



RECEIVED

Nov 5 2 41 PM '96

GEORGE J. BUGLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

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FEE	67.50R	FB	51-32662
DEL		C/O	COMP <i>h</i>
LEGAL PG	SCAN		FV <i>h</i>

RIC PUBLIC WORKS DEPARTMENT 604  
OMAHA/DOUGLAS CIVIC CENTER #1004  
1819 FARNAM STREET  
OMAHA, NEBRASKA 68183

**SUBDIVISION AGREEMENT**

This Subdivision Agreement, made this 17 day of July, 1996 by and between **DAN WITT BUILDERS, INC.**, a Nebraska corporation (hereinafter referred to as "SUBDIVIDER"), **REGENCY PARK VISTA HOMEOWNERS ASSOCIATION**, a Nebraska non-profit corporation (hereinafter referred to as "ASSOCIATION"), and the **CITY OF OMAHA** (hereinafter referred to as "CITY").

WHEREAS, the Subdivider proposes to build private improvements on the Regency Park Vista property described in Exhibit "A" attached hereto (excluding Lot 15 thereof); and

WHEREAS, the Subdivider has or will create a Homeowners Association consisting of the property owners of Lots 1 through 14 of Regency Park Vista that will be responsible for the maintenance of the private way (a/k/a 97th Avenue Circle or Outlot A) and sewer and drainage easements as shown on the Regency Park Vista subdivision plat; and

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

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

1. Public and Private Improvements. Attached hereto as Exhibit "B" and incorporated herein by reference is the plat showing the public and private improvements and grading and erosion control to be installed on and adjacent to the property, i.e., private storm sewer, and paving of private ways (hereinafter referred to as "Improvements"). All Improvements must receive the approval of the Public Works Department of the City prior to construction.

2. Public and Private Improvement Construction. Private Improvements shall be designed by the Subdivider's professional engineer (subject to approval by the Public Works Department), with a minimum standard pavement, concrete curb and gutter, and RCP storm sewer; plans and specifications shall be submitted to Public Works for approval; contracts for the construction and contractor's bond and a letter of credit or certified check or equivalent shall be submitted to Public Works to insure the timely installation of the Improvements; Improvements shall be inspected by the Subdivider's engineering firm; constructed improvements shall be certified as to compliance of meeting approved specifications and plans by said engineering firm; and as-builts and test results shall be submitted.

3. Maintenance of Private Improvements. Association shall provide all maintenance (including snow removal) for the private improvements shown on Exhibit "B" attached.

4. Water, Gas, and Electrical Power. The Subdivider agrees to enter into an Agreement with Metropolitan Utilities District regarding all gas and water line extensions on the property, and an Agreement with Omaha Public Power District for power lines to be installed



on the property. Copies of all such Agreements shall be provided to City within six months from the date of this Agreement.

5. Installation of Improvements. The Subdivider agrees to commence the timely and orderly installation of the improvements following execution of this Agreement pursuant to Section 53 of the Omaha Municipal Code.

6. Payments for Improvements. The Subdivider shall pay the cost of the improvements, as well as all charges by Metropolitan Utilities District for gas and water line installations, and charges by Omaha Public Power District for underground electrical service or power installations.

7. Sidewalks. Sidewalks along both sides of all private ways within the area to be developed shall be constructed by the Subdivider according to the following schedule:

A. Sidewalks shall be constructed immediately abutting 97th Avenue Circle on either side thereof within the property as soon as the lots comprising 65% of the abutting footage on such side have been developed. A lot shall be developed for the purpose of this section when a dwelling has been constructed on the lot.

B. Sidewalks shall be constructed immediately abutting 97th Avenue Circle for developed lots as soon after development as weather shall permit.

C. In any event, all sidewalks shall be constructed upon both sides of 97th Avenue Circle within the property within three years of the recording of the subdivision plat.

8. Storm and Sanitary Sewer. Subdivider agrees to connect to existing storm sewer and sanitary sewer as shown on Exhibit "B". If Subdivider is not able to acquire the necessary easements to make such connection, the Public Works Department will form a sewer district and request that the City Council approve said district to condemn for the necessary easements, provided Subdivider shall pay the necessary costs thereof, including the purchase price or condemnation award necessary to acquire said easements, legal fees, and any other related costs. If the City Council does not approve said district, then, the Subdivider will install a private lift station and pump the waste water to 96th Street. Plans must be approved by the Public Works Department.

