



BK 1462 PG 533-545



MISC 2002 22464

CLERK N. TAYLOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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A *misc* *13* *39* FEE *84⁵⁰* FB _____
BKP _____ C/O _____ COMP _____
DEL _____ SCAN *Q* FV _____

Temp. 12.4.01



City of Omaha
Mike Fahey, Mayor

RECEIVED

August 13, 2002 02 JUL 26 PM 12:31

CITY CLERK
OMAHA, NEBRASKA

Public Works Department

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

Norm Jackman, P.E.
Acting Public Works Director

Honorable President

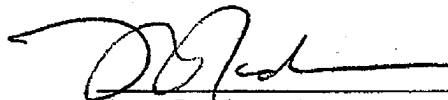
and Members of the City Council,

The attached Resolution approves the Subdivision Agreement among the City of Omaha, Apollo Building Corporation, Inc., and Stony Brook Villas Homeowners Association. This Subdivision Agreement covers the public improvement of Stony Brook Villas of Douglas County, Nebraska located southeast of 147th Street and Stony Brook Boulevard.

This Subdivision Agreement stipulates that the subdividers shall employ the Engineering Firm of Thompson, Dreessen and Dorner, who will design, bid and provide project management for the paving, storm and sanitary sewers to service the subdivision. The City will pay for the construction and engineering costs estimated to be \$269,900.00, of which \$70,300.00 will be a City expense and \$199,600.00 will be specially assessed to the benefited lots within the Subdivision. The \$199,600.00 portion of the project will be paid by the City from the Special Assessment Fund 13573, Organization 11668. The City's cost of \$70,300.00 is broken down as follows: \$20,400.00 will be paid from the Street and Highway Bond Fund 13175 Intersection Construction Organization 116166; and \$49,900.00 will be paid from the 2000 Sewer Bond Fund 13116, Organization 116251, year 2002 funding.

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

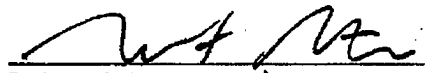
Respectfully submitted,

 7/19/02

Norm Jackman, P.E.
Acting Public Works Director

Date


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

 7.23.02

Robert C. Peters S.J.
Planning Director

Date

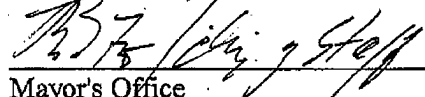
Approved as to Funding:

 7/23/02

Stanley P. Timm
Finance Director

Date

Referred to City Council for Consideration:

 7.23-02

Mayor's Office

Date

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SUBDIVISION AGREEMENT
STONY BROOK VILLAS

This Subdivision Agreement, made this 24th day of August, 2002, by and between Apollo Building Corporation, Inc. (hereinafter referred to as "SUBDIVIDER"), STONY BROOK VILLAS HOMEOWNERS 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 City proposes to build public improvements on the property; and

WHEREAS, the Subdivider wishes to connect the system of sanitary sewers to be constructed within the property to the sewer system of the City of Omaha; and,

WHEREAS, the Subdivider has or will create the Stony Brook Villas Homeowners Association comprised of Lots 1 through 39 of Stony Brook Villas.

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

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

1. Public Improvements. Attached hereto as Exhibits "B" and "C" and incorporated herein by reference are plats showing the public improvements to be installed on the property, i.e. storm sewer, sanitary sewer, and paving of public streets (hereinafter referred to as "IMPROVEMENTS"). All improvements must receive the approval of the Public Works Department of the City prior to construction. Subdivider waives the right to challenge the creation of Street Improvement District 6868 (SID 6868), Storm Sewer District 6050 (ST 6050) and Sanitary District 6051 (SD 6051). Subdivider waives the right to request damages caused by grading elevation changes. Subdivider waives the right to challenge the assessments provided such assessments are done according to this subdivision agreement.
2. Payment for Public Improvements. The Subdivider shall retain the firm of Thompson, Dreessen & Dorner, Inc. to provide the design and project management for the projects. The Subdivider shall obtain public bids for the project and the parties agree to waive Nebraska statutory and City of Omaha ordinances on bid advertisement, opening and award. The City shall make progress payments to the contractor for construction costs and the engineer for design and project management costs. The project is estimated to cost \$236,000 for the paving, storm and sanitary sewers of which the City shall pay for intersection and storm sewer work estimated to be \$20,400 for the intersection work and \$49,900 for the storm sewer work as itemized on Exhibit "E". The City shall specially assess the remainder of the project including associated engineering costs to the benefited lots within the subdivision. The design and project management costs are estimated to be \$33,840 or 14.35% of the construction cost estimate. Special assessments will be levied equally against all residential lots.

