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**THIRD AMENDMENT TO SUBDIVISION AGREEMENT**  
**(Val Vista Subdivision)**  
**(Replat of Lot 247A into Lots 1 through 3, Val Vista Replat Three)**

THIS THIRD AMENDMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2005, to that certain Subdivision Agreement between GILES ROAD NO. 2, LLC (hereinafter referred to as "Developer"), and the CITY OF LA VISTA, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City") as same pertains to Lot 247A of said Subdivision, which is to be replatted as Lots 1 through 3, Val Vista Replat Three of said Subdivision;

**WITNESSETH:**

WHEREAS, Developer is the owner of Lot 247A of Val Vista Subdivision and wishes to replat said lot to become Lots 1 through 3, inclusive of "Val Vista Replat Three" (herein the "Replat" or the "Replatted Area") being a part of Val Vista Subdivision as shown on composite drawing attached as Exhibit "A" hereto and consisting of approximately 7.863 acres, more or less, per Surveyor's Certificate attached as Exhibit "B" hereto and being more specifically shown on the "Final Plat" as Exhibit "C" hereto; and

WHEREAS, the parties wish to amend the Subdivision Agreement entered into between them to include the understandings and agreements pertaining to the replatting.

NOW, THEREFORE, IT IS AGREED by Developer and City as follows:

1. Replattings. Subject to the terms of this Agreement, Lot 247A of Val Vista Subdivision shall be replatted as Lots 1 through 3, inclusive, Val Vista Replat Three, as more fully shown on Exhibit "C" (herein the "Replat" or "Replatted Area").
2. Drainage Calculations and Map. Developer shall provide drainage calculations and a drainage map for the Replatted Area for review and approval by the City's Engineer prior to execution of the final Replat demonstrating what easements may be needed to convey major storm sewer events (hundred year flood) over the surface of the property, in a form satisfactory to the City's Engineer.
3. Drainage. Developer shall prepare and provide to the City Engineer for its approval a means of gravity flow storm water to the public storm sewer that exists on the south side of Lot 1. A majority of the lot areas within the Replat will drain to the south and must connect to the existing storm sewer that flows south under the railroad embankment. The means of access shall not be in the form of a public storm sewer but must be addressed through appropriate easements giving the owners of Lots 2 and 3 the right to install and maintain a private storm sewer to reach the aforementioned public storm sewer.
4. Sanitary Sewer. There are no existing sanitary sewer stub outs in Chandler Road to serve Lots 1 and 2 of the Replatted Area. Construction of these stub outs can be delayed until the time that building permits are issued and building construction takes place. However, construction and maintenance of these stub outs will be at private expense and at no cost to the City. The Developer shall prepare and provide a form of notice satisfactory to the City Engineer that no sanitary sewer stub outs exist in Chandler Road to serve Lots 1 and 2 and that future owners of these lots, or parts thereof, will have no right to cause or require the City to construct said stub outs or pay for same at

RECORDER NOTE

Incomplete date  
6-12-06 PC

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such time as they are needed. As an alternative, the subdivider may go ahead and install the stub outs at this time at its private expense.