9. Dedication of Additional Right-of-Way. Prior to the recording of the final plat of Regency Park Vista, after final approval of said final plat by the City, Subdivider shall also execute, acknowledge and deliver to the Public Works Department the dedication of additional right-of-way for West Dodge Road in the form attached hereto as Exhibit "C," it being agreed that Subdivider shall have no right or authority to record said final plat until it has complied with this paragraph.



10. Binding Effect. This Subdivision Agreement shall run with the land shown on Exhibit "A" attached, excluding Lot 15, and shall be binding upon the parties, their respective successors, and assigns.

IMPRINTED SEAL  
REGISTER OF DEEDS

ATTEST:

NOTARY PUBLIC  
OF OMAHA

*[Signature]*

*[Signature]* 8/28/96

APPROVED AS TO FORM:

DAN WITT BUILDERS, INC., SUBDIVIDER

*[Signature]*

By: *[Signature]*  
President

REGENCY PARK VISTA HOMEOWNERS  
ASSOCIATION

By: *[Signature]*  
President

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of July, 1996 by Daniel N. Witt, President of Dan Witt Builders, Inc., the Subdivider.

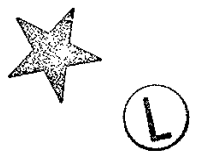
*[Signature]*  
Notary Public

GENERAL NOTARY-State of Nebraska  
MARY O. BOND  
My Comm. Exp. Feb. 22, 1997

My Commission Expires: \_\_\_\_\_


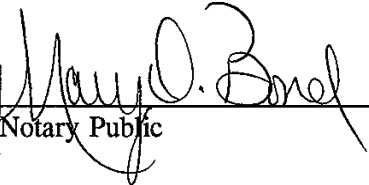
NOTARIAL SEAL AFFIXED  
REGISTER OF DEEDS

3



STATE OF NEBRASKA )  
    ) ss.  
 COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 17<sup>TH</sup> day of JULY, 1996 by DANIEL N. WITT, President of Regency Park Vista Homeowners Association.

	 <hr/> Notary Public
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My Commission Expires: \_\_\_\_\_

*NOTARIAL SEAL AFFIXED REGISTER OF DEEDS*





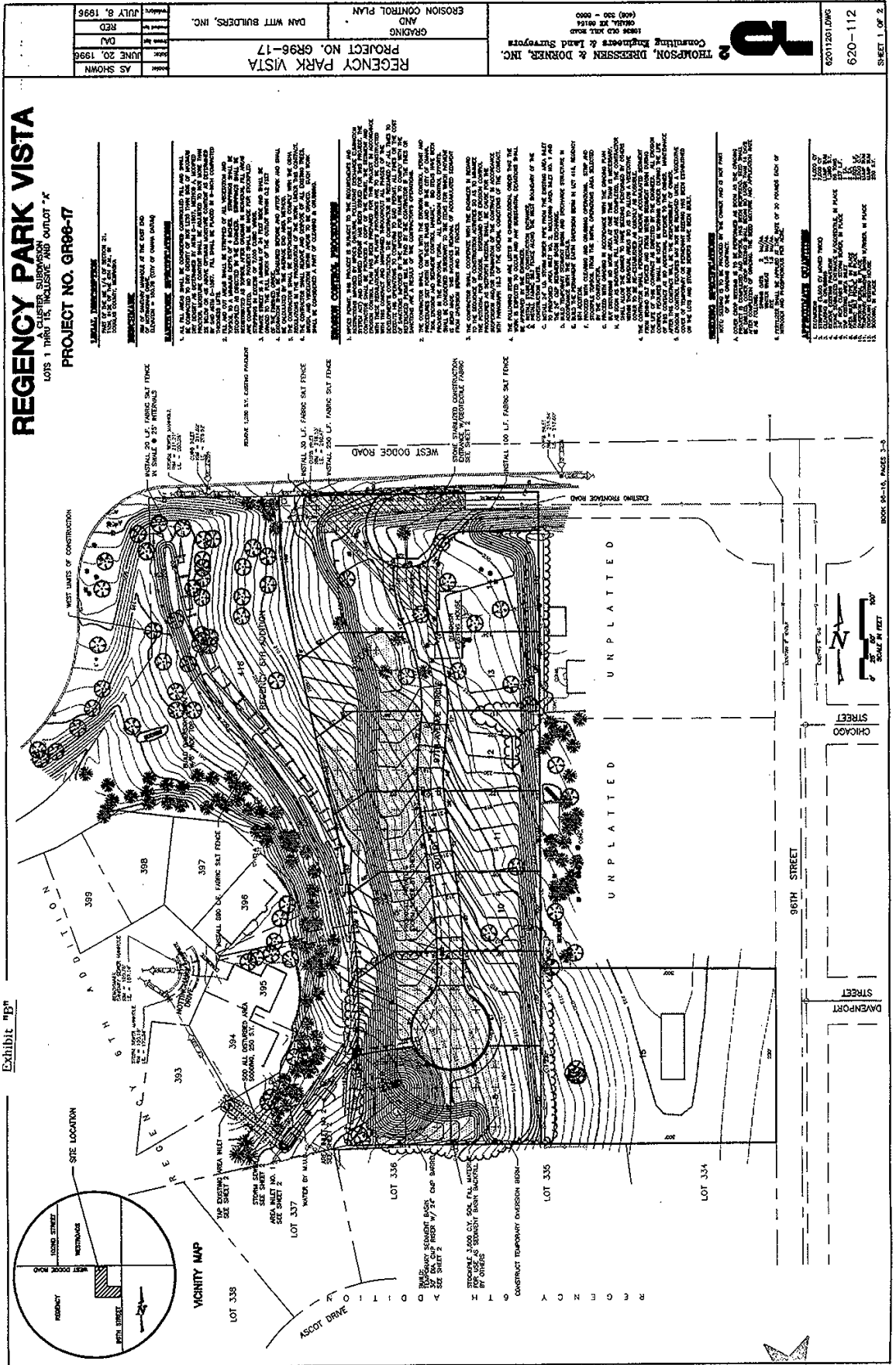
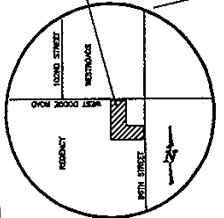


