

FILED SARPY CO. NE.  
 INSTRUMENT NUMBER  
 2001 16948  
 2001 JUN -7 A 11:27 AM  
 REGISTER OF DEEDS

Counter 859  
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R+R (E)  
 Brown + Wolff  
 1925 N. 120 St.  
 Omaha, Ne 68154

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF SANITARY AND  
 IMPROVEMENT DISTRICT NO. 223 OF  
 SARPY COUNTY, NEBRASKA

) DOC. 2101 NO. 806  
 )  
 ) DECREE

THIS MATTER came for hearing upon the duly executed Petition of the owners of all of the land included within Sanitary and Improvement District No. 223 of Sarpy County, Nebraska, as described on Exhibit "A" attached hereto and incorporated herein by this reference, and upon the Articles of Association of said District duly executed by the owners of all of the land included within said District, and upon the evidence the Court finds as follows:

1. That the owners of all other real estate included within said District have duly executed and filed Articles of Association of said District and Petition to this Court as required by Sections 31-727 through 785, Reissue Revised Statutes of Nebraska, 1943, as amended.
2. That there are no owners of real estate within said District which are unknown or who are nonresidents or who have failed to execute and file said Articles of Association and Petition, and therefore, issuance of summons or process should be dispensed with.
3. That the formation of said District will be conducive to the public health, convenience and welfare of present and future owners and occupants of all of said real estate included within said District.
4. That none of said real estate is located within any municipal corporation or used for industrial purpose.
5. That the five Trustees nominated in said Articles of Association are suitable persons, are owners of real estate located within said District and should be declared to be the Board of Trustees of said District to serve until their successors are duly elected and qualified.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. Sanitary and Improvement District No. 223 of Sarpy County, Nebraska, has been duly organized according to law and is hereby declared to be a public corporation in the State of Nebraska under Sections 31-727 through 785, Reissue Revised Statutes of Nebraska, 1943, as amended, and that the real estate included in said District is described on Exhibit "A" attached hereto.
2. That the five Trustees named in said Articles of Association of said District, to-wit: Maurice M. Udes, Jana McDonald, Gene Graves, Deanna Warren and Barbara Shaw are hereby declared to be the Board of Trustees of said District to serve until their successors are duly elected and qualified.

3. That within twenty (20) days hereafter the Clerk of this Court shall transmit to the Secretary of State of the State of Nebraska a certified copy of the records of these proceedings for filing therein as provided by law and a certified copy of the records of these proceedings, together with a plat of the real estate included in said District, shall also be filed in the Office of the County Clerk of Sarpy County, Nebraska.

Signed this 31 day of May, 2001.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Walter J. ...", written over a horizontal line.

District Judge

PREPARED AND SUBMITTED BY:

Marietta E. Brown #20041  
One Bennington Place  
1925 North 120th Street  
Omaha, NE 68154  
402-493-9000

## EXHIBIT "A"

A LEGAL DESCRIPTION OF PHASE I OF THE SUGAR CREEK ADDITION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER: THENCE:  $S00^{\circ}41'45''W$ , (AN ASSUMED BEARING), ON THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 33.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HARRISON STREET AND THE POINT OF BEGINNING; THENCE: CONTINUING  $S00^{\circ}41'45''W$  ON SAID LINE, A DISTANCE OF 2615.43 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE:  $N89^{\circ}53'40''W$ , ON THE SOUTH LINE OF THE EAST HALF OF SAID NORTHWEST QUARTER, A DISTANCE OF 1312.00 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE:  $N89^{\circ}54'36''W$ , ON THE SOUTH LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER, A DISTANCE OF 25.00 FEET; THENCE:  $N00^{\circ}41'41''E$ , A DISTANCE OF 150.01 FEET; THENCE:  $N89^{\circ}53'40''W$ , A DISTANCE OF 18.01 FEET; THENCE:  $N01^{\circ}51'47''E$ , A DISTANCE OF 50.02 FEET; THENCE:  $S89^{\circ}53'40''E$ , A DISTANCE OF 16.99 FEET; THENCE:  $N00^{\circ}41'41''E$ , A DISTANCE OF 235.52 FEET; THENCE:  $N89^{\circ}18'19''W$ , A DISTANCE OF 17.50 FEET; THENCE:  $N00^{\circ}41'41''E$ , A DISTANCE OF 50.00 FEET; THENCE:  $S89^{\circ}18'19''E$ , A DISTANCE OF 17.50 FEET; THENCE:  $N00^{\circ}41'41''E$ , A DISTANCE OF 245.00 FEET; THENCE:  $N89^{\circ}18'19''W$ , A DISTANCE OF 17.60 FEET; THENCE:  $N01^{\circ}09'17''E$ , A DISTANCE OF 50.00 FEET; THENCE:  $S89^{\circ}18'19''E$ , A DISTANCE OF 17.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF  $12^{\circ}02'01''$ , A RADIUS OF 1025.00 FEET, AN ARC LENGTH OF 215.28 FEET, A CHORD LENGTH OF 214.88 FEET AND A CHORD BEARING  $N07^{\circ}09'34''E$ ; THENCE: ON SAID CURVE, A DISTANCE OF 215.28 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF  $00^{\circ}59'27''$ , A RADIUS OF 975.00 FEET, AN ARC LENGTH OF 16.86 FEET, A CHORD LENGTH OF 16.86 FEET AND A CHORD BEARING  $N12^{\circ}40'51''E$ ; THENCE: ON SAID CURVE, A DISTANCE OF 16.86 FEET TO THE POINT OF TANGENCY; THENCE:  $N89^{\circ}18'19''W$ , A DISTANCE OF 20.27 FEET; THENCE:  $N00^{\circ}00'35''W$ , A DISTANCE OF 50.00 FEET; THENCE:  $S89^{\circ}18'19''E$ , A DISTANCE OF 29.70 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF  $06^{\circ}36'32''$ , A RADIUS OF 975.00 FEET, AN ARC LENGTH OF 112.46 FEET, A CHORD LENGTH OF 112.40 FEET AND A CHORD BEARING  $N05^{\circ}53'50''E$ ; THENCE: ON SAID CURVE, A DISTANCE OF 112.46 FEET TO THE POINT OF TANGENCY; THENCE:  $N87^{\circ}24'25''W$ , A DISTANCE OF 92.59 FEET; THENCE:  $N89^{\circ}18'19''W$ , A DISTANCE OF 937.50 FEET; THENCE:  $N89^{\circ}18'26''W$ , A DISTANCE OF 128.92 FEET; THENCE:  $N00^{\circ}41'34''E$ , A DISTANCE OF 36.63 FEET; THENCE:  $N89^{\circ}18'26''W$ , A DISTANCE OF 124.75 FEET; THENCE:  $N00^{\circ}41'34''E$ , A DISTANCE OF 258.37 FEET; THENCE:  $S89^{\circ}18'19''E$ , A DISTANCE OF 1196.78 FEET; THENCE:  $N63^{\circ}16'00''E$ , A DISTANCE OF 76.39 FEET; THENCE:

20016948C

N34°35'29"W, A DISTANCE OF 47.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 60°38'38", A RADIUS OF 425 FEET, AN ARC LENGTH OF 449.84 FEET, A CHORD LENGTH OF 429.13 FEET AND A CHORD BEARING N12°07'40"W; THENCE: ON SAID CURVE, A DISTANCE OF 449.84 FEET TO THE POINT OF TANGENCY; THENCE: N18°11'38"E, A DISTANCE OF 5.45 FEET; THENCE: N26°50'18"W, A DISTANCE OF 5.94 FEET; THENCE: N71°48'22"W, A DISTANCE OF 21.30 FEET; THENCE: N18°11'38"E, A DISTANCE OF 50.00 FEET; THENCE: S71°48'22"E, A DISTANCE OF 8.28 FEET; THENCE: N62°05'18"E, A DISTANCE OF 6.52 FEET; THENCE: N15°58'57"E, A DISTANCE OF 84.98 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 04°48'47", A RADIUS OF 587.50 FEET, AN ARC LENGTH OF 49.35 FEET, A CHORD LENGTH OF 49.34 FEET AND A CHORD BEARING N13°34'34"E; THENCE: ON SAID CURVE, A DISTANCE OF 49.35 FEET TO THE POINT OF TANGENCY; THENCE: N11°10'11"E, A DISTANCE OF 79.33 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 10°28'29", A RADIUS OF 1154.00 FEET, AN ARC LENGTH OF 210.97 FEET, A CHORD LENGTH OF 210.68 FEET AND A CHORD BEARING N05°55'56"E; THENCE: ON SAID CURVE A DISTANCE OF 210.97 FEET TO THE POINT OF TANGENCY; THENCE: N00°41'41"E, A DISTANCE OF 166.44 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HARRISON STREET; THENCE: N90°00'00"E, ON SAID LINE, A DISTANCE OF 1312.07 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 89.904 ACRES MORE OR LESS.

2001-16948D

NOTICE

CI01-806

TO: Sarpy County Clerk  
and

\_\_\_\_\_  
~~XXXXXXXXXXXX~~  
City Clerk

FILED  
SARPY COUNTY  
DISTRICT COURT  
2001 MAY 30 PM 4:18  
Charles Marchand  
CLERK DISTRICT COURT

Pursuant to section 31-728 Nebraska Revised Statutes of  
Nebraska you are hereby notified that S.I.D. # 223 has been  
formed.

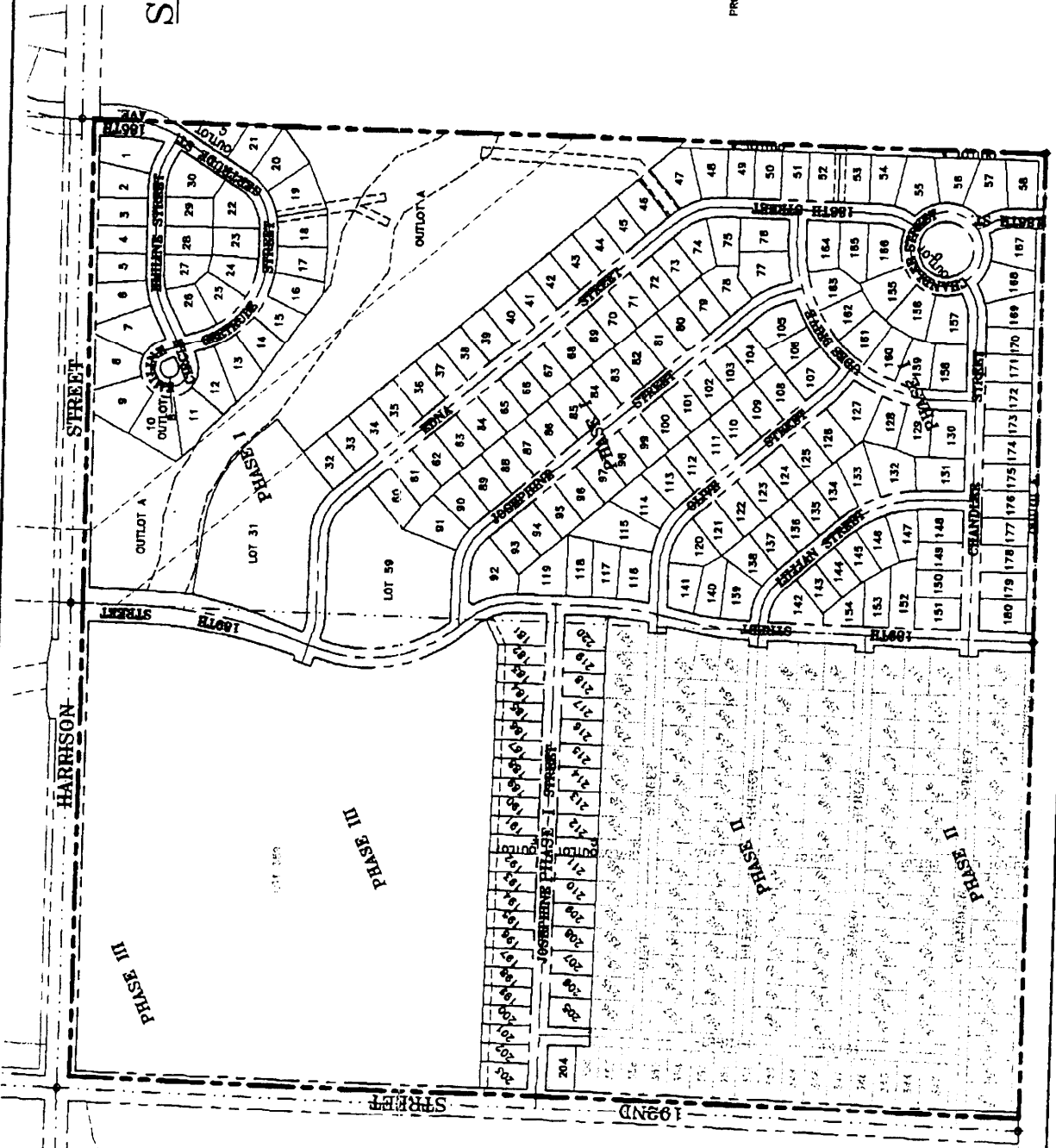
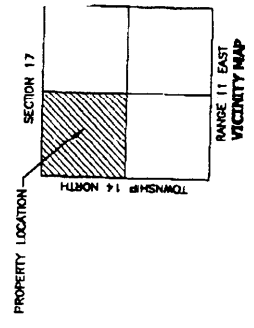
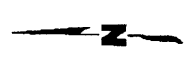
(photo copy of legal description attached)

The above S.I.D. number is docketed in the Sarpy County  
District Court in Docket CI01 Page 806.