3. Water, Gas and Electrical Power. The Subdivider agrees to enter into an Agreement with the Metropolitan Utilities District regarding all water and gas line extensions on the property, and into an Agreement with the Omaha Public Power District for power lines to be installed on the property. Copies of all Agreements with the Metropolitan Utilities District and the Omaha Public Power District will be provided to the City within four months from the date of this Agreement.
4. Installation of Improvements. The City and Subdivider agree to commence the timely and orderly installation of the improvements following execution of this Agreement, pursuant to Section 53-9 of the Omaha Municipal Code.
5. Payment for Utilities. The Subdivider shall pay the cost of all of the improvements by the Metropolitan Utilities District for water and gas line installation and charges by the Omaha Public Power District for underground electrical service or overhead power installations.
6. Sidewalks. The Subdivider shall cause sidewalks along both sides of all public streets within the area to be developed to be constructed according to the following schedule:
 - (1) Sidewalk abutting rear lot lines as shown on Exhibit "B" shall be constructed as part of the improvement project and assessed to all the lots within the subdivision. This sidewalk shall be maintained, including snow removal by the Association.
 - (2) Sidewalks shall be constructed on the front and side yards for each lot as the lots are developed.
 - (3) Sidewalks shall be constructed immediately abutting undeveloped lots on either side of any block or cul-de-sac (i.e. circle) 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.
 - (4) In any event, all sidewalks shall be constructed upon both sides of all public streets within the property within three years of the recording of the subdivision plat.
7. Right to Connect to City Sewer System. The City hereby acknowledges that it has given the Subdivider the right to connect the sanitary sewer system of the property to the City sanitary sewer system, subject to obtaining proper permits and paying the regular fees.
8. The Association agrees to maintain the drainage swale west of Berry Circle.
9. Binding Effect. This Subdivision Agreement shall be binding upon the parties, their respective successors, and assigns and runs with the land shown on Exhibit "A".

ATTEST:

CITY OF OMAHA

CITY CLERK OF THE CITY OF OMAHA

MAYOR

DATE _____

**IMPRINTED SEAL
REGISTER OF DEEDS**

APPROVED AS TO FORM:

APOLLO BUILDING CORP., INC.:

By: Terrance J. Ficenec, President

DATE 7-20

STONY BROOK VILLAS
HOMEOWNERS ASSOCIATION:

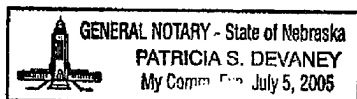
By: Terrance J. Ficenec, President

DATE _____

ACKNOWLEDGEMENT OF NOTARY

[illegible]

The foregoing Subdivision Agreement was acknowledged before me this 07 day of July, 2002 by Terrence J. Ficenec, President of Apollo Building Corp., Inc. on behalf of the Company.

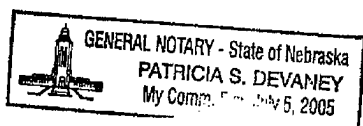


Patricia A. Devaney
NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

[illegible]

