COUNTER C.E. P
VERIFY PROOF

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FILED SARPY COUNTY NEBRASKA
INSTRUMENT NUMBER

2010-20091

08/05/2010 11:23:22 AM

floyl J. Douding

REGISTER OF DEEDS



# CERTIFICATE OF THE CITY CLERK CITY OF PAPILLION

STATE OF NEBRASKA )
)ss.
COUNTY OF SARPY )

I, Elizabeth McCarty, City Clerk of the City of Papillion a municipal corporation, within and for the County of Sarpy, State of Nebraska, do hereby certify that the foregoing is a true and correct copy of the original RES. R10-0128 — First Amendment to the Stockmans Hollow subdivision agreement that was passed and approved by the Papillion City Council at their meeting on August 3, 2010.

WITNESS my hand and seal on this 4th day of August, 2010.



Elizabeth McCarty, City Clerk for the City of Papillion

City of Papillion City Clerk 122 E. Thord St. Papillion, NE 68046

## A

#### **RESOLUTION NO. R10-0128**

BE IT RESOLVED by the Mayor and City Council of the City of Papillion that:

The First Amendment to the Stockmans Hollow Subdivision Agreement is hereby approved contingent upon approval of:

- Stockmans Hollow Replat Change of Zone, Ordinance #1576
- Stockmans Hollow Replat 3 Final Plat, Resolution #R10-0127

PASSED AND APPROVED THIS 3rd DAY OF August 2010.

CITY OF PAPILLION, NEBRASKA

David P. Black, Mayor

Attest:

Elizabeth McCarty, City Clerk

(SEAL)



### FIRST AMENDMENT TO THE SUBDIVISION AGREEMENT

THIS FIRST AMENDMENT TO THE SUBDIVISION AGREEMENT made this 3 day of 100 5 to 2010, (Effective Date), by and between Boyer Young Equities VII, LLC (hereinafter referred to as "Developer") as developer of Lots 1 through 207, inclusive and Lot 209, Stockmans Hollow, Tuscany Place LLC as developer of Lot 208 Stockmans Hollow, and , Sanitary and Improvement District No. 286 of Sarpy County, Nebraska, a Nebraska political subdivision, (hereinafter referred to as "District"), and the City of Papillion, a municipal corporation (hereinafter referred to as "City").

#### WITNESSETH;

WHEREAS, the Developer, the District and City entered into a Subdivision Agreement ("Subdivision Agreement") dated June 19, 2007, with respect to the area to be developed (Lots 1 through 207, inclusive, and Lot 209, Stockmans Hollow and Tuscany Place, LLC, a Nebraska limited liability company, as owner of Lot 208, Stockmans Hollow; and

WHEREAS, Developer desires to replat and develop Lot 206, Stockmans Hollow, into Lots 1 through 49, inclusive, Stockmans Hollow Replat Three; and

WHEREAS, the parties hereto desire to modify the Subdivision Agreement to allow for the replatting and development of the Property as set forth herein.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and covenants hereinafter contained, the parties hereto agree as follows:

- 1. <u>Definitions</u>: Unless otherwise defined in this First Amendment, all capitalized terms used in this First Amendment shall have the same meaning set forth for such terms in the Subdivision Agreement.
- 2. <u>Amendments to Subdivision Agreement</u>: The following provisions of the Subdivision Agreement shall be modified with respect to the development of the Property as follows:
  - A. <u>Recitals</u>: The first paragraph of the Recitals shall be amended as follows:

**Exhibit "A"** is hereby amended to reflect the final plat of the Property as shown on **Exhibit "A-1"** attached hereto (Lots 1 through 49, inclusive, Stockmans Hollow Replat Three.