Charles Marchand  
Clerk of District Court  
Sarpy County Nebraska

2001-16948 E

**SUGAR CREEK  
ADDITION**  
FINAL PLAT



PHASE III  
PHASE II  
PHASE I  
PHASE I  
PHASE II  
PHASE III

199ND STREET  
198ND STREET

2001-16948F

ARTICLES OF ASSOCIATION  
OF  
SANITARY AND IMPROVEMENT DISTRICT NO. 223  
OF  
SARPY COUNTY, NEBRASKA

KNOW ALL MEN BY THESE PRESENTS: THAT, the undersigned, being all of the owners having an interest in real property within the limits thereof, do hereby associate themselves together for the purpose of forming a Sanitary and Improvement District under the provisions of Section 31-727 and 31-785 of the Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law, and do hereby adopt the following Articles of Association, to-wit:

ARTICLE FIRST

The name of the District shall be Sanitary and Improvement District No. 223 of Sarpy County, Nebraska.

ARTICLE SECOND

The District shall have perpetual existence.

ARTICLE THIRD

The outer boundaries of the District and the area embraced therein shall be as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

ARTICLE FOURTH

The undersigned are the owners of all of the land in the proposed District and each of the undersigned have set out immediately opposite their respective names their several places of residence.

ARTICLE FIFTH

There are no owners of real estate within the District who have not joined in the execution of these Articles of Association, nor are there any unknown owners of real estate embraced within this District.

ARTICLE SIXTH

The purpose of this Sanitary and Improvement District shall be, in general, to acquire, build, improve, install, maintain, remove, renew, repair, replace, or otherwise conduct or operate electric service lines and conduits, a system of sanitary and storm sewers, a water system, a civil defense warning system, a system of sidewalks, public highways, roads, and streets, public waterways, docks or wharfs, and related appurtenances, dikes and levees for flood protection, and public parks, playgrounds and other recreational facilities, to contract with other sanitary and improvement districts to acquire, build, and improve public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting districts, to contract with any one or more corporations, municipalities, or persons for electricity for illumination of public highways, roads, and streets, for gas, for police protection and security services, for water for fire protection and resale to or use by residents within the District, and for disposal of or use of facilities for disposal or refuse, sewage, or other wastes, to contract with other governmental authorities and subdivisions in accordance with the provisions of the Interlocal Cooperation Act (Sections 23-2001 to 23-2007, Reissue Revised Statutes of Nebraska, 1943) as now in effect or as may be hereafter amended, and to perform anyone or more other functions now or hereafter permitted under the provisions of Sections 31-727 through 785, Reissue Revised Statutes of Nebraska, 1943, as amended, or any other applicable provisions of law; and, for the effectuation of its purposes, the powers of the District include without limitation all powers now or hereafter granted to under said provisions and all other powers now or hereafter granted to public corporations under the law of Nebraska, appropriate, convenient, or necessary to said purposes.

ARTICLE SEVENTH

The undersigned owners of real estate so forming the District for such purposes are willing and obligate themselves to pay the tax or taxes which may be levied by the District against all the property in the District and special assessments against the real property benefited which may be assessed by the District against them, to pay the expenses that may be necessary to install a sewer system, a water system, and a civil defense warning system; the cost of water for fire protection; the regravelling, widening or narrowing sidewalks and roads, resurfacing or relaying existing pavement, or otherwise improving any public roads, streets or highways within the District, including protecting existing sidewalks, streets, highways, and roads from floods or erosion which has moved within fifteen (15) feet from the edge of such sidewalks, streets, highways, or roads, regardless of whether such flooding or erosion is of natural or artificial origin; the cost of construction public waterways, docks or wharfs, and related appurtenances; the costs of constructing and contracting for the construction of dikes and levees for flood protection for the District; the costs of contracting for water for fire protection and for resale to residents of the District; the cost of contracting for police protection and security services; the cost of electricity for street lighting for the public streets and highways within the District; the cost of installing gas and electric service lines and conduits; and the cost of acquiring, improving and operating public parks, playgrounds and recreational facilities; the cost to do all other things incidental thereto or connected therewith which are not forbidden by the laws of the State of Nebraska or by these Articles of Association; all as provided by law.

ARTICLE EIGHTH

The District shall have all the powers now or hereafter granted by Sections 31-727 to 31-785 inclusive, of the Reissue Revised Statutes of Nebraska, 1943, as amended, and all powers granted to such corporations by the laws of the State of Nebraska.

ARTICLE NINTH

The following named persons, who are owners of real estate located in the proposed District, are proposed to serve at a Board of Trustees until their successor are elected and qualified:

- Deanna Warren
- Jana McDonald
- Gene Graves
- Barbara Shaw
- Maurice M. Udes

ARTICLE TENTH

These Articles of Association take effect from and after their execution by all of the owners having an interest in real property within the District and the determination by the District Court of Sarpy County, Nebraska, of the District to be a public corporation of Nebraska; and thereafter the Board of Trustees has authority from time to time, with or without approval of the District Court of Sarpy County, Nebraska, as provided by the law of Nebraska, to alter, amend, or revoke all or any part of these Articles of Association.



2001-16948H

IN WITNESS WHEREOF, the undersigned have executed these Articles of Association on May 1 2001.

