

COUNTER P C.E. P
 VERIFY P D.E. P
 PROOF _____
 FEES \$ 112.00
 CHECK# _____
 CHG COP CASH _____
 REFUND _____ CREDIT _____
 SHORT _____ NCR _____

FILED SARPY COUNTY NEBRASKA
 INSTRUMENT NUMBER

2016-13572

06/13/2016 11:19:27 AM

Clay J. Dowling

REGISTER OF DEEDS



**FIRST AMENDMENT
 TO
 SUBDIVISION AGREEMENT**

This First Amendment to the Southbrook subdivision agreement (hereinafter "First Amendment") made this 7th day of June, 2016 ("Effective Date") by and between **SOUTHBROOK DEVELOPMENT, LLC**, a Nebraska limited liability company (hereinafter referred to as "DEVELOPER"), **SANITARY AND IMPROVEMENT DISTRICT NO. 301 OF SARPY COUNTY, NEBRASKA**, (hereinafter referred to as "DISTRICT") and the **CITY OF PAVILLION**, a municipal corporation, (hereinafter referred to as "CITY") (collectively the "Parties") amends and modifies the subdivision agreement adopted by Resolution #R15-0016 on January 20, 2015 and thereafter dated March 4, 2015 (hereinafter the "Subdivision Agreement").

RECITALS:

DEVELOPER, DISTRICT, and CITY entered into a subdivision agreement ("Subdivision Agreement") dated March 4, 2015 with respect to Lots 1 through 196, inclusive, and Outlots A through F, Southbrook; and

The Parties hereto desire to modify the Subdivision Agreement to adopt a revised Source and Use of Funds (Exhibit G-1).

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Incorporation of Recitals. The recitals set forth above are, by this reference, incorporated into and deemed part of the Subdivision Agreement as modified or amended by this First Amendment.
2. Capitalized Terms. All capitalized terms not otherwise defined herein shall have the respective meanings ascribed to them as set forth in the Subdivision Agreement.
3. Area of Application. The First Amendment applies to Lots 1 – 196 and Outlots A – F, Southbrook.
4. Amendments.
 - A. Exhibit G is hereby repealed in its entirety and the attached Exhibit G-1 is hereby substituted in its place.
5. Exhibit Additions. Exhibit G-1 is hereby incorporated into the Subdivision Agreement by this reference.

A

6. No Other Amendment. Except as specifically modified or amended by this First Amendment, the Subdivision Agreement shall remain in full force and effect.
7. Binding Effect. This First Amendment to the Subdivision Agreement shall be binding upon the Parties, their respective successors, and assigns.

B

ATTEST:

THE CITY OF PAPILLION, NEBRASKA



Elizabeth Butler, City Clerk



David P. Black, Mayor

SEAL:



C

DISTRICT:

SANITARY & IMPROVEMENT DISTRICT
NO. 301 OF SARPY COUNTY, NEBRASKA

Date: 6/6/16

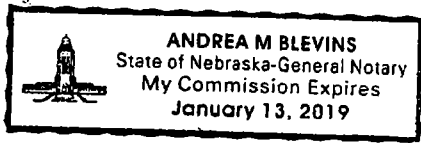
By: [Signature]

Its: CHAIRMAN

STATE OF NEBRASKA)
)ss.
COUNTY OF SARPY)

Before me, a notary public, in and for said county and state, personally came Timothy Young
Chairman of Sanitary & Improvement District No. 301, known to me to be the identical
person who executed the above instrument and acknowledged the execution thereof to be his or her
voluntary act and deed on behalf of such District.

Witness my hand and Notarial Seal this 6th day of June, 2016.



Andrea M. Blevins
Notary Public

D

DEVELOPER:

SOUTHBROOK DEVELOPMENT, LLC,
a Nebraska limited liability company,

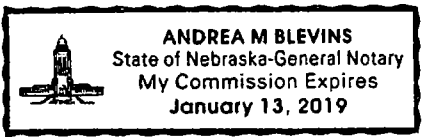
By: *[Signature]*

Its: *[Signature]* ADM or Tim BM

STATE OF NEBRASKA)
)ss.
COUNTY OF SARPY)

Before me, a notary public, in and for said county and state, personally came Timothy Young, Adm. Member of Southbrook Development, LLC, known to me to be the identical person who executed the above instrument and acknowledged the execution thereof to be his or her voluntary act and deed on behalf of such limited liability corporation.