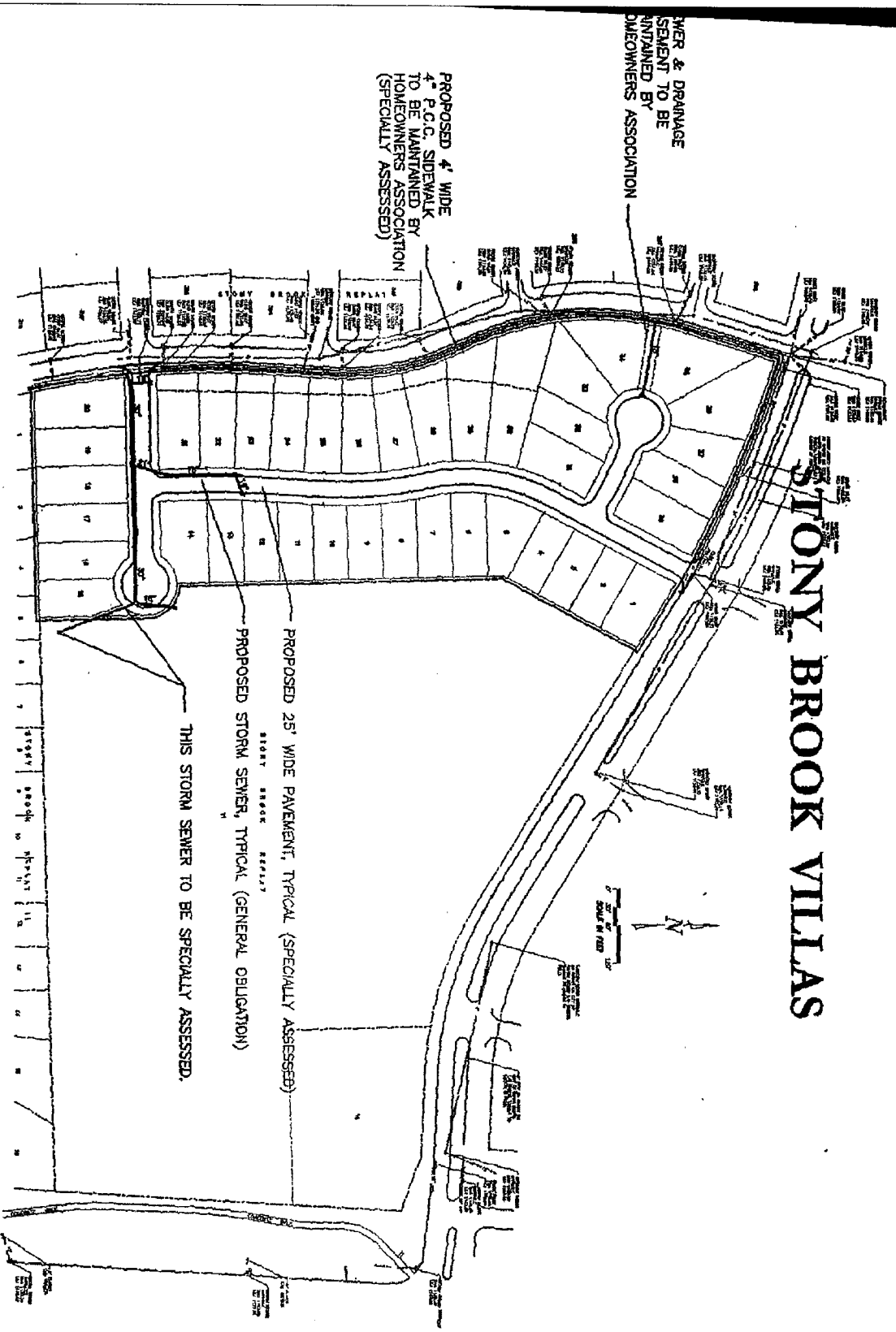
The foregoing Subdivision Agreement was acknowledged before me this 3 day of July, 2002 by Terrence J. Ficenec, President of Stony Brook Villas Homeowners Association on behalf of the Association.



Patricia S. Devaney
NOTARY PUBLIC

TD² File No. 131-136.4

STONY BROOK VILLAS



SEWER & DRAINAGE
SYSTEM TO BE
MAINTAINED BY
HOMEOWNERS ASSOCIATION

PROPOSED 4' WIDE
P.C.C. SIDEWALK
TO BE MAINTAINED BY
HOMEOWNERS ASSOCIATION
(SPECIALLY ASSESSED)

PROPOSED 25' WIDE PAVEMENT, TYPICAL (SPECIALLY ASSESSED)
STREET ROAD REPAIR
PROPOSED STORM SEWER, TYPICAL (GENERAL OBLIGATION)
THIS STORM SEWER TO BE SPECIALLY ASSESSED.