<u>Name</u>	<u>Place of Residence</u>	<u>Description of Real Estate Owned by Each Subscriber</u>
192 <sup>nd</sup> & Harrison Partnership, Ltd., a Nebraska limited partnership	1925 N. 120 <sup>th</sup> St. Omaha, Nebraska 68154	Property legally described Exhibit "A" attached hereto
By: BHD, L.L.C., a Nebraska limited liability company, General Partner  By: <u>Maurice M. Udes</u> Maurice M. Udes, Manager		
BHD, L.L.C., a Nebraska limited liability Company	1925 N. 120 <sup>th</sup> St. Omaha, Nebraska 68154	Property legally described Exhibit "B" attached hereto
By: <u>M. M. Udes</u> Maurice M. Udes, Manager		
<u>Deanna Warren</u> DEANNA WARREN	12627 Weir Street Omaha, Nebraska 68154	Property legally described Exhibit "C" attached hereto
<u>Jana McDonald</u> JANA McDONALD	15218 Borman Street Omaha, Nebraska 68138	Property legally described on Exhibit "C" attached hereto
<u>Gene Graves</u> GENE GRAVES	35 Gingerwood Road Valley, Nebraska 68064	Property legally described on Exhibit "C" attached hereto
<u>Barbara Shaw</u> BARBARA SHAW	8805 Q Street Omaha, NE 68127	Property legally described on Exhibit "C" attached hereto
<u>M. M. Udes</u> MAURICE M. UDES	9627 Oak Circle Omaha, NE 68124	Property legally described on Exhibit "C" attached hereto

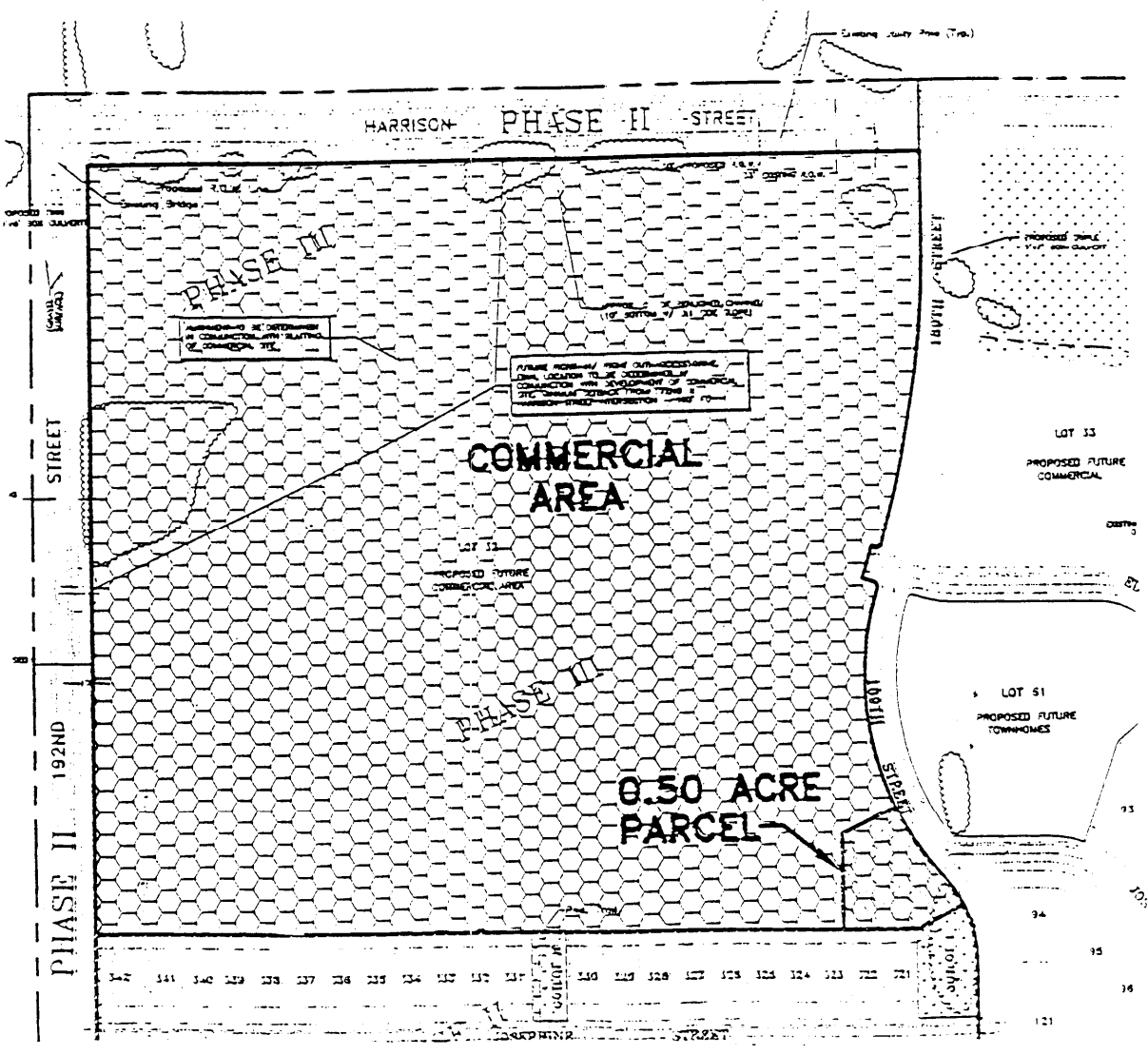
2001-16948I

EXHIBIT "A"

1/2 ACRE PARCEL

A LEGAL DESCRIPTION OF A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE: S00°41'34"W, (AN ASSUMED BEARING), ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1160.78 FEET; THENCE: S89°18'19"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 192ND STREET; THENCE: CONTINUING S89°18'19"E, A DISTANCE OF 1084.78 TO THE POINT OF BEGINNING; THENCE: N00°41'41"E, A DISTANCE OF 138.97 FEET; THENCE: N64°38'56"E, A DISTANCE OF 89.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 17°05'54", A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 126.83 FEET, A CHORD LENGTH OF 126.36 FEET AND A CHORD BEARING S33°54'01"E; THENCE: ON SAID CURVE A DISTANCE OF 126.83 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 15°42'56", A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 48.00 FEET, A CHORD LENGTH OF 47.85 FEET AND A CHORD BEARING S34°35'29"E; THENCE: ON SAID CURVE, A DISTANCE OF 48.00 FEET TO THE POINT OF TANGENCY; THENCE: S63°16'00"W, A DISTANCE OF 76.39 FEET; THENCE: N39°18'19"W, A DISTANCE OF 112.00 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 0.50 ACRES MORE OR LESS.