Witness my hand and Notarial Seal this 10th day of June, 2016.



Andrea M. Blewins
Notary Public

**SUBDIVISION AGREEMENT AMENDMENT
TABLE OF CONTENTS**

INTRODUCTION STATEMENT

RECITALS

SECTION	1	Incorporation of Recitals
	2	Capitalized Terms
	3	Area of Application
	4	Amendments
	5	Exhibit Additions
	6	No Other Amendment
	7	Binding Effect

EXHIBITS:

	G-1	Source and Use of Funds
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E & A CONSULTING GROUP
10909 MILL VALLEY ROAD, OMAHA, NE 68154

PHONE: (402) 895-4700
FAX: (402) 895-3599

SUMMARY OF ESTIMATED CONSTRUCTION COSTS

PROJECT: NW 108TH & SCHRAM ROAD
DEVELOPER: BOYER YOUNG
PAPILLION: 05/24/16

ZONING: SINGLE FAMIL 80
AREA (ACRES): 80
ESTIMATED BY: WESTERGARD
PROJECT NO.: P2013.226.001

196 UNITS

SOUTH BROOK; FINAL PLAT EXHIBIT "G"

ITEM	CONSTRCT.	TOTAL	CITY OF		SARPY COUNTY	FUTURE THIS SID	FUTURE DEVELOP.	SPECIAL ASSESS.	G.O.	
			PRIVATE	PAPILLION					REIMB	NON-REIMB
SANITARY SEWER SEC I	799,119	1,117,494						970,805		146,689
PAVING & STORM SEC I	1,489,199	1,981,553						1,429,736		551,817
108TH AS LET	1,181,946	1,339,813		446,604	446,604					500,871
PAVING (SCHRAM at FRONTAGE)	1,660,722	1,936,561		212,743	611,055		642,034			517,803
FUTURE TRAIL(OUTLOT "E") SEE NOTE (5)	77,000	106,260			106,260					
FUTURE PARK FEES/370 TRAIL-SEE NOTE (5)	50,000	60,000			60,000					
WATER(INTERIOR) SEE NOTE (6)	442,891	620,047		530,724				89,324		0
CAPITAL FACILITIES & REVIEW FEES	465,736	537,628						322,577		215,051
UNDERGROUND ELECTRICAL SEE NOTE (6)	273,525	382,935		382,935				0		0
FUTURE PAVING ITEMS	115,120	149,190						62,769		86,421
TOTALS	6,555,258	8,231,482	913,659	659,347	1,057,659	166,260	642,034	2,875,211	0	2,018,652

TOTAL COST PER UNIT COST
\$ 3,788,869
\$ 19,331

NOTES:

- 1) HARD COSTS NOT INCLUDED: BUILDING CONSTRUCTION, SIDEWALKS, LANDSCAPING
- 2) SOFT COSTS NOT INCLUDED: COMMISSIONS, MARKETING, BONDS, BUILDING PERMIT FEES, TAXES, CLOSING COSTS, DEVELOPER FEES

3) VALUATION:

196 Units @	\$255,000	=	\$49,980,000
0 MULTIFAMILY @	\$120,000	=	\$0
0 MULTIFAMILY @	\$50,000	=	\$0
TOTAL			\$ 49,980,000

4) G.O. DEBT RATIO (100% VALUATION) = $\frac{2,018,652}{49,980,000} = 4.04\%$

5) SID 301 cannot currently afford to construct the trail along the north boundary or contribute to park fees/370 trail.

The subdivision agreement contains language identifying when SID 301 may be eligible to pay these costs

6) Paid Privately, Construction x 1.4 per subdivision agreement.

F



E & A CONSULTING GROUP, INC.