5. Release of Railroad Easement. The Developer shall execute a release of the railroad track ingress/egress easement that was granted over part of the original Lot 246 in favor of Lot 247, which latter lot will no longer exist.
6. Perimeter Sidewalks. Developer, or its assigns, shall, at their cost, install and maintain perimeter sidewalks abutting the Replatted Area along Chandler Road. Said sidewalks shall be installed prior to the opening of any place of business within the Replatted Area.
7. Commercial Building Design Guide and Criteria. City's Commercial Building Design Guide and Criteria ("Commercial Criteria") dated September 15, 1999, and incorporated into this Agreement by reference shall be applicable to commercial development within the Replatted Area. Developer agrees to abide by the provisions thereof as they may from time to time be amended or modified by the City.
8. Grading. Grading of the Replatted Area shall be as shown on the Grading Plan attached hereto as Exhibit "E".
9. Site Approval Precondition to Building Permit. Nothing herein shall be deemed a waiver of City's requirement of City approved site plan for any building prior to the issuance of a building permit therefor.
10. Public Access Roads or Driveways. All publicly used roads and driveways shall be constructed to City approved specifications and shall not be less than nine inches (9") thick P.C. concrete paving. The City shall have access over such roadways and driveways for any purpose it deems appropriate in the exercise of its general governmental powers, including but not limited to, inspection, police, fire and rescue and other public safety purposes, and the exercise of all rights granted to City by the terms of the Subdivision Agreement and/or this Agreement.
11. Staking Bond. Developer shall provide the City a staking bond satisfactory to City Engineer prior to City's release of the final plat of the Replatted Area.
12. Tract Sewer Connection Fees. Developer agrees that the terms and conditions for the benefit of the City that are contained in the Subdivision Agreement and the separate Sewer Connection Agreement pertaining to the sanitary sewer system shall be equally applicable to the private sanitary sewer provided for herein and enforceable by City in respect thereto to the same extent as though the private sewer had originally been incorporated and made a part of said agreements. Tract sewer connection fees shall be due and payable to the City in the following amounts prior to the issuance of a building permit for a particular lot:

Lot 1, Val Vista Replat Three	2.051 acres @ \$5,484/Ac. =	\$11,247.68
Lot 2, Val Vista Replat Three	2.272 acres @ \$5,484/Ac. =	12,459.65
Lot 3, Val Vista Replat Three	3.540 acres @ \$5,484/Ac. =	<u>19,413.36</u>
Total		<u>\$43,120.69</u>

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The aforesated fee of \$5,484 per acre is the rate now in effect and is subject to increase. The rate in effect at time of connection to the sanitary sewer system will be the rate paid.

13. Special Assessments. The lots within the Replatted Area are subject to special assessments that have been levied. Prior to delivery of the plat to Developer, Developer shall have either (1) paid all installments and accrued interest on such special assessments in full, or (2) have paid the principal and all accrued interest to date on delinquent installments and shall have reapportioned the remaining principal amounts to the lots as configured by the Replat. Such reapportionment shall be computed in a manner acceptable to the City Engineer.
14. Applicability. Except as to Lots 1 through 3, Val Vista Replat Three, which are the subject of this Third Amendment, unless otherwise expressly stated herein, the provisions of this Amendment shall be applicable only to the lots created by this Replat Three.
15. Covenants Running With the Land. The obligations and agreements of Developer herein are perpetual covenants running with the land and shall be binding on the Developer and all of Developer's successors and assigns in title.
16. Exhibit Summary. The Exhibits proposed by E & A Consulting Group, Inc. engineers for the Developer, attached hereto and made a part hereof, are as follows:

Exhibit "A":	Composite Drawing.
Exhibit "B":	Surveyor's Certificate.
Exhibit "C":	Final Plat of Val Vista Replat Three.
Exhibit "D":	Sanitary and Storm Sewer Plan.
Exhibit "E":	Grading Plan.

IN WITNESS WHEREOF, we, the parties hereto, by out respective duly authorized agents, hereto affix our signatures the day and year first above written.

ATTEST:

GILES ROAD NO. 2, LLC

Christina Blue

By George W. Venteicher  
George W. Venteicher, Managing Member

ATTEST:

Rita M. Ramirez  
Rita M. Ramirez, City Clerk



Douglas Kindig  
Douglas Kindig, Mayor

ACKNOWLEDGMENT OF NOTARY

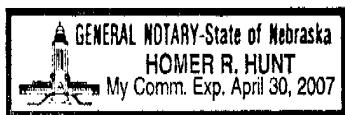
STATE OF NEBRASKA )

COUNTY OF DOUGLAS )

) ss.

