of Eagle which gives notice to prospective buyers of the fact that the streets within the subdivision are private in nature and that the construction and maintenance thereof will be performed privately and not by Eagle or Cass County. The terms and conditions of the letter of August 8, 1995 from Norris Franzen, Zoning Administrator of Cass County, identified as Exhibit A, shall be incorporated herein by this reference and made a part hereof as though fully set out herein verbatim.

2. According to Exhibit B, water appears to be available to the subdivision, however it is the responsibility of any purchaser of any lot to have whatever tests are necessary to be performed to satisfy themselves as to the availability, quality and quantity of any water available to that lot. The terms and conditions of the letter from Moser Drilling & Service, Inc., identified as Exhibit B, shall be incorporated herein by this reference and made a part hereof as though fully set out herein verbatim.

3. The letter of August 3, 1995 from Michael R. Myers of the State of Nebraska, Department of Environmental Quality, attached hereto as Exhibit C, is incorporated herein by this reference and made a part hereof as though set forth verbatim. In that letter Mr. Myers notes that the Colo-Nodaway complex soils in the subdivision are "not suitable for septic tank placement and dwelling sites because of ponding and very slow permeability." It is the responsibility of any prospective purchaser of any lot to have performed whatever tests are necessary to satisfy themselves as to the suitability of the lot to handle acceptable sewage disposal. Individual sewage lagoons are not acceptable. Properly designed mound and at grade systems meeting the State of Nebraska, Department of Environmental Quality requirements and designed by an engineer may be acceptable as set out in the letter dated August 3, 1995 from Michael R. Myers to Jeff Buel, attached hereto as Exhibit D and incorporated herein by this reference as though set out herein verbatim.

4. Buel agrees that all water wells serving the subdivision must be located at least one thousand (1,000) feet or more from the water wells serving Eagle Lake and shall incorporate this requirement in the covenants referenced in paragraph 1 above.

5. Buel agrees to incorporate the provisions of Exhibit E attached hereto and by this reference incorporated herein verbatim into protective covenants acceptable to the Village Board of Eagle and file the same of record in the office of the Register of Deeds of Cass County, Nebraska, on every lot within the subdivision.

6. Buel agrees to comply with all of the applicable ordinances, regulations, standards of the Village of Eagle, and all applicable state statutes, ordinances, regulations and standards of Cass County, Nebraska, in developing the subdivision.

7. This Development Agreement shall be binding upon the heirs, successors, and assigns of Buel, including Buel's Third Subdivision Homeowners Association through the Protective Covenants. This Development Agreement will be filed of record in the office of the Register of Deeds of Cass County, Nebraska, at developer's expense.

James Buel
James Buel

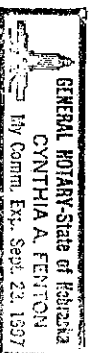
By: Jeff Buel Attorney in fact

VILLAGE OF EAGLE, NEBRASKA

12-5-95

Cynthia A Fenton

By: Patrick D. Dwyer
Chairman



Village Board of Trustees

State of Nebraska
County of CASS

ATTEST:

Mary Beck
Village Clerk



Cynthia A Fenton
Notary Public

APPROVED:

My commission expires the 33 day of SEPT, 1995.

State of Nebraska
County of CASS

Robert K. Jeffrey
Chairman
Eagle Planning Commission

Patrick Dwyer

On this 14 day of November, 1995, before me a Notary Public in and for said county, personally name Robert K. Jeffrey known to be the identical person who executed the foregoing instrument, and acknowledged the same to be his voluntary act and deed.

My commission expires 6-7-1999.
Notary Public Jeff Buel

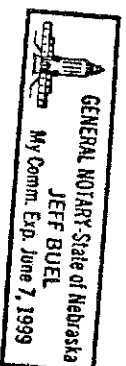


Exhibit A.

CASS COUNTY DEPARTMENT OF ZONING
P. O. BOX 157
PLATTSMOUTH, NE. 68048-0157
NORRIS FRANZEN, ZONING ADMINISTRATOR
(402) 296-9359

August 8, 1995

Mr. Roger Lapage
Eagle Planning Commission
P. O. Box 255
Eagle, Ne. 68347

Re: Buel's 3rd Subdivision, Sec. 29, T10N, R9E.

Dear Mr. Lapage:

On August 7, 1995, you came into my office with a proposed plat of Buel's 3rd Subdivision, referenced above.