Exhibit "B"



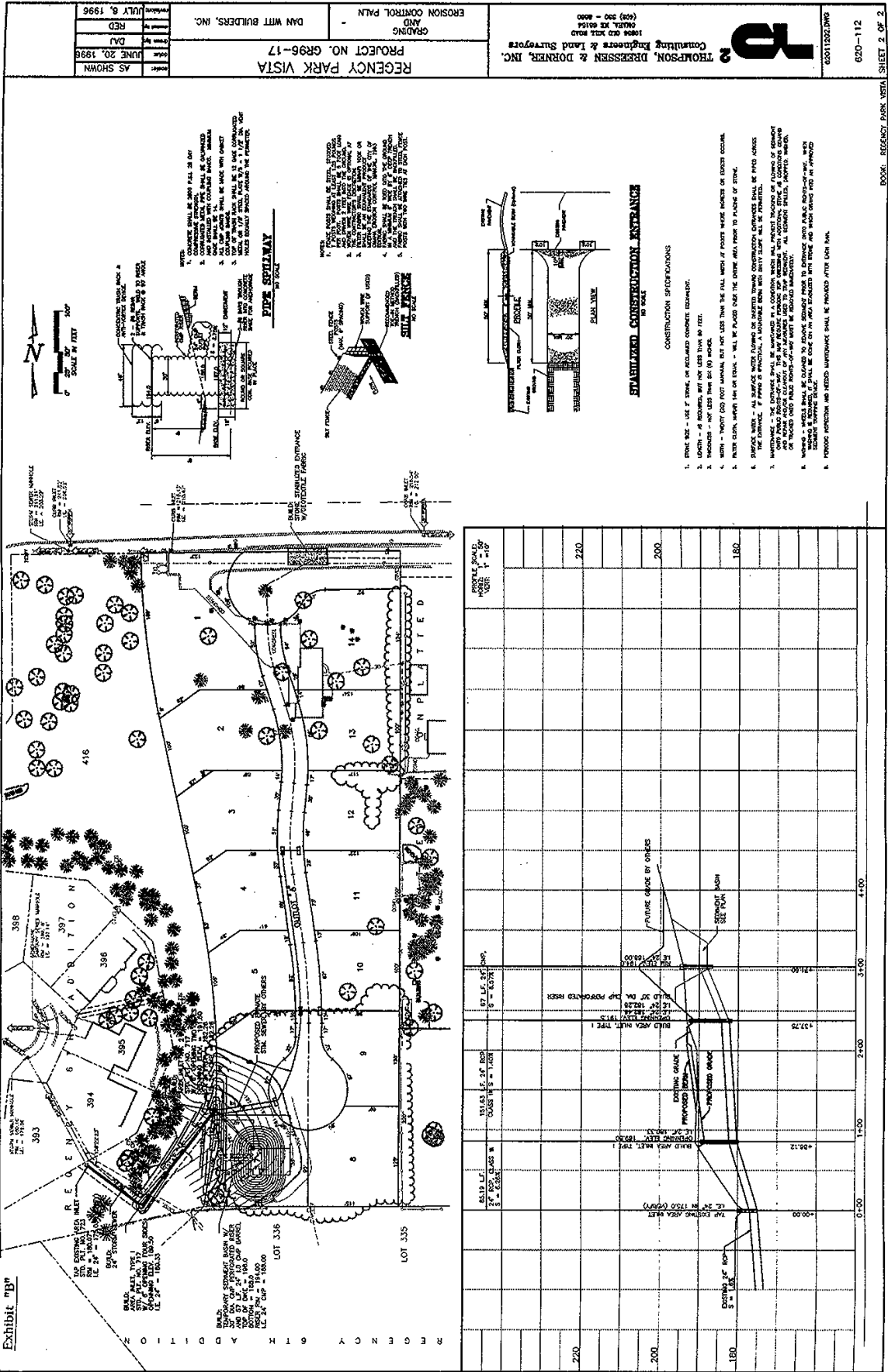


Exhibit "B"

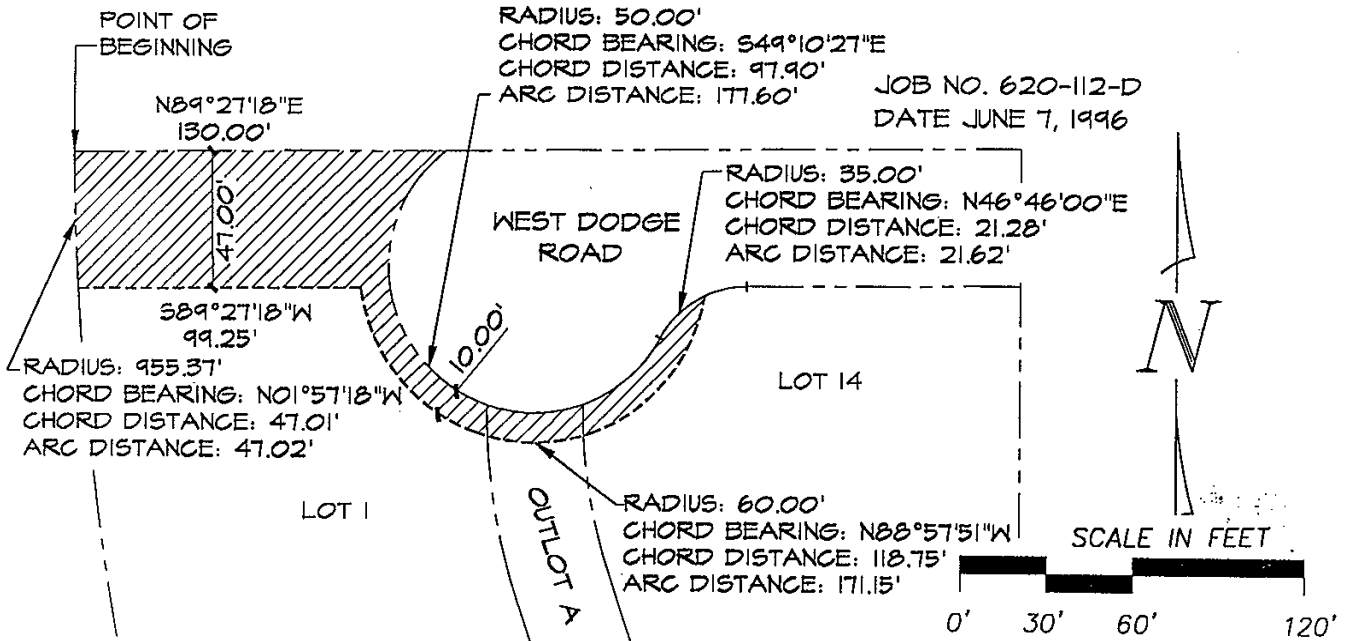




Exhibit "C"

620-117

PLAT AND DEDICATION FOR STREET WIDENING



DEDICATION: KNOW ALL PERSONS BY THESE PRESENTS: That (we) (I) the undersigned \_\_\_\_\_, sole owners of the \_\_\_\_\_ foot strip of land described below and embraced within the above plat and shown as additional right of way for \_\_\_\_\_ hereby dedicate(s) to the public for public use the said \_\_\_\_\_ foot strip for street purposes to be hereafter known as \_\_\_\_\_.

LEGAL DESCRIPTION: (attach additional sheets if needed)

SEE ATTACHED SHEET FOR LEGAL DESCRIPTION

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
(Print or Type Name of Owner)

Acknowledgment by Individual  
State of Nebraska )  
County of Douglas ) S.S.