Engineering Answers

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154-3950
P 402.895.4700 • F 402.895.3599
www.eacg.com

February 25, 2016

Chairman and Board of Trustees
Sanitary and Improvement District 301, Sarpy County
c/o Mr. Larry Jobeun
11440 West Center Road
Omaha, NE 68144

RE: Statement of Costs- Sanitary Sewer
SID 301, Southbrook
E&A No. P2013.226.001

Mr. Jobeun and Boardmembers:

We are submitting the following Statement of Costs in connection with the construction of sanitary sewer improvements and work incidental and necessary thereto constructed in SID 301, Sarpy County, Nebraska, to-wit:

Total Construction Costs	\$	799,118.99
Total Engineering, Design, Print Charges, Supervision, Resident Inspection, Final Quantities, Testing & Administrative Fees	\$	173,804.02
Total Legal, Publication, Financing, Interest, and Miscellaneous Costs	\$	144,570.86
TOTAL PROJECT COST	\$	1,117,493.87

The total cost based on the Assessment Plat and Schedule was divided as follows:

Less Amount To be Paid by SID at Large	\$	146,688.65
To be Paid by Special Assessment	\$	970,805.22

Sincerely,
E & A CONSULTING GROUP, INC.

Mark A. Westergard. P.E.



E & A CONSULTING GROUP, INC.

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ATTACHMENT TO STATEMENT OF COST

SANITARY SEWER

CONSTRUCTION COST =	\$ 799,118.99
TOTAL PROJECT COST =	\$ 1,117,493.87

G.O. Breakdown by Pay Item

CONSTRUCT 8" OUTFALL SANITARY SEWER	985.00	LF	26.00	25,610.00
CONSTR. 8" OVER DEPTH (>15') OUTFALL SAN. SEWER	101.00	LF	29.00	2,929.00
JACK / BORE 14" STEEL CASING (UNDER 108TH)	60.00	LF	486.00	29,160.00
CONSTRUCT 54" I.D. OUTFALL SAN. SEWER MANHOLE	42.90	VF	406.00	17,417.40
CONNECT TO EXISTING SANITARY SEWER	2.00	EA	465.00	930.00
CONSTRUCT CONCRETE RING RETAINER	6.00	EA	321.00	1,926.00
BARRICADES & WARNING SIGNS	1.00	LS	9,515.00	9,515.00
108TH STREET MESSAGE BOARD	1.00	LS	1,730.19	1,730.19
SEEDING FOR OUTFALL SEWER	1.00	LS	6,164.35	6,164.35
CONSTRUCT PCSMP STORM SEWER PIPE INCLUDING RISER STRUCTURES	1.00	LS	9,515.00	9,515.00
			SUBTOTAL	\$ 104,896.94

Construction G.O.=	\$ 104,896.94		
	\$ 799,118.99	=	13.13%
Total G.O. =	(TPC) \$ 1,117,493.87	X	
	13.13%		\$ 146,688.65
Special Assessment, Sanitary Sewer	= \$ 1,117,493.87	-	
	\$ 146,688.65		\$ 970,805.22

I



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February 25, 2016

Chairman and Board of Trustees
Sanitary and Improvement District 301, Sarpy County
c/o Mr. Larry Jobeun
11440 West Center Road
Omaha, NE 68144

RE: Statement of Costs- Paving
SID 301, Southbrook
E&A No. P2013.226.001

Mr. Jobeun and Boardmembers:

We are submitting the following Statement of Costs in connection with the construction of concrete pavement, storm sewer and work incidental and necessary thereto constructed in SID 301, Sarpy County, Nebraska, to-wit:

Total Construction Costs	\$ 1,489,198.57
Total Engineering, Design, Print Charges, Supervision, Resident Inspection, Final Quantities, Testing & Administrative Fees	\$ 244,765.46
Total Legal, Publication, Financing, Interest, and Miscellaneous Costs	\$ 247,589.10
TOTAL PROJECT COST	\$ 1,981,553.13

The total cost based on the Assessment Plat and Schedule was divided as follows:

Less Amount To be Paid by SID at Large	\$ 551,816.76
To be Paid by Special Assessment	\$ 1,429,736.37

Sincerely,
E & A CONSULTING GROUP, INC.

Mark A. Westergard. P.E.



E & A CONSULTING GROUP, INC.

