

2018-07130

04/06/2018 11:16:37 AM

Clay J. Dowling

REGISTER OF DEEDS



COUNTER JD C.E. JD
 VERIFY JD/BD D.E. JD
 PROOF BJ
 FEES \$ 70.00
 CHECK # _____
 CHG. COP CASH _____
 REFUND _____ CREDIT _____
 SHORT _____ NCR _____

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**SECOND AMENDMENT
TO
SUBDIVISION AGREEMENT**

This Second Amendment to the Granite Falls North Subdivision Agreement (hereinafter "Second Amendment"), which is made this 3rd day of April, 2018 ("Effective Date") by and between **STONE CREEK PLAZA, L.L.C.**, a Nebraska limited liability company (hereinafter referred to as "DEVELOPER"), **SANITARY AND IMPROVEMENT DISTRICT NO. 312 OF SARPY COUNTY, NEBRASKA** (hereinafter referred to as "DISTRICT"), and the **CITY OF PAPILLION, NEBRASKA**, a municipal corporation (hereinafter referred to as "CITY") (collectively the "Parties"), amends and modifies the Subdivision Agreement approved by the Papillion City Council via Resolution No. #R16-0172 on December 6, 2016 as modified by the First Amendment approved by the Papillion City Council via Resolution No. R17-0142 on August 15, 2017 (hereinafter collectively referred to as the "Agreement").

RECITALS

DEVELOPER, DISTRICT, and CITY entered into a subdivision agreement ("Subdivision Agreement"), dated December 6, 2016, with respect to Lots 1 through 80, inclusive, and Outlots A through F ("Phase 1") of the development to be known, inclusive of all phases, as Granite Falls North ("Granite Falls North"); and

DEVELOPER, DISTRICT, and CITY entered into a First Amendment to the Subdivision Agreement dated August 15, 2017 to include Lots 81 through 179, inclusive, and Outlots G through K, inclusive ("Phase 2"); and

DEVELOPER, DISTRICT, and CITY wish to agree upon the manner and the extent to which public funds may be expended in connection with the Public Improvements serving Phase 1 and Phase 2 of the Development Area (collectively, "Phases 1 and 2") and the extent to which the contemplated Public Improvements shall specifically benefit property in Phases 1 and 2 of the Development Area and adjacent thereto and to what extent the Cost of the same shall be specially assessed.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Incorporation of Recitals. The recitals set forth above are, by this reference, incorporated into and deemed part of the Agreement as modified and amended by this Second Amendment.
2. Capitalized Terms. All capitalized terms not otherwise defined herein shall have the respective meanings ascribed to them as set forth in the Agreement.
3. Area of Application. This Second Amendment applies to Lots 1 – 179 and Outlots A – K of Phases 1 and 2, Granite Falls North.
4. Amendment. The Agreement terms are hereby amended as follows:
 - A. Exhibit “F-1”, and all references thereto, are hereby rescinded in their entirety and the attached Exhibit “F-2” is hereby substituted in their place.
5. Exhibit Modification. The Agreement exhibits are hereby modified as follows:
 - A. Exhibit “F-1” is hereby rescinded in its entirety and replaced with Exhibit “F-2”.
6. No Other Amendment. Except as specifically modified and amended by this Second Amendment, the Agreement shall remain in full force and effect.
7. Binding Effect. This Second Amendment to the Agreement shall be binding upon the Parties, their respective successors, and assigns in the same manner and to the same extent as the Agreement.

(Signatures on following pages.)

ATTEST:

THE CITY OF PAPILLION, NEBRASKA

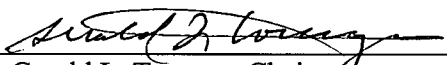
Nicole L. Brown
Nicole L. Brown, City Clerk

David P. Black
David P. Black, Mayor

SEAL:



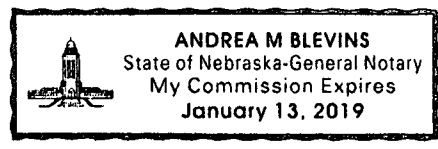
SANITARY AND IMPROVEMENT DISTRICT
NO. 312 OF SARPY COUNTY, NEBRASKA

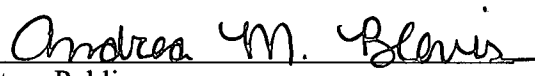
By 
Gerald L. Torczon, Chairman

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

Before me, a notary public, in and for said county and state, personally came Gerald L. Torczon, Chairman of Sanitary and Improvement District No. 312 of Sarpy County, Nebraska, known to me to be the identical person who executed the above instrument and acknowledged the execution thereof be his voluntary act and deed on behalf of such District.