- B. <u>Exhibit "B"</u> is hereby amended to reflect the modifications to the storm sewer and paving plans for the development of the Property as shown on <u>Exhibit "B-1"</u>.
- C. <u>Exhibit "C"</u> is hereby amended tor reflect the modifications to the sanitary sewer and water plans for the development of the Property as shown on <u>Exhibit "C-1"</u> attached hereto.
- D. <u>Exhibit "D"</u> to the Subdivision Agreement is hereby repealed in its entirety and the attached <u>Exhibit "D-1"</u> is hereby submitted in its place with respect to the Summary of Estimated Construction Costs.
- E. <u>Exhibit "F"</u> is hereby repealed in its entirety and the attached <u>Exhibit "F-1"</u> is hereby substituted in its place with respect to sediment and/or detention.
- F. Article III, Section F is hereby amended as follows: Capital Facilities Charges to the City of Papillion in the amount of \$73,500, less a credit for charges paid in the amount of \$62,414.40, for a net charge of \$11,085.60. Not less than 50% of gross capital facility charges paid to the City of Papillion shall be specially assessed against properties served. Capital Facilities Charges shall be paid prior to issuance of any building permits.

#### 3. Miscellaneous:

- A. <u>Counterparts</u>: This First Amendment may be executed in counterparts each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.
- b. **No Other Amendment**: Except as specifically set forth herein, the Subdivision Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment is effective on the day and year first above written.

CITY OF PAPILLION, a Nebraska Municipal Corporation

Mayor

ATTEST:

City Clerk

		SANITARY AND IMPROVEMENT DISTRICT NO. 286 OF SARPY COUNTY, NEBRASKA  By  Neil L. Smith, Chairman
		Date: 6/16/10
STATE OF NEBRASKA	)	
COUNTY OF SARPY	) ss. )	
Neil L. Smith, Chairman o Nebraska, known to me to acknowledged the execution corporation.	f Sanitary and be the identic on thereof to	in and for said county and state, personally came I Improvement District No. 286 of Sarpy County, al person who executed the above instrument and be his voluntary act and deed on behalf of such
WITNESS my	hand and not	arial seal this $10^{+}$ day of <u>June</u> , 2010
		Nicole to Brown  Notary Public
APPROVED AS TO FORM:  John Fullenkamp  Attorney for Sanitary and I District No. 286 of Sarpy C		GENERAL NOTARY - State of Nebraska NICOLE L. BROWN My Compa, Exp. Nov. 30, 2013
STATE OF NEBRASKA COUNTY OF SARPY	) ) ss. )	
John H. Fullenkamp, atto County, Nebraska, known	rney for Sanit n to me to b	, in and for said county and state, personally came cary and Improvement District No. 286 of Sarpy e the identical person who executed the above ion thereof to be his voluntary act and deed.
WITNESS m	y hand and not	arial seal this <u>io<sup>th</sup> day of June</u> , 2010
		Nicole & Brown Notary Public

GENERAL NOTARY - State of Nebraska NICOLE L. BROWN My Comm. Exp. Nov. 30, 2013

E

BOYER YOUNG EQUITIES YES, LLC					
	By coly w pay				
	Its: MANIGING MEMBER				
	Dated: 6/11/10				
STATE OF NEBRASKA )					
COUNTY OF SARPY )					
Timothy Young of Boyer	c, in and for said county and state, personally came Young Equities VII, LLC, known to me to be the love instrument and acknowledged the execution on behalf of such company.				
WITNESS my hand and no	tarial seal this 11th day of June, 2010				
	Notary Public				
	GENERAL NOTARY - State of Nebraska NICOLE L. BROWN My Comm. Exp. Nov. 30, 2013				

TUSCANY PLACE, LLC,

By Jamana Member

Its: Mannang Member

Dated: July 14, 2010

STATE OF NEBRASKA )

Ss.

COUNTY OF SARPY )

