

PWC

COUNCIL CHAMBER

Omaha, Nebr. June 14, 1983

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, Turtle Creek Joint Venture, a Nebraska Corporation proposes to build a Subdivision, Turtle Creek Plaza, Lot 1, which will be located North and West of 90th Street and Harrison Street; and,

WHEREAS, Turtle Creek Joint Venture, a Nebraska Corporation wishes to connect to Omaha's sewer system, the system of sanitary sewers to be constructed by Turtle Creek Joint Venture, a Nebraska Corporation within the area to be developed; and,

WHEREAS, the parties wish to agree upon the manner which public improvements will be built by Turtle Creek Joint Venture, a Nebraska Corporation and to clarify the responsibilities of the parties in building and maintaining the improvements in the subdivision; and,

WHEREAS, an 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 Mayor is authorized to sign and the City Clerk is authorized to attest the Subdivision Agreement between the City of Omaha and Turtle Creek Joint Venture, a Nebraska Corporation providing for the public improvements and sewer connections to the Omaha sewer system.

APPROVED AS TO FORM:

[Signature]
ASSISTANT CITY ATTORNEY

PWC/12:1C6:7

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.

Devin Simon

Councilman

Grace P. Marten
ACTING DEPUTY CITY CLERK

adopted JUN 14 1983 6-0

Grace P. Marten
ACTING DEPUTY City Clerk

Approved *Michael Boyle*
Mayor 6/16/83

7

SUBDIVISION AGREEMENT

THIS SUBDIVISION AGREEMENT, made and entered into this 4th day of June, 1983, by and between TURTLE CREEK JOINT VENTURE, a Nebraska Joint Venture composed of Turtle Creek, Inc., a Nebraska Corporation, and Rickurt Company, a Delaware Corporation (hereinafter referred to as "Subdivider"), SANITARY AND IMPROVEMENT DISTRICT NO. 295 OF DOUGLAS COUNTY, NEBRASKA) hereinafter referred to as "District"), and the CITY OF OMAHA, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City").

W I T N E S S E T H :

WHEREAS, Subdivider is the owner of the land included within the proposed plat attached hereto as Exhibit "A", which parcel of land (hereinafter referred to as the "Area to be Developed") is outside the corporate limits of the City and within the City's zoning and platting jurisdiction; and,

WHEREAS, the Subdivider wishes to connect to the system of sanitary sewers constructed by the District, which sanitary sewers are connected to the sewer system of the City; and,

WHEREAS, the Subdivider and City desire to outline the construction of the improvements within the Area to be Developed.

NOW, THEREFORE, the following is agreed between the parties hereto:

1. Sanitary Sewer And Storm Sewer. Sanitary sewer and storm sewer facilities have been built by the District adjacent to the Area to be Developed. The District hereby agrees to allow the Subdivider to connect to the sewer system of the District, subject to obtaining proper permits and paying the regular fees. The City hereby acknowledged that it has given the Subdivider the right to connect, subject to obtaining proper permits, its sanitary sewer system to the District and to the City sanitary sewer system.

2. Water, Gas, And Electrical Power. Water, gas, and electrical power facilities are adjacent to the Area to be Developed. The Subdivider agrees to enter into an agreement with Metropolitan Utilities District regarding all water and gas lines extensions in the Area to be Developed. Copies of all agreements with Omaha Public Power District and Metropolitan Utilities District will be provided to the City.

3. Payment For Improvements. The Subdivider shall pay for all private improvements, all charges by the Metropolitan Utilities District for water and gas lines, and all charges by the Omaha Public Power District for underground electrical services or overhead power.

(L)



4. Sidewalks. Construction of sidewalks shall not be required because of the proposed improvement of Harrison Street and the 90th Street and Harrison Street intersection, which said 90th Street and Harrison Street provide the eastern and southern boundaries, respectively, of the Area to be Developed. In the event that sidewalks are installed, the District agrees to install the same and said costs shall be specially assessed against the property benefited within the Area to be Developed.

5. Private Improvements. The sanitary sewers, storm sewers, and pavement are to be constructed on private property, except for the points of connection to 90th Street and Harrison Street right-of-ways. The Subdivider shall pay the entire cost of all the private improvements. Maintenance of private sewer systems and paving shall not become the obligation of the City or any other public subdivision.

6. Binding Effect. This Subdivision Agreement shall be binding upon the parties, their respective successors and assigns.

