

FILED SARPY CO. NE.

INSTRUMENT NUMBER

98-027771

98 OCT -2 AM 8: 26

*Glenn J. Lowrey*

REGISTER OF DEEDS

98-27771

Counter ka

Verify DJS

D.E. \_\_\_\_\_

Proof a

Fee \$ 20.00

Ck  Cash  Chg

*ST*

**FIRST AMENDMENT TO  
PRELIMINARY SUBDIVISION AGREEMENT  
Sarpy County Industrial Park Subdivision**

THIS AMENDMENT to that certain Preliminary Subdivision Agreement entered into February 24, 1998, by and between the CITY OF LA VISTA, a Municipal corporation in the State of Nebraska (therein and herein referred to as "City") and HARLAN and MILDRED OTTE, husband and wife (therein and herein collectively referred to as "Ottes"), and the OMAHA DEVELOPMENT FOUNDATION, a Nebraska not for profit corporation (herein "ODF"). Said agreement being herein referred to as the "Subdivision Agreement."

WITNESSETH:

WHEREAS, in order to facilitate a swap of land originally platted as Lot 1 of the Subdivision for a portion of what had been originally platted as Lot 2 of the Subdivision, Ottes have applied for a replat of the original Sarpy County Industrial Park Subdivision, as more fully shown on Exhibit "A" to this Amendment, with the effect of replatting the original Lots 1 and 2, less area taken for 126th Street right-of-way, leaving a net of 53.811 acres, into different Lots 1 and 2, consisting of 53.811 acres, to be known as Sarpy County Industrial Park Replat 1, as shown on Exhibit "A" to this Amendment (herein referred to as "Replat 1"); and

WHEREAS, ODF has applied for a platting of 2.561 acres of land owned by it to be added to and included within the Subdivision, said 2.561 acres as platted to be known as Sarpy County Industrial Park Phase 2, and to be platted as Lots 3 and 4 of the Subdivision, as shown on Exhibit "B" to this Amendment (herein referred to as "Phase 2"); and

WHEREAS, such Replat 1 of the original Subdivision and addition of Phase 2 requires an Amendment to the Subdivision Agreement.

NOW, THEREFORE, in consideration of the mutual agreements and covenants of the parties hereto, it is agreed by and between them that in respect to the Subdivision that:

1. The original 55.887 acres of the Subdivision, less area taken for 126th Street right-of-way, as replatted into "Sarpy County Industrial Park Replat 1" shall continue to be subject in all respects to the rights, restrictions and obligations of the Subdivision Agreement. Provisions applicable to Lot 1 of the original plat shall hereafter be applicable to Lot 1 of Replat 1. Provisions applicable to Lot 2 of the original plat shall hereafter be applicable to Lot 2 of Replat 1.
2. The provisions of the Subdivision Agreement shall be applicable to Lots 3 and 4 (being all of Phase 2) in the same manner and to the same extent as applicable to the original 55.887 acres of the Subdivision, except those uniquely applicable to Lot 1 of Replat 1.
3. Lots 3 and 4 of Phase 2 shall be subject to the same restrictions, rights and obligations as are applicable to Lot 2 of Replat 1.
4. The requirement of Section 4 requiring replat prior to subdivision, sale or lease is deemed satisfied as to Lot 1 of Replat 1.
5. Except as specifically amended hereby, all terms and conditions of the Subdivision Agreement shall remain in full force and effect as originally written.

027771

*ST*

98-277771A

IN WITNESS WHEREOF, we, the parties hereto, by our respective duly authorized agents, hereto affix our signatures the day and year first above written.

ATTEST:

CITY OF LA VISTA.

Rita M. Ramirez  
Rita Ramirez, City Clerk

By Terrilyn Quick  
Terrilyn Quick, Acting Mayor

Harlan Otte  
Harlan Otte

Mildred Otte  
Mildred Otte

OMAHA DEVELOPMENT FOUNDATION

By Pat R. Laupin  
President

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF SARPY )

On this 24 day of September, 1998, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Terrilyn Quick, personally known by me to be the Acting Mayor of the City of La Vista and Rita Ramirez, to me personally known to be the City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing First Amendment to Preliminary Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.



Brenda L. Sedlacek  
Notary Public

98-27771B

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF Sarpy )

On this 22 day of September, 1998, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Harlan and Mildred Otte, husband and wife, to me personally known to be the identical persons whose names are affixed to the foregoing First Amendment to Preliminary Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.