Enclosed copies of Nebraska Statute, Article 10, Sections 17-1001 and 17-1002, allow, Cities of the second class and villages, to exercise zoning powers over an area within one mile of the city or village boundary. Section 17-1002 requires the city or village to notify the county planning commission if the developer is contemplating public streets or improvements.

I have discussed the streets with Mr. Buel, and he assured me that the streets will remain private, and the maintenance will be accomplished privately. I have given Mr. Buel approval of the connection with A Street and 202nd street, which are roads under the jurisdiction of Cass County.

As long as these roads are private, the county planning or county board have no jurisdiction over the project. In looking at the development plans, it would appear that good engineering practices have been used in laying out the streets. At first glance, it appears that the streets probably meet the requirements of the Board of Public Roads Classifications and Standards, for municipal streets, with the exception of dust free surface.

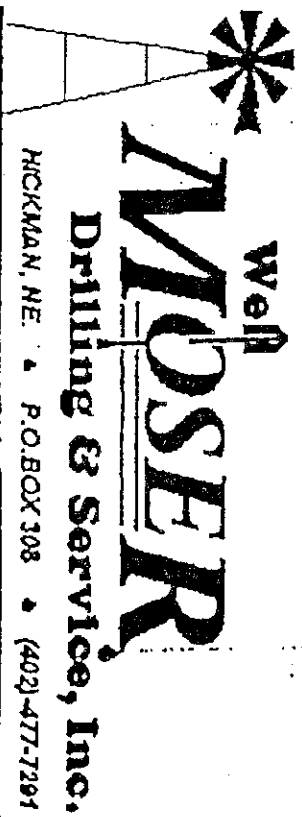
I would recommend that there be covenants filed with the development that call out the street maintenance procedures and funding. Prospective buyers in my opinion should not be subjected to buying property without notification that they are buying property on a privately maintained street.

Sincerely,



Norris Franzen
Enc.

Bill Moser



Dear Jeff,

This letter is to confirm what we had discussed on Aug. 7th, 1995 in regards to what to expect for water supply south of Eagle on S. 202nd st., east of Eagle Lake subdivision, being located 10 township N. and 9 Range E. (Tipton Precinct) Section #29 in Cass county, Nebraska.

Typ. sand that was found is the kind that will yield a adequate amount for better than average home use. Even though the water level is such that the total amount of water in the well is only 43', the water level is actually higher than I was expecting. Without test pumping the well my best guess is that the well will produce 130 gpm before dropping the pwl below the top of the screen. Judging by the logs on wells to the east, west, and south this is probably the worst it will get in the entire area of development but as you and I both know, stranger things have happened. There are no guarantees in situations like this, but in my professional opinion based on only what we know now, you shouldn't have a problem of finding water on every lot. Good luck!

Bill Moser

Bill Moser

Moser Well Drilling

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Edilit B

WATER CHEMISTRY

STATE LAB NO. 15792

JEFF BUEL - EAGLE LAKE
COMPLETE INFORMATION BELOW

DATE COLLECTED: MO 8 DAY 16 YEAR 95 HOUR 1600

SAMPLE COLLECTED BY: MOSER WELLS DRILLING INC.
SAMPLE LOCATION: S. 202ND. E. SIDE OF EAGLE LAKE

PROPERTY LEGAL DESCRIPTION: COUNTY: CASS TOWNSHIP 10 RANGE 9E

NAME AND ADDRESS OF PERSON TO RECEIVE EXTRA REPORT:

PLEASE PRINT COMPLETE ADDRESS
THIS LAB REPORT IS TO BE MAILED TO:
MOSER WELLS DRILLING & SERVICE, INC
P.O. BOX 74
HICKMAN, NE 68337

STATE OF NEBRASKA DEPARTMENT OF HEALTH LABORATORIES
3701 SOUTH 14TH LINCOLN, NE 68502

RECEIVED AUG 23 95 10 05C

TEST(S) BY: JT
FOR ACCOUNTING USE:

NOT TESTED BECAUSE OF:
 INSUFFICIENT AMOUNT DAMAGE IMPROPER CONT.

