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DEL _____ SCAN _____ FV _____

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
3/20/2009 15:24:06.68



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Return To: TODD L I

Check Number



City of Omaha
Mike Fahey, Mayor

March 10, 2009

RECEIVED

09 FEB 27 PM 1:53

CITY CLERK
OMAHA, NEBRASKA

Public Works Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 601
Omaha, Nebraska 68183-0601
(402) 444-5220
Fax (402) 444-5248

Robert G. Stubbe, P.E.
Public Works Director

Honorable President

and Members of the City Council,

The attached Resolution approves the Subdivision Agreement among 80 Dodge LLC, the 80 Dodge Property Owners Association and the City of Omaha. This Subdivision Agreement covers the public improvement of Tower Plaza Replat 10 (Lots 1-3), a subdivision located northeast of 80th & Dodge Streets.

This Subdivision Agreement stipulates which public improvements will be built by 80 Dodge LLC. The total cost of improvements will be paid by 80 Dodge LLC.

The Public Works Department requests your consideration and approval of the attached Resolution and Subdivision Agreement.

Respectfully submitted,

This action has been reviewed and found to be in conformance with the Master Plan.

Robert G. Stubbe 2-17-09
Robert G. Stubbe, P.E.
Public Works Director
Date

Steven N. Jensen 2-26-09
Steven N. Jensen, AICP
Planning Director
Date

Approved as to Funding:

Referred to City Council for Consideration:

Carol A. Ebdon 2/19/09
Carol A. Ebdon
Finance Director
Date

Joe Gudermuth 2-23-09
Joe Gudermuth
Mayor's Office
Date

Approved:

Joe Gudermuth

Parks, Recreation and
Public Property Department

SUBDIVISION AGREEMENT
TOWER PLAZA REPLAT 10
LOTS 1, 2 and 3

This Subdivision Agreement, made the 10 day of February, 2009 by and between 80 DODGE, LLC, a Nebraska limited liability company (hereinafter referred to as "SUBDIVIDER"), 80 DODGE PROPERTY OWNERS ASSOCIATION (hereinafter referred to as "Association") and the CITY OF OMAHA (hereinafter referred to as "CITY").

WHEREAS, the Subdivider is the owner of the land shown on the proposed plat attached hereto as Exhibit "A" (hereinafter referred to as "Property"); and,

WHEREAS, the Subdivider proposes to build public and private improvements; and,

WHEREAS, the Subdivider wishes to connect the Property to the sewer system of the City of Omaha; and,

WHEREAS, the Subdivider and City desire to agree on the method for the installation and allocation of expenses for public improvements to be constructed to serve the Property.

NOW, THEREFORE, in consideration of the above, the following is agreed between the parties hereto:

1. Public Improvements. Attached hereto as Exhibit "B", and incorporated herein by reference, are drawings showing the public improvements to be installed to serve the Property (hereinafter referred to as "Improvements"). All Improvements must receive the approval of the City prior to construction. The storm sewer is to be constructed by the Subdivider at the sole expense of the Subdivider. Such improvements shall be owned and maintained by the Association
2. An Erosion Control Plan between the Subdivider and the City of Omaha shall be submitted and approved prior to any grading operation. The City of Omaha and the Papio Missouri Natural Resources District (PMNRD) must approve said plan prior to City Engineer's second signature. All sediment basins are to remain in place until seventy-five (75%) percent of the lots are fully developed or until a substitute permanent sediment basin is operable and permission is received from the Public Works Department to remove the basins. The proposed Erosion Control Plan is attached hereto and incorporated herein as Exhibit "C". Costs for erosion control shall be paid by Subdivider.
3. Right to Connect to City Sewer System. The City hereby acknowledges that it has given the Subdivider the right to connect the Property to the City sanitary sewer system and storm sewer system, subject to obtaining proper permits and paying the regular fees.
4. Sidewalks. Sidewalks will be constructed along the frontage of Davenport Street, 80th Street, and West Dodge Road at the expense of the Subdivider.
5. Post Construction Stormwater Management Plan (PCSMP). Each lot applying for a building permit will be required to get a PCSMP accepted by the Public Works Department (PWD) prior to final approval of a building permit. The PCSMP must comply with the requirements set for in the Ordinance No. 38222 to amend Chapters 32 and 53 of the Omaha Municipal Code, approved by the City Council August 26, 2008. Each lot will be required to provide a water quality volume of one half inch per acre. In association with each lot's PCSMP submittal, the following items must be digitally submitted to the PWD: construction plans, drainage study, PCSMP Best Management Practice Maintenance Requirements, and PCSMP Best Management Practice Maintenance Agreement and Easement. The Post Construction Stormwater Management Plan application number is OPW51632-PCSMP for Lot 1, OPW51633-PCSMP for Lot 2, and OPW51634-PCSMP for Lot 3. All lots regardless of size or replatting will be required to submit a PCSMP. Such BMPs shall be maintained by the Association in accordance with the PCSMP.

