

REGISTER OF DEEDS

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FOR RECORDING  
INFORMATION.**

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NEXT PAGE.**

# LLOYD J. DOWDING

**402-593-5773**

 $R + R$ 

City of Papillion  
122 E. 3rd St.

Papillion, NE 68046

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**FIRST AMENDMENT TO  
SUBDIVISION AGREEMENT**

THIS FIRST AMENDMENT TO SUBDIVISION AGREEMENT ("Amendment") is made this 2nd day of May, 2006 ("Effective Date"), by and among GILES ROAD NO. 2, LLC, a Nebraska limited liability company ("DEVELOPER"), and SANITARY AND IMPROVEMENT DISTRICT NO. 266 OF SARPY COUNTY, NEBRASKA, a Nebraska political subdivision ("DISTRICT"), and THE CITY OF PAPILLION, NEBRASKA, a municipal corporation of the first class ("CITY").

WITNESSETH:

WHEREAS, the DEVELOPER, the DISTRICT and CITY entered into a Subdivision Agreement ("Subdivision Agreement") dated January 17, 2006; and

WHEREAS, the District and Developer have agreed to modify the Subdivision Agreement as set forth herein.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and covenants hereinafter contained, the DEVELOPER, the DISTRICT and the CITY agree as follows:

1. **Definitions:** Unless otherwise defined in this Agreement, all capitalized terms used in this Agreement will have the same meaning set forth for such terms in the Subdivision Agreement.

2. **Modifications to Subdivision Agreement.** The following sections of the Subdivision Agreement shall be modified by and between the DEVELOPER, the DISTRICT and the CITY as follows:

A. **Exhibit C** to the original Subdivision Agreement is repealed in its entirety and the attached **Exhibit C** is substituted in its place. The Source and Use of Funds attached hereto as **Exhibit C** anticipates the annexation of the area within the subdivision known as Portal Plaza South into the corporate boundaries of the District.

3. **Miscellaneous.**

A. **Counterparts.** This Agreement may be executed in counterparts each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

B. **No Other Amendment.** Except as specifically set forth herein, the Subdivision Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this Agreement is effective on the day and year first above written.

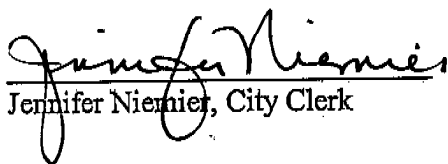
B

CITY OF PAPILLION, A Nebraska  
Municipal Corporation

ATTEST:



James E. Blinn, Mayor

  
Jennifer Niemier, City Clerk

ATTEST:

SANTARY & IMPROVEMENT DISTRICT  
NO. 266 OF SARPY COUNTY, NEBRASKA

*Ann Kelly*  
Clerk

By: *Gregory W. Entschey* Date 6-28-06  
Chairman

APPROVED AS TO FORM:

*[Signature]*  
Attorney for Sanitary and Improvement  
District No. 266 of Sarpy County, Nebraska

GILES ROAD NO. 2, LLC, a Nebraska limited  
liability company,

Date: 6-28-06

By: *Gregory W. Entschey*  
Its: *Manager*

# EXHIBIT "C"

## SOURCE & USE OF FUNDS SUMMARY OF COSTS ESTIMATES PORTAL PLAZA - SID # 266 1/17/2006 (Revised 04/12/06)

Proposed Improvement	Construction Cost	Total Cost	Special Assessment	General Obligation	Private	Reimbursement Other	Total
<b>SANITARY SEWER</b>							
Interior	\$27,075	\$37,905	\$34,125	\$3,780			\$37,905
Outfall							
<b>STORM SEWER</b>							
	\$83,880	\$117,432	\$9,240	\$108,192			\$117,432
<b>PAVING</b>							
Minor	\$78,870	\$89,700	\$89,700				\$89,700
Collector							
Major (Dbl Left-108th)	\$118,670	\$169,562	\$169,562				\$169,562
Major (107th)	\$110,490	\$125,955		\$125,955			\$125,955
Major (Cornhusker Rd)	\$219,643	\$250,393		\$250,393		\$196,932	\$250,393
<b>SIDEWALKS</b>							
	\$18,000	\$24,120	\$24,120				\$24,120
<b>PARKS</b>							
Acquisition							
Improvements							
<b>WATER</b>							
Interior	\$45,700	\$62,609	\$62,609				\$62,609
Off-Site	\$205,000	\$246,600	\$123,300	\$123,300			\$246,600
Capital Facility Charges (revised)	\$61,538	\$80,000	\$40,000	\$40,000			\$80,000
<b>POWER</b>							
Single-Family & Commercial	\$33,162	\$43,110	\$43,110				\$43,110
School							\$0
<b>OTHER</b>							
Grading & Erosion Control	\$36,500	\$36,500			\$36,500		\$36,500
<b>TOTAL</b>	\$1,038,528	\$1,283,886	\$595,766	\$651,620	\$36,500	\$196,932	\$1,283,886
Allocated to Portal Plaza South				(\$196,932)			
<b>NET</b>	\$1,038,528	\$1,283,886	\$595,766	\$454,688	\$36,500	\$196,932	\$1,283,886

