

SUBDIVISION AGREEMENT

ROBERTS SUBDIVISION

IN THE CITY OF GRAND ISLAND, NEBRASKA

The undersigned, Edward R. Jenkins and Charlanne M. Jenkins, husband and wife, hereinafter referred to as the Subdividers, as owners of a tract of land more particularly described as follows:

A tract of land comprising all of Lots Six (6) and Seven (7); all of Lots Four (4) and Five (5), except the westerly seventy-nine and one-tenth (79.1) feet thereof; and all of vacated Thomas Avenue and Harry Avenue lying between the southerly line of Roberts Street, and the northerly right-of-way line of the Burlington Northern Railroad, all being a part of Rains First Addition to the City of Grand Island, Nebraska, situated in a part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section Four (4), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., in Hall County, Nebraska, said tract containing 7.628 acres, more or less,

hereby desire to have said property subdivided, to be known as Roberts Subdivision in the City of Grand Island, Nebraska, and hereby submit to the City Council of the City of Grand Island, Nebraska, for acceptance as provided in Section 16-112, R.R.S. 1943, an accurate plat of such proposed subdivision designating the land to be laid out and describing the lots by numbers and the streets and easements by dimensions, and propose to cause the plat of such subdivision when approved by the Regional Planning Commission and the City Council to be acknowledged by such owners, certified as to accuracy of survey by a registered land surveyor, and to contain a dedication of streets and easements to the use and benefit of the public.

In consideration of the acceptance of the plat of Roberts Subdivision, the Subdividers hereby consent and agree with the City of Grand Island, Nebraska, as follows:

1. Streets. The Subdividers agree to provide paving on all streets in the proposed subdivision in accordance with the standard specifications of the City of Grand Island. The Subdividers may select, pursuant to Section 36-21 of the Grand Island City Code, either method or a combination of methods listed below to comply with the requirements of this paragraph:

(a) The Subdividers may install the required improvements at their own expense upon plans approved by the City's director of public works.

(b) The Subdividers may submit a petition or petitions requesting the City to construct such paving in the proposed subdivision by the district method and assess the cost of such improvements to the adjacent property as provided by law. In the event the City creates a street improvement district or districts for any streets in or adjacent to the proposed subdivision, the Subdividers agree not to object to the creation of any such street improvement district or districts. If street improvements are installed by the district method, the construction of any such district shall be subject to the City's time and ability to finance such improvements.

2. Water and Sanitary Sewer. Before occupancy permits will be issued for any lots in the proposed subdivision, the Subdividers shall provide sanitary sewer and water services to such lots. The Subdividers may select, pursuant to Section 32-21 of the Grand Island City Code, either method or a combination of methods listed below, to comply with the requirements of paragraph:

(a) The Subdividers may install the required improvements at their own expensen upon plans approved by the City's director of public works.

(b) The Subdividers may submit a petition or petitions requesting the City to construct sanitary sewer or water mains, or both, in the proposed subdivision, by the district method, and assess the cost of such improvements to the adjacent property, as provided by law. If the water main and sanitary sewer improvements are installed by the district method, the construction of such improvements shall be subject to the City's time and ability to finance the said improvements.

The Subdividers hereby dedicate the private sanitary sewer main constructed in a sixteen foot wide easement on the north side of the proposed subdivision and on private property owned by the Subdividers west of the proposed subdivision. This dedication shall take effect at such time as the Subdividers herein grant to the City a written sixteen foot wide easement for the placement, operation, and maintenance of said sanitary sewer main over Subdividers privately owned property between the west line of the proposed subdivision and the manhole where such private sanitary sewer main enters Roberts Street right-of-way. Subdividers agree to prepare, execute and deliver such easement within thirty days from the date of this agreement.

It is understood that the water and sanitary sewer mains to serve Lot 7 of the proposed subdivision may terminate at the northwesterly corner of said Lot 4. Should the City desire to have said water main or sanitary sewer main, or both, extended to the easterly line of Lot 7 of the proposed subdivision for the purpose of serving additional customers, the Subdividers agree to construct the additional approximately 280 feet of water main or sanitary sewer main, or both, at their own expense, at the sizes required by the Grand Island City Code within six months from the request of the City. The City shall be permitted to connect onto the terminal points of said utilities for the purpose of extending said water and sanitary sewer mains, but the City agrees to prohibit connection by owners of land north of Lot 7 of Roberts Subdivision from connecting until such time as said owners have reimbursed the Subdividers for their proportionate share of the cost of such water and sanitary sewer main construction.

3. Sidewalks. The Subdividers will install at their own expense, all public sidewalks required by the Grand Island City Code, abutting the individual lots in said subdivision at such time and when so directed by the City of Grand Island.

4. Warranty. The undersigned owners, as Subdividers, warrant that they are the owners in fee simple of the land described and proposed to be known as Roberts Subdivision in the City of Grand Island, and that an abstract of title will be submitted for examination, if necessary, upon request of the City of Grand Island, Nebraska.

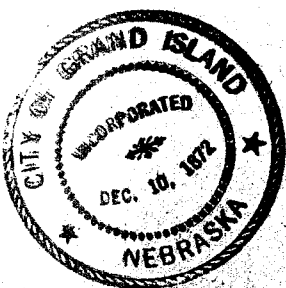
5. This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their heirs, devisees, successors, and assigns.

Dated March 11, 1974.

SUBDIVIDERS AND OWNERS

Edward R. Jenkins  
Edward R. Jenkins

Charlanne M. Jenkins  
Charlanne M. Jenkins



CITY OF GRAND ISLAND, NEBRASKA

By

James B. Smith  
President of the Council

Attest

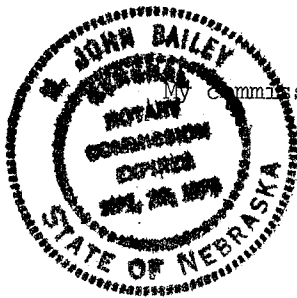
J. P. Minor  
City Clerk

STATE OF NEBRASKA )  
COUNTY OF HALL ) ss

On this 12 day of March, 1974, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Edward R. Jenkins and Charlanne M. Jenkins, husband and wife, to me known personally to be the identical persons who signed the foregoing instrument and who acknowledged the execution thereof to be their voluntary act and deed for the purpose therein expressed.

WITNESS my hand and Notarial Seal the date above written.

M. John Bailey  
Notary Public



My commission expires Sept 20, 1975.