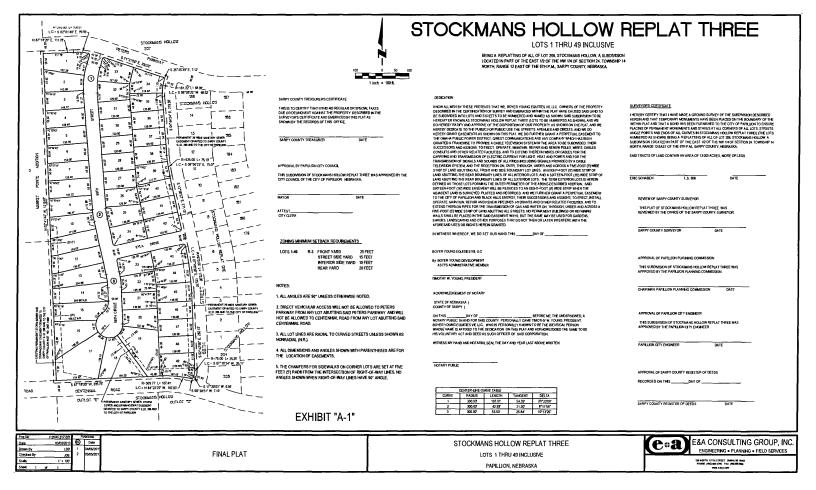
Before me, a notary public, in and for said county and state, personally came David of Tuscany Place, LLC, known to me to be the identical person who executed the above instrument and acknowledged the execution thereof to be his voluntary act and deed on behalf of such company.

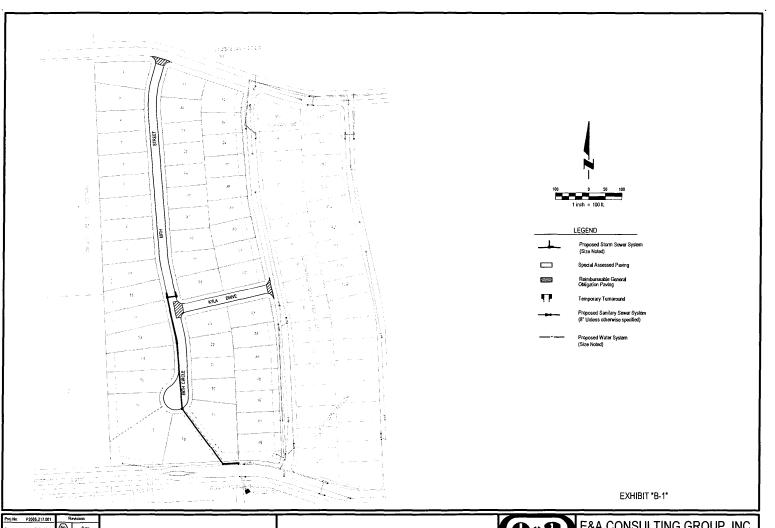
WITNESS my hand and notarial seal this 4 day of 4 2010

GENERAL NOTARY-State of Nebraska

ELIZABETH McCARTY

My Comm. Exp. April 28, 2013





Pro No. P2005.2(1.001 Revisions

Date: 3/11/2010 (No. Date

Designed By. Job

Drawn By. Job

Scale: 1" = 100"

STREETS AND STORM SEWER

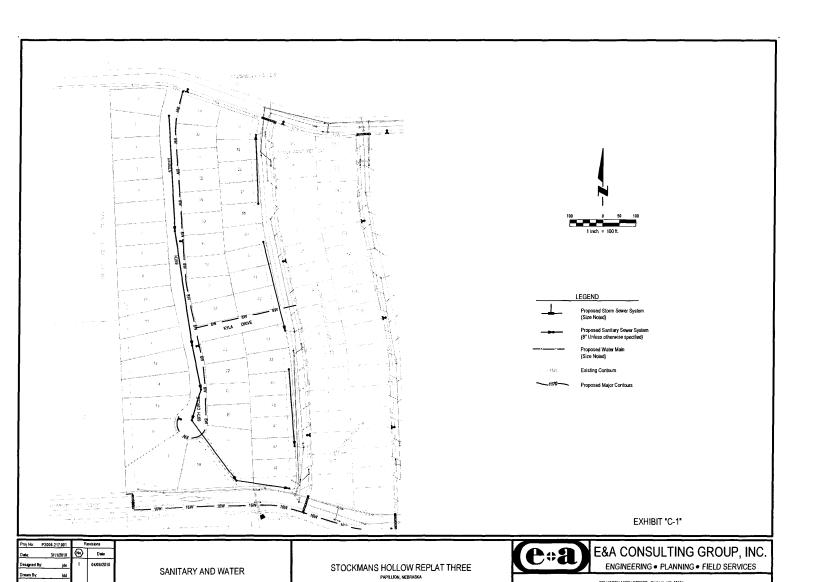
STOCKMANS HOLLOW REPLAT THREE PAPILLION, NEBRASKA



E&A CONSULTING GROUP, INC. ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700 FAX: (402) 895-3599 www.eacg.com