On this 8<sup>TH</sup> day of JUNE, <sup>2006</sup>~~2005~~, before me a Notary Public, duly commissioned and qualified in and for said County, appeared George W. Venteicher, personally known by me to be the Managing Member of Giles Road No. 2, LLC and the identical person whose name is affixed to the foregoing Second Amendment to Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary act and deed of said corporation.

WITNESS my hand and Notarial Seal the day and year last above written.



Homer R. Hunt  
Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )

COUNTY OF Sarpy )

) ss.

On this 12 day of June, <sup>2006</sup>~~2005~~, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Douglas Kindig, personally known by me to be the Mayor of the City of La Vista and Rita M. Ramirez, to me personally known to be the City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Second Amendment to Subdivision Agreement, and acknowledged the execution thereof to be their voluntary act and deed, and the voluntary act and deed of said City.

WITNESS my hand and Notarial Seal the day and year last above written.



Karen S. Fagin  
Notary Public

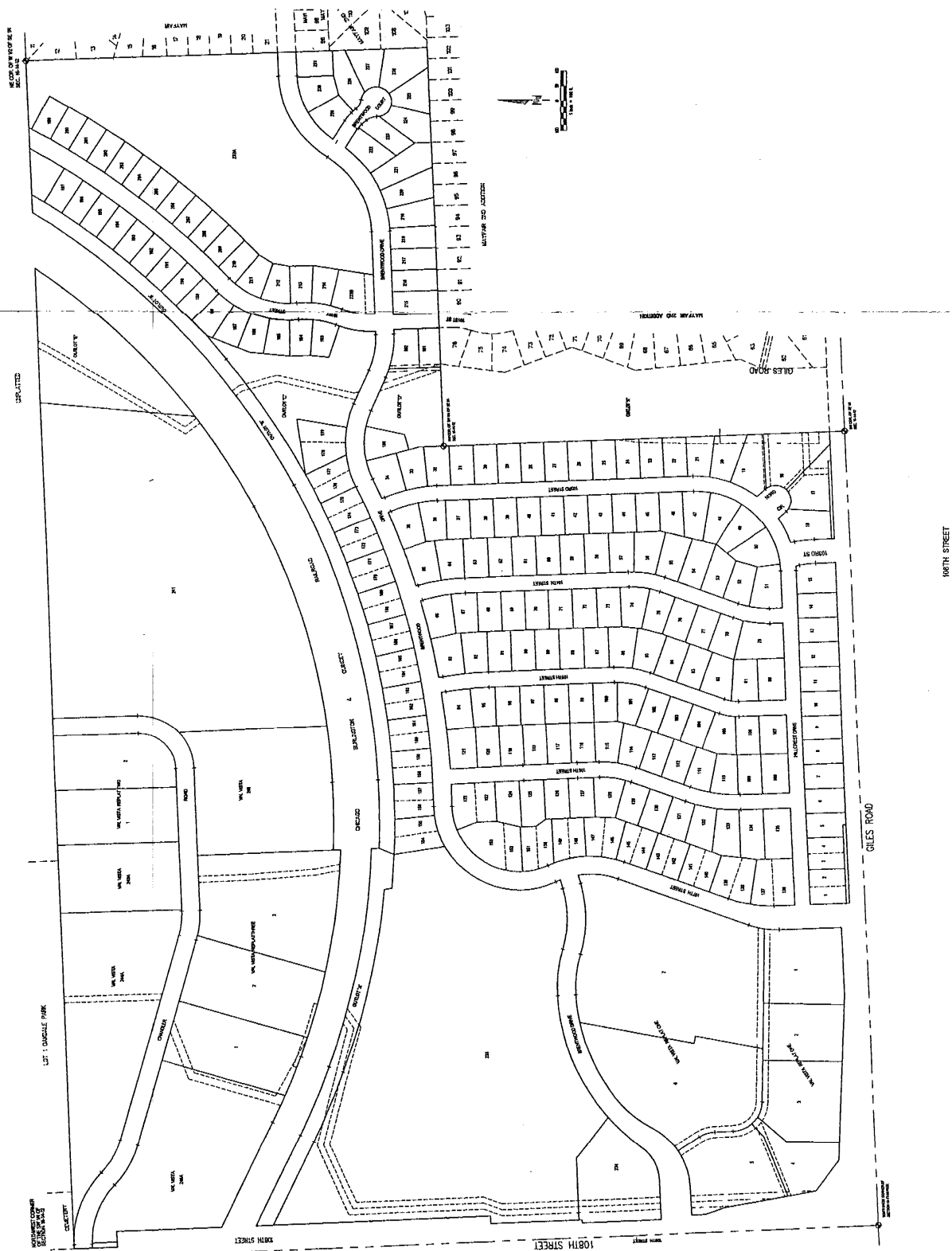
VAL VISTA SUBDIVISION  
Subdivision Agreements, Amendments and Replats  
Last Update November 8, 2005