2001-16948 J

EXHIBIT "B"

A LEGAL DESCRIPTION OF PHASE I OF THE SUGAR CREEK ADDITION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE: S00°41'45"W, (AN ASSUMED BEARING), ON THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 33.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HARRISON STREET AND THE POINT OF BEGINNING; THENCE: CONTINUING S00°41'45"W ON SAID LINE, A DISTANCE OF 2615.43 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE: N89°53'40"W, ON THE SOUTH LINE OF THE EAST HALF OF SAID NORTHWEST QUARTER, A DISTANCE OF 1312.00 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE: N89°54'36"W, ON THE SOUTH LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER, A DISTANCE OF 25.00 FEET; THENCE: N00°41'41"E, A DISTANCE OF 150.01 FEET; THENCE: N89°53'40"W, A DISTANCE OF 18.01 FEET; THENCE: N01°51'47"E, A DISTANCE OF 50.02 FEET; THENCE: S89°53'40"E, A DISTANCE OF 16.99 FEET; THENCE: N00°41'41"E, A DISTANCE OF 235.52 FEET; THENCE: N89°18'19"W, A DISTANCE OF 17.50 FEET; THENCE: N00°41'41"E, A DISTANCE OF 50.00 FEET; THENCE: S89°18'19"E, A DISTANCE OF 17.50 FEET; THENCE: N00°41'41"E, A DISTANCE OF 245.00 FEET; THENCE: N89°18'19"W, A DISTANCE OF 17.60 FEET; THENCE: N01°09'17"E, A DISTANCE OF 50.00 FEET; THENCE: S89°18'19"E, A DISTANCE OF 17.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 12°02'01", A RADIUS OF 1025.00 FEET, AN ARC LENGTH OF 215.28 FEET, A CHORD LENGTH OF 214.88 FEET AND A CHORD BEARING N07°09'34"E; THENCE: ON SAID CURVE, A DISTANCE OF 215.28 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 00°59'27", A RADIUS OF 975.00 FEET, AN ARC LENGTH OF 16.86 FEET, A CHORD LENGTH OF 16.86 FEET AND A CHORD BEARING N12°40'51"E; THENCE: ON SAID CURVE, A DISTANCE OF 16.86 FEET TO THE POINT OF TANGENCY; THENCE: N89°18'19"W, A DISTANCE OF 20.27 FEET; THENCE: N00°00'35"W, A DISTANCE OF 50.00 FEET; THENCE: S89°18'19"E, A DISTANCE OF 29.70 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 06°36'32", A RADIUS OF 975.00 FEET, AN ARC LENGTH OF 112.46 FEET, A CHORD LENGTH OF 112.40 FEET AND A CHORD BEARING N05°53'50"E; THENCE: ON SAID CURVE, A DISTANCE OF 112.46 FEET TO THE POINT OF TANGENCY; THENCE: N87°24'25"W, A DISTANCE OF 92.59 FEET; THENCE: N89°18'19"W, A DISTANCE OF 937.50 FEET; THENCE: N89°18'26"W, A DISTANCE OF 128.92 FEET; THENCE: N00°41'34"E, A DISTANCE OF 36.63 FEET; THENCE: N89°18'26"W, A DISTANCE OF 124.75 FEET; THENCE: N00°41'34"E, A DISTANCE OF 258.37 FEET; THENCE: S89°18'19"E, A DISTANCE OF 1196.78 FEET; THENCE: N63°16'00"E, A DISTANCE OF 76.39 FEET; THENCE:

2001-16948 L

N34°35'29"W, A DISTANCE OF 47.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 60°38'38", A RADIUS OF 425 FEET, AN ARC LENGTH OF 449.84 FEET, A CHORD LENGTH OF 429.13 FEET AND A CHORD BEARING N12°07'40"W; THENCE: ON SAID CURVE, A DISTANCE OF 449.84 FEET TO THE POINT OF TANGENCY; THENCE: N18°11'38"E, A DISTANCE OF 5.45 FEET; THENCE: N26°50'18"W, A DISTANCE OF 5.94 FEET; THENCE: N71°48'22"W, A DISTANCE OF 21.30 FEET; THENCE: N18°11'38"E, A DISTANCE OF 50.00 FEET; THENCE: S71°48'22"E, A DISTANCE OF 8.28 FEET; THENCE: N62°05'18"E, A DISTANCE OF 6.52 FEET; THENCE: N15°58'57"E, A DISTANCE OF 84.98 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 04°48'47", A RADIUS OF 587.50 FEET, AN ARC LENGTH OF 49.35 FEET, A CHORD LENGTH OF 49.34 FEET AND A CHORD BEARING N13°34'34"E; THENCE: ON SAID CURVE, A DISTANCE OF 49.35 FEET TO THE POINT OF TANGENCY; THENCE: N11°10'11"E, A DISTANCE OF 79.33 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 10°28'29", A RADIUS OF 1154.00 FEET, AN ARC LENGTH OF 210.97 FEET, A CHORD LENGTH OF 210.68 FEET AND A CHORD BEARING N05°55'56"E; THENCE: ON SAID CURVE A DISTANCE OF 210.97 FEET TO THE POINT OF TANGENCY; THENCE: N00°41'41"E, A DISTANCE OF 166.44 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HARRISON STREET; THENCE: N90°00'00"E, ON SAID LINE, A DISTANCE OF 1312.07 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 89.904 ACRES MORE OR LESS,

LESS

A LEGAL DESCRIPTION OF LOT 203, SUGAR CREEK ADDITION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE: S00°41'34"W, (AN ASSUMED BEARING), ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1159.70; THENCE: S89°18'19"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 192ND STREET AND THE POINT OF BEGINNING; THENCE: CONTINUING S89°18'19"E, A DISTANCE OF 71.38 FEET; THENCE: S00°41'41"W, A DISTANCE OF 130.00 FEET; THENCE: N89°18'19"E, A DISTANCE OF 71.37 FEET, TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE: N00°41'34"E, ON SAID LINE, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 9278.75 SQUARE FEET OR 0.213 ACRES MORE OR LESS.

2001-16948L

EXHIBIT "C"

A LEGAL DESCRIPTION OF LOT 203, SUGAR CREEK ADDITION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE: S00°41'34"W, (AN ASSUMED BEARING), ON THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1159.70; THENCE: S89°18'19"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 192ND STREET AND THE POINT OF BEGINNING; THENCE: CONTINUING S89°18'19"E, A DISTANCE OF 71.38 FEET; THENCE: S00°41'41"W, A DISTANCE OF 130.00 FEET; THENCE: N89°18'19"E, A DISTANCE OF 71.37 FEET, TO A POINT ON SAID EAST RIGHT-OF-WAY LINE; THENCE: N00°41'34"E, ON SAID LINE, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 9278.75 SQUARE FEET OR 0.213 ACRES MORE OR LESS.

