



BK 1462 PG 533-545



MISC 2002 22464

CLERK N. TAYLOR  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

02 SEP 20 PM 12:05

RECEIVED

**THIS PAGE INCLUDED FOR INDEXING  
PAGE DOWN FOR BALANCE OF INSTRUMENT**

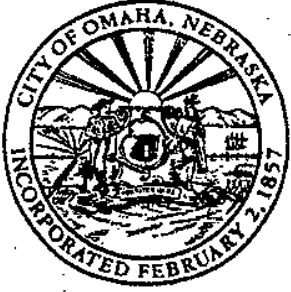
*misc* FEE 84<sup>50</sup> FB \_\_\_\_\_

*13* BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP \_\_\_\_\_

*39* DEL \_\_\_\_\_ SCAN *Q* FV \_\_\_\_\_

*A*

5 Agree's  
Res # 1928



City of Omaha  
Mike Fahey, Mayor

RECEIVED

August 13, 2002 02 JUL 26 PM 12:31

CITY CLERK  
OMAHA, NEBRASKA

Public Works Department

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 601  
Omaha, Nebraska 68183-0601  
(402) 444-5220  
Telefax (402) 444-5248

Norm Jackman, P.E.  
Acting Public Works Director

Honorable President

and Members of the City Council,

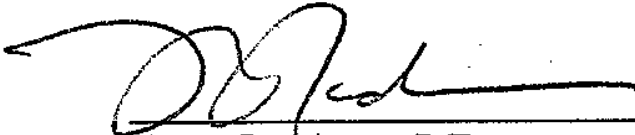
The attached Resolution approves the Subdivision Agreement among the City of Omaha, Apollo Building Corporation, Inc., and Stony Brook Villas Homeowners Association. This Subdivision Agreement covers the public improvement of Stony Brook Villas of Douglas County, Nebraska located southeast of 147<sup>th</sup> Street and Stony Brook Boulevard.

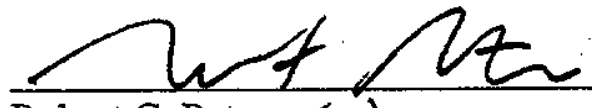
This Subdivision Agreement stipulates that the subdividers shall employ the Engineering Firm of Thompson, Dressen and Dorner, who will design, bid and provide project management for the paving, storm and sanitary sewers to service the subdivision. The City will pay for the construction and engineering costs estimated to be \$269,900.00, of which \$70,300.00 will be a City expense and \$199,600.00 will be specially assessed to the benefited lots within the Subdivision. The \$199,600.00 portion of the project will be paid by the City from the Special Assessment Fund 13573, Organization 11668. The City's cost of \$70,300.00 is broken down as follows: \$20,400.00 will be paid from the Street and Highway Bond Fund 13175 Intersection Construction Organization 116166; and \$49,900.00 will be paid from the 2000 Sewer Bond Fund 13116, Organization 116251, year 2002 funding.

The Public Works Department requests your consideration and approval of the attached Resolution and Subdivision Agreement.

Respectfully submitted,


This action has been reviewed and found to be in conformance with the Master Plan.

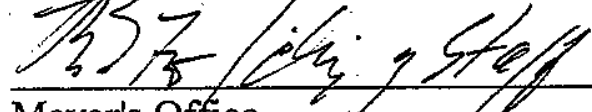
  
Norm Jackman, P.E. Date 7/19/02  
Acting Public Works Director

  
Robert C. Peters S.J. Date 7.23.02  
Planning Director

Approved as to Funding:

Referred to City Council for Consideration:

  
Stanley P. Timm Date 7/23/02  
Finance Director

  
Mayor's Office Date 7-23-02

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SUBDIVISION AGREEMENT  
STONY BROOK VILLAS

This Subdivision Agreement, made this 29<sup>th</sup> day of August, 2002, by and between Apollo Building Corporation, Inc. (hereinafter referred to as "SUBDIVIDER"), STONY BROOK VILLAS HOMEOWNERS ASSOCIATION (hereinafter referred to as "ASSOCIATION"), and the CITY OF OMAHA (hereinafter referred to as "CITY").