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Subdivision/Replat/ Applicant	Date City Received	Lots Reconfigured	Lots Created	Acres Involved	Document Description <sup>1</sup>	General Location	Comment/Current Status
<b>VAL VISTA PHASE I (South of CB&amp;Q RR)</b>							
Val Vista Phase I (original)		Replatting combination of lots already in City plus SE Corner of Giles Road and 114 <sup>th</sup> St.	Lots 1 thru 240, Val Vista	129.227	Developer Petition, Consent & Waiver Sub. Agmt. FIRST AMENDMENT to Sub. Agmt. SECOND	South of CB&Q RR	City installed infrastructure. Developer financed water and underground power. All aspects concluded.
Giles Road LLC and KVT No. 2 LLC (Giles Road No. 2 LLC was substituted for Giles Road LLC)	5/16/01						
Val Vista Replat One	11/22/04	Lots 235 thru 240 of original plat	Lots 1 thru 7, Val Vista Replat One	16.724	AMENDMENT to Val Vista Sub. Agmt. (in form modified by City Atty, but see Col. 8)	108 <sup>th</sup> & Giles Rd.	Still waiting for Developer's submission of Common Area Maintenance Agreement required by 2 <sup>nd</sup> Amendment to Sub. Agmt.
<b>VAL VISTA PHASE II (North of CB&amp;Q RR)</b>							
Val Vista Phase II		Original platting of Phase II	Lot 241-248	52.084	Separate Sub. Agmt. Developer Financed	North of CB&Q RR	100% Developer financed public improvements
Giles Road No. 2 LLC	5/28/02						
Val Vista Replat Three		247A (divide into 3 lots)	Lots 1 thru 3, Val Vista Replat Three	7.863	Replat of Small Tract Subdivision	East of 108 <sup>th</sup> & Chandler Rd.	Requires amendment to Sub. Agmt. Will be THIRD AMENDMENT.
Giles Road No. 2 LLC	8/2/05						
Val Vista Replat Four			Lots 1 thru 12, Val Vista Replat Four & Replat of Lot 3, Val Vista Replat Three				City Eng.: Regulations require Sub. Agmt. Will be FOURTH AMENDMENT. Developer proposed Sub. Agmt amendment not received. Easement docs should clarify cost of drainage facilities and operation thereof to be at property owners'
Giles Road No. 2 LLC	8/2/05	Los 241 and Lot 248 and Lot 3 of Replat 3		25.868	Application for Preliminary Plat	120 <sup>th</sup> St. & Chandler Rd.	

<sup>1</sup> "Sub Agmt" means Subdivision Agreement.