TURTLE CREEK JOINT VENTURE,
A Nebraska Joint Venture

BY: TURTLE CREEK, INC., A
Nebraska Corporation, a
joint venturer, signing
in behalf of all of the
joint venturers pursuant
to the power granted to
Turtle Creek, Inc., the
developer, as contained
in Paragraph 8(b) of the
Joint Venture Agreement,
dated January 30, 1978,
by and between Rickurt
Company, a Delaware Cor-
poration, and Turtle
Creek, Inc., a Nebraska
Corporation.

BY: [Signature]
GLENN L. BUCK, President

ATTEST:

[Signature]
CLERK

ATTEST:

[Signature]
ACTING
DEPUTY
CITY CLERK



SANITARY AND IMPROVEMENT DISTRICT
NO. 295 of DOUGLAS COUNTY, NEBRASKA

BY: [Signature]
CHAIRMAN

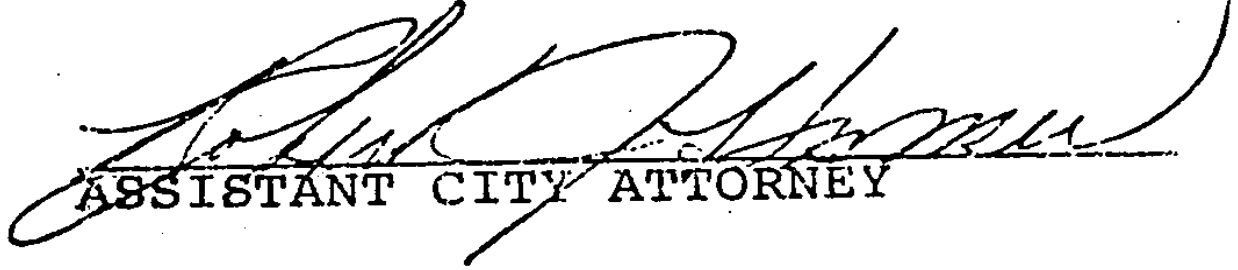
CITY OF OMAHA, A Municipal
Corporation

BY: [Signature]
MAYOR

DATE
★



APPROVED AS TO FORM:

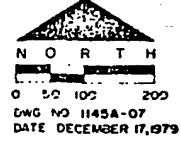
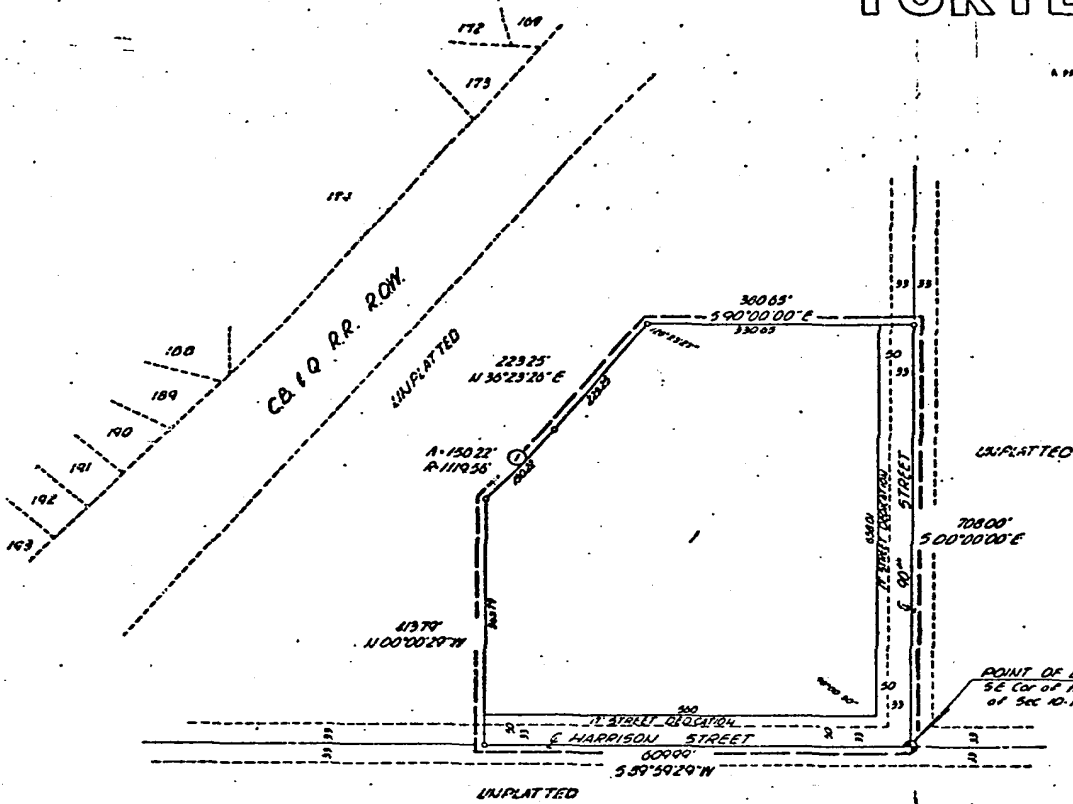
A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the Assistant City Attorney.

