BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION AUTHORIZING CHAIR TO SIGN THE DEVELOPMENT AGREEMENT BETWEEN SARPY COUNTY AND THE RONALD SPENCER AND REGINA SPENCER LIVING REVOCABLE TRUST, JOHN P. WARKENTIN AND REGINA M. ALLEN (Spencer's Woods)

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114 a County Board of Commissioners shall have the authority to adopt a Zoning Regulation, which shall have the force and effect of law; and,

WHEREAS, the owners Ronald Spencer and Regina Spencer Living Revocable Trust, John P. Warkentin and Regina M. Allen (hereinafter, “Owners”) plan to develop the property located southeast of S 96th and Mitchell Road in Sarpy County; and,

WHEREAS, the County of Sarpy and Owners desire to enter into a Development Agreement, a copy of which is attached hereto which governs the development of Spencer’s Woods; and,

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT the Development Agreement between the County of Sarpy and Owners is hereby approved and the Chairperson and the Clerk are hereby authorized to execute the same, a copy of said Development Agreement is attached hereto.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 8th day of March, 2016.

Attest

Sarpy County Board Chairman

Seal

County Clerk
DEVELOPMENT AGREEMENT

This Agreement made by and between The Ronald Spencer and Regina Spencer Living Revocable Trust dated April 15, 2015 and amendments thereto, John P. Warkentin, and Regina M. Allen, hereinafter referred to as “Owners”, and Sarpy County, hereinafter referred to as “County”. Owner and County are referred to collectively hereinafter as “the Parties” and individually as a “Party”.

WITNESSETH:

WHEREAS, Owners are the record owners of all that real property located within the County’s zoning and platting jurisdiction shown on the Final Plat attached hereto as Exhibit “A”, a subdivision known as Spencer’s Woods, which consists of Lots 1, 2, and 3 and Outlots A, B, C, and D hereinafter referred to as the “Property”.

WHEREAS, Owners have requested that County approve a specific platting of the Property; and,

WHEREAS, Owners and County wish to come to a mutual agreement regarding the Property.

NOW, THEREFORE, for and in consideration of the foregoing recital and the mutual covenants of the Parties hereinafter expressed, the Parties hereby acknowledge, covenant, and agree as follows:

1. There are no existing buildings on Outlots A, B, C, and D.

2. Owners shall not build any structures on Outlots A, B, C, or D.

3. Owners shall not build any structures on the west 500 feet of Lot 2 and Lot 3 except for a driveway and utilities.

4. Owners agree to notify prospective buyers and or lessees of the existence of this Agreement.

IN WITNESS WHEREOF, we the contracting Parties, by our respective and duly authorized agents, hereto affix our signatures and seals this on the dates indicated below.

OWNERS:

John P. Warkentin, Owner

State of Nebraska )

Sarpy County )

ss.

The foregoing instrument was acknowledged before me, a Notary Public, this 4 day of March, 2016, John P. Warkentin, Owner who acknowledged the execution thereof to be their voluntary act and deed.

Rebecca E. Phillips
Notary Public
The foregoing instrument was acknowledged before me, a Notary Public, this 4\textsuperscript{th} day of March 2016, Regina M. Allen, Owner who acknowledged the execution thereof to be their voluntary act and deed.

Ronald Spencer, Trustee for the Ronald Spencer and Regina Spencer Living Revocable Trust, Owner

The foregoing instrument was acknowledged before me, a Notary Public, this 4\textsuperscript{th} day of March 2016, Ronald Spencer and Regina Spencer, Trustees of the Ronald Spencer and Regina Spencer Living Revocable Trust who acknowledged the execution thereof to be their voluntary act and deed.

Sarpy County Attorney

\begin{center}
\textit{SARPY COUNTY:}
\textit{Approved as to Form:}
\end{center}

SURVEYOR'S CERTIFICATE


NOTES:

1. Measurements and angles shown in parentheses pertain to dimensions.
2. The west side of Lots 2 and 3 will be considered to be a consolidated platting and all dimensions are shown with the exception of a discrepancy and utilities.

APPROVAL OF THE SARPY COUNTY PLANNING DIRECTOR

This plat of Spencer's Woods was approved by the Sarpy County Planning Director on the 3rd day of January, 2016.

REVIEW BY SARPY COUNTY PUBLIC WORKS

This plat of Spencer's Woods was reviewed by the Sarpy County Surveyors Office on the 3rd day of January, 2016.

SARPY COUNTY SURVEYORS/ENGINEERS

SARPY COUNTY PLANNING DIRECTOR

APPROVAL OF THE SARPY COUNTY BOARD OF COMMISSIONERS

This plat of Spencer's Woods was approved by the Sarpy County Board of Commissioners on the 3rd day of January, 2016.

SARPY COUNTY TREASURER'S CERTIFICATE

This plat of Spencer's Woods was approved by the Sarpy County Treasurer on the 3rd day of January, 2016.

APPROVAL OF THE SARPY COUNTY PLANNING COMMISSION

This plat of Spencer's Woods was approved by the Sarpy County Planning Commission on the 3rd day of January, 2016.