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# EXHIBIT "C"

## DEBT RATIO

### ASSUMPTIONS:

Average market value per Residential Home  
 Average market value per Duplex Home  
 Commercial Land Value per square foot  
 Commercial Building Value per square foot  
 Apartment Land per square foot  
 Apartment Building per square foot

= \$0.00  
 = \$0.00  
 = \$130.00  
 = \$0.00  
 = \$0.00  
 = \$0.00

### ASSESSABLE VALUATION:

	Number of Units/Sq. Ft.	Unit Price	Total
Residential Home	1	\$0.00	\$0
Duplex Home	1	\$0.00	\$0
Commercial Land	87300	\$130.00	\$11,349,000
Commercial Building	1	\$0.00	\$0
Apartment Land	1	\$0.00	\$0
Apartment Building	1	\$0.00	\$0
Total 100% Valuation			\$11,349,000

4.01%

## DEBT RATIO



2006-31173 G

# Surveyor's Certificate

I hereby certify that I have made a ground survey of the subdivision described herein and that all dimensions have been computed for all Lots and Streets in PORTAL PLAZA (the Lots numbered as shown) being a platting of Tax Lots 13, 15, 17 and 19, Tax Lots located in the NW1/4 of Section 21; all located in Township 14 North, Range 12 East of the 6TH, P.M., Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Section 21; thence N87°30'21"E (assumed bearing) along the North line of said Section 21, a distance of 50.98 feet; thence S02°29'39"E, a distance of 110.00 feet to the point of intersection of the Southerly right-of-way line of Giles Road, and the East right-of-way line of 108th Street, said point also being the Northwest corner of said Tax Lot 17, said point also being the point of beginning; thence Easterly along said Southerly right-of-way line of Giles Road, said line also being the Northerly line of said Tax Lots 17 and 13 on the following described courses; thence N87°30'21"E, a distance of 220.28 feet; thence N84°54'36"E, a distance of 662.37 feet; thence N02°29'38"W, a distance of 47.00 feet; thence N87°30'21"E, a distance of 75.52 feet to the point of intersection of said Southerly right-of-way line of Giles Road, and the West right-of-way line of 107th Street, said point also being the Northeast corner of said Tax Lot 13; thence S02°29'39"E along said West right-of-way line of 107th Street, said line also being the East line of said Tax Lot 13, a distance of 176.15 feet; thence S03°26'28"E along said West right-of-way line of 107th Street, said line also being said East line of Tax Lot 13, a distance of 349.93 feet to the Southeast corner of said Tax Lot 13, said point also being the Northeast corner of said Tax Lot 17; thence S02°53'02"E along said West right-of-way line of 107th Street, said line also being the East line of said Tax Lots 17 and 15, a distance of 463.97 feet to the point of intersection of said West right-of-way line of 107th Street, and the Northerly right-of-way line of Cornhusker Road; thence N56°44'36"W along said Northerly right-of-way line of Cornhusker Road, a distance of 102.70 feet to the Easterly corner of said Tax Lot 19; thence N63°48'02"W along the Southerly line of said Tax Lot 19, said line also being said Northerly right-of-way line of Cornhusker Road, a distance of 580.59 feet; thence Northwesterly along said Southerly line of Tax Lot 19, said line also being said Northerly right-of-way line of Cornhusker Road, on a curve to the right with a radius of 714.09 feet, a distance of 185.67 feet, said curve having a long chord which bears N56°21'07"W, a distance of 185.14 feet; thence N41°05'48"E along said Southerly line of Tax Lot 19, said line also being said Northerly right-of-way line of Cornhusker Road, a distance of 25.00 feet; thence Northwesterly along said Southerly line of Tax Lot 19, said line also being said Northerly right-of-way line of Cornhusker Road, on a curve to the right with a radius of 689.09 feet, a distance of 174.44 feet, said curve having a long chord which bears N41°39'04"W, a distance of 173.97 feet; said point also being the Westerly corner of said Tax Lot 19, said point also being on the Southerly line of said Tax Lot 17; thence N56°44'36"W along said Northerly right-of-way line of Cornhusker Road, said line also being said Southerly line of Tax Lot 17, a distance of 156.11 feet to the Southwest corner of said Tax Lot 17, said point also being the point of intersection of said East right-of-way line of 108th Street, and said Northerly right-of-way line of Cornhusker Road; thence N03°00'21"W along said East right-of-way line of 108th Street, a distance of 220.83 feet to the point of beginning.

Said tract of land contains an area of 595,683 square feet or 13.675 acres, more or less.