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF THE SANITARY AND  
IMPROVEMENT DISTRICT NO. 223 OF  
SARPY COUNTY, NEBRASKA.

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DOC. 0701 PAGE 806  
PETITION FOR DECLARATION  
OF FORMATION OF SANITARY  
AND IMPROVEMENT DISTRICT

COME NOW, the undersigned Petitioners and allege as follows:

1. Petitioners are all of the owners having an interest in real property within the limits of proposed Sanitary and Improvement District No. 223 of Sarpy County, Nebraska, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference; and no part of such real property is located within the limits of any municipal corporation or used for industrial purposes.

2. Petitioners have this date filed in the office of the Clerk of the District Court of Sarpy County, Nebraska, Articles of Association heretofore duly made and signed by them for the formation and organization of the proposed district more particularly described in Exhibit "B" attached hereto.

3. All of the provisions of Sections 31-727 through 785, Reissued Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law have been completely and fully complied with; and the proposed district should be declared to be a sanitary and improvement district under such Sections.

WHEREFORE, Petitioners pray:

1. That the Court find that all of the owners of the real property described in Exhibit "A" and embraced within the limits of proposed Sanitary and Improvement District No. 223 of Sarpy County, Nebraska, have executed proper Articles of Association for its formation and organization described in Exhibit "B" and have caused this Petition to be filed on their behalf; and

2. That the Court further find, declare, and decree that Sanitary and Improvement District No. 223 of Sarpy County, Nebraska, has been duly and lawfully formed and organized as a public corporation of Nebraska and constitutes a sanitary and improvement district under Sections 31-727 through 785, Reissue Revised Statutes of Nebraska, 1943, as amended, entitled to exercise all powers, privileges, and rights thereto granted by law and that the persons designated as Trustees by its Articles of Association constitute its initial Board of Trustees to serve until their successors are elected and qualified.



2001-169480

EXHIBIT "A"

A LEGAL DESCRIPTION OF PHASE I OF THE SUGAR CREEK ADDITION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE: S00°41'45"W, (AN ASSUMED BEARING), ON THE EAST LINE OF SAID NORTHWEST QUARTER. A DISTANCE OF 33.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HARRISON STREET AND THE POINT OF BEGINNING; THENCE: CONTINUING S00°41'45"W ON SAID LINE, A DISTANCE OF 2615.43 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE: N89°53'40"W, ON THE SOUTH LINE OF THE EAST HALF OF SAID NORTHWEST QUARTER, A DISTANCE OF 1312.00 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF; THENCE: N89°54'36"W, ON THE SOUTH LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER, A DISTANCE OF 25.00 FEET; THENCE: N00°41'41"E, A DISTANCE OF 150.01 FEET; THENCE: N89°53'40"W, A DISTANCE OF 18.01 FEET; THENCE: N01°51'47"E, A DISTANCE OF 50.02 FEET; THENCE: S89°53'40"E, A DISTANCE OF 16.99 FEET; THENCE: N00°41'41"E, A DISTANCE OF 235.52 FEET; THENCE: N89°18'19"W, A DISTANCE OF 17.50 FEET; THENCE: N00°41'41"E, A DISTANCE OF 50.00 FEET; THENCE: S89°18'19"E, A DISTANCE OF 17.50 FEET; THENCE: N00°41'41"E, A DISTANCE OF 245.00 FEET; THENCE: N89°18'19"W, A DISTANCE OF 17.60 FEET; THENCE: N01°09'17"E, A DISTANCE OF 50.00 FEET; THENCE: S89°18'19"E, A DISTANCE OF 17.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 12°02'01", A RADIUS OF 1025.00 FEET, AN ARC LENGTH OF 215.28 FEET, A CHORD LENGTH OF 214.88 FEET AND A CHORD BEARING N07°09'34"E; THENCE: ON SAID CURVE, A DISTANCE OF 215.28 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 00°59'27", A RADIUS OF 975.00 FEET, AN ARC LENGTH OF 16.86 FEET, A CHORD LENGTH OF 16.86 FEET AND A CHORD BEARING N12°40'51"E; THENCE: ON SAID CURVE, A DISTANCE OF 16.86 FEET TO THE POINT OF TANGENCY; THENCE: N89°18'19"W, A DISTANCE OF 20.27 FEET; THENCE: N00°00'35"W, A DISTANCE OF 50.00 FEET; THENCE: S89°18'19"E, A DISTANCE OF 29.70 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 06°36'32", A RADIUS OF 975.00 FEET, AN ARC LENGTH OF 112.46 FEET, A CHORD LENGTH OF 112.40 FEET AND A CHORD BEARING N05°53'50"E; THENCE: ON SAID CURVE, A DISTANCE OF 112.46 FEET TO THE POINT OF TANGENCY; THENCE: N87°24'25"W, A DISTANCE OF 92.59 FEET; THENCE: N89°18'19"W, A DISTANCE OF 937.50 FEET; THENCE: N89°18'26"W, A DISTANCE OF 128.92 FEET; THENCE: N00°41'34"E, A DISTANCE OF 36.63 FEET; THENCE: N89°18'26"W, A DISTANCE OF 124.75 FEET; THENCE: N00°41'34"E, A DISTANCE OF 258.37 FEET; THENCE: S89°18'19"E, A DISTANCE OF 1196.78 FEET; THENCE: N63°16'00"E, A DISTANCE OF 76.39 FEET; THENCE:



2001-16948 P

N34°35'29"W, A DISTANCE OF 47.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 60°38'38", A RADIUS OF 425 FEET, AN ARC LENGTH OF 449.84 FEET, A CHORD LENGTH OF 429.13 FEET AND A CHORD BEARING N12°07'40"W; THENCE: ON SAID CURVE, A DISTANCE OF 449.84 FEET TO THE POINT OF TANGENCY; THENCE: N18°11'38"E, A DISTANCE OF 5.45 FEET; THENCE: N26°50'18"W, A DISTANCE OF 5.94 FEET; THENCE: N71°48'22"W, A DISTANCE OF 21.30 FEET; THENCE: N18°11'38"E, A DISTANCE OF 50.00 FEET; THENCE: S71°48'22"E, A DISTANCE OF 8.28 FEET; THENCE: N62°05'18"E, A DISTANCE OF 6.52 FEET; THENCE: N15°58'57"E, A DISTANCE OF 84.98 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 04°48'47", A RADIUS OF 587.50 FEET, AN ARC LENGTH OF 49.35 FEET, A CHORD LENGTH OF 49.34 FEET AND A CHORD BEARING N13°34'34"E; THENCE: ON SAID CURVE, A DISTANCE OF 49.35 FEET TO THE POINT OF TANGENCY; THENCE: N11°10'11"E, A DISTANCE OF 79.33 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 10°28'29", A RADIUS OF 1154.00 FEET, AN ARC LENGTH OF 210.97 FEET, A CHORD LENGTH OF 210.68 FEET AND A CHORD BEARING N05°55'56"E; THENCE: ON SAID CURVE A DISTANCE OF 210.97 FEET TO THE POINT OF TANGENCY; THENCE: N00°41'41"E, A DISTANCE OF 166.44 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF HARRISON STREET; THENCE: N90°00'00"E, ON SAID LINE, A DISTANCE OF 1312.07 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 89.904 ACRES MORE OR LESS.

ARTICLES OF ASSOCIATION  
OF  
SANITARY AND IMPROVEMENT DISTRICT NO. 223  
OF  
SARPY COUNTY, NEBRASKA

KNOW ALL MEN BY THESE PRESENTS: THAT, the undersigned, being all of the owners having an interest in real property within the limits thereof, do hereby associate themselves together for the purpose of forming a Sanitary and Improvement District under the provisions of Section 31-727 and 31-785 of the Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law, and do hereby adopt the following Articles of Association, to-wit:

ARTICLE FIRST

The name of the District shall be Sanitary and Improvement District No. 223 of Sarpy County, Nebraska.

ARTICLE SECOND

The District shall have perpetual existence.

ARTICLE THIRD

The outer boundaries of the District and the area embraced therein shall be as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

ARTICLE FOURTH

The undersigned are the owners of all of the land in the proposed District and each of the undersigned have set out immediately opposite their respective names their several places of residence.

ARTICLE FIFTH

There are no owners of real estate within the District who have not joined in the execution of these Articles of Association, nor are there any unknown owners of real estate embraced within this District.

ARTICLE SIXTH

The purpose of this Sanitary and Improvement District shall be, in general, to acquire, build, improve, install, maintain, remove, renew, repair, replace, or otherwise conduct or operate electric service lines and conduits, a system of sanitary and storm sewers, a water system, a civil defense warning system, a system of sidewalks, public highways, roads, and streets, public waterways, docks or wharfs, and related appurtenances, dikes and levees for flood protection, and public parks, playgrounds and other recreational facilities, to contract with other sanitary and improvement districts to acquire, build, and improve public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting districts, to contract with any one or more corporations, municipalities, or persons for electricity for illumination of public highways, roads, and streets, for gas, for police protection and security services, for water for fire protection and resale to or use by residents within the District, and for disposal of or use of facilities for disposal or refuse, sewage, or other wastes, to contract with other governmental authorities and subdivisions in accordance with the provisions of the Interlocal Cooperation Act (Sections 23-2001 to 23-2007, Reissue Revised Statutes of Nebraska, 1943) as now in effect or as may be hereafter amended, and to perform anyone or more other functions now or hereafter permitted under the provisions of Sections 31-727 through 785, Reissue Revised Statutes of Nebraska, 1943, as amended, or any other applicable provisions of law; and, for the effectuation of its purposes, the powers of the District include without limitation all powers now or hereafter granted to under said provisions and all other powers now or hereafter granted to public corporations under the law of Nebraska, appropriate, convenient, or necessary to said purposes.

ARTICLE SEVENTH

The undersigned owners of real estate so forming the District for such purposes are willing and obligate themselves to pay the tax or taxes which may be levied by the District against all the property in the District and special assessments against the real property benefited which may be assessed by the District against them, to pay the expenses that may be necessary to install a sewer system, a water system, and a civil defense warning system; the cost of water for fire protection; the regravelling, widening or narrowing sidewalks and roads, resurfacing or relaying existing pavement, or otherwise improving any public roads, streets or highways within the District, including protecting existing sidewalks, streets, highways, and roads from floods or erosion which has moved within fifteen (15) feet from the edge of such sidewalks, streets, highways, or roads, regardless of whether such flooding or erosion is of natural or artificial origin; the cost of construction public waterways, docks or wharfs, and related appurtenances; the costs of constructing and contracting for the construction of dikes and levees for flood protection for the District; the costs of contracting for water for fire protection and for resale to residents of the District; the cost of contracting for police protection and security services; the cost of electricity for street lighting for the public streets and highways within the District; the cost of installing gas and electric service lines and conduits; and the cost of acquiring, improving and operating public parks, playgrounds and recreational facilities; the cost to do all other things incidental thereto or connected therewith which are not forbidden by the laws of the State of Nebraska or by these Articles of Association; all as provided by law.

ARTICLE EIGHTH

The District shall have all the powers now or hereafter granted by Sections 31-727 to 31-785 inclusive, of the Reissue Revised Statutes of Nebraska, 1943, as amended, and all powers granted to such corporations by the laws of the State of Nebraska.

ARTICLE NINTH

The following named persons, who are owners of real estate located in the proposed District, are proposed to serve at a Board of Trustees until their successor are elected and qualified:

- Deanna Warren
- Jana McDonald
- Gene Graves
- Barbara Shaw
- Maurice M. Udes

ARTICLE TENTH

These Articles of Association take effect from and after their execution by all of the owners having an interest in real property within the District and the determination by the District Court of Sarpy County, Nebraska, of the District to be a public corporation of Nebraska; and thereafter the Board of Trustees has authority from time to time, with or without approval of the District Court of Sarpy County, Nebraska, as provided by the law of Nebraska, to alter, amend, or revoke all or any part of these Articles of Association.