EXHIBIT B

PAVING & STORM SEWER

131-136
EXHIBIT_B1.DWG

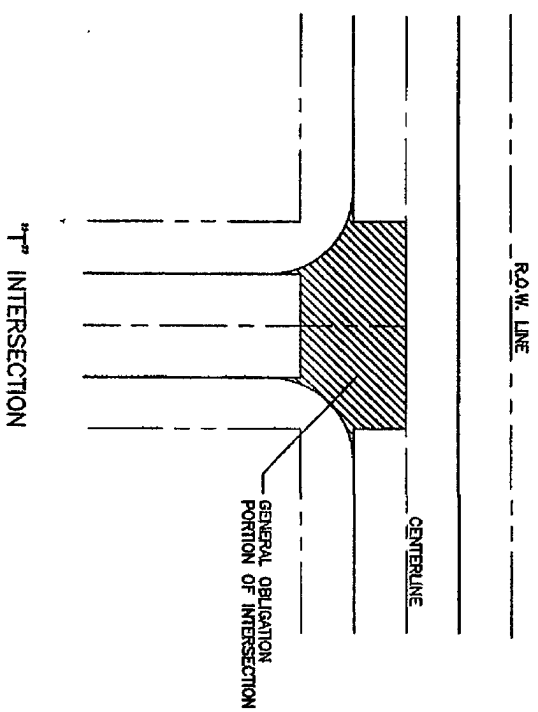


EXHIBIT B
PAGE 2



STONY BROOK VILLAS

ITEM	ESTIMATED CITY COST	ESTIMATED SPECIALLY ASSESSED	ESTIMATED TOTAL COST
PAVEMENT	\$20,400	\$110,400	\$130,800
STORM SEWER	\$49,900	\$4,600	\$54,500
SANITARY SEWER	\$0	\$68,900	\$68,900
SIDEWALK	\$0	\$15,700	\$15,700
TOTAL	\$70,300	\$199,600	\$269,900

EXHIBIT "E"

TD2 NO. 131-136
June 25, 2002

CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebr.....August 13, 2002.....

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, Apollo Building Corporation, Inc. proposes to build a Subdivision, Stony Brook Villas, which will be located southeast of 147th Street and Stony Brook Boulevard; and,

WHEREAS, Apollo Building Corporation, Inc. wishes to connect to Omaha's sewer system, the system of sanitary sewers to be constructed by the City within the area to be developed; and,

WHEREAS, Apollo Building Corporation, Inc. will create the Stony Brook Villas Homeowners Association who will provide certified ongoing maintenance within the Subdivision; and,

WHEREAS, the City of Omaha has established Street Improvement District 6868 to install the paving, Storm Sewer District No. 6050 to install the storm sewer and Sanitary District 6051 to install the sanitary sewer to service the Subdivision; and,

WHEREAS, the proposed estimated cost is \$269,900.00 with the City paying \$20,400.00 from the 2000 Street and Highway Fund 13175, Intersection Construction Organization 116166; \$49,900 from the 2000 Sewer Bond Fund 13116, Organization 116251; and \$199,600.00 from the Special Assessment Fund 13573, Organization 11668; and,

WHEREAS, the Public Works Department, following completion of the improvement, shall specially assess the \$199,600.00 to the benefited slots within the Subdivision.

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:

By.....
Councilmember

Adopted.....

.....
City Clerk

Approved.....
Mayor

CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebr. August 13, 2002

PAGE 2

THAT, the Subdivision Agreement among the City of Omaha, Apollo Building Corporation, Inc. and Stony Brook Villas Homeowners Association, as recommended by the Mayor, providing for the public improvements and sewer connections to the Omaha sewer system, is hereby approved.

BE IT FURTHER RESOLVED:

THAT the Finance Department is authorized to pay for the improvement from the following sources: \$20,400.00 from the 2000 Street and Highway Fund 13175, Intersection Construction Organization 116166; \$48,000 from the 2000 Sewer Bond Fund 13116, Organization 116251; and \$199,600.00 from the Special Assessment Fund 13573, Organization 11668.

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APPROVED AS TO FORM:

[Signature] 7-19-02
CITY ATTORNEY DATE

IMPRINTED SEAL
REGISTER OF DEEDS

By *[Signature]* Councilmember

Adopted AUG 27 2002 7-0

[Signature]
City Clerk

Approved *[Signature]* 8/29/02
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.

[Signature]
CITY CLERK

1954-

NO. 1928

Resolution by

Res. that the Subdivision Agreement among the City of Omaha, Apollo Building Corporation, Inc. and Stony Brook Villas Homeowners Association, as recommended by the Mayor, providing for the public improvements and sewer connections to the Omaha sewer system, is hereby approved. The Subdivision is to be known as Stony Brook Villas which will be located southeast of 147th Street and Stony Brook Boulevard; that the Finance Department is authorized to pay for the improvement from the following sources: \$20,400.00 from the 2000 Street and Highway Fund 13175, Intersection Construction Organization 116166; \$49,000 from the 2000 Street and Highway Fund 13175, Intersection Construction Organization 116166; \$49,000 from the 2000 Street and Highway Fund 13175, Intersection Construction Organization 116166.

Organization 11668.

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194

Presented to City Council

AUG 13 2002

#1954- Over 2 weeks to sign/for pursuant to City Council Rule III E.

AUG 27 2002 -- Adopted 7-0

Buster Brown

City Clerk