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Subdivision/Replat/ Applicant	Date City Received	Lots Reconfigured	Lots Created	Acres Involved	Document Description <sup>1</sup>	General Location	Comment/Current Status
Val Vista Replat Five East Villas, Inc. Includes request for rezoning to R-2 Zoning District from R-2 Two Family Residential	8/29/05	Lots 145 thru 147	Lots 1 thru 3, Val Vista Replat Five	0.505	Application for Replat Five. Release of portion of BNSF RR easement (No. 2002-20539). Application for rezoning.	NE of 107 <sup>th</sup> & Giles Rd.	cost. Applications for Third and Fourth Replats overlap as to Lot 3, Replat Three. Regulations require amendment to Sub. Agmt. (will be FIFTH AMENDMENT) Requires amendment to R-2 Zoning Dist. Regulations and execution of plat must be delayed until amendment to R-2 Zoning becomes effective. Planning Commission has recommended approval of rezoning.





#### SURVEYOR'S CERTIFICATE

I hereby certify that I have made a ground survey of the subdivision described herein and that permanent monuments have been placed on the boundary of the within plat and at all corners of all lots, streets, angle points and ends of all curves in Val Vista Replat Three (the lots numbered as shown), being a replat of Lot 247A, Val Vista, a subdivision located in the SW 1/4 of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of said Lot 247A, Val Vista, said point also being on the Southerly right-of-way line of Chandler Road; thence S02°53'06"E (assumed bearing) along the East line of said Lot 247A, Val Vista, said line also being the West line of Lot 248, Val Vista, a subdivision located in said SW1/4 of Section 16, and also the Northerly line of the Chicago Burlington & Quincy Railroad, a distance of 473.37 feet to the Southeast corner of said Lot 247A, Val Vista, said point also being on said Northerly right-of-way line of the Chicago Burlington & Quincy Railroad; thence Westerly along the Southerly line of said Lot 247A, Val Vista, said line also being said Northerly right-of-way line of the Chicago Burlington & Quincy Railroad on the following described courses; thence Northwest on a curve to the right with a radius of 2312.70 feet, a distance of 705.98 feet, said curve having a long chord which bears N79°15'12"W, a distance of 703.24 feet; thence Northwest on a curve to the right with a radius of 2388.93 feet, a distance of 140.11 feet, said curve having a long chord which bears N68°49'40"W, a distance of 140.09 feet to the Southwest corner of said Lot 247A, Val Vista, said point also being the Southeast corner of Lot 246A, said Val Vista; thence N15°28'30"E along the Westerly line of said Lot 247A, Val Vista, said line also being the Easterly line of said Lot 246A, Val Vista, a distance of 421.22 feet to the Northwest corner of said Lot 247A, Val Vista, said point also being the Northeast corner of said Lot 246A, Val Vista, said point also being on said Southerly right-of-way line of Chandler Road; thence Easterly along the Northerly line of said Lot 247A, Val Vista, said line also being said Southerly right-of-way line of Chandler Road on the following described courses; thence S74°31'30"E, a distance of 416.32 feet; thence Easterly on a curve to the left with a radius of 330.00 feet, a distance of 103.34 feet, said curve having a long chord which bears S83°29'45"E, a distance of 102.92 feet; thence N87°31'59"E, a distance of 182.02 feet to the point of beginning.

Said tract of land contains an area of 7.863 acres, more or less.

## EXHIBIT "B"

## LOT 1 THRU 3 INCLUSIVE

BEING A REPLATTING OF LOT 247A, VAL VISTA, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

I hereby certify that I have made a ground survey of the subdivision described herein and that permanent monuments have been placed on the boundary of the within plat and at all corners of all lots, streets, angle points and ends of all curves in Val Vista Rental Three (the name of the subdivision) as shown numbered as follows:

A corner 17° East of the S½ P.M. Survey County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of said Lot 247A, Val Vista, said point also being on the Southern right-of-way line of said Chandler Road, thence S02°53'06"E (assumed bearing) along the East line of said Lot 247A, Val Vista, said line also being the West line of Lot 248, Val Vista, a subdivision located in said SW1/4 of Section 16, and also the Northernly line of the Chicago Burlington & Quincy Railroad, a subdivision located in said SW1/4 of Section 16, and also the Northernly line of said Northern right-of-way line of said Chandler Road, thence S47°31'30"E, a distance of 416.32 feet, to the Southwest corner of said Lot 247A, Val Vista, said point also being on said Northern right-of-way line of said Chandler Road, thence S07°15'12"W, a distance of 140.11 feet, to the Southwest corner of said Lot 247A, Val Vista, said point also being on said Northern right-of-way line of said Chandler Road, thence S03°29'45"E, a distance of 192.02 feet, to the point of beginning.