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me a Notary Public, duly qualified and commissioned in and for said County and State, personally appeared \_\_\_\_\_, who (are) (is) personally known to me to be the identical person(s) whose name(s) are affixed to the foregoing instrument and they acknowledged the signing of the same to be their voluntary act and deed.

\_\_\_\_\_  
Notary Public



## LEGAL DESCRIPTION

PART OF OUTLOT "A" TOGETHER WITH PART OF LOTS 1 AND 14, REGENCY PARK VISTA, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 1; THENCE N89°27'18"E (ASSUMED BEARING) 130.00 FEET ON THE NORTH LINE OF SAID LOT 1; THENCE SOUTHEASTERLY ON THE EASTERLY LINE OF SAID LOT 1 AND ON THE NORTHERLY LINES OF SAID OUTLOT A AND SAID LOT 14, ON A 50.00 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S49°10'27"E, CHORD DISTANCE 97.90 FEET, AN ARC DISTANCE OF 177.60 FEET; THENCE NORTHEASTERLY ON THE NORTHERLY LINE OF SAID LOT 14 AND ON A 35.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N46°46'00"E, CHORD DISTANCE 21.28 FEET, AN ARC DISTANCE OF 21.62 FEET; THENCE NORTHWESTERLY ON A NONTANGENT 60.00 FOOT RADIUS CURVE TO THE RIGHT; CHORD BEARING N88°57'51"W, CHORD DISTANCE 118.75 FEET, AN ARC DISTANCE OF 171.15 FEET; THENCE S89°27'18"W 99.25 FEET ON A LINE 47.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1; THENCE NORTHWESTERLY ON THE WESTERLY LINE OF SAID LOT 1 AND ON A NONTANGENT 955.37 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N01°57'18"W CHORD DISTANCE 47.01 FEET, AN ARC DISTANCE OF 47.02 FEET TO THE POINT OF BEGINNING.

TD<sup>2</sup> File No. 620-112.3  
Street Dedication  
July 3, 1996





City of Omaha  
Hal Daub, Mayor

RECEIVED

96 JUL 24 AM 11:41

CITY CLERK  
OMAHA, NEBRASKA

5 Agreements  
Res #2159  
Public Works Department

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

Don W. Elliott, P.E.  
Public Works Director

Honorable President

and Members of the City Council,

The attached Resolution approves the Subdivision Agreement between the City of Omaha and Dan Witt Builders, Inc and Regency Park Vista Homeowners Association. This Subdivision Agreement covers the public and private improvement of Regency Park Vista of Douglas County, Nebraska located South of West Dodge Road at 98th Street.

This Subdivision Agreement stipulates which public and private improvements will be built by Dan Witt Builders, Inc. in Regency Park Vista. The entire cost of improvements made in this development will be paid by the Subdivider.

The Subdivision Agreement will benefit the City of Omaha and the Subdivider in clarifying the responsibilities of the parties in building and maintaining the improvements in the subdivision.

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

Respectfully submitted,

Don W. Elliott, P.E.  
Director

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

Jeffrey P. Johnson, AICP  
Planning Director

Approved:

Louis A. D'Ercole  
Acting Finance Director

Referred to the City Council for Consideration:

Mayor's Office/Title

P:PW3846.SAP



C-25A

# CITY OF OMAHA

## LEGISLATIVE CHAMBER

Omaha, Nebr..... 19.....

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, Dan Witt Builders, Inc. proposes to build a Subdivision, Regency Park Vista, which will be located Southwest of West Dodge Road at 98th Street; and,

WHEREAS, Dan Witt Builders, Inc. wishes to connect to Omaha's sewer system, the system of sanitary sewers to be constructed by the Subdivider within the area to be developed; and,

WHEREAS, Regency Park Vista Homeowners Association has or will be formed to perform ongoing maintenance for all the private improvements mentioned in the Subdivision Agreement; and,

WHEREAS, the parties wish to agree upon the manner in which public and private improvements will be built by Dan Witt Builders, Inc. and to clarify the responsibilities of the parties in building and maintaining the improvements in the subdivision; 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 between the City of Omaha and Dan Witt Builders, Inc. and Regency Park Vista Homeowners Association, as recommended by the Mayor, providing for the public and private improvements and sewer connections to the Omaha sewer system, is hereby approved.

APPROVED AS TO FORM:

*[Signature]*  
ASSISTANT CITY ATTORNEY

P:\PW3847.SAP

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.

By *[Signature]* Councilmember

Adopted AUG 28 1996

*[Signature]* City Clerk

Approved *[Signature]* Mayor 8/28/96

*[Signature]*  
DEPUTY CITY CLERK  
BY \_\_\_\_\_