2001-169485

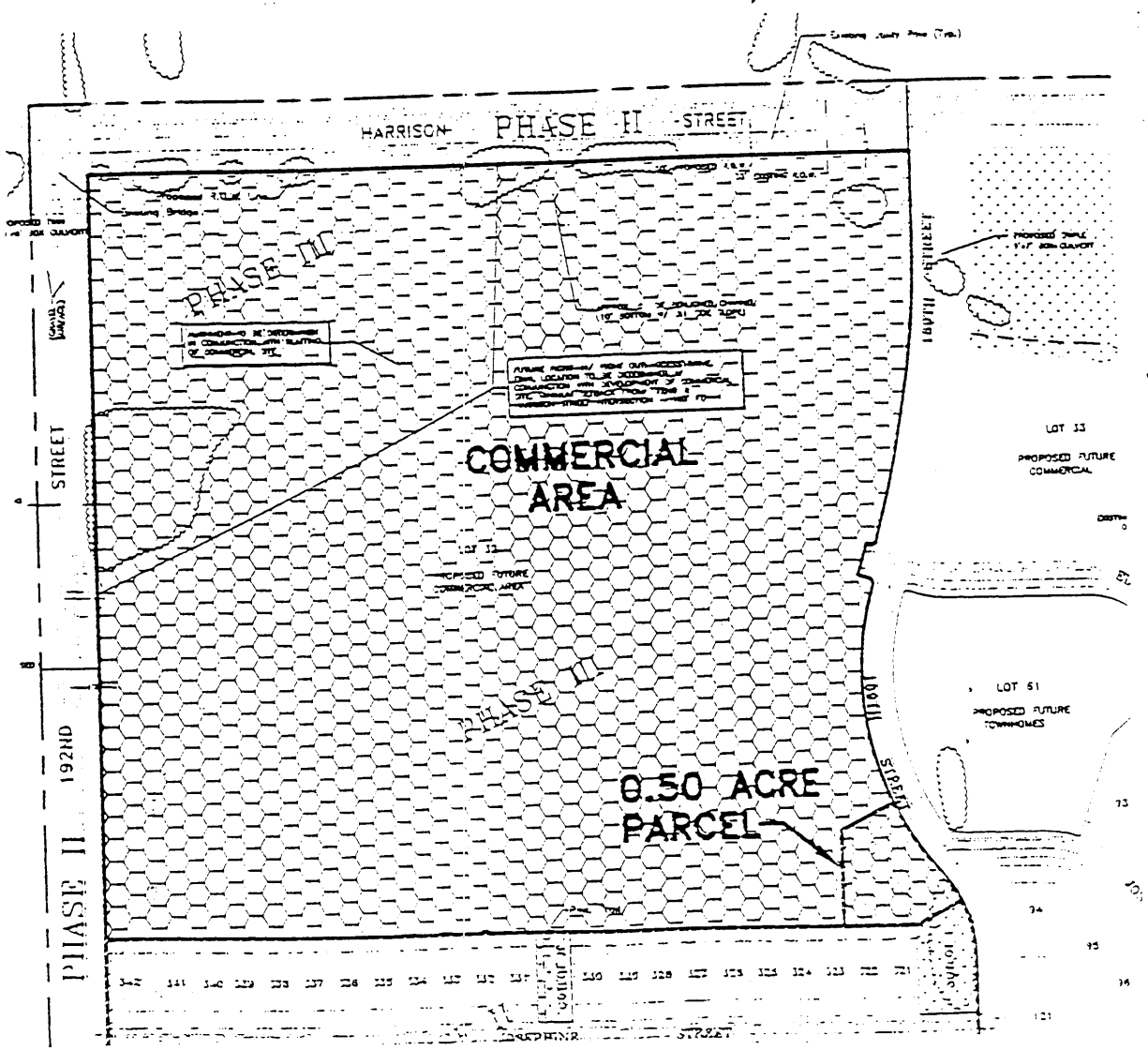
IN WITNESS WHEREOF, the undersigned have executed these Articles of Association on May 1, 2001.

<u>Name</u>	<u>Place of Residence</u>	<u>Description of Real Estate Owned by Each Subscriber</u>
192 <sup>nd</sup> & Harrison Partnership, Ltd., a Nebraska limited partnership	1925 N. 120 <sup>th</sup> St. Omaha, Nebraska 68154	Property legally described Exhibit "A" attached hereto
By: BHD, L.L.C., a Nebraska limited liability company, General Partner By: <u>M. M. Udes</u> Maurice M. Udes, Manager		
BHD, L.L.C., a Nebraska limited liability Company	1925 N. 120 <sup>th</sup> St. Omaha, Nebraska 68154	Property legally described Exhibit "B" attached hereto
By: <u>M. M. Udes</u> Maurice M. Udes, Manager		
<u>Deanna Warren</u> DEANNA WARREN	12627 Weir Street Omaha, Nebraska 68154	Property legally described Exhibit "C" attached hereto
<u>Jana McDonald</u> JANA McDONALD	15218 Borman Street Omaha, Nebraska 68138	Property legally described on Exhibit "C" attached hereto
<u>Gene Graves</u> GENE GRAVES	35 Gingerwood Road Valley, Nebraska 68064	Property legally described on Exhibit "C" attached hereto
<u>Barbara Shaw</u> BARBARA SHAW	8805 Q Street Omaha, NE 68127	Property legally described on Exhibit "C" attached hereto
<u>M. M. Udes</u> MAURICE M. UDES	9627 Oak Circle Omaha, NE 68124	Property legally described on Exhibit "C" attached hereto

1/2 ACRE PARCEL

A LEGAL DESCRIPTION OF A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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2001-167484

EXHIBIT "B"

A LEGAL DESCRIPTION OF PHASE I OF THE SUGAR CREEK ADDITION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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2001-16948V

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LESS

A LEGAL DESCRIPTION OF LOT 203, SUGAR CREEK ADDITION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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2001-16948W

EXHIBIT "C"

A LEGAL DESCRIPTION OF LOT 203, SUGAR CREEK ADDITION IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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STATE OF NEBRASKA, }  
COUNTY OF SARPY, } ss.

I, CHARLENE MARCHAND, Clerk of the District Court, in and for Sarpy  
County in the Second Judicial District of Nebraska, do hereby certify that the above  
and foregoing is a true copy of.....PETITION;. PLAT;. ARTICLES OF ASSOCIATION;  
NOTICE & DECREE.....

.....  
entered in a cause in said court wherein.....

IN THE MATTER OF SANITARY AND IMPROVEMENT DISTRICT NO. 223 OF SARPY COUNTY  
NEBRASKA  
~~plaintiff~~.....

.....  
~~defendant~~..., Docket....CI01.....Page....806....., as the same  
appear fully upon the records of said Court now in my charge remaining as Clerk  
aforesaid.

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed the seal of said Court at Papillion,  
this.....31.....day of.....May..... A.D. 2001

Charlene Marchand  
CLERK

\_\_\_\_\_  
DEPUTY CLERK