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SUBDIVISION AGREEMENT

PONDEROSA LAKE ESTATES FIFTH SUBDIVISION

(Block 1, Lots 1, 2, 3, and 4, and Outlot A3)

(Block 2, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and Outlots A1, A2, B, C1, C2, C3, and C4)

An Addition to the City of Grand Island, Nebraska

The undersigned, James B. Baldwin and Mary Maxine Baldwin, husband and wife, hereinafter called the Subdividers, as owners of two tracts of land located in a part of Lot Two (2), Island, and a part of Lot Four (4), Mainland, together with accretion land thereto, all situated in the Southeast Quarter (SE1/4) of Section Thirty Six (36), Township Eleven (11) North, Range Ten (10) West of the 6th P.M. in Hall County, Nebraska, more particularly described as follows:

Tract No. 1: Beginning at the southwest corner of Ponderosa Lake Estates Fourth Subdivision, an addition to the City of Grand Island, Nebraska; thence N12°40'24"E, along and upon a westerly line of said Ponderosa Lake Estates Fourth Subdivision, said line also being the westerly line of Lot Eight (8), Block Three (3), and Outlot "C4", Ponderosa Lake Estates Fourth Subdivision, and their southerly prolongation, a distance of Two Hundred Ten and Seventy Eight Hundredths (210.78) feet to the northwest corner of said Lot Eight (8), Block Three (3), said point also being a point on a curve which is the southerly line of Ponderosa Drive – Outlot "B"; thence running northwesterly, along and upon the southerly line of said Ponderosa Drive – Outlot "B", and being along and upon the arc of a curve to the right whose radius is 269.07 feet, a distance of One Hundred Ninety Five and Thirty Three Hundredths (195.33) feet (long chord distance = 191.07' – long chord bearing = N64°24'45"W)

to a point of tangency; thence N43°36'55"W, along and upon the southwesterly line of said Ponderosa Drive – Outlet "B", a distance of Three Hundred Nine and Twenty One Hundredths (309.21) feet to a point of curvature; thence running northwesterly, along and upon the southwesterly line of said Ponderosa Drive – Outlet "B", and being along and upon the arc of a curve to the right whose radius is 230.34 feet, a distance of One Hundred Thirty Seven and Ninety Five Hundredths (137.95) feet (long chord = 135.90' – long chord bearing = N26°27'27"W) to a point; thence N04°16'14"W, along and upon the westerly line of said Ponderosa Drive – Outlet "B", a distance of One Hundred Thirty Seven and Eighty Two Hundredths (137.82) feet to the southwest corner of Ponderosa Lake Estates Second Subdivision, an addition to the City of Grand Island, Nebraska; thence N09°55'56"W, along and upon the westerly line of said Ponderosa Drive – Outlet "B", and being along and upon a westerly line of said Ponderosa Lake Estates Second Subdivision, a distance of Thirty Eight and Fourteen Hundredths (38.14) feet to the southeast corner of Outlet "C1", Ponderosa Lake Estates Subdivision, an addition to the City of Grand Island, Nebraska; thence S83°10'27"W, along and upon the south line of Outlet "C1" and Block Six (6), said Ponderosa Lake Estates Subdivision, a distance of Two Hundred Eighty Four and Seventeen Hundredths (284.17) feet to the southwest corner of Block Six (6), said Ponderosa Lake Estates Subdivision; thence S00°34'15"E, along and upon the southerly prolongation of the westerly line of Block Six (6), said Ponderosa Lake Estates Subdivision, a distance of Four Hundred Sixty Seven and Nine Hundredths (467.09) feet; thence S08°15'32"W, a distance of Three Hundred Forty One and Sixty Three Hundredths (341.63) feet to the southwest corner of said Lot Two (2), Island; thence N87°37'45"E, along and upon the south line of the Southeast Quarter (SE¼) of said Section Thirty Six (36), a distance of Seven Hundred Forty Three and Fifty Eight Hundredths (743.58) feet to the point of beginning and containing 9.318 acres, more or less.

