

Entered as Instrument No.

99-106354

STATE OF NEBRASKA)
COUNTY OF HALL) SS

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Kathy Brandt
REG OF DEEDS

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REFUNDS: _____

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99 106354

City Clerk

SUBDIVISION AGREEMENT

MEADOWLARK WEST THIRD SUBDIVISION

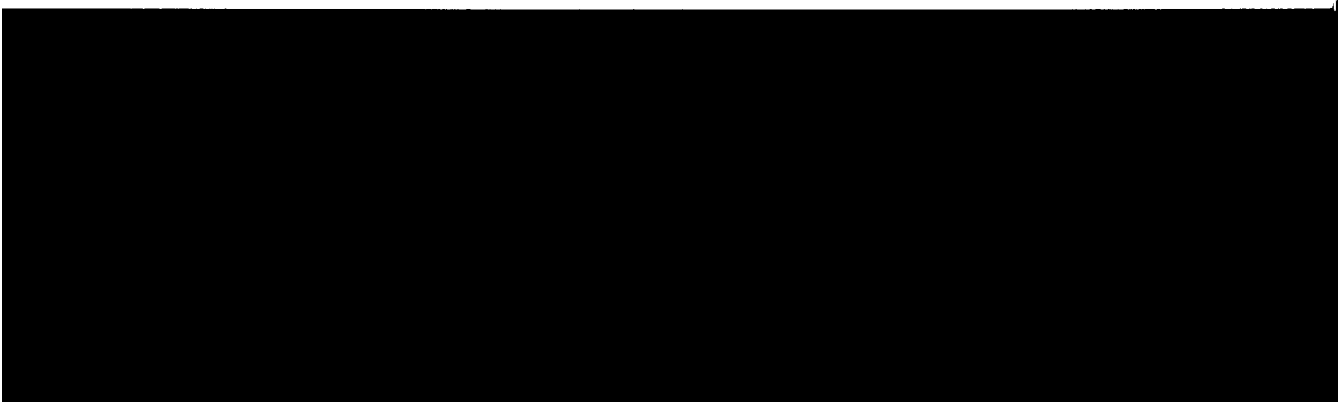
(Lots 1 through 29, inclusive)

In the City of Grand Island, Nebraska

49.50

The undersigned, Robert M. Allen Family Limited Partnership, hereinafter called the Subdivider, as owner of a tract of land comprising a part of the East Half of the Northeast Quarter (E1/2 NE1/4) of Section Thirteen (13), Township Eleven (11) North, Range Ten (10) West of the 6th P.M., in the City of Grand Island, Hall County, Nebraska, more particularly described as follows:

Commencing at the northwest corner of said (E1/2) of (NE1/4); thence S 89°25'34" E along the north line of Section 13 a distance of 74.53 feet; thence S 00°00'00" E a distance of 45.65 feet to a point on the east line of U.S. Highway #281 and south line of 13th Street, also being the northwest corner of Old Lot Four (4) Meadowlark West 2nd Subdivision and the Point of Beginning; thence S 89°27'39" E along the south line of 13th Street a distance of 1088.88 feet; thence S 87°32'57" E along the south line of 13th Street a distance of 67.26 feet; thence S 44°39'19" E along the southwest line of 13th Street and Webb Road a distance of 38.79 feet; thence S 00°05'51" W along the west line of Webb Road a distance of 470.57 feet; thence N 89°53'14" W along the north line of Detention Cell B-5A a distance of 171.55



feet; thence S 00°06'11" W along the west line of Detention Cell B-5A a distance of 454.85 feet; thence S 89°52'12" E along the south line of Detention Cell B-5A a distance of 171.43 feet to the west line of Webb Road; thence S 00°06'11" W along the west line of Webb Road a distance of 1241.78 feet; thence N 89°14'16" W a distance of 333.44 feet; thence S 00°05'53" W a distance of 319.96 feet to the north line of Faidley Avenue; thence N 89°14'26" W along the north line of Faidley Avenue a distance of 844.73 feet to the east line of U.S. Highway #281; thence N 00°00'58" W along the east line of U.S. Highway #281 a distance of 2512.28 feet to the point of beginning;