TEST METHOD: USEPA METHOD 353.2
NITRATE ANALYSIS FOR DRINKING WATER

NITRATE - N 1.8 mg/l

0827922922 MOSER WELL DRUG. 08-23-95

LWN 88

REPORTED RECEIVED 08/17/95

STATE OF NEBRASKA

Exhibit C



E. Benjamin Nelson
Governor

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

August 3, 1995

Mr. Roger LaPage
Chairman of Planning Commission
P.O. Box 255
Eagle, NE. 68347

RE: Buel's 3rd Subdivision
Septic System Reviews

Dear Mr. LaPage:

We have reviewed the preliminary plot for the above referenced subdivision and have the following comments.

1. The soil map for this county indicates soils in this area are Wymore silty clay loams with 2-9% slopes (WtC2 (2-5% slope) and WtD2 (5-9% slope)) and Colo-Nodaway complex soils (CP) along the drainage with 0-2% slopes.

The Wymore silty clay loams are described in the soil survey of Cass County as "not suitable for septic tank absorption fields because of slow permeability and wetness."

The Colo-Nodaway complex soils are described as "not suitable for septic tank placement and dwelling sites because of ponding and very slow permeability."

Many of the lots failed the percolation tests (Block 1, Lot 3; Block 2, Lot 1; Block 3, Lots 3 and 4; Block 4, Lots 1, 2, and 4) and others with slow to very slow percolation rates are marginal. There is the possibility that standard septic systems placed even in those lots which marginally passed the percolation test may have problems as a result of the low permeability.

2. For lots over 3 acres in size surface sewage lagoons may be an option. Four of the seven failed lots are over 3 acres in size. Adjusting lot size to allow for a lagoon system in the other three lots may also be a possibility.

3. A second possible option for these lots are mound systems which can effectively treat sewage in areas with percolation rates of up to 120

minutes per inch. These systems are expensive and require design by an engineer and special care in construction to prevent failure.

4. The maps provided and the soil survey indicate a drainage running through part of Block 4 and possibly part of Block 1. Drainages are generally not considered favorable areas for septic absorption field placement.

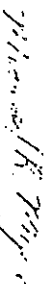
5. The set back distances required in Title 124 make planning the placement of the septic systems and replacement fields important. We recommend a reserve area be designated for a replacement field with each new system. This area should be examined and percolation tests conducted to confirm its' acceptability. This area should be maintained in its natural state with no buildings, parking areas, or trees.

6. We recommend homes with whirlpool tubs or hot tubs increase there septic tank size by at least 250 gallons and increase their absorption field by one bedroom.

7. Clusters of septic systems may create a nitrate loading problem with ground water even in properly functioning septic systems.

If you have any questions please contact Steve Goans, P.E. at (402) 471-2580 or myself at (402) 471-2589.

Sincerely,



Michael R. Myers
Geologist
Ground Water Section

STATE OF NEBRASKA

Exhibit D



E. Benjamin Nelson
Governor

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

August 3, 1995

Mr. Jeff Buel
2409 So. 214 St.
Eagle, NE. 68347

RE: Buel's 3rd Subdivision
Septic System Approval

Dear Mr. Buel:

In regards to your inquiry as to what septic systems are permissible in Nebraska.

There are many areas in Nebraska where the standard septic system outlined in Title 124 is not appropriate. The most common problems are too slow of percolation rate or too steep of slope. Special design and construction are required for these areas.

For lots over 3 acres, individual sewage lagoons may be used as described in Nebraska Title 125. These lagoons are designed for total retention.

Other special designs are approved on a site by site basis. These include at grade and mound systems. These systems must meet NDEQ requirements and be designed by an engineer. The design must be submitted to the NDEQ for approval before construction.

Properly designed mound and at grade systems successfully treat sewage at least as well as standard systems and may be better at treating nitrates.

If you have any questions please contact Steve Goans, P.E. at (402) 471-2580 or myself at (402) 471-2589.

Sincerely,

Michael R. Myers

Michael R. Myers
Geologist
Ground Water Section

Elizabeth E.

Buels third Subdivision
Restrictive Covenants

- No more than three adult dogs.
- No pigs.
- No commercial livestock operation of any kind.
- No trailer houses.
- All property owners must belong to owners association.

Improvements:

- All improvements will be made prior to residential housing occupancy.
- Improvements and housing will be made in phases.
- All wells must be 1000ft or more from the Eagle Lake wells.
- All septic systems must conform with Village, County, and State standards.

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BUJEL'S 3rd SUBDIVISION CONSISTS OF:

Lots 1 thru 12 Block 1

Lot 1 Block 2

Lots 1 thru 6 Block 3

Lots 1 thru 4 Block 4