WHEREAS, the Subdivider is the owner of the land shown on the proposed plat attached hereto as Exhibit "A" (hereinafter referred to as "PROPERTY"); and,

WHEREAS, the City proposes to build public improvements on the property; and

WHEREAS, the Subdivider wishes to connect the system of sanitary sewers to be constructed within the property to the sewer system of the City of Omaha; and,

WHEREAS, the Subdivider has or will create the Stony Brook Villas Homeowners Association comprised of Lots 1 through 39 of Stony Brook Villas.

WHEREAS, the Subdivider and City desire to agree on the method for the installation and allocation of expenses for public improvements to be constructed in the property.

NOW, THEREFORE, in consideration of the above, the following is agreed between the parties hereto:

1. Public Improvements. Attached hereto as Exhibits "B" and "C" and incorporated herein by reference are plats showing the public improvements to be installed on the property, i.e. storm sewer, sanitary sewer, and paving of public streets (hereinafter referred to as "IMPROVEMENTS"). All improvements must receive the approval of the Public Works Department of the City prior to construction. Subdivider waives the right to challenge the creation of Street Improvement District 6868 (SID 6868), Storm Sewer District 6050 (ST 6050) and Sanitary District 6051 (SD 6051). Subdivider waives the right to request damages caused by grading elevation changes. Subdivider waives the right to challenge the assessments provided such assessments are done according to this subdivision agreement.
2. Payment for Public Improvements. The Subdivider shall retain the firm of Thompson, Dreessen & Dorner, Inc. to provide the design and project management for the projects. The Subdivider shall obtain public bids for the project and the parties agree to waive Nebraska statutory and City of Omaha ordinances on bid advertisement, opening and award. The City shall make progress payments to the contractor for construction costs and the engineer for design and project management costs. The project is estimated to cost \$236,000 for the paving, storm and sanitary sewers of which the City shall pay for intersection and storm sewer work estimated to be \$20,400 for the intersection work and \$49,900 for the storm sewer work as itemized on Exhibit "E". The City shall specially assess the remainder of the project including associated engineering costs to the benefited lots within the subdivision. The design and project management costs are estimated to be \$33,840 or 14.35% of the construction cost estimate. Special assessments will be levied equally against all residential lots.

3. Water, Gas and Electrical Power. The Subdivider agrees to enter into an Agreement with the Metropolitan Utilities District regarding all water and gas line extensions on the property, and into an Agreement with the Omaha Public Power District for power lines to be installed on the property. Copies of all Agreements with the Metropolitan Utilities District and the Omaha Public Power District will be provided to the City within four months from the date of this Agreement.
4. Installation of Improvements. The City and Subdivider agree to commence the timely and orderly installation of the improvements following execution of this Agreement, pursuant to Section 53-9 of the Omaha Municipal Code.
5. Payment for Utilities. The Subdivider shall pay the cost of all of the improvements by the Metropolitan Utilities District for water and gas line installation and charges by the Omaha Public Power District for underground electrical service or overhead power installations.
6. Sidewalks. The Subdivider shall cause sidewalks along both sides of all public streets within the area to be developed to be constructed according to the following schedule:
  - (1) Sidewalk abutting rear lot lines as shown on Exhibit "B" shall be constructed as part of the improvement project and assessed to all the lots within the subdivision. This sidewalk shall be maintained, including snow removal by the Association.
  - (2) Sidewalks shall be constructed on the front and side yards for each lot as the lots are developed.
  - (3) Sidewalks shall be constructed immediately abutting undeveloped lots on either side of any block or cul-de-sac (i.e. circle) as soon as the lots comprising 65% of the abutting footage on such side have been developed. A lot shall be developed for the purpose of this section when a dwelling has been constructed on the lot.
  - (4) In any event, all sidewalks shall be constructed upon both sides of all public streets within the property within three years of the recording of the subdivision plat.
7. Right to Connect to City Sewer System. The City hereby acknowledges that it has given the Subdivider the right to connect the sanitary sewer system of the property to the City sanitary sewer system, subject to obtaining proper permits and paying the regular fees.
8. The Association agrees to maintain the drainage swale west of Berry Circle.
9. Binding Effect. This Subdivision Agreement shall be binding upon the parties, their respective successors, and assigns and runs with the land shown on Exhibit "A".

ATTEST:

CITY OF OMAHA

CITY CLERK OF THE CITY OF OMAHA

MAYOR


DATE

IMPRINTED SEAL  
REGISTER OF DEEDS

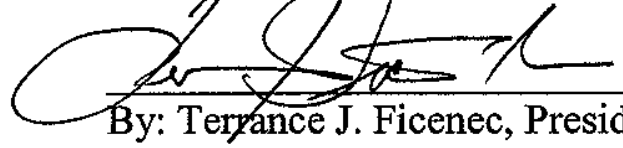
APPROVED AS TO FORM:

APOLLO BUILDING CORP., INC.:

  
Dep. City Atty

  
By: Terrance J. Ficenec, President DATE 7/13/02

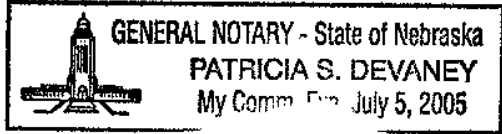
STONY BROOK VILLAS  
HOMEOWNERS ASSOCIATION:

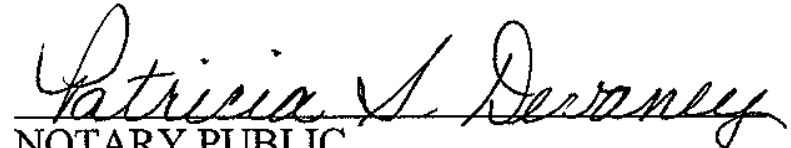
  
By: Terrance J. Ficenec, President DATE 7/13/02

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )  
  ) ss  
COUNTY OF DOUGLAS )

The foregoing Subdivision Agreement was acknowledged before me this 3 day of July, 2002 by Terrence J. Ficenec, President of Apollo Building Corp., Inc. on behalf of the Company.

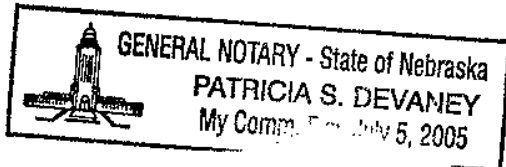


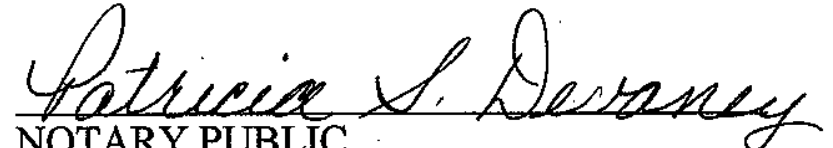
  
NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )  
  ) ss  
COUNTY OF DOUGLAS )

The foregoing Subdivision Agreement was acknowledged before me this 3 day of July, 2002 by Terrence J. Ficenec, President of Stony Brook Villas Homeowners Association on behalf of the Association.

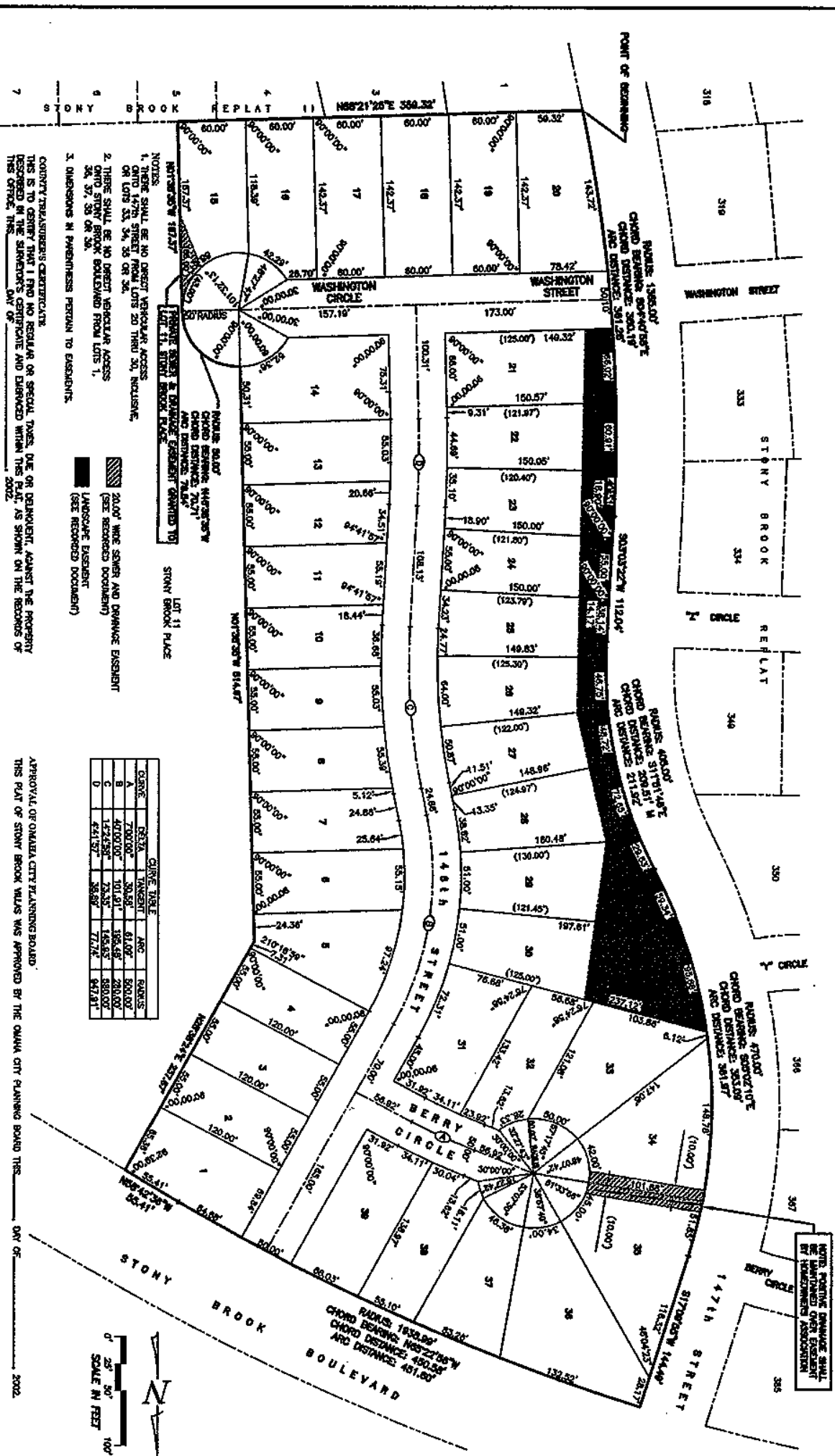


  
NOTARY PUBLIC

# STONY BROOK VILLAS

LOTS 1 THRU 39, INCLUSIVE

BEING A REPLATING OF LOTS 12 THRU 48, INCLUSIVE, AND OUTLOT A, STONY BROOK PLACE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, AND A REPLATING OF THOSE PARTS OF BERRY STREET, 1468 STREET, WASHINGTON STREET AND WASHINGTON CIRCLE LYING WITHIN SAID STONY BROOK PLACE.



NOTES:  
1. THERE SHALL BE NO DIRECT VEHICULAR ACCESS ONTO 1470 STREET FROM LOTS 20 THRU 20, INCLUSIVE.  
2. THERE SHALL BE NO DIRECT VEHICULAR ACCESS ONTO STONY BROOK BOULEVARD FROM LOTS 1, 26, 37, 38 OR 39.  
3. DIMENSIONS IN PARENTHESES PERTAIN TO EASEMENTS.

COUNTY PLATTEAU SURVEYOR  
THIS IS TO CERTIFY THAT I HAVE NO RECORD OR SPECIAL TAXES, DUES OR DELINQUENT, AGAINST THE PROPERTY DESCRIBED IN THIS SURVEYOR'S CERTIFICATE AND EASEMENTS WITHIN THIS DAY OF \_\_\_\_\_, 2002.

APPROVAL OF OKLAHA CITY PLANNING BOARD  
THIS PLAN OF STONY BROOK VILLAS WAS APPROVED BY THE OKLAHA CITY PLANNING BOARD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

APPROVAL OF OKLAHA CITY COUNCIL  
THIS PLAN OF STONY BROOK VILLAS WAS APPROVED AND ACCEPTED BY THE OKLAHA CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

APPROVAL OF CITY ENGINEER  
I HEREBY APPROVE THIS PLAN OF STONY BROOK VILLAS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

CITY ENGINEER \_\_\_\_\_

APPROVAL OF DOUGLAS COUNTY ENGINEER  
THIS PLAN OF STONY BROOK VILLAS WAS REVIEWED BY THE DOUGLAS COUNTY ENGINEER'S OFFICE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

DOUGLAS COUNTY ENGINEER \_\_\_\_\_

APPROVAL OF CITY ENGINEER  
I HEREBY CERTIFY THAT ADEQUATE PROVISIONS HAVE BEEN MADE FOR COMPLIANCE WITH CHAPTER 25 OF THE OKLAHA MUNICIPAL CODE.

CITY ENGINEER \_\_\_\_\_

APPROVAL OF DOUGLAS COUNTY ENGINEER  
THIS PLAN OF STONY BROOK VILLAS WAS REVIEWED BY THE DOUGLAS COUNTY ENGINEER'S OFFICE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

DOUGLAS COUNTY ENGINEER \_\_\_\_\_

SUBDIVISION CERTIFICATE  
I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREON AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND THAT A BOUNDARY WILL BE PLACED WITH THE CITY OF OKLAHA TO CORRECT THE CORNER POINTS AND AT THE CORNERS OF ALL LOTS WITHIN SAID SUBDIVISION TO BE KNOWN AS STONY BROOK VILLAS, LOTS 1 THRU 39, INCLUSIVE, BEING A REPLATING OF LOTS 12 THRU 48, BERRY STREET AND OUTLOT A, STONY BROOK PLACE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA, AND WASHINGTON STREET AND WASHINGTON CIRCLE LYING WITHIN SAID STONY BROOK PLACE. ALL MARKERS PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID LOT 12;  
THENCE NORTH 18°27'37" EAST 299.33 FEET TO THE SE CORNER OF SAID LOT 12;  
THENCE NORTH 18°27'37" EAST 299.33 FEET TO THE SE CORNER OF SAID LOT 26;  
THENCE NORTH 18°27'37" EAST 299.33 FEET TO THE SE CORNER OF SAID LOT 37;  
THENCE NORTH 18°27'37" EAST 299.33 FEET TO THE SE CORNER OF SAID LOT 38;  
THENCE NORTH 18°27'37" EAST 299.33 FEET TO THE SE CORNER OF SAID LOT 39;  
THENCE NORTH 18°27'37" EAST 299.33 FEET TO THE SE CORNER OF SAID LOT 12.