EXCEPTING therefrom a tract of land comprising a part of the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of said Section Thirteen (13), Township Eleven (11) North, Range Nine (9) West of the 6th P.M., Grand Island, Hall County, Nebraska and more particularly described as follows:

Commencing at the southeast corner of said East Half of the Northeast Quarter (E1/2 NE1/4); thence N 00°06'25" E along the east line of said (E1/2 NE1/4), a distance of 700.46 feet; thence N 90°00'00" W a distance of 271.59 feet to the southeast corner of Detention Cell B-6A, also being the Point of Beginning; thence N 89°52'44" W along the south line of Detention Cell B-6A a distance of 229.67 feet; thence N 00°08'42" E along the west line of Detention Cell B-6A a distance of 270.07 feet; thence S 89°51'18" E along the north line of Detention Cell B-6A a distance of 229.56 feet; thence S 00°07'16" W along the east line of Detention Cell B-6A a distance of 269.97 feet to the point of beginning. Said tract contains 1.42 acres. Remaining tract contains 62.48 acres;

desires to have subdivided as a subdivision the foregoing tract of land located within the corporate limits of the City of Grand Island, Nebraska, and hereby submits to the City Council of such City for acceptance as provided by law an accurate map and plat of such proposed subdivision, to be known as MEADOWLARK WEST THIRD SUBDIVISION, designating explicitly the land to be laid out and particularly describing the lots, easements, and streets belonging to such subdivision, with the lots designated by number, easements by dimensions, and streets by name, and proposes to cause the plat of such subdivision when finally approved by the Regional Planning Commission and

the City Council to be acknowledged by such owner, certified as to accuracy of survey by a registered land surveyor, and to contain a dedication of the easements to the use and benefit of public utilities, and of the street to the use of the public forever. In consideration of the acceptance of the plat of said MEADOWLARK WEST THIRD SUBDIVISION, the Subdivider hereby consents and agrees with the City of Grand Island, Nebraska, that it will install or provide at its expense the following improvements:

1. **Paving.** The Subdivider agrees to waive the right to object to the creation of any paving or repaving district for 13th Street, Faidley Avenue, and Webb Road where they abut the subdivision. The Subdivider also agrees to construct and pave Allen Drive in accordance with plans and specifications approved by the City's Director of Public Works, and subject to the City's inspection. The Subdivider reserves the right to file a petition for the creation of a street improvement district for the construction and paving of Allen Drive.

2. **Water.** Public water is available to the subdivision and the Subdivider agrees to extend, connect and provide water service to all lots in the subdivision in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection.

3. **Sanitary Sewer.** Public sanitary sewer is available to the subdivision and the Subdivider agrees to extend, connect and provide sanitary sewer service to all lots at the time of their development in accordance with plans and specifications approved by the Director of Public Works, and subject to the City's inspection. In addition, a sewer connection fee in the amount of \$23,126.88 shall be paid upon execution of this agreement.

4. **Storm Drainage.** The Subdivider agrees to extend, connect and provide storm sewer service to this subdivision as the property is developed in accordance with plans and

specifications approved by the Director of Public Works and subject to the City's inspection, and the final drainage plan as approved and recorded. The Subdivider agrees to grade all lots in the subdivision in conjunction with the development proposed thereon so that storm drainage is conveyed to a public right-of-way, public detention facility, drainway, U.S. Highway 281 drainage ditch or other drainage systems so approved by the Director of Public Works.

5. **Traffic Issues.** The Subdivider agrees to the following:

(A) Lots seven (7), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28) and twenty-nine (29) shall not be allowed to have curb cuts onto Webb Road.

(B) Lots twenty-one (21), twenty-three (23), twenty-four (24) and twenty-five (25) shall not be allowed to have direct access onto 13th Street, except by means of the thirty (30.0) foot private drives in easements as shown on the final plat.

(C) Lot eleven (11) shall not be allowed to have a curb cut onto Faidley Avenue. A curb cut from Lot Ten (10) onto Faidley Avenue may be permitted, subject to approval by the Director of Public Works.