ASSISTANT CITY ATTORNEY

TURTLE CREEK PLAZA

LOT 1

A PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST, S. 23 THE 6TH P.M., DOUGLASS COUNTY, NEBRASKA.



ACKNOWLEDGMENT BY
STATE OF NEBRASKA
COUNTY OF DOUGLAS

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OF BEICART LOPAN
THE FOREGOING DEED
AND DEED AND AS
AND DEED AND AS
LAST APPEARED

BY COMMISSION EXP

ACKNOWLEDGMENT BY
STATE OF NEBRASKA
COUNTY OF DOUGLAS

ON
COMMISSIONED AND
OF CHICAGO TITLE
CORPORATION, PLUM
HE ACKNOWLEDGES
THE VOLUNTARY ACT

BY COMMISSION EXP

APPROVAL OF OHMA CITY COUNCIL

THIS PLAT OF TURTLE CREEK PLAZA, LOT 1, WAS APPROVED BY THE OHMA CITY COUNCIL ON THIS _____ DAY OF _____, 19____ A.D.

BY: _____
PRESIDENT OF COUNCIL

ATTEST: _____
CITY CLERK

APPROVAL OF OHMA PLANNING BOARD

THIS PLAT OF TURTLE CREEK PLAZA, LOT 1, WAS APPROVED BY THE OHMA CITY PLANNING BOARD ON THIS _____ DAY OF _____, 19____ A.D.

Chas. J. Smith
CHAIRMAN, OHMA CITY PLANNING BOARD

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND ENBAGED WITHIN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

DATE: 5th 12, 1980

Don J. Hunsell
Don R. Pustians
COUNTY TREASURER

APPROVAL OF CITY ENGINEER OF OHMA

I HEREBY APPROVE THIS PLAT OF TURTLE CREEK PLAZA (LOT 1) AS TO THE DESIGN STANDARDS ON THIS 11 DAY OF March, 19 80 A.D.

D. J. ...
CITY ENGINEER

I HEREBY CERTIFY THAT JOCODE PROVISIONS HAVE BEEN MADE FOR COMPLIANCE WITH TITLE 36 OF THE OHMA MUNICIPAL CODE.

DATE _____ CITY ENGINEER _____

CURVE	DELTA	T	R	B	L
1	7°41'15"	75.22	1115.56	6.11772	156.22



ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA
COUNTY OF DOUGLAS

ON THIS 26 DAY OF December, 1979, BEFORE ME, THE UNDERSIGNED, IN AND FOR SAID COUNTY, PERSONALLY CAME GENE D. SWENSON, PRESIDENT OF TURTLE CREEK, INC., A NEBRASKA CORPORATION, TO ME PERSONALLY KNOWN TO BE THE PERSON AND IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE FOREGOING INSTRUMENT, AND WHO ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AS FOLLOWS: I, SAID TURTLE CREEK, INC., THE VOLUNTARY ACT AND DEED OF SAID TURTLE CREEK, INC., AND THE VOLUNTARY ACT AND DEED OF TURTLE CREEK JOINT VENTURE, A NEBRASKA JOINT VENTURE, AND THAT THE CORPORATE SEAL OF SAID TURTLE CREEK, INC., WAS AFFIXED THEREON BY ITS AUTHORITY.

WITNESS MY HAND AND NOTARIAL SEAL IN OHMA, NEBRASKA, IN SAID COUNTY AND STATE, THE DATE AND YEAR LAST ABOVE WRITTEN.

Joyce S. Wright
NOTARY PUBLIC

ACKNOWLEDGMENT BY
STATE OF NEBRASKA
COUNTY OF DOUGLAS

ON
COMMISSIONED AND
OF CHICAGO TITLE
CORPORATION, PLUM
HE ACKNOWLEDGES
THE VOLUNTARY ACT

BY COMMISSION EXP

ACKNOWLEDGMENT BY
STATE OF NEBRASKA
COUNTY OF DOUGLAS

ON
COMMISSIONED AND
OF CHICAGO TITLE
CORPORATION, PLUM
HE ACKNOWLEDGES
THE VOLUNTARY ACT

BY COMMISSION EXP

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TURTLE CREEK PLAZA LOT 1

PLAT OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 12 EAST OF
RANGE 6TH P.M., DOUGLAS COUNTY, NEBRASKA.