Said tract of land contains an area of 7.863 acres, more or less.

Robert Clark | S-419

to know all men by these presents that we, GILES ROAD NO. 2, LLC, owners of the property described in the Certificate of Survey and embraced within the plat has caused said land to be subdivided into lots and streets (to be numbered and named as shown), said subdivision to be hereafter known as VA VISTA REPEAT THREE (to be numbered and named as shown), and we do hereby ratify and approve of the disposition of our property as shown on the plat, and we do hereby dedicate to the public for public use, the streets, avenues and circles, and we do hereby grant a perpetual easement to the Omaha Public Power District, Quest Communications and any company which has been granted a franchise to provide a cable television service within the city of Omaha, Nebraska, to install, maintain, repair and operate, maintain, repair and replace television system poles, wires, cables, conduits and other related facilities, and to erect, operate, maintain, repair and replace television system poles, wires, cables, conduits and other related facilities, and to extend thereof wires or cables for the carrying and transmission of electric current for light, heat and power and for the transmission of signals and messages of all kinds including signaling equipment provided by a cable television system, and the reception on, over, through, under and across a five-foot (5') wide strip of land abutting all front and side boundaries (16') wide strip of land and a five-foot (5') wide strip of land abutting all rear boundaries (16') wide strip of land abutting the rear boundary lines of all exterior lots; and a sixteen-foot (16') wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is hereby defined as those lots forming the outer perimeter of the above-described addition. Said sixteen-foot (16') wide strip of land will be reduced to an eight-foot (8') wide strip when the adjacent land is surveyed, platted and recorded, and we do further grant a perpetual easement to Metropolitan Utilities District of Omaha and Aquila, Inc., their successors and assigns, to install, maintain, repair and operate power lines, overhead power lines, hydraulic and other related facilities, and to extend, maintain, repair and replace power lines, overhead power lines, hydraulic and other related facilities, and to extend thereof poles for the transmission of gas and water on, through, under and across a five-foot (5') wide strip of land abutting all streets. No permanent buildings or retaining walls shall be placed in the said easement ways, and the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the foregoing uses or rights herein reserved.

