

PUBLIC WORKS DEPARTMENT  
RIGHT-OF-WAY SECTION SUITE 603  
OMAHA/DOUGLAS CIVIC CENTER  
1819 FARNAM STREET  
OMAHA, NEBRASKA 68183

INDEMNIFICATION AGREEMENT

THIS AGREEMENT made this 4<sup>th</sup> day of February, 1992, by and between RIDGES LIMITED PARTNERSHIP, a Nebraska Limited Partnership, hereinafter "Subdivider", SANITARY AND IMPROVEMENT DISTRICT 367 of Douglas County, Nebraska, hereinafter "District", and THE CITY OF OMAHA, hereinafter "The City".

RECITALS

The Subdivider and District have entered into a Subdivision Agreement approved by the City Council on August 18, 1992 Via Resolution Number 2118 in which was contained a schedule to construct sidewalks along Pacific Street from 180th to 192nd and along 180th Street from Center to Pacific.

SKS, the Developer of Shadow Ridge Golf Course adjacent to the District, has agreed to pay \$30,000.00 to the District as its share of the sidewalk construction costs adjacent to Pacific and 180th Streets.

Douglas County has proposed road construction on portions of Pacific Street and 180th Street and the Subdivider and District desire to delay the construction of sidewalks until said streets are improved.

The approved Subdivision Agreement recognizes that Douglas County has scheduled some street improvements for 180th and Pacific Streets. The City Council allowed a delay in constructing these sidewalks, but stipulated construction of the sidewalks must be completed by December 1, 1994. This Agreement is an additional guarantee that the sidewalks are installed per the schedule provided in the Subdivision Agreement.

The City desires to obtain from the Subdivider an indemnification for any and all costs which might rise by the Subdivider delaying or failing to construct sidewalks along 180th between Center and Pacific and along Pacific Street between 180th and 192nd per the Subdivision Agreement.

NOW, THEREFORE, in consideration of the promises, conditions and recitals contained herein, the District agrees to immediately upon receipt place SKS' \$30,000.00 into an interest bearing account which shall be used only to pay for the installation of sidewalks adjacent to the Shadow Ridge Golf Course by December 1, 1994. Sidewalks adjacent to Lots 260, 263, 265 and 267 of The Ridges owned by the Subdivider shall be installed by the Subdivider by December 1, 1994. If the Subdivider cannot meet this schedule or such approved extension, the Subdivider shall pay \$40,470.00 to the District. The District shall use this money to install sidewalks adjacent to these lots. If the Subdivider fails to make this

payment it agrees to pay an assessment for the installation of these sidewalks. The assessment amount will be the total costs expended by the District to install these sidewalks including administrative costs.

This Agreement shall run with the land known as Lots 260, 263, 265 and 267 of The Ridges.

The Subdivider hereby further agrees to indemnify and save harmless the City of Omaha, Sanitary and Improvement District No. 367 of Douglas County, Nebraska, and any successors in interest to Sanitary and Improvement District No. 367 of Douglas County, Nebraska, against any and all liability, loss, damages, costs and expenses which said City or District may hereinafter suffer, incur, be put to, pay, or lay out to any person, firm or taxpayer or governmental agency by reason of the Subdivider's failure to construct or cause construction of said sidewalks as per the Subdivision Agreement.

IN WITNESS WHEREOF, the parties have executed this Indemnification Agreement on the date first written above.

SANITARY AND IMPROVEMENT  
DISTRICT NO. 367,

RIDGES LIMITED PARTNERSHIP,  
By Ridges Corporation, General  
Partner,

By: [Signature]  
Chairman

By: [Signature]  
President

[Signature]  
Attest Clerk of S.I.D. #367

CITY OF OMAHA,

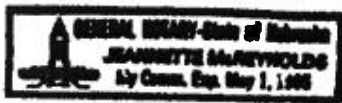
By: [Signature] 2/4/93  
Title: Mayor

ATTEST:  
[Signature]  
City Clerk

[Signature]

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

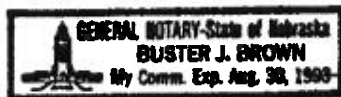
The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of NOVEMBER, 1992, by TIMOTHY J. McREYNOLDS, President of Ridges Corporation, General Partner of Ridges Limited Partnership, a Nebraska limited partnership, on behalf of the corporation and the limited partnership.



Jeannette McReynolds  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of February, 1992, by P. J. Morgan - Mary Gelligan Towne Mayor and City Clerk of the City of Omaha, Nebraska, on behalf of the City.



Buster J. Brown  
Notary Public

CASH 2876 BK 1057 R Comp r/s OC - 32945  
TYPE MISC PG 432-434 C/O COMP SCAN fm  
FEE 17<sup>00</sup> OF 100 LEGL PG 433 MC EV

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REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

NOTICE: THIS INSTRUMENT HAS BEEN RECORDED BUT ERROR HAS BEEN FOUND INASMUCH AS: NOTARIAL SEAL OR CORPORATE SEALS CANNOT BE AFFIXED OVER PRINTED MATTER: NOTARIAL SEALS ARE TOO LIGHT OR BLURRED AND WILL NOT COPY. COMMISSION EXPIRES MUST BE TYPED OUT. REGISTER OF DEEDS