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OF 00 INST# 300

**SUBDIVISION DEVELOPMENT AGREEMENT
"THOMAS LAKES THIRD ADDITION"
SAUNDERS COUNTY, NEBRASKA**

This Subdivision Agreement is made and entered into on this 19 day of March, 2002 by and between SAUNDERS COUNTY, a political subdivision of the State of Nebraska, hereinafter referred to as "COUNTY", and Dennis M. Thomas and Susan K. Thomas, husband and wife, and Dennis M. Thomas, Trustee of the Melvin Thomas Trust, hereinafter referred to as "DEVELOPER".

WHEREAS, DEVELOPER is the owner of the land legally described as follows, to wit:

A PARCEL OF LAND BEING PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE SIXTH P.M., SAUNDERS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 18; THENCE N89°28'05"W (ASSUMED BEARING) ON THE SOUTH LINE OF SAID NORTHWEST QUARTER NORTHWEST QUARTER, A DISTANCE OF 302.46 FEET; THENCE N00°31'55"E, A DISTANCE OF 46.00 FEET TO A POINT ON THE NORTH LINE OF THE COUNTY ROAD RIGHT-OF-WAY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE N89°28'05"W ON SAID NORTH LINE, A DISTANCE OF 50.00 FEET; THENCE N00°31'55"E, A DISTANCE OF 81.29 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON A 135.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 179.05 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N38°31'39"E A DISTANCE OF 166.21 FEET; THENCE N76°31'24"E, A DISTANCE OF 43.80 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON A 75.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 66.82 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N50°59'53"E A DISTANCE OF 64.64 FEET; THENCE N25°28'23"E, A DISTANCE OF 100.30 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON A 225.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 3.85 FEET, THE CHORD OF SAID CURVE BEARS N25°57'48"E A DISTANCE OF 3.85 FEET; THENCE N47°59'38"W, A DISTANCE OF 269.18 FEET; THENCE N55°10'58"W, A DISTANCE OF 126.86 FEET; THENCE N34°49'02"E, A DISTANCE OF 221.37 FEET; THENCE N14°23'55"E, A DISTANCE OF 50.85 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON A 355.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 239.60 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N33°43'59"E A DISTANCE OF 235.08 FEET; THENCE N53°04'04"E, A DISTANCE OF 139.73 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON A 355.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 238.96 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N72°21'04"E A DISTANCE OF 234.47 FEET; THENCE S88°21'57"E, A DISTANCE OF 249.79 FEET; THENCE S40°19'25"E, A DISTANCE OF 180.41 FEET; THENCE S03°10'20"W, A DISTANCE OF 156.69 FEET; THENCE S01°15'11"W, A DISTANCE OF 100.00 FEET; THENCE S38°25'50"E, A DISTANCE OF 58.31 FEET; THENCE N79°38'31"E, A DISTANCE OF 58.31 FEET TO A POINT BEING 128.77 FEET FROM THE SOUTHWESTERLY CORNER OF LOT 1 OF THOMAS LAKES FIRST ADDITION REPLAT, WHEN MEASURED ALONG A LINE BEARING N70°58'03"E; THENCE S00°59'03"W, A DISTANCE OF 116.41 FEET; THENCE S82°46'16"W, A DISTANCE OF 142.61 FEET; THENCE SOUTHERLY ON A 175.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 62.99 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS S03°04'57"W A DISTANCE OF 62.65 FEET; THENCE S13°23'38"W, A DISTANCE OF 13.26 FEET; THENCE SOUTHEASTERLY ON A 175.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 54.15 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS S59°31'43"E A DISTANCE OF 53.93 FEET; THENCE S50°39'52"E, A DISTANCE OF 203.66