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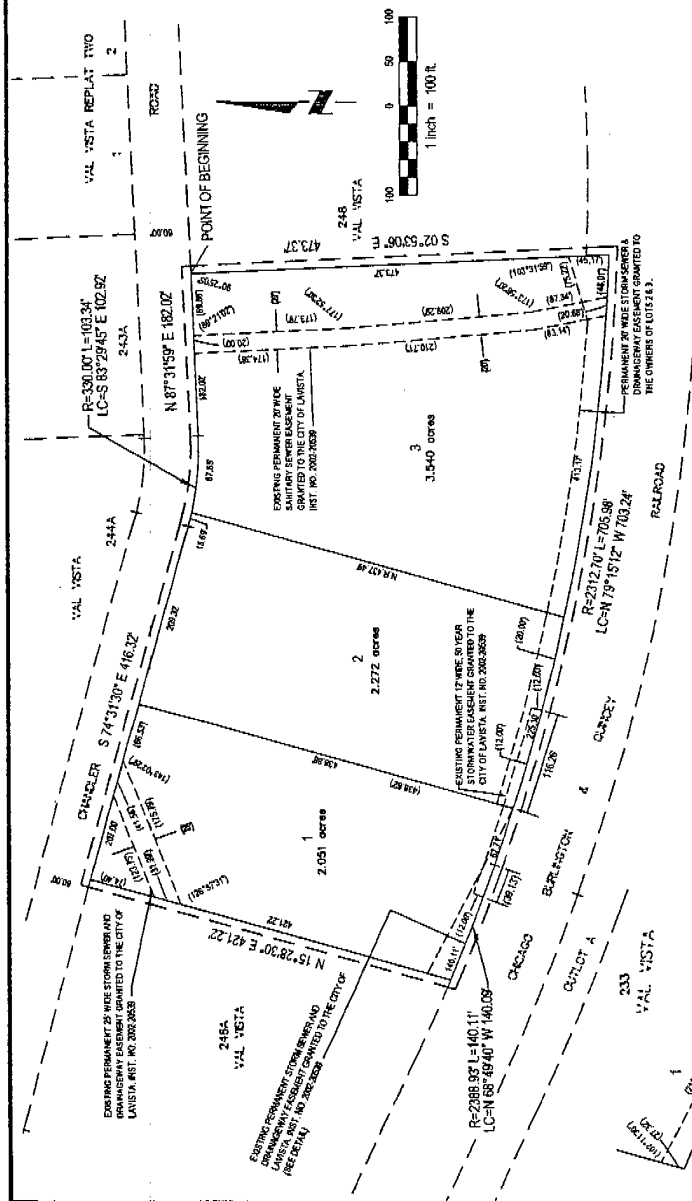
ALL EGRESS DOORS NO. 2 1 1 2

Deezye W. Ventolicher Managing Member



**E&A CONSULTING GROUP, INC.**  
ENGINEERS • PLANNERS • SURVEYORS

7130 SOUTH 29TH STREET, SUITE D  
LINCOLN, NE 68516-5841  
PHONE: (402) 420-7217  
FAX: (402) 420-7218



## ACKNOWLEDGEMENT OF NOTARY

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and embraced in this plat as shown by the records of this office.

STATE OF NEBRASKA,  
COUNTY OF DOUGLAS.)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2005, before me, the undersigned, a Notary Public in and for said County, personally came George W. Ventlecher, Managing Member, GILES ROAC NO. 2, LLC, who is personally known to be the identical person whose name is affixed to the Dedication on this plat and acknowledged the same to be his voluntary act and deed as such officer of said LLC.

WITNESS my hand and seal the day and year last above written

### Internal Disks

## ACCEPTANCE BY LA VISTA CITY COUNCIL

This plat of VAL VISTA REPLAT THREE (lots numbered as shown) was approved by the City Council of the City of La Vista, Nebraska, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in accordance with the State Statutes of Nebraska.

TEST

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

A. S. V. &amp; V. A. N.

# FINAL DI AT

Sheet 1 of 4  
Date: 10-07-2006  
Time: 08:45:10 AM

TEDBVL

NOTES

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.  
2. ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.).  
3. ALL DIMENSIONS AND ANGLES SHOWN WITH DIMENSION LINES ARE FOR THE LOCATION OF EASEMENTS.

## APPROVAL OF A VISTA CITY PLANNING COMMISSION

This PLAY of VAL VISTA REPLAT THREE (Lots numbered as shown) was approved by the City Planning Commission on 2005.