Witness my hand and Notarial Seal this 2nd day of April, 2018.




Notary Public

DEVELOPER:

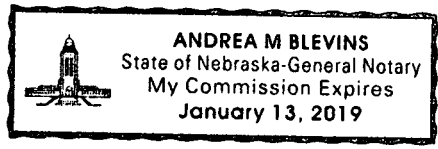
Stone Creek Plaza, L.L.C., a Nebraska limited liability company

By *Gerald L. Torczon*
Gerald L. Torczon, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

Before me, a notary public, in and for said county and state, personally came Gerald L. Torczon, Manager of Stone Creek Plaza, L.L.C., a Nebraska limited liability company, known to me to be the identical person who executed the above instrument and acknowledged the execution thereof be his voluntary act and deed on behalf of such limited liability company.

Witness my hand and Notarial Seal this 2nd day of April, 2018.



Andrea M. Blevins
Notary Public

**SUBDIVISION AGREEMENT AMENDMENT
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INTRODUCTION STATEMENT

RECITALS

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EXHIBITS:

- F-2 Source and Use of Funds

F

EXHIBIT "F-2" - SUF FOR AMENDMENT TO SUBDIVISION AGREEMENT

E & A CONSULTING GROUP
10909 MILL VALLEY ROAD, OMAHA, NE 68154

PHONE: (402) 895-4700
FAX: (402) 895-3599

SUMMARY OF ESTIMATED CONSTRUCTION COSTS

PROJECT : GRANITE FALLS NORTH(HAUG) ZONING: R-2 80 LOTS
 DEVELOPER: TORCZON
 AREA (ACRES): 30
 JURISDICTION: PAPILLION
 DATE: 03/13/18
 ESTIMATED BY: WESTERGARD 2013.604.001

GRANITE FALLS NORTH PHASE I (SID 312)						
ITEM	CONSTRCT.	TOTAL	SARPY CO.	SPECIAL ASSESS.	REIMBURS.	G.O. NON-REIMB
SANITARY SEWER (INTERIOR)	280,689	392,964		392,964		0
PAVING(INTERIOR)	481,383	673,936		650,113		23,822
PAVING (LINCOLN ROAD 114TH TO 110TH)	882,011	1,126,152	335,164			790,987
WATER (INTERIOR)	300,900	421,260		364,167		57,093
CAPITAL FACILITIES CHARGES	223,101	245,411		196,329		49,082
UNDERGROUND ELECTRICAL	108,000	145,800		145,800		0
STORM SEWER	161,400	225,960		0		225,960
SIDEWALKS AT OUTLOT FRONTAGE	7,900	11,060				11,060
TOTALS	2,445,383	\$3,242,543	\$335,164	\$1,749,373	\$0	\$ 1,158,005

PER SINGLE FAMILY LOT **\$21,867**

NOTES:

3) VALUATION: 80 UNITS @ \$290,000 = \$23,200,000

TOTAL @ 100% \$ 23,200,000

4) G.O. DEBT RATIO = \$ 1,158,005 / \$ 23,200,000 = **4.99%**

PROJECT: SANITARY SEWER (INTERIOR)					
NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	COST
1	8 INCH SANITARY SEWER PIPE	3,616	L.F.	26.15	94,549
2	6 INCH SANITARY SEWER PIPE	2,415	L.F.	27.70	66,896
3	54 IN. I.D. SANITARY MANHOLE w/ EXTERNAL FRAME SEAL	301	V.F.	361.80	108,793
	TAP EXISTING MANHOLE	5	EA	600.00	3,000
	CONSTRUCT 8" DIAM. DROP CONNECTION	4	V.F.	285.00	1,140
	IMPORTED SOIL FOR CONDITIONED BACKFILL	659	TON	12.15	8,008
	TESTING FAILURES	1	LS	-1697.33	(1,697)
TOTAL ESTIMATED CONSTRUCTION COST:					\$280,689

NOTES:

1) TOTAL SID COSTS @ 40% -	\$392,964
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PROJECT: PAVING (INTERIOR)

NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	COST
	REMOVE END OF ROAD SIGN	26.00	EA	10.65	\$277
	REMOVE CONCRETE HEADER	0.00	LF	5.33	0
	REMOVE PAVEMENT	1,683.60	SY	9.59	16,146
	REMOVE SIDEWALK	5,356.00	SF	0.57	3,053
	SAW CUT - FULL DEPTH	150.00	LF	5.65	\$848
	CONSTRUCT 7-INCH CONCRETE PAVEMENT (TYPE L65) W/ INTEGRAL CUR	13,386.80	SY	30.82	\$412,581
	CONSTRUCT 5-INCH PCC SIDEWALK	951.70	SF	4.52	\$4,302
	CONSTRUCT END OF ROAD MARKER	12.00	EA	84.82	\$1,018
	CONSTRUCT CONCRETE HEADER	100.00	LF	7.92	\$792
	SUBGRADE PREPARATION	4,418.00	CY	2.63	\$11,619
	ADJUST MANHOLE TO GRADE	30.00	EA	258.27	\$7,748
	REMOVE AND REPLACE CURB & GUTTER	45.00	LF	40.00	\$1,800
	RELOCATE POST & SIGN	2.00	EA	400.00	\$800
	REPAIR SPINKLER SYSTEM AT KINGSBURY TIE IN	1.00	LS	9,773.40	\$9,773
	PURCHASE AND INSTALL TEMPORARY STREET NAME SIGNS	1.00	LS	1,320.00	\$1,320
	REPLACE SIDEWALKS REMOVED BY GAS INSTALLATION	1.00	LS	1,037.30	\$1,037
	PERMANENT BASIN PIPING	1.00	LS	8,268.71	\$8,269
TOTAL ESTIMATED CONSTRUCTION COST:					\$481,383

NOTES:

1) TOTAL DISTRICT COST W/ 40% -	\$673,936
2) G.O. ITEMS	
Intersections	825 SY \$12,916
Overwidth	0 SY \$0
PCSMF Lot Frontage	410 SY \$6,419
STREET SIGNS	5,356 EACH \$4,488
G.O. TOTAL	
\$23,822	