6. Binding Effect. This Subdivision Agreement shall be binding upon the parties, their successors and assigns, and shall run with the land shown on Exhibit "A". This agreement must be recorded with the plat at the Douglas County Register of Deeds.

ATTEST:

CITY OF OMAHA


CITY CLERK OF THE CITY OF OMAHA

 3/12/09
MAYOR

APPROVED AS TO FORM:

 2-17-09
ASSISTANT CITY ATTORNEY DATE

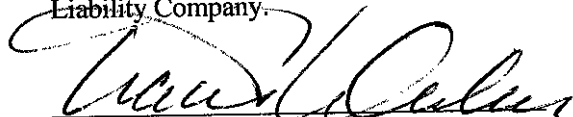
SUBDIVIDER:

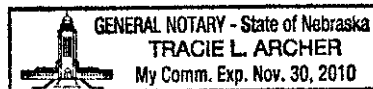
80 DODGE, LLC
BY: BEVERLY BKS, LLC, MANAGER MEMBER


Jerry M. Slusky, Manager


STATE OF NEBRASKA)
) SS.:
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 10 day of February, 2009, by Jerry M. Slusky, Manager of Beverly BKS, LLC, the Manager Member of 80 Dodge, LLC, a Nebraska Limited Liability Company.


Notary Public

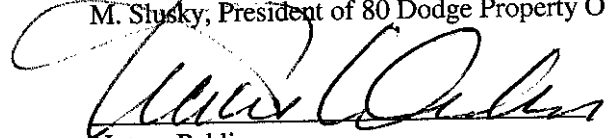


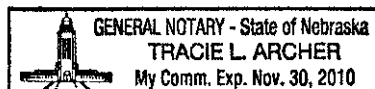
80 DODGE PROPERTY OWNERS ASSOCIATION


Jerry M. Slusky, President

STATE OF)
) ss
COUNTY OF)

The foregoing instrument was acknowledged before me this 10 day of February, 2009, by Jerry M. Slusky, President of 80 Dodge Property Owners Association.


Notary Public



TOWER PLAZA REPLAT 10

LOTS 1, 2 AND 3

BEING A REPLATTING OF LOT 1, TOWER PLAZA REPLAT 9, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT WE, 80 DODGE, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN ON THIS PLAT AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, WEST SIDE ENERGY COMPANY, AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR, AND RENEW, POLES, WIRES, CROSSARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT, FOR LIGHT, HEAT, AND POWER OR FOR ANY OTHER PURPOSES, UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING THE FRONT AND SIDE BOUNDARY LOT LINES, AND AN EIGHT (8) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINE OF THE LOT, NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, SIDEWALKS, DRIVEWAYS AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HERIN GRANTED.

80 DODGE, LLC,
A NEBRASKA LIMITED LIABILITY COMPANY

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) s/s
I, MICHAEL G. KUCERA, MANAGER
THE FOREGOING DECLARATION WAS ACKNOWLEDGED BEFORE ME THIS 31st DAY OF OCTOBER, 2008 BY MICHAEL G. KUCERA, MANAGER OF 80 DODGE, LLC,
A NEBRASKA LIMITED LIABILITY COMPANY, ON BEHALF OF SAID COMPANY.

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT NO REGULAR OR SPECIAL TAXES, DUE OR DELINQUENT, AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, AS SHOWN ON THE RECORDS OF THIS OFFICE THIS ___ DAY OF ___, 200__.