Proceeded on this day of 2005

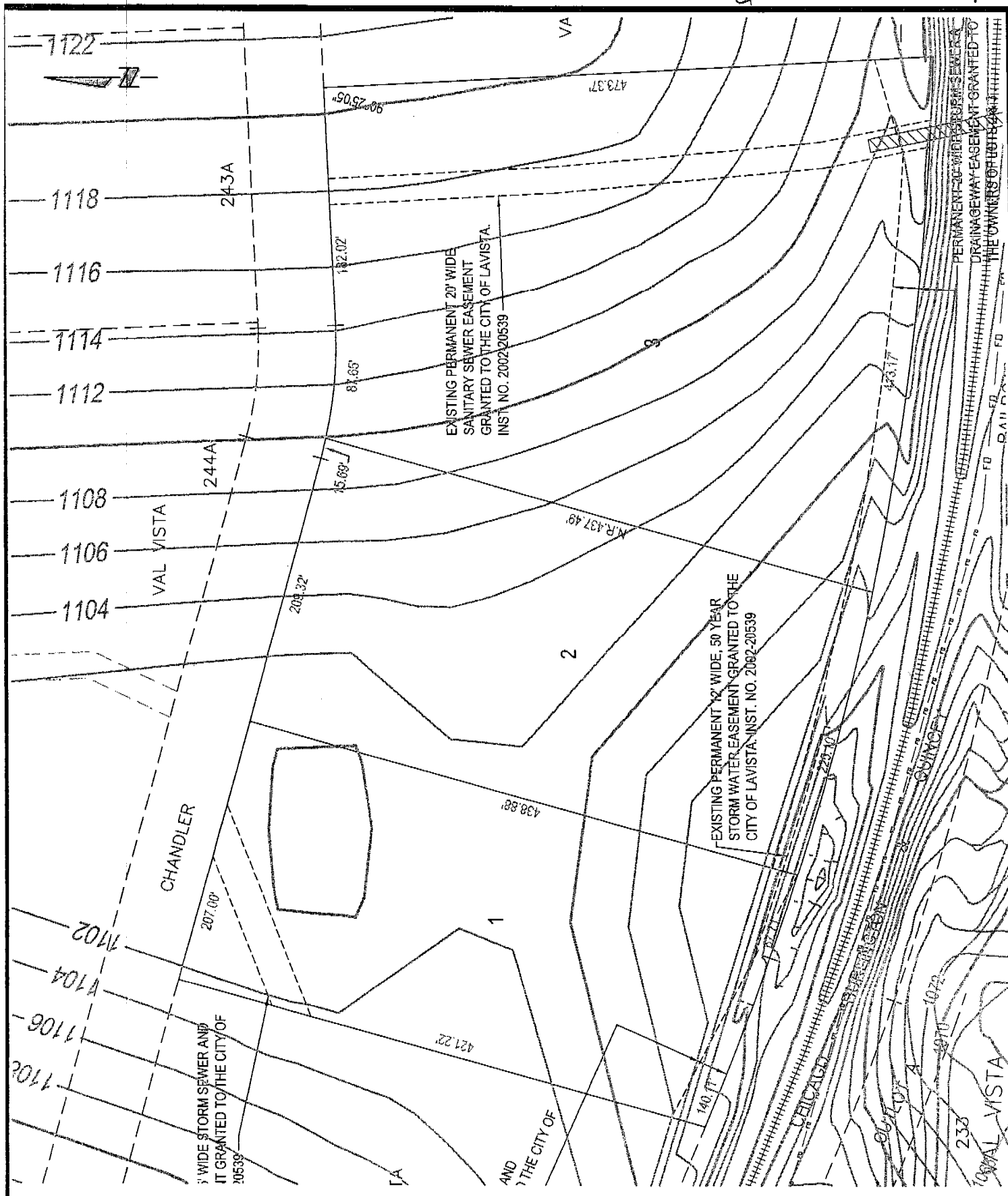
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Proj No:	89175.23	Revisions	
Date:	7-27-05	No.	Date
Designed By:	MAW		
Drawn By:	TRH		
Scale:	1" = 400'		



2006-19547K



**E&A CONSULTING GROUP, INC.**

ENGINEERS • PLANNERS • SURVEYORS

12001 Q STREET, OMAHA, NE 68137 PHONE: (402) 885-4700

Drawn by: TRM

Chkd by:

Chkd by:

Job No. 99175 23

Date: 11/09/05

Scale: 1" = 100'

VAL VISTA REPLAT THREE

EXHIBIT 'E'

GRADING PLAN