FEET; THENCE NORTHEASTERLY ON A 455.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 225.60 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N29°43'33"E A DISTANCE OF 223.29 FEET; THENCE N15°31'19"E, A DISTANCE OF 210.43 FEET TO A POINT ON THE WEST LINE OF AN EXISTING STREET PLATTED WITHIN THOMAS LAKES SUBDIVISION, SAID POINT BEING 54.50 FEET FROM THE SOUTHERLY CORNER OF SAID LOT 1, WHEN MEASURED ALONG SAID WEST LINE BEARING N08°55'25"W; THENCE S08°55'25"E ON SAID WEST LINE, A DISTANCE OF 120.82 FEET; THENCE S15°31'19"W, A DISTANCE OF 100.44 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON A 505.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 246.37 FEET, THE CHORD OF SAID CURVE S29°29'53"W A DISTANCE OF 243.93 FEET; THENCE S50°39'52"E, A DISTANCE OF 75.85 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ON A 125.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 85.13 FEET TO A POINT ON THE NORTH LINE OF A EXISTING STREET PLATTED WITHIN THOMAS LAKES SUBDIVISION, THE CHORD OF SAID CURVE BEARS S70°10'31"E A DISTANCE OF 83.50 FEET; THENCE N89°41'10"W ON SAID NORTH LINE, A DISTANCE OF 123.71 FEET; THENCE N50°39'52"W, A DISTANCE OF 312.25 FEET TO A POINT OF CURVATURE, THENCE NORTHWESTERLY ON A 125.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 113.19 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N76°36'22"W A DISTANCE OF 109.36 FEET; THENCE S77°27'08"W, A DISTANCE OF 353.21 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON A 175.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 158.76 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS S51°27'46"W A DISTANCE OF 153.37 FEET; THENCE S25°28'23"W, A DISTANCE OF 100.30 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON A 125.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 111.37 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS S50°59'53"W A DISTANCE OF 107.73 FEET; THENCE S76°31'24"W, A DISTANCE OF 43.80 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON A 85.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 112.74 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS S38°31'39"W A DISTANCE OF 104.65 FEET; THENCE S00°31'55"W, A DISTANCE OF 81.29 FEET TO THE TRUE POINT OF BEGINNING,

TOGETHER WITH A PARCEL OF LAND BEING PART OF GOVERNMENT LOT 5 AND PART OF THE SOUTHEAST QUARTER OF SECTION 7, AND PART OF GOVERNMENT LOT 1 OF SECTION 18, ALL IN TOWNSHIP 13 NORTH, RANGE 10 EAST OF THE SIXTH P.M., SAUNDERS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT 6 OF THOMAS LAKES SECOND ADDITION; THENCE N57°38'35"E (ASSUMED BEARING) ON THE SOUTHEASTERLY LINE OF SAID LOT 6, A DISTANCE OF 230.54 FEET; THENCE N56°07'24"E CONTINUING ON SAID SOUTHEASTERLY LINE, A DISTANCE OF 75.56 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 6; THENCE S33°52'34"E ON THE NORTHEASTERLY LINE OF THOMAS LAKES SECOND ADDITION, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF RAILROAD DRIVE, AS PLATTED IN SAID THOMAS LAKES SECOND ADDITION, THIS BEING THE TRUE POINT OF BEGINNING; THENCE N56°07'24"E ON THE NORTHEASTERLY EXTENSION OF THE NORTH LINE OF SAID RAILROAD ADDITION, A DISTANCE OF 17.27 FEET; THENCE N49°52'34"E, A DISTANCE OF 32.92 FEET; THENCE N33°52'34"W, A DISTANCE OF 126.89 FEET; THENCE N34°28'59"E, A DISTANCE OF 88.07 FEET; THENCE N36°17'09"W, A DISTANCE OF 49.67 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ON A 295.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 541.59 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N16°18'31"E A DISTANCE OF 468.67 FEET; THENCE N68°54'11"E, A DISTANCE OF 210.00 FEET; THENCE N48°19'06"E, A DISTANCE OF 100.00 FEET; THENCE N30°52'25"E, A DISTANCE OF 196.80 FEET; THENCE N00°05'04"W, A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH LINE OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN DEED BOOK 110, PAGE 42; THENCE N89°54'56"E ON SAID SOUTH LINE, A DISTANCE OF 906.25 FEET; THENCE S00°05'04"E PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 50.00 FEET; THENCE S35°21'07"W, A DISTANCE OF 356.80 FEET TO A POINT OF CURVATURE; THENCE