(D) The three private driveways connecting to Webb Road will provide two exit lanes each. One exit lane will be marked to indicate left turn only and the other to indicate right turn only. The northern and middle driveways are shown on the final plat. The southern driveway shall be located within the sixty (60.0) foot drainage easement on Lot Eight (8).

(E) The Subdivider agrees to construct the traffic signal at the middle Webb Road drive as soon as traffic at the intersection meets warrants as outlined in the Manual of Uniform Traffic Control Devices. The signal design will be approved by the City Public Works Department and will include "hard wire" interconnection with signals to the north and south.

(F) The Subdivider recognizes that the northerly drive may also meet warrants under the Manual of Uniform Traffic Control Devices but that the current Traffic Engineering Study does not recommend signalization since the driveway is considered to be too close to the intersection with 13th Street. However, the Subdivider agrees to install a traffic signal on this driveway at any time after traffic at the driveway meets warrant as outlined in the Manual of Uniform Traffic Control Devices if the City so directs. If required, the signal design will be approved by the City Public Works Department and will include "hard wire" interconnection with signals to the north and south. Placement, location and width of entrances off Allen Drive within the subdivision shall conform to the Grand Island City

Code. Developers' engineers shall work with the Public Works Department to determine the number and placement of entrances so traffic problems are not created on Allen Drive.

(G) The Allen Drive public street exits onto 13th Street and onto Faidley Avenue will also include two exit lanes each. Lane usage markings shall be approved by the City Public Works Department.

(H) Two "right in"/"right out" accesses will be allowed along 13th Street, at locations shown on the Final Plat for Meadowlark West Third Subdivision.

(I) Landscaping. Subject to City approval, Subdivider has the right but not the obligation or duty to landscape and maintain the City detention cells located adjacent to the subdivision at Subdivider's cost.

6. **Sidewalks.** The Subdivider shall install all public sidewalks required by the City of Grand Island when the lots are built upon, and such sidewalk shall be regulated and required with the building permit for each such lot. In the event a Street Improvement District is created to pave Allen Drive, the Subdivider agrees to install public sidewalks within one year of the completion of such street improvement district in accordance with the City of Grand Island Sidewalk Policy.

7. **Engineering Data.** All final engineering plans and specifications for public improvements shall bear the signature and seal of a registered professional engineer and shall be furnished by the Subdivider to the Department of Public Works for approval prior to contracting for construction of any improvements. Inspections of improvements under construction shall be performed under the supervision of a professional registered engineer and upon completion shall be subject to inspection and approval by the Department of Public Works prior to acceptance by the City of Grand Island. An "as built" set of plans and specifications including required test results bearing the seal and signature of a registered professional engineer shall be filed with the Director of Public Works by the Subdivider prior to acceptance of these improvements by the City.

8. **Warranty.** The undersigned owner as Subdivider, warrants that it is the owner in fee simple of the land described and proposed to be known as MEADOWLARK WEST THIRD SUBDIVISION, and that an abstract of title or title insurance commitment will be submitted for examination, if necessary, upon request of the City of Grand Island.

9. **Successors and Assigns.** This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, heirs, devisees, and legatees. Where the term "Subdivider" is used in this agreement, the subsequent owners of any lots in the subdivision shall be responsible to perform any of the conditions of this agreement if the Subdivider has not performed such conditions.

Dated 6-4-99.

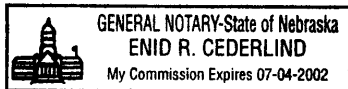
ROBERT M. ALLEN FAMILY LIMITED PARTNERSHIP, Subdivider

By: Robert M. Allen
Robert M. Allen, President

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On 6-4- 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Robert M. Allen, President of Robert M. Allen Family Limited Partnership, known personally to me to be the identical person who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed on behalf of the partnership.

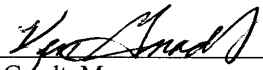
WITNESS my hand and notarial seal the date above written.

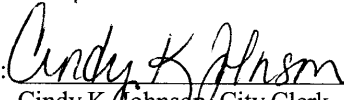


Enid R. Cederlind
Notary Public

99 106354

CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

By: 
Ken Gnad, Mayor

Attest: 
Cindy K. Johnson, City Clerk