Tract No. 2: Beginning at the southwest corner of Lot Ten (10), Block One (1), Ponderosa Lake Estates Fourth Subdivision, an addition to the City of Grand Island, Nebraska, said point also being a point on a curve which is the northerly line of Ponderosa Drive – Outlet "B"; thence running northwesterly, along and upon the northerly line of said Ponderosa Drive – Outlet "B", and being along and upon the arc of a curve to the right whose radius is 233.07 feet, a distance of One Hundred Seventy Four and Sixteen Hundredths (174.16) feet (long chord distance = 170.14' – long chord bearing = N65°01'22"W) to a point of tangency; thence N43°36'55"W, along and upon the northeasterly line of said Ponderosa Drive – Outlet "B", a distance of Three Hundred Nine and Twenty One Hundredths (309.21) feet to a point of curvature; thence running northwesterly, along and upon the northeasterly line of said Ponderosa Drive – Outlet "B", and being along and upon the arc of a curve to the right whose radius is 194.34 feet, a distance of One Hundred Sixteen and Thirty Nine Hundredths (116.39) feet (long chord distance = 114.66' – long chord bearing = N26°27'27"W) to a point of tangency; thence N09°18'00"W, along and upon the

easterly line of said Ponderosa Drive – Outlot "B", a distance of One Hundred Thirty Nine and Four Tenths (109.40) feet to the southwest corner of Lot One (1), Ponderosa Lake Estates Second Subdivision, an addition to the City of Grand Island, Nebraska; thence N75°40'01"E, along and upon the southerly line of said Lot One (1), Ponderosa Lake Estates Second Subdivision, a distance of One Hundred Twenty Five (125.0) feet to a southerly corner of said Lot One (1), Ponderosa Lake Estates Second Subdivision; thence N32°57'37"E, along and upon a southeasterly line of said Lot One (1), Ponderosa Lake Estates Second Subdivision, a distance of Seventy Three and Thirty Eight Hundredths (73.38) feet to the southeast corner of said Lot One (1), Ponderosa Lake Estates Second Subdivision, said point also being a westerly corner of Ponderosa Lake – Outlot "A", Ponderosa Lake Estates Fourth Subdivision, an addition to the City of Grand Island, Nebraska; thence S01°05'26"W, along and upon a westerly line of said Ponderosa Lake – Outlot "A", Ponderosa Lake Estates Fourth Subdivision, a distance of One Hundred Eighty One and Ninety Four Hundredths (181.94) feet; thence S32°32'33"E, along and upon a southwesterly line of said Ponderosa Lake – Outlot "A", Ponderosa Lake Estates Fourth Subdivision, a distance of Eighty Five and Eighty One Hundredths (85.81) feet; thence S45°47'14"E, along and upon a southwesterly line of said Ponderosa Lake – Outlot "A", Ponderosa Lake Estate Fourth Subdivision, a distance of One Hundred Thirty and Thirty One Hundredths (130.31) feet ; thence S40°41'57"E, along and upon a southwesterly line of said Ponderosa Lake – Outlot "A", Ponderosa Lake Estates Fourth Subdivision, a distance of One Hundred Twenty Two and Eighty Four Hundredths (122.84) feet; thence S64°21'48"E, along and upon the southwesterly line of said Ponderosa Lake – Outlot "A", a distance of One Hundred Five and Seventy Six Hundredths (105.76) feet to the northwest corner of said Lot Ten (10), Block One (1), Ponderosa Lake Estates Fourth Subdivision; thence S12°40'24"W, along and upon the westerly line of said Lot Ten (10), a distance of One Hundred Forty Nine and Five Tenths (149.50) feet to the point of beginning and containing 2.333 acres, more or less.