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } SS

ON THIS 3rd DAY OF January, 1980, BEFORE ME, A NOTARY PUBLIC WELLY
COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME Frederick S. Fucholz
OF RICCAUT COMPANY, A DELAWARE CORPORATION, PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHO EXECUTED
THE FOREGOING DEDICATION AND ACKNOWLEDGED THAT HE/SHE EXECUTED SAID DEDICATION AS HIS/HER VOLUNTARY ACT
AND DEED AND AS SUCH OFFICER AND AS THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL AT Omaha, NEBRASKA, IN SAID COUNTY THE DATE
LAST AFORESAID.

James T. Wright
NOTARY PUBLIC

MY COMMISSION EXPIRES ON THE _____ DAY OF _____ 19____.

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } SS

ON THIS 26th DAY OF December, 1979, BEFORE ME, A NOTARY PUBLIC WELLY
COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME John M. Hosking
OF CHICAGO TITLE INSURANCE COMPANY, TRUSTEE, OMAHA, NEBRASKA, TRUSTEE FOR RICCAUT COMPANY, A DELAWARE
CORPORATION, PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHO EXECUTED THE FOREGOING DEDICATION AND
HE ACKNOWLEDGED THAT HE EXECUTED SAID DEDICATION AS HIS VOLUNTARY ACT AND DEED AND AS SUCH OFFICER AND AS
THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL AT OMAHA, NEBRASKA, IN SAID COUNTY THE DATE LAST AFORESAID.

James T. Wright
NOTARY PUBLIC

MY COMMISSION EXPIRES ON THE _____ DAY OF _____ 19____.

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } SS

ON THIS 3rd DAY OF January, 1980, BEFORE ME, A NOTARY PUBLIC WELLY
COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME Frederick S. Bunde
OF AN LAND AND CATTLE COMPANY, A NEBRASKA CORPORATION, PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHO
EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED THAT HE/SHE EXECUTED SAID DEDICATION AS HIS/HER
VOLUNTARY ACT AND DEED AND AS SUCH OFFICER AND AS THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL AT OMAHA, NEBRASKA, IN SAID COUNTY THE DATE LAST AFORESAID.

James T. Wright
NOTARY PUBLIC

MY COMMISSION EXPIRES ON THE _____ DAY OF _____ 19____.

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } SS

ON THIS 26th DAY OF December, 1979, BEFORE ME, A NOTARY PUBLIC WELLY
COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME John M. Hosking
OF CHICAGO TITLE INSURANCE COMPANY, TRUSTEE, OMAHA, NEBRASKA, TRUSTEE FOR AN LAND AND CATTLE COMPANY, A
NEBRASKA CORPORATION, PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHO EXECUTED THE FOREGOING DEDICATION
AND HE ACKNOWLEDGED THAT HE EXECUTED SAID DEDICATION AS HIS VOLUNTARY ACT AND DEED AND AS SUCH OFFICER AND AS
THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL AT OMAHA, NEBRASKA, IN SAID COUNTY THE DATE LAST AFORESAID.

James T. Wright
NOTARY PUBLIC

MY COMMISSION EXPIRES ON THE _____ DAY OF _____ 19____.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT
A PLAT HAS BEEN FURNISHED TO THE CITY OF OMAHA IN ORDER TO INSURE THE PLACING OF PERMANENT MONUMENTS
AND STAKES. SAID SUBDIVISION IS KNOWN AS TURTLE CREEK PLAZA (LOT 1) AND IS LOCATED IN A PART OF THE
SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 12 EAST OF THE 6TH P.M., DOUGLAS COUNTY,
NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 10, THENCE SOUTH
47°59'22" WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF S-10 SECTION 10 (I.E.A. THE CENTER LINE OF
WARRISON STREET), A DISTANCE OF 609.99 FEET; THENCE NORTH 07°00'29" WEST, A DISTANCE OF 412.79 FEET
TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG A 1119.96-FOOT RADIUS CURVE TO THE LEFT (CORN BEARING)
NORTH 47°14'42" EAST, CHORD DISTANCE OF 150.11 FEET; AN ARC DISTANCE OF 150.22 FEET TO A POINT OF
TANGENCY; THENCE NORTH 34°23'26" EAST, A DISTANCE OF 723.25 FEET; THENCE SOUTH 80°00'00" EAST, A
DISTANCE OF 380.65 FEET TO A POINT LOCATED ON THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10
(I.E.A. THE CENTER LINE OF 9TH STREET); THENCE SOUTH 00°00'00" EAST, ALONG THE SAID LINE, A DISTANCE
OF 708.00 FEET TO THE POINT OF BEGINNING.