PROJECT: PAVING, LINCOLN ROAD IMPROVEMENTS 114th to 110th STREET

NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	COST	
	REMOVE CURB	168.00	LF	5.33	885	
	SAW CUT - FULL DEPTH	170.00	LF	5.33	906	
	REMOVE SIDEWALK	250.00	SF	0.53	133	
	REMOVE STRIPING (114TH STREET)	240.00	LF	2.13	511	
	EXCAVATION ON-SITE	100.00	CY	8.52	852	
	SUBGRADE PREPARATION	4,462.00	CY	2.63	11,735	
	CONSTRUCT 9-INCH CONC PAVEMENT (TYPE L65 AE) W/ 6" INT CURB	13,521.00	SY	36.18	489,190	
	CONSTRUCT 6-INCH PCC SIDEWALK (TYPE L65 AE)	219.00	SF	5.09	1,115	
	DRILL AND GROUT TIE BARS #5 X 2' - 6" @ 3' - 0" O.C.	44.00	EA	5.20	229	
	CONSTRUCT CURB RAMP	40.60	SF	12.44	505	
	CONSTRUCT DETECTABLE WARNING PANEL	8.00	SF	19.08	153	
	CONSTRUCT 18" RCP, CLASS III	1,162.80	LF	47.82	55,605	
	CONSTRUCT 24" RCP, CLASS III	534.00	LF	59.38	31,709	
	CONSTRUCT 30" RCP, CLASS III	1,170.00	LF	81.37	95,203	
	CONSTRUCT 42" RCP, D(0.01) = 1,350	87.00	LF	134.51	11,702	
	CONSTRUCT CURB INLET - TYPE I	11.00	EA	2,500.00	27,500	
	CONSTRUCT CURB INLET - TYPE III	9.00	EA	2,500.00	22,500	
	CONSTRUCT 54" I.D. STORM MANHOLE (2)	11.30	VF	495.23	5,596	
	CONSTRUCT 60" I.D. STORM MANHOLE (1)	5.70	VF	527.18	3,005	
	CONSTRUCT 84" I.D. STORM MANHOLE (1)	10.00	VF	729.54	7,295	
	CONSTRUCT 42" RC FLARED END SECTION	1.00	EA	1,757.27	1,757	
	CONSTRUCT PIPE COUPLERS	9.00	EA	133.13	1,198	
	INSTALL PERMANENT PREFORMED MARKING TAPE - 5" WHITE, GROOVED	5,225.00	LF	4.24	22,154	
	INSTALL PERMANENT PREFORMED TAPE MARKING - 5" YELLOW, GROOVED	4,998.00	LF	4.24	21,192	
	INSTALL PERMANENT PREFORMED TAPE MARKING - 24" WHITE, GROOVED	687.50	LF	20.82	14,314	
	INSTALL PERM MARKING TAPE SYMBOL - BIKE LANE & ARROW, WHITE	6.00	EA	793.45	4,761	
	INSTALL PERMANENT MARKING TAPE SYMBOL - ARROW, WHITE	12.00	EA	484.59	5,815	
	INSTALL TRAFFIC POSTS AND SIGNS	1.00	LS	24,452.75	24,453	
	PROVIDE TEMPORARY TRAFFIC CONTROL	1.00	LS	6,709.59	6,710	
	CONSTRUCT END OF ROAD MARKERS	5.00	EA	90.53	453	
	REBUILD MANHOLES ON LINCOLN ROAD	1	LS	11,229.75	11,230	
	INSTALL SILT FENCE-LINCOLN ROAD GRADING	1.00	LS	1,647.26	\$1,647	
TOTAL ESTIMATED CONSTRUCTION COST:					\$882,011	
Engineering Design at 7%					\$61,740.76	
Staking and C.M. at 7%					\$61,740.76	
TOTAL CONSTRUCTION, DESIGN AND C.M. COST					\$1,005,492.35	
ALLOCATION OF COSTS						
	%	Constr. & Eng.	SID Legal 5%	SID Fiscal 5%	SID Interest 8%	Total Entity Cost
Sarpy County	33%	\$335,164	0%	0	\$0	\$ 335,164
Granite Lake SID	0.00%	\$0	0	0	0	0
Granite Falls North SID 312	67%	\$670,328	33,516	33,516	53,626	790,987
P-LV Schools	0.00%	\$0	0	0	0	0
P-MRNRD (Dam Site #7)	0.00%	\$0	0	0	0	0
		\$1,005,492				\$ 1,126,152

PROJECT: ELECTRICAL SERVICE

NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	COST
1	ELECTRICAL SERVICE SINGLE FAMILY	80	LOTS	\$1,350.00	\$108,000
TOTAL ESTIMATED CONSTRUCTION COST:					\$108,000

NOTES:

1) TOTAL DISTRICT COSTS W/ 35% -	\$145,800
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PROJECT: WATER (INTERIOR)

NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	COST
	CONSTRUCT 12" D.I.P., CL 350 WATER MAIN	1,715.00	LF	42.88	\$73,539
	CONSTRUCT 8" D.I.P., CL 350 WATER MAIN	2,175.00	LF	27.55	\$59,921
	CONSTRUCT 6" D.I.P., CL 350 WATER MAIN	1,270.00	LF	26.35	\$33,485
	BORE 12" D.I.P., CL 350 WATER MAIN	150.00	LF	65.00	\$9,750
	BORE 8" D.I.P., CL 350 WATER MAIN	185.00	LF	28.00	\$5,180
	BORE 6" D.I.P., CL 350 WATER MAIN	120.00	LF	26.00	\$3,120
	INSTALL 12" GATE VALVE AND BOX	12.00	EA	1,935.00	\$23,220
	INSTALL 8" GATE VALVE AND BOX	11.00	EA	1,190.00	\$13,090
	INSTALL 6" GATE VALVE AND BOX	8.00	EA	875.00	\$5,250
	INSTALL 12" X 12" X 8" TEE	2.00	EA	535.00	\$1,070
	INSTALL 12" X 12" X 6" TEE	3.00	EA	490.00	\$1,470
	INSTALL 8" X 8" X 8" TEE	1.00	EA	288.00	\$288
	INSTALL 6" X 6" X 6" TEE	1.00	EA	276.00	\$276
	CONSTRUCT FIRE HYDRANT ASSEMBLY	13.00	EA	4,122.00	\$53,586
	CONNECTION TO EXISTING MAIN	7.00	EA	1,875.00	\$11,725
	Install Existing Hydrant	2.00	EA	1,800.00	\$3,600
	Remove and Replace CC Box	4.00	EA	300.00	\$1,200
	Modify Existing Valves	1.00	LS	1,150.00	\$1,150
TOTAL ESTIMATED CONSTRUCTION COST:					\$300,900