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J

ATTACHMENT TO STATEMENT OF COST

CONCRETE PAVING & STORM SEWER

CONSTRUCTION COST = \$ 1,489,198.57

TOTAL PROJECT COST = \$ 1,981,553.13

G.O. Breakdown by Pay Item

7" PCC Intersection Pavement	100%	1,382.50	SY	27.66	38,239.95
7" PCC Outlot Frontage Pavement	100%	1,245.40	SY	27.66	34,447.76
8" PCC Intersection Pavement	100%	1,230.50	SY	30.82	37,924.01
8" PCC Overwidth Pavement	100%	1,560.30	SY	30.82	48,088.45
Construct Street Name Sign and Post	100%	0.00	EA	585.76	-
Construct 15" RCP, Class III	50%	1,287.00	LF	31.95	20,559.83
Construct 18" RCP, Class III	50%	1,279.50	LF	35.15	22,487.21
Construct 24" RCP, Class III	50%	959.50	LF	50.06	24,016.29
Construct 30" RCP, Class III	50%	494.00	LF	67.10	16,573.70
Construct 36" RCP, D001=1350	50%	909.00	LF	87.33	39,691.49
Construct 42" RCP, D001=1350	50%	103.00	LF	127.80	6,581.70
Construct 48" RCP, D001=1350	50%	356.00	LF	146.97	26,160.66
Construct 54" I.D. Storm Sewer Manhole (5)	50%	39.50	VF	391.39	7,729.95
Construct 60" I.D. Storm Sewer Manhole (3)	50%	23.00	VF	427.40	4,915.10
Construct 72" I.D. Storm Sewer Manhole (3)	50%	24.00	VF	543.16	6,517.92
Construct 84" I.D. Storm Sewer Manhole (1)	50%	8.80	VF	607.06	2,671.06
Construct 15" Flared End Section	50%	1.00	EA	532.51	266.26
Construct 24" Flared End Section	50%	3.00	EA	809.41	1,214.12
Construct 36" Flared End Section w/ Grate	50%	1.00	EA	2,875.54	1,437.77
Construct 42" Flared End Section w/ Grate	50%	2.00	EA	3,441.06	3,441.06
Construct Curb Inlet, Type I	50%	19.00	EA	1,500.00	14,250.00
Construct Curb Inlet, Type III	50%	4.00	EA	1,500.00	3,000.00
Construct Modified Curb Inlet, Type III	50%	3.00	EA	1,500.00	2,250.00
Construct 60" Area Inlet, Type II	50%	2.00	EA	3,514.55	3,514.55
Construct 36" CMP Riser & Base	50%	1.00	EA	5,665.88	2,832.94
Construct 48" CMP Riser & Base	50%	1.00	EA	6,666.99	3,333.50
Construct Riprap - NDOR Type A	50%	0.00	TN	58.58	-
Construct Riprap - NDOR Type C	50%	0.00	TN	58.58	-
Construct Concrete Ring Retainer	50%	0.00	EA	213.00	-
Construct 30" Flared End Section w/ Grate	50%	1.00	EA	2,970.00	1,485.00
Connect to Existing Manholes	50%	1.00	LS	2,200.00	1,100.00
Construct 18" RCP at back of Lots 113 to 115	50%	1.00	LS	19,217.00	9,608.50
Excavate Sediment Basins for Storm Sewer	100%	1.00	LS	19,784.63	19,784.63
Relocate OPPD Power Pole-108th Street	100%	1.00	LS	10,584.00	10,584.00

SUBTOTAL \$ 414,707.39

Construction G.O.=		\$ 414,707.39		
		\$ 1,489,198.57	=	27.85%
Total G.O. =	(TPC)	\$ 1,981,553.13	X	
		27.85%		\$ 551,816.76
Special Assessment, Concrete Paving	=	\$ 1,981,553.13	-	
		\$ 551,816.76		\$ 1,429,736.37