SOUTHWESTERLY ON A 175.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 143.21 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS S58°47'47"W A DISTANCE OF 139.25 FEET; THENCE S82°14'27"W, A DISTANCE OF 134.63 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY ON A 170.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 80.97 FEET, THE CHORD OF SAID CURVE BEARS S68°35'44"W A DISTANCE OF 80.21 FEET; THENCE N50°30'18"W, A DISTANCE OF 115.00 FEET; THENCE SOUTHWESTERLY ON A 225.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 20.92 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS S42°09'31"W A DISTANCE OF 20.91 FEET; THENCE S44°49'20"W, A DISTANCE OF 723.85 FEET; THENCE S49°52'34"W, A DISTANCE OF 271.48 FEET; THENCE S56°07'24"W, A DISTANCE OF 10.88 FEET; THENCE S33°52'36"E, A DISTANCE OF 7.62 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ON A 75.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 55.96 FEET TO A POINT OF REVERSE CURVATURE, THE CHORD OF SAID CURVE BEARS S55°15'00"E A DISTANCE OF 54.67 FEET; THENCE SOUTHEASTERLY ON A 350.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 97.42 FEET TO A POINT OF REVERSE CURVATURE, THE CHORD OF SAID CURVE BEARS S68°38'57"E A DISTANCE OF 97.11 FEET; THENCE EASTERLY ON A 55.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 55.50 FEET TO A POINT OF REVERSE CURVATURE, THE CHORD OF SAID CURVE BEARS S89°34'51"E A DISTANCE OF 53.17 FEET; THENCE SOUTHEASTERLY ON A 55.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 168.82 FEET, THE CHORD OF SAID CURVE BEARS S30°33'06"E A DISTANCE OF 109.93 FEET; THENCE S32°37'00"E, A DISTANCE OF 74.45 FEET; THENCE S44°11'30"W, A DISTANCE OF 57.06 FEET; THENCE S67°19'24"W, A DISTANCE OF 102.39 FEET; THENCE N53°51'43"W, A DISTANCE OF 135.18 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ON A 150.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 151.84 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE BEARS N82°51'43"W A DISTANCE OF 145.44 FEET; THENCE S68°08'17"W, A DISTANCE OF 205.60 FEET; THENCE N18°34'24"W, A DISTANCE OF 90.00 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID RAILROAD DRIVE; THENCE N57°38'35"E ON SAID SOUTHEASTERLY LINE, A DISTANCE OF 292.68 FEET; THENCE N56°07'24"E CONTINUING ON SAID SOUTHEASTERLY LINE, A DISTANCE OF 76.64 FEET TO THE SOUTHEAST CORNER OF SAID RAILROAD DRIVE; THENCE N33°52'34"W ON THE NORTHEASTERLY LINE OF SAID RAILROAD DRIVE, A DISTANCE OF 50.00 FEET TO THE TRUE POINT OF BEGINNING, ALL OF THE ABOVE CONTAINING 32.74 ACRES, MORE OR LESS.

WHEREAS, DEVELOPER desires to subdivide and develop the above described real estate, hereinafter called PROPERTY, and,

WHEREAS, PROPERTY is located within the zoning jurisdiction of COUNTY, and,

WHEREAS, the Final Plat of PROPERTY is hereby submitted by DEVELOPER for acceptance and approval by COUNTY, and,

WHEREAS, the Final Plat of PROPERTY indicates that PROPERTY is to be known as THOMAS LAKES THIRD ADDITION, and,

WHEREAS, the Final Plat is an accurate map and plat of THOMAS LAKES THIRD ADDITION designating explicitly thereon the land division and particularly describing the lots belonging to said subdivision, and,

WHEREAS, DEVELOPER proposes to cause the Final Plat of THOMAS LAKES THIRD ADDITION, when finally approved by COUNTY'S Planning Commission and Board of Supervisors, to be acknowledged by DEVELOPER, certified as to accuracy of survey by a Registered Land Surveyor, and to contain the dedication of the easements to the use and benefit of utilities and of the streets to the use of the licensees of THOMAS LAKES THIRD ADDITION forever,