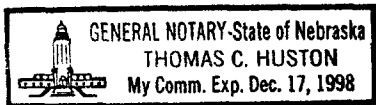
[Signature]  
Notary Public

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF Douglas )

On this 23 day of September, 1998, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Bruce R. Lawitzen, personally known by me to be the President of the Omaha Development Foundation, to me personally known to be the President of the Omaha Development Foundation, and the identical person whose name is affixed to the foregoing First Amendment to Preliminary Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

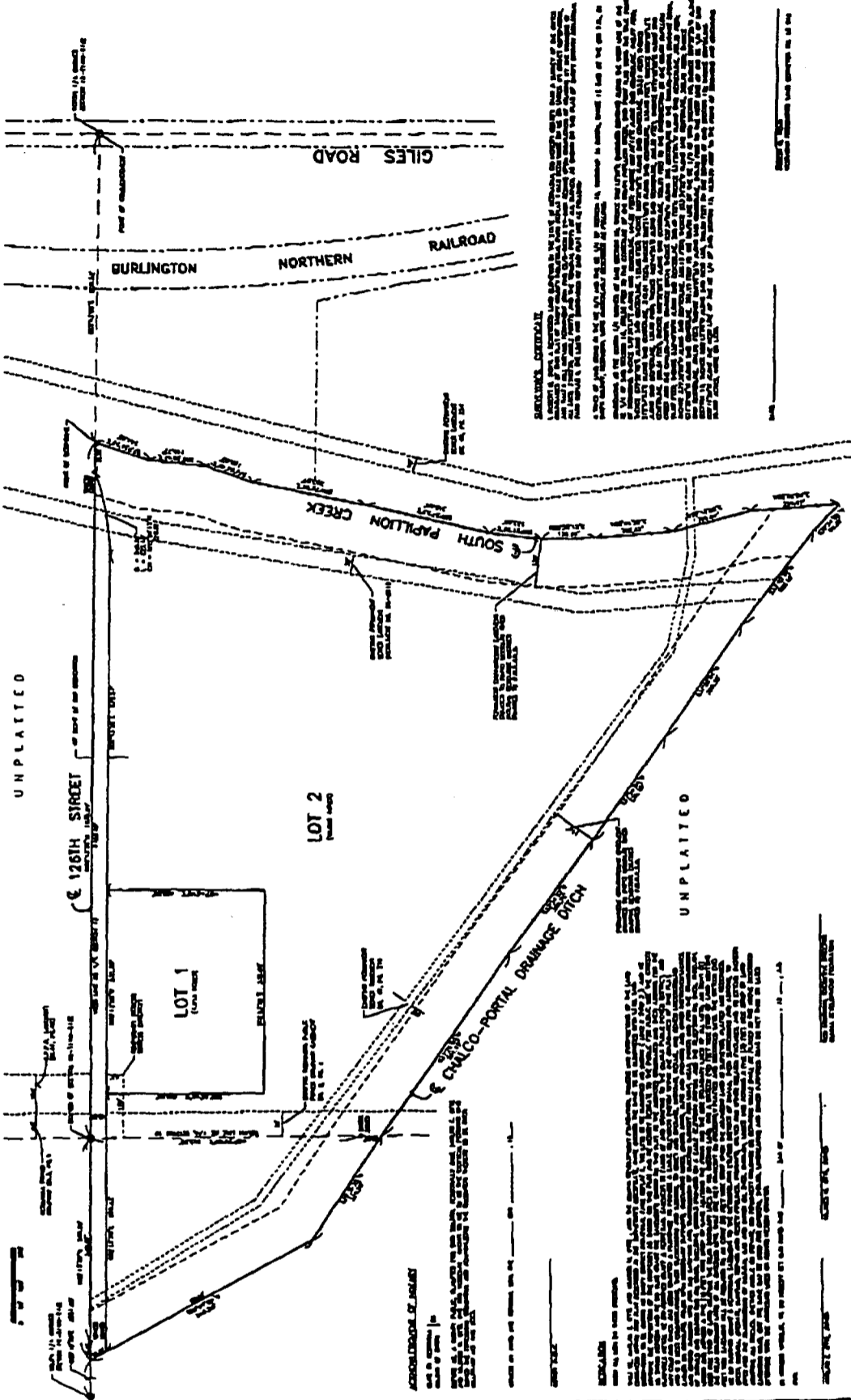


[Signature]  
Notary Public

# SARPY COUNTY INDUSTRIAL PARK REPLAT 1

## LOT 1 AND LOT 2

A TRACT OF LAND BEING IN THE NE 1/4 AND THE SE 1/4 OF SECTION 19, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 8TH P.M., IN SARPY COUNTY, NEBRASKA



**MRS. KIRKHAM  
MICHAEL**  
CONSULTING ENGINEERS  
1001 1/2 S. 10th St., Lincoln, Neb.  
SHEET 1 OF 1  
M.N. 971122

**REMARKS**  
THIS PLAN WAS PREPARED BY THE ENGINEER FROM THE SURVEY DATA FURNISHED BY THE SURVEYOR AND THE INFORMATION CONTAINED HEREIN IS BASED ON THE ASSUMPTION THAT THE SURVEY DATA IS CORRECT AND THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE TRUE PROPERTY LINES. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE PROPERTY LINES SHOWN ON THIS PLAN AND HAS NOT BEEN ADVISED BY THE SURVEYOR OF ANY DISCREPANCIES BETWEEN THE SURVEY DATA AND THE ACTUAL PROPERTY LINES. THE ENGINEER HAS NOT BEEN ADVISED OF ANY DISCREPANCIES BETWEEN THE SURVEY DATA AND THE ACTUAL PROPERTY LINES. THE ENGINEER HAS NOT BEEN ADVISED OF ANY DISCREPANCIES BETWEEN THE SURVEY DATA AND THE ACTUAL PROPERTY LINES.