Paving (Schram Road at Frontage)		W of 108th	E of 108th	Total	
Southbrook SID	\$	470,729.56	\$ -	\$ 470,729.56	(1)
Sarpy County	\$	-	\$ 611,054.60	\$ 611,054.60	(2)
City of Papillion	\$	-	\$ 212,742.89	\$ 212,742.89	(3)
SID North	\$	-	\$ 642,034.34	\$ 642,034.34	(4)(5)
SID South		Future Lane	Future Lane	\$ -	
Total	\$	470,729.56	\$ 1,465,831.84	\$ 1,936,561.40	
Items County will not pay for Trail, Sidewalk, etc.	\$	70,730.00			
Total County Cost Today	\$	1,253,088.95			
Notes:					
General - Contributing Agencies may seek reimbursement from future adjacent SID's at the time of their development.					
Those reimbursements may be negotiated through the development process and incorporated within the					
Subdivision agreements.					
(1) 100% Total Cost of Schram Road West of 108th Street by SID 301. No County participation.					
(2) 87.6% of Total Cost of Schram East of 108th Street and excludes Items the County will not pay for					
(3) 12.4% of Total Cost of Schram East of 108th Street and includes Items County will not pay for					
(4) 87.6% of Total Cost of Schram East of 108th Street and includes Items the County will not pay for					
(5) Sarpy County to carry 100% of SID North until Reimbursement at the time of Development.					



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February 25, 2016

Chairman and Board of Trustees
Sanitary and Improvement District 301, Sarpy County
c/o Mr. Larry Jobeun
11440 West Center Road
Omaha, NE 68144

RE: Statement of Costs- Water
SID 301, Southbrook
E&A No. P2013.226.001

Mr. Jobeun and Boardmembers:

We are submitting the following Statement of Costs in connection with the construction of a water distribution system together with work necessary or incidental thereto as constructed in SID 301, Sarpy County, Nebraska, to-wit:

Total Construction Costs	\$ 442,891.26
Total Engineering, Design, Print Charges, Supervision, Resident Inspection, Final Quantities, Testing & Administrative Fee	\$ 80,720.05
Total Legal, Publication, Financing, Interest, and Miscellaneous Costs	\$ 8,603.73
TOTAL PROJECT COST	\$ 532,215.04

The total cost based on the Assessment Plat and Schedule was divided as follows:

To be Paid by SID at Large	\$ -
To be Paid by Special Assessment	\$ 89,323.78
To Be Paid Privately	\$ 442,891.26

Sincerely,
E & A CONSULTING GROUP, INC.

Mark A. Westergard, P.E.



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Engineering Answers

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P 402.895.4700 • F 402.895.3599
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ATTACHMENT TO STATEMENT OF COST

WATER

CONSTRUCTION COST = \$ 442,891.26
TOTAL PROJECT COST = \$ 532,215.04

G.O. Breakdown by Pay Item

Oversize Main 10"	0	LF	7.00	-
Oversize 10" Bore	0	LF	1.50	-
Oversize 10" Valve	0	EA	611.00	-

SUBTOTAL \$ -

Construction G.O. = \$ 442,891.26 = 0.00%
Total G.O. = (TPC) \$ 532,215.04
X 0.00% \$ -

P



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February 25, 2016

Chairman and Board of Trustees
Sanitary and Improvement District 301, Sarpy County
c/o Mr. Larry Jobeun
11440 West Center Road
Omaha, NE 68144

RE: Statement of Costs- Papillion Fees
SID 301, Southbrook
E&A No. P2013.226.001

Mr. Jobeun and Boardmembers:

We are submitting the following Statement of Costs in connection with the payment of the capital facility and administrative fees and work necessary or incidental thereto as constructed in SID 301, Sarpy County, Nebraska, to-wit:

Total Fees	\$	465,736.37
Total Engineering, Design, Print Charges, Supervision, Resident Inspection, Final Quantities, Testing & Administrative Fee	\$	-
Total Legal, Publication, Financing, Interest, and Miscellaneous Costs	\$	71,891.94
TOTAL PROJECT COST	\$	537,628.31

The total cost based on the Assessment Plat and Schedule was divided as follows:

To be Paid by SID at Large	40%	\$ 215,051.32
To be Paid by Special Assessment	60%	\$ 322,576.99

Sincerely,
E & A CONSULTING GROUP, INC.

Mark A. Westergard, P.E.