NOW, THEREFORE, in consideration of the acceptance of the Final Plat of THOMAS LAKES THIRD ADDITION, the DEVELOPER and COUNTY consent and agree as follows:

1. That the findings made above should be and are hereby made part of the Agreement as fully as if set out at length herein.
2. That DEVELOPER shall construct a central water system, which will provide potable water for human consumption to each lot within THOMAS LAKES THIRD ADDITION. Said central water system shall be constructed pursuant to the rules and regulations of the State of Nebraska Department of Health and Human Services.
3. That DEVELOPER shall construct a central sanitary sewer system, which will provide sanitary sewer service to each lot within THOMAS LAKES THIRD ADDITION. Said central sanitary sewer system shall be constructed pursuant to the rules and regulations of the State of Nebraska Department of Environmental Quality.
4. That all of the development, maintenance, or repair of the dedicated streets, common areas, and aforementioned utilities in THOMAS LAKES THIRD ADDITION, shall be at the sole cost and expense of DEVELOPER, provided, however, DEVELOPER may assess said cost for said streets and common area maintenance against the lots within THOMAS LAKES THIRD ADDITION pursuant to covenants, conditions and restrictions of THOMAS LAKES THIRD ADDITION; COUNTY shall bear no cost for the installation of any such improvements, including, but not limited to, construction cost, engineering fees, attorney's fees, testing expenses, inspection costs, financing and miscellaneous costs.
5. That COUNTY waives Section 5 of Article VII of the existing COUNTY Subdivision Regulations, which requires the installation of sidewalks.
6. That COUNTY waives Sections 7 and 8 of Article VII of the existing COUNTY Subdivision Regulations which requires proposed streets to be either asphalt or concrete surfaced with curb and gutter. All streets within THOMAS LAKES THIRD ADDITION shall have a crushed rock or gravel roadway surface.

7. That prior to construction of any structure upon a lot within THOMAS LAKES THIRD ADDITION, a plot plan shall be prepared and submitted to the Saunders County Building Inspector for approval.
8. That this Agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns. Where the term DEVELOPER is used in this agreement, the subsequent owner of any lot in THOMAS LAKES THIRD ADDITION shall be responsible to perform any of the conditions of this Agreement if the DEVELOPER has not performed such conditions.
9. That COUNTY may cause this Subdivision Development Agreement, or a Notice thereof, to be recorded with the Saunders County Register of Deeds, at COUNTY'S cost.
10. That this Subdivision Development Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall, together, constitute and be one in the same instrument.

IN WITNESS WHEREOF, we the executing parties, by their respective duly authorized agents, hereby enter into this Subdivision Development Agreement effective on the day and year first above written.

SAUNDERS COUNTY, NEBRASKA;

By:

Daryl Watson
 Daryl Watson, Chairman
 Saunders County Board of Supervisors

STATE OF NEBRASKA)
) ss.
 COUNTY OF SAUNDERS)

The foregoing Subdivision Development Agreement was acknowledged before me on this 19 day of March, 2002, by Daryl Watson, Chairman of the Saunders County Board of Supervisors, on behalf of Saunders County, Nebraska.

Patti J. Lindgren



Notary Public
DEVELOPER;

By: Dennis M. Thomas
Dennis M. Thomas

By: Susan K. Thomas
Susan K. Thomas

By: Dennis M. Thomas
Dennis M. Thomas, Trustee
Melvin Thomas Trust

STATE OF NEBRASKA)
) ss.
COUNTY OF SAUNDERS)

The foregoing Subdivision Development Agreement was acknowledged before me on this 12th day of MARCH, 2002, by Dennis M. Thomas and Susan K Thomas, husband and wife.

James L. Falver
Notary Public



STATE OF NEBRASKA)
) ss.
COUNTY OF SAUNDERS)

The foregoing Subdivision Development Agreement was acknowledged before me on this 12th day of MARCH, 2002, by Dennis M. Thomas, Trustee of the Melvin Thomas Trust.

James L. Falver
Notary Public