**APPROVAL OF SURVEYOR**  
I, \_\_\_\_\_, Surveyor for Sarpy County, Nebraska, do hereby certify that the above described plat is a true and correct copy of the original filed with me on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

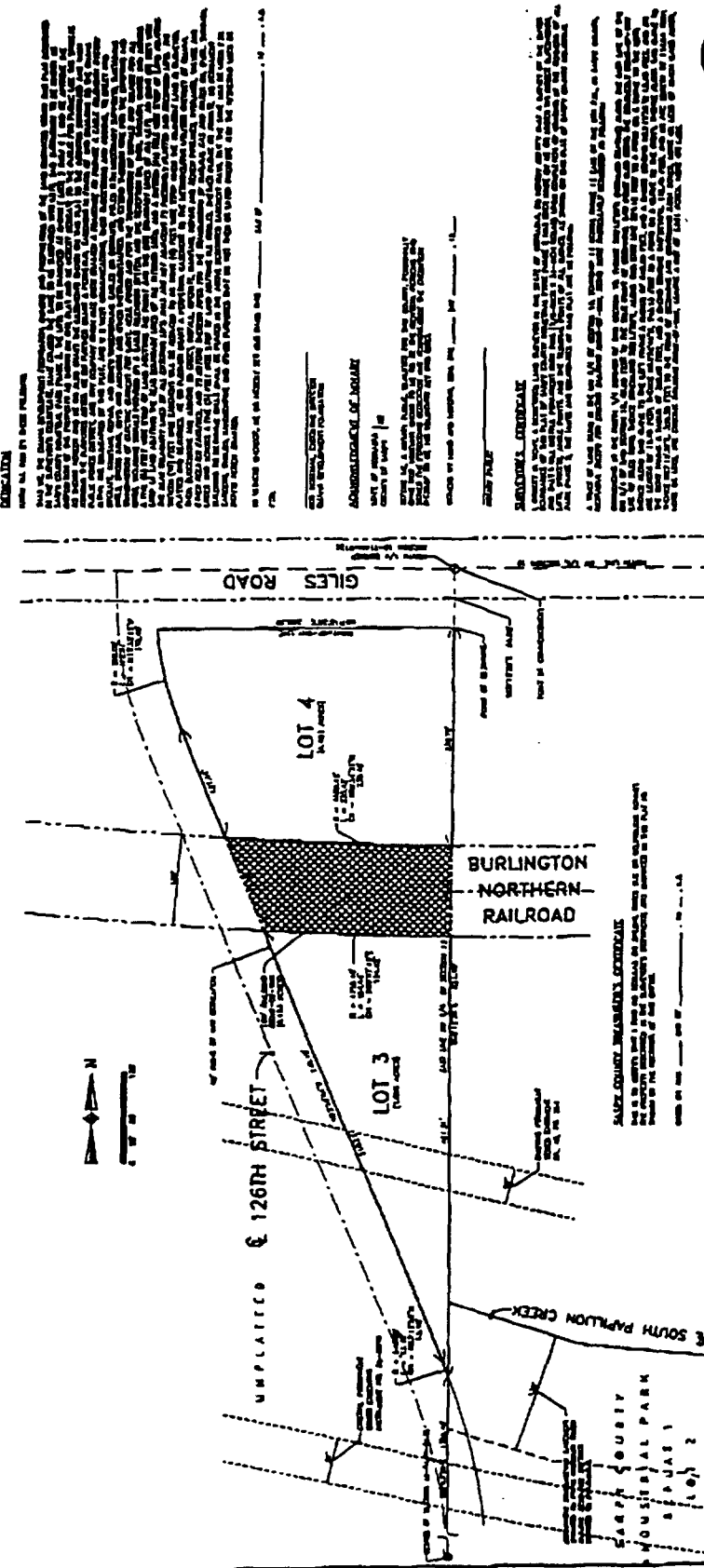
**APPROVAL OF COUNTY ENGINEER**  
I, \_\_\_\_\_, County Engineer for Sarpy County, Nebraska, do hereby certify that the above described plat is a true and correct copy of the original filed with me on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**APPROVAL OF TOWN ENGINEER**  
I, \_\_\_\_\_, Town Engineer for Sarpy County, Nebraska, do hereby certify that the above described plat is a true and correct copy of the original filed with me on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

# SARPY COUNTY INDUSTRIAL PARK PHASE 2

## LOTS 3 THRU LOT 4

A TRACT OF LAND BEING IN THE NW 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 12 EAST, THE 6TH P.M., IN SARPY COUNTY, NEBRASKA



**GENERAL NOTES**

1. THE LOTS SHOWN ON THIS PLAN ARE SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS OF RECORD AFFECTING THE SAME.

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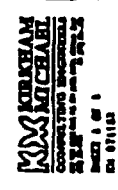
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