Totals of Tract No. 1 and Tract No. 2 = 11.651 acres, more or less;

desire 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 submit 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 PONDEROSA LAKE ESTATES FIFTH 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 propose to

cause the plat of such subdivision when finally 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 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 PONDEROSA LAKE ESTATES FIFTH SUBDIVISION, the Subdividers hereby consent and agree with the City of Grand Island, Nebraska, that they will install or provide at their expense the following improvements:

1. **Paving.** The Subdividers agree to waive the right to object to the creation of any paving or repaving district for Schimmer Road where it abuts the subdivision.

2. **Water.** Public water supply is available to the subdivision and shall be extended and provided by the Subdividers to connect 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. Water supply within the development shall be privately owned and maintained by the Subdividers.

3. **Sanitary Sewer.** Sanitary sewer service is available to the subdivision and shall be extended and provided by the Subdivider to connect 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. Sanitary sewer within the development shall be privately owned and maintained by the Subdividers.

4. **Storm Drainage.** The Subdividers agree to grade all lots in the subdivision in conjunction with the development proposed thereon so that storm drainage to be constructed by

the Subdividers as per drainage plans approved by the City's Director of Public Works and subject to the City's inspection.

5. **Sidewalks.** Immediate construction along Schimmer Drive shall be waived, however, the sidewalks shall be constructed within six months after the property owner is directed to do so by the City Council.

6. **Flood Hazard.** Since the subdivision is within the delineated flood plain, all structures therein shall have the lowest floor elevation to a minimum of one foot above the elevation of the 100-year flood, as determined by the building permit received by the Subdividers or successors from the Building Department under the provisions of Neb. Rev. Stat. §2-1506.06 R.R.S. 1943. No basement shall be constructed in connection with any structure in the flood plain unless such basement is floodproofed and certified as such by a qualified registered engineer or architect.

7. **Planned Development.** The subdivision constitutes a planned unit development pursuant to Section 36-39 of the Grand Island City Code and the continuing requirements of said Section shall be complied with by the Subdividers. A storage building may be maintained as a principal use on Lot 9, Block 2 for the purposes of providing storage for residents of the Ponderosa Lake Estates Residential Development District.

8. **Outlots.** Outlots A, C1 and C3 shall be placed under the control of the Ponderosa Lake Estates Homeowners Association. Outlot C2 shall remain with Lot 9, Block 2 in private ownership maintained by the owner of Lot 9, Block 2 until such time as FEMA approves removing this parcel from the floodway at which time it may be replatted as part of Lot 9, Block 2. Outlot C2 may be given to the Ponderosa Lake Estates Homeowners Association at any time if they choose to accept said outlot.

9. **Engineering Data.** All final engineering plans and specifications for privately owned public improvements and other public improvements shall bear the signature and seal of a registered professional engineer and shall be furnished by the Subdividers 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 Subdividers prior to acceptance of these improvements by the City.

10. **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 PONDEROSA LAKE ESTATES FIFTH SUBDIVISION, and that an abstract of title will be submitted for examination, if necessary, upon request of the City of Grand Island.

11. **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 "Subdividers" 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 Subdividers have not performed such conditions.

Dated _____, 2001.

SUBDIVIDERS:

James B. Baldwin

Mary Maxine Baldwin

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared James B. Baldwin and Mary Maxine Baldwin, husband and wife, known personally to me to be the identical persons who signed the foregoing Subdivision Agreement and 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.

Notary Public

HOMEOWNERS ASSOCIATION:

The Ponderosa Lake Estates Homeowners Association hereby approves and accepts responsibilities as assigned in this Subdivision Agreement.

PONDEROSA LAKE ESTATES
HOMEOWNERS ASSOCIATION,

By: _____
Mark McCue, President

STATE OF NEBRASKA)
) ss
COUNTY OF HALL)

On _____, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Mark McCue, President of the Ponderosa Lake Estates Homeowners Association, 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.

WITNESS my hand and notarial seal the date above written.

Notary Public

CITY OF GRAND ISLAND, NEBRASKA
A Municipal Corporation

By: _____
Ken Gnadt, Mayor

Attest: _____
RaNae Edwards, City Clerk