NOTES:

1) TOTAL DISTRICT COST W/ 40% -	\$421,260
G.O.	
DIFF. 12" & 8"	1,715 LF \$15.33 \$26,291 1.4 \$36,807
DIFF 12"/8" BORE	150.00 LF 37.00 \$5,550 1.4 \$7,770
DIFF 12"/8" VALVE	12.00 EA 745.00 \$8,940 1.4 \$12,516
	\$57,093

PROJECT: CAPITAL FACILITIES CHARGES

NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	COST
1	SINGLE FAMILY	80	LOTS	\$2,285.00	\$182,800
2	PARK / COMMON SPACE	3.40	ACRES	\$6,385.00	\$21,709
TOTAL ESTIMATED CONSTRUCTION COST:					\$204,509

NOTES:

1) TOTAL DISTRICT COST W/ 20% -	\$245,411	SPECIAL ASSESS.	GENERAL OBLIGATION
RESIDENTIAL	\$196,329	80%	\$49,082 20%

PROJECT: STORM SEWER

NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	COST
	REMOVE MANHOLE AND CONSTRUCT CURB INLET - TYPE III	3.00	LF	\$3,845.21	\$11,536
	REMOVE INLET	1.00	LF	548.48	548
	CONSTRUCT TYPE A RIP-RAP	104.40	TN	72.42	7,561
	CONSTRUCT 18" RCP, CLASS III	322.00	LF	49.31	15,878
	CONSTRUCT 24" RCP, CLASS III	82.00	LF	62.42	5,118
	CONSTRUCT 36" RCP, D(0.01) = 1,350	135.00	LF	97.61	13,177
	CONSTRUCT CURB INLET - TYPE I	6.00	EA	2,500.00	15,000
	CONSTRUCT CURB INLET - TYPE III	1.00	EA	2,500.00	2,500
	CONSTRUCT AREA INLET - TYPE II (120" I.D. W/ WEIR)	1.00	EA	20,608.04	20,608
	CONSTRUCT 54" I.D. STORM MANHOLE (1)*	4.90	VF	447.31	2,192
	CONSTRUCT 18" CONCRETE COLLAR	1.00	EA	447.31	447
	CONSTRUCT 24" STORM SEWER TAP	1.00	EA	692.26	692
	INSTALL STREET SIGN	61.00	EA	346.13	21,114
	PERM. MARKING TAPE - 12" WHITE	62.50	LF	10.54	659
	INSTALL PERMANENT MARKING TAPE - 24" WHITE	200.00	LF	20.82	4,164
	SODDING	0.00	SY	8.52	0
	PERMANENT BASIN OUTLET PIPING	1.00	LS	8,268.71	8,269
	CONSTRUCT 72" I.D. STORM MANHOLE (3)*	17.50	VF	718.89	12,581
	GRADE DRAINAGE SWALE ALONG EASEMENT	1	LS	3300	3,300
	PUMP OUT SILT BASIN A	1	LS	550	550
	EXCAVATE SILT FROM BASIN C	1	LS	14568.75	14,569
	MODIFY MH - TAB CONST	1	LS	937.68	938
TOTAL ESTIMATED CONSTRUCTION COST:					\$161,400

NOTES:

1) TOTAL DISTRICT COST W/ 40% -	\$225,960
Subtract over 48" Pipe Difference	\$0
2) GENERAL OBLIGATION	\$225,960

PROJECT: **SIDEWALKS AT OUTLOT FRONTAGES**

NO.	ITEM	APPROX. QUANTITY	UNIT	UNIT PRICE	COST
1	5" PC SIDEWALK (5' WIDE)	1,500	SF	4.00	6,000
2	EARTHWORK	500	C.Y.	3.00	1,500
	MISCELLANEOUS (+ 5%)	1	L.S.	XXXX	400
TOTAL ESTIMATED CONSTRUCTION COST:					\$7,900

NOTES:

1) TOTAL DISTRICT COST W/ 40% -	\$11,060
2) 100% G.O.	