330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700 FAX: (402) 895-3599 www.eacg.com

#### EXHIBIT "D-1"

#### SUMMARY OF COSTS ESTIMATES - SOURCE & USE OF FUNDS

PROJECT NAME: PROJECT LOCATION: PREPARATION DATE: INFORMATION FROM:

STOCKMAN'S HOLLOW 66TH STREET AND SOUTH OF GILES ROAD April 8, 2010 E&A Consulting Group

Proposed Improvement	Construction Cost	Total Cost	Special Assessment	General Obligation	Private	Other	Total
SANITARY SEWER							
Interior	\$557,900	\$859,400	\$821,100	\$38,300		\$0	\$859,400
Outfail	\$173,373	\$204,348	\$0	\$0		\$204,348	\$204,348
PAVING & STORM SEWER	\$1,351,100	\$1,940,334	\$1,120,710	\$819,624		\$0	\$1,940,334
PAVING Major (66th Street) Phase I Phase II	\$534,201 \$325,000	\$888,711 \$455,000	\$16,141 \$30,000	\$622,570 \$275,200		\$250,000 \$149,800	\$888,711 \$455,000
GILES ROAD CONTRIBUTION	\$130,185	\$130,185	\$0	\$130,185		\$0	\$130,185
PARKS Acquisition Improvements	\$91,820 \$165,092	\$109,296 \$250,093	\$0 \$0	\$109,296 \$250,093		\$0 \$0	\$109,296 \$250,093
WATER	•		•				
Total Capital Facility Charges	\$727,610 \$520,201	\$1,050,000 \$643,067	\$732,950 \$316,822	\$317,050 \$326,245		\$0	\$1,050,000 \$643,067
POWER							
Single-Family Multi Family Decorative Street Lights OTHER	\$190,500 \$207,200	\$331,680 \$279,720 \$33,750	\$331,680 \$279,720	\$0 \$0 \$33,750		\$0 \$0 \$0	\$331,680 \$279,720 \$33,750
TOTAL	\$4,974,182	\$7,175,584	\$3,649,123	\$2,922,313	\$0	\$604,148	\$7,175,584
VALUATION:	254 198 250	Single Family@ Mult-Family@ Mult-Family@	\$166,366.00 \$120,000.00 \$50,000.00	= =	-	\$42,256,964.00 \$23,760,000.00 \$12,500,000.00 \$78,516,964.00	
	•		Debt Ratio	=	;	3.72%	

2010-2009 STOCKMANS HOLLOW LOTS 1 THRU 214 & OUTLOTS 'Y THRU Y' WICLIGNE STORM WATER POLLUTION PREVENTION PLAN SAN' COURT' REBELSAN DETENTION G:B SEDIMENT AND/OR Е&А СОИЅИТТІИБ БРОИР, ІИС F-1" TIBIHX3 PROJECT Diggers Hotline O Nebraska SITE INDEX OF SHEETS Located in the East 1/2 of the NW 1/4 of Section 24, and also Together with the NW 1/4 the NE 1/4 of Said Section 24, All Located in Township 14 North, Range 12 East, of the 6th P.M. All Located in Township 14 North, Range 12 East, of the 6th P.M. Sarpy County, Nebraska LOTS 1 THRU 214 & OUTLOTS "A" THRU "F" INCLUSIVE STORM WATER POLLUTION PREVENTION PLAN 5 STOCKMANS HOLLOW Improvement Plans for SITE INFORMATION CILES ROAD Decrease Ar Decrease Ar Decrease Br Decrease Br Decrease Cr Decrease Cr Decrease Dr Decrease Dr Decrease Dr Decrease Dr Safarca N Safarca N Safarca 87 Safarca C7 Safarca C7 Safarca C7 Medicards Salves CONSTRUCTION ACTIVITIES & SCHEDULING 2