Dated December 17, 1979
Clarence R. Coyle, Jr.
SURVEYOR

DEDICATION

BY AND FOR THE PRESENTS THAT I, TURTLE CREEK JOINT VENTURE, A NEBRASKA JOINT VENTURE BY TURTLE CREEK INC.,
A NEBRASKA CORPORATION, A JOINT VENTURE, GENE D. SPENSER, A RESIDENT, AND CHICAGO TITLE INSURANCE COMPANY,
OMAHA, NEBRASKA, TRUSTEE AND AN LAND AND CATTLE COMPANY, A CORPORATION, OMAHA, NEBRASKA, BENEFICIARY OF A CERTAIN
TRUST DEED, AND CHICAGO TITLE INSURANCE COMPANY, OMAHA, NEBRASKA, TRUSTEE, AND RICCAUT COMPANY, A CORPORATION,
OMAHA, NEBRASKA, BENEFICIARY OF A CERTAIN SECOND TRUST DEED, BEING SOLE OWNERS AND PROPRIETORS OF THE LAND
DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT HAVE CAUSED SAID LAND TO BE SUBDIVIDED
INTO LOTS AND STREETS TO BE NUMBERED AND NAMED AS SHOWN. SAID SUBDIVISION TO BE HEREAFTER KNOWN AS TURTLE CREEK
PLAZA, LOT 1, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS
PLAT; AND WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS AS SHOWN ON THIS PLAT; SANS AND UNLARGE
EASEMENTS AS SHOWN ON THIS PLAT ARE GRANTED TO SANITARY AND IMPROVEMENT DISTRICT NO. 290 OF DOUGLAS COUNTY,
NEBRASKA; A PERPETUAL EASEMENT IS HEREBY GRANTED TO METROPOLITAN UTILITIES DISTRICT OF OMAHA, THEIR SUCCESSORS
AND ASSIGNS, TO ERRECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND REVEN, PIPELINES, HYDRANTS, AND OTHER RELATED
FACILITIES, AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER OR, THROUGH, UNDER AND ACROSS A
FIVE (5) FOOT WIDE STRIP OF LAND ADJOINING ALL CUL-DE-SAC STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS
SHALL BE PLACED IN THE SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER
PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED. WE DO FURTHER
GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, AND NORTHWESTERN BELL TELEPHONE COMPANY, THEIR
SUCCESSORS AND ASSIGNS, TO ERRECT, OPERATE, MAINTAIN, REPAIR AND REVEN, POLES, WIRES, CROSSARMS, JOCK CUTS 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 AND FOR THE TRANSMISSION OF SIGNALS AND SOUND
OF ALL KINDS AND THE RECEPTION ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ADJOINING
ALL FRONT AND SIDE BOUNDARY LOT LINES, AN EIGHT (8) FOOT WIDE STRIP OF LAND ADJOINING THE REAR BOUNDARY LINES
OF ALL EXTERIOR LOTS, AND A SIXTEEN (16) FOOT WIDE STRIP OF LAND ADJOINING THE REAR BOUNDARY LINES OF ALL
EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE
ABOVE DESCRIBED ADDITION. SAID SIXTEEN (16) FOOT WIDE EASEMENT WILL BE REDUCED TO AN EIGHT (8) FOOT WIDE
STRIP WHEN THE ADJACENT LAND IS SURVIVED, PLATTED AND RECORDED. NO PERMANENT BUILDINGS OR RETAINING WALLS
SHALL BE PLACED IN THE SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, AND
OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.
IN WITNESS WHEREOF WE DO HEREAFTER SET OUR HANDS THIS 3RD DAY OF Jan., 1980, A.D.

TURTLE CREEK JOINT VENTURE,
A NEBRASKA JOINT VENTURE
BY John M. Hosking
TRUSTEE FOR AN LAND AND CATTLE COMPANY,
A NEBRASKA CORPORATION

CHICAGO TITLE INSURANCE COMPANY, A CORPORATION,
TRUSTEE FOR AN LAND AND CATTLE COMPANY,
A NEBRASKA CORPORATION
BY Frederick S. Bunde
TRUSTEE

AN LAND AND CATTLE COMPANY,
A NEBRASKA CORPORATION
BY Frederick S. Bunde

CHICAGO TITLE INSURANCE COMPANY, A CORPORATION,
TRUSTEE FOR RICCAUT COMPANY, A DELAWARE CORPORATION
BY John M. Hosking

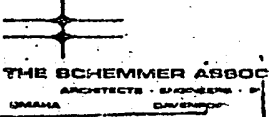


EXHIBIT "A"

H. J. Meas

RECEIVED
1983 JUN 23 PM 2:55

C. HAROLD OSTLER
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

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