NOTARY PUBLIC

APPROVAL OF CITY ENGINEER

I HEREBY APPROVE THIS PLAT OF TOWER PLAZA REPLAT 10 ON THIS ___ DAY OF ___, 200__.

DEPUTY

DOUGLAS COUNTY, TREASURER

APPROVAL OF OMAHA CITY COUNCIL

THIS PLAT OF TOWER PLAZA REPLAT 10 WAS APPROVED AND ACCEPTED BY THE OMAHA CITY COUNCIL THIS ___ DAY OF ___, 200__.

MAYOR

CITY CLERK

CITY ENGINEER

PRESIDENT

DEPUTY

CITY ENGINEER

CITY ENGINEER

CHAIRMAN

APPROVAL OF OMAHA CITY PLANNING BOARD

THIS PLAT OF TOWER PLAZA REPLAT 10 WAS APPROVED BY THE OMAHA CITY PLANNING BOARD THIS ___ DAY OF ___, 200__.

REVIEW BY DOUGLAS COUNTY ENGINEER
THIS PLAT OF TOWER PLAZA REPLAT 10 WAS REVIEWED
BY THE DOUGLAS COUNTY ENGINEER'S OFFICE.

DATE: _____ DOUGLAS COUNTY ENGINEER

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT A BOUNDARY SURVEY WAS MADE UNDER MY DIRECT SUPERVISION FOR THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND AT ALL LOT CORNERS AND ANGLE POINTS WITHIN SAID SUBDIVISION TO BE KNOWN AS TOWER PLAZA REPLAT 10, LOTS 1, 2 AND 3, BEING A REPLATTING OF LOT 1, TOWER PLAZA REPLAT 9, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE SE CORNER OF SAID LOT 1:

THENCE WEST (ASSUMED BEARING) 665.89 FEET ON THE SOUTH LINE OF SAID LOT 1;

THENCE N82°36'30"W 93.93 FEET ON THE SOUTH LINE OF SAID LOT 1 TO THE SW CORNER THEREOF;

THENCE N27°37'47"E 264.79 FEET ON THE WEST LINE OF SAID LOT 1 TO THE NW CORNER THEREOF;

THENCE S82°31'33"E 145.34 FEET ON THE NORTH LINE OF SAID LOT 1;

THENCE S85°55'28"E 414.20 FEET ON THE NORTH LINE OF SAID LOT 1 TO THE NE CORNER THEREOF;

THENCE S24°57'27"E 199.99 FEET ON THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

OCTOBER 31, 2008

DATE:



JAMES D. WARNER,
NEBRASKA RLS 308

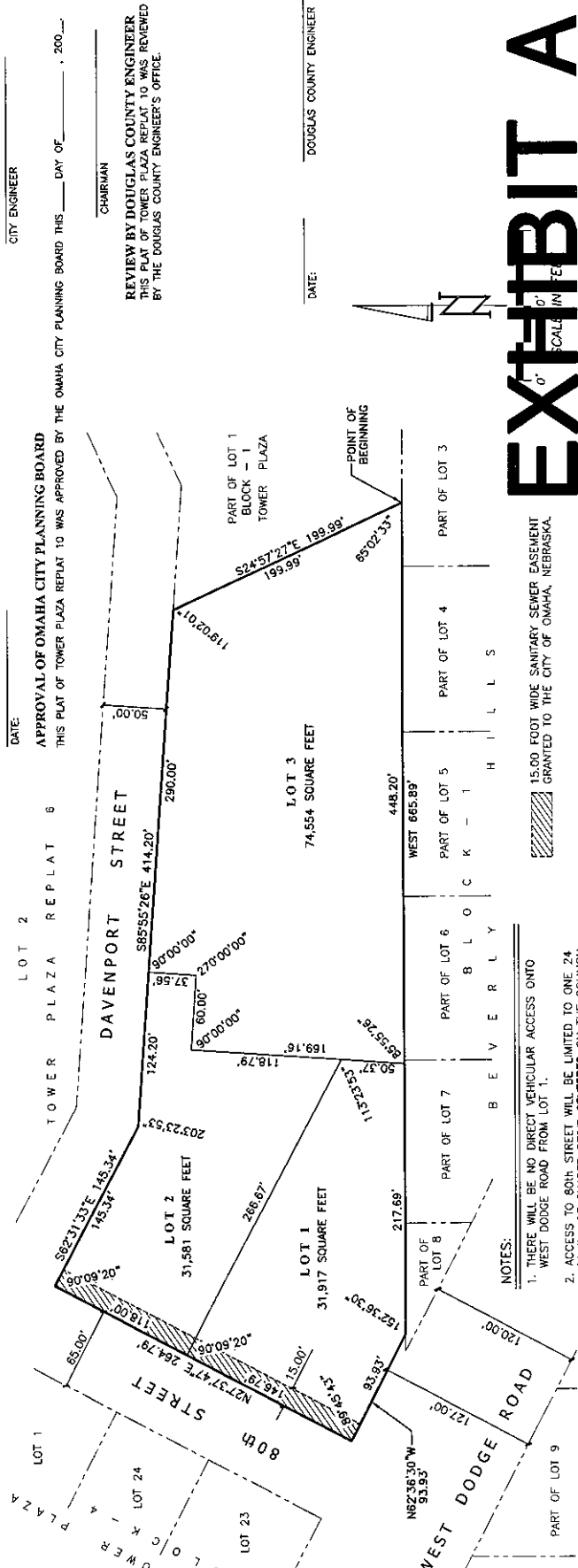


EXHIBIT A

15.00 FOOT WIDE SANITARY SEWER EASEMENT
GRANTED TO THE CITY OF OMAHA, NEBRASKA.

NOTES:

- THERE WILL BE NO DIRECT VEHICULAR ACCESS ONTO WEST DODGE ROAD FROM LOT 1.
- ACCESS TO 80th STREET WILL BE LIMITED TO ONE 24 FOOT WIDE SHARED DRIVE CENTERED ON THE COMMON LINE BETWEEN LOTS 1 AND 2.

DATE	10/31/08
DRAWN BY	RJR
CHECKED BY	JDW
REVISION	

TOWER PLAZA REPLAT 10

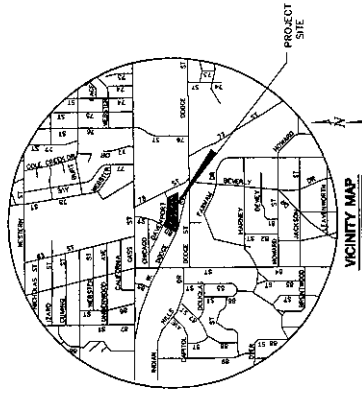
FINAL PLAT

THOMPSON, DRESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
P: 402.330.8860 F: 402.330.9868 WWW.TDZCO.COM

1576-101-1
BOOK
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TOWER PLAZA REPLAT 10

LOTS 1, 2, AND 3



PUBLIC STORM SEWER

LOT 2
TOWER PLAZA REPLAT 6

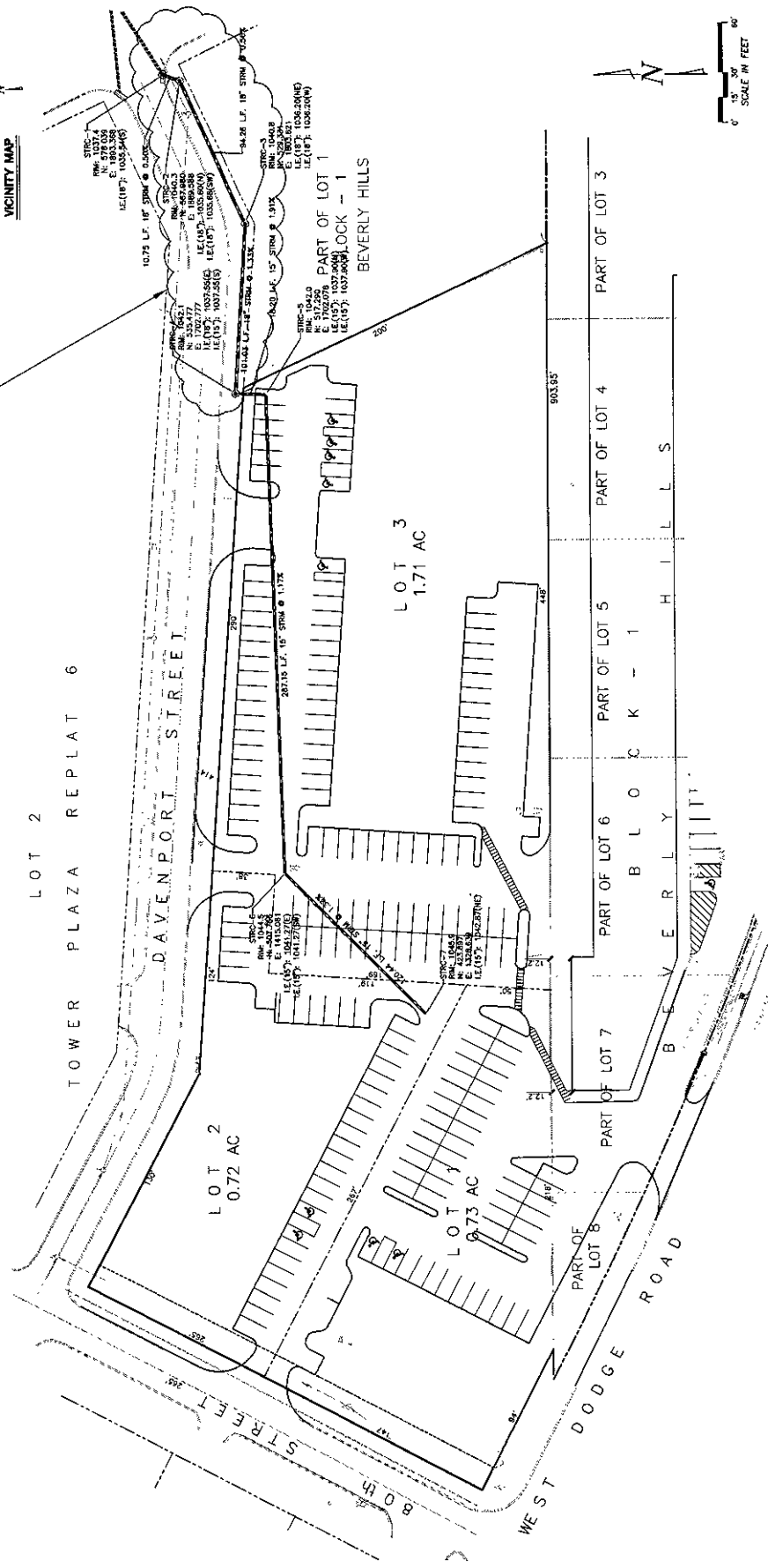


EXHIBIT B

Product	AS SHOWN	11-3-08	Checked By	DKC
Drawn By	DKC	11-3-08	Checked By	DKC
Scale	AS SHOWN	11-3-08	Checked By	DKC
Notes	TOWER PLAZA REPLAT 10			
Project	POST CONSTRUCTION STORMWATER MANAGEMENT PLAN			
Client	80 DODGE, LLC			

R² THOMPSON, DRESSEN & DORNER, INC.
 Consulting Engineers & Land Surveyors
 1038 OLD MILL ROAD OMAHA, NEBRASKA 68154
 PHONE: 402.338.8800 FAX: 402.338.8896 EMAIL: RTHOMPA@R2DCO.COM
 WEBSITE: WWW.R2DCO.COM

TOWER PLAZA REPLAT 10

LOTS 1, 2 AND 3

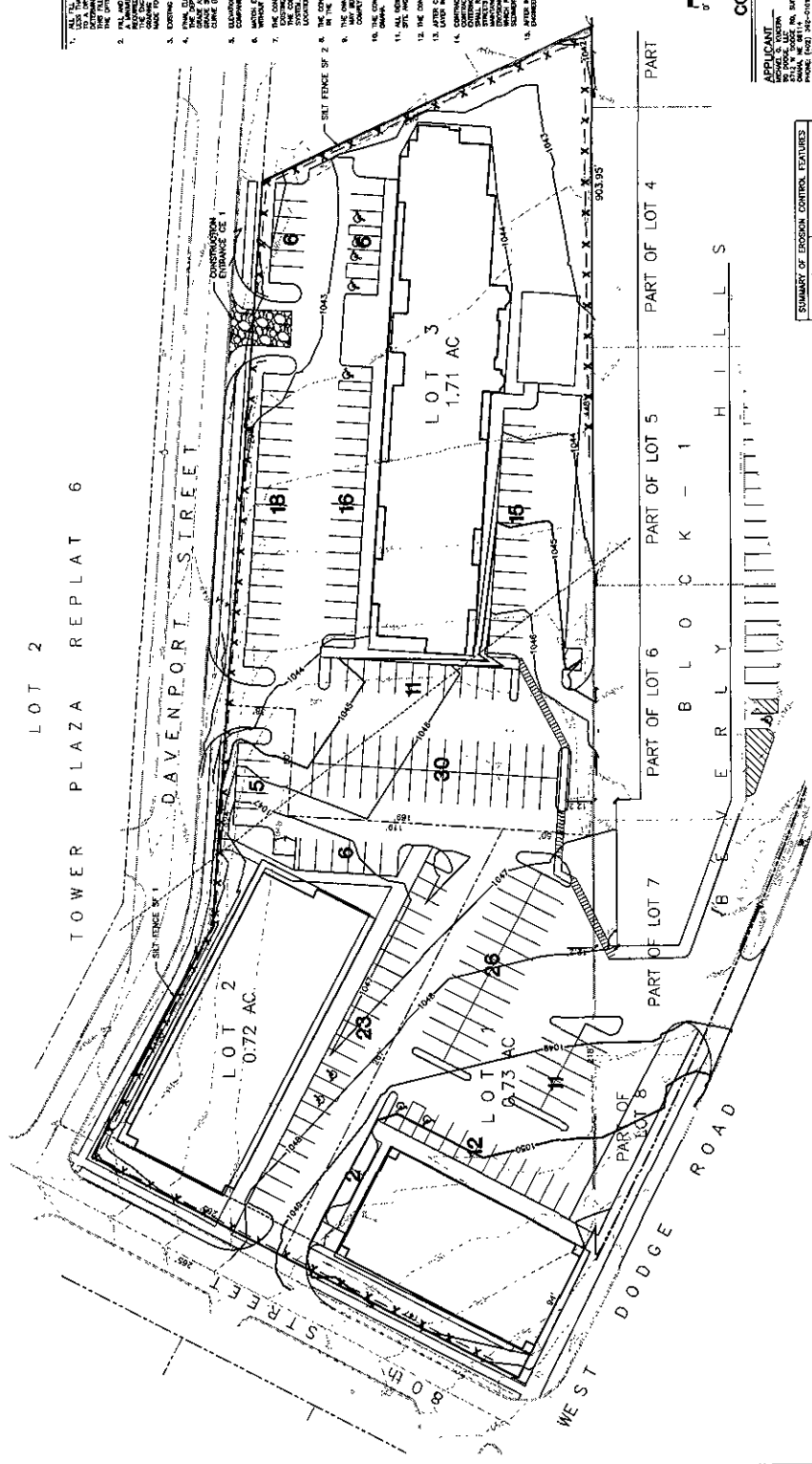
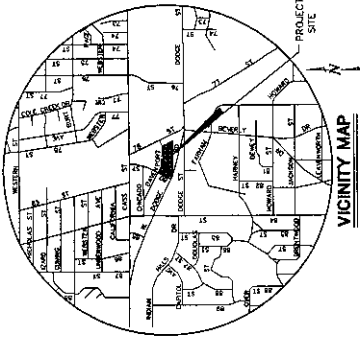
CALL BEFORE YOU DIG
 800-331-5666
 344-3565

LEGAL DESCRIPTION

TOWER PLAZA REPLAT 10, LOTS 1, 2 AND 3, BEING A
 REPLAT OF THE SOUTHWEST CORNER OF THE
 SECTION 16, TOWNSHIP 100N, RANGE 100W, COUNTY OF
 DAVENPORT, IOWA.

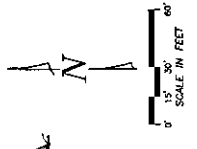
BENCHMARK

COOPERATION: CORNER OF THE SOUTH-SOUTHWEST CORNER OF THE
 SECTION 16, TOWNSHIP 100N, RANGE 100W, COUNTY OF
 DAVENPORT, IOWA, BEING THE BENCHMARK FOR THE
 SURVEY.



GRADING NOTES

- ALL TO BE SHALL CONSIST OF LEAN CUT ON SLOPE WITH LEAN CUT TO A MAXIMUM OF 1:1. ALL GRADING SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN. ALL GRADING SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN. ALL GRADING SHALL BE TO THE FINISHED GRADE SHOWN ON THIS PLAN.
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CONTACT INFORMATION

INSPECTOR
 THOMPSON, DRESSEN & BORNER, INC.
 1000 OLD MILL ROAD
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 309-232-0999
 FAX: 309-232-0998
 WWW: WWW.TDBCO.COM

CONTRACTOR
 THOMPSON, DRESSEN & BORNER, INC.
 1000 OLD MILL ROAD
 CHAMPAIGN, ILLINOIS 61820
 PHONE: 309-232-0999
 FAX: 309-232-0998
 WWW: WWW.TDBCO.COM

SUMMARY/DATE	OPERATIONS	SET FENCE	CONSTRUCTION ENTRANCE
CE 1			

REVISION HISTORY

DATE	BY	DESCRIPTION

The APPLICANT shall require each lot developer to install erosion control features (such as: silt fencing, stabilized construction entrances, silt fences, etc.). Erosion control features must be located and installed in accordance with the approved plan and shall be maintained until the completion of construction. Erosion control features must occur prior to each lot development.

EXHIBIT C

CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebraska

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, 80 Dodge LLC proposes to build a subdivision to be known as Tower Plaza Replat 10 (Lots 1-3) which will be located northeast of 80th & Dodge Streets; and,

WHEREAS, 80 Dodge LLC will build public and private improvements in this subdivision; and,

WHEREAS, 80 Dodge LLC wishes to construct a sanitary sewer system and connect said system to the Sanitary Sewer System of the City of Omaha; and,

WHEREAS, the parties wish to agree upon the manner and the extent to which public funds may be expended in connection with public improvements to be constructed within the area to be developed or serving the area to be developed and the extent to which the contemplated public improvements specifically benefit property in the area to be developed and to what extent the cost of the same shall be specially assessed; and,

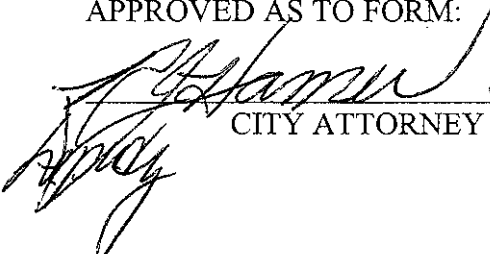
WHEREAS, a Subdivision Agreement has been prepared setting forth all the provisions mentioned above.


NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

THAT, the Subdivision Agreement among the City of Omaha, 80 Dodge LLC and The 80 Dodge Property Owners Association, as recommended by the Mayor, providing for the public improvements and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Tower Plaza Replat 10 (Lots 1-3) and is located northeast of 80th & Dodge Streets.

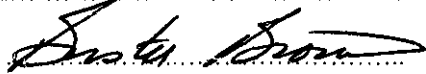
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APPROVED AS TO FORM:

 2-17-09
CITY ATTORNEY DATE

By  Councilmember

Adopted. MAR 10 2009 7-0

 City Clerk 3/12/09

Approved  Mayor

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's Office.


Buster Brown, City Clerk, City of Omaha

NO. 215

Resolution By

Res. that the Subdivision Agreement among the City of Omaha, 80 Dodge LLC and The 80 Dodge Property Owners Association, as recommended by the Mayor, providing for the public improvements and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Tower Plaza Replat 10 (Lots 1-3) and is located northeast of 80th & Dodge Streets.

P:\mnp\1102mnp.doc

Presented to City Council

MAR 10 2009

Adopted 7-0

Buster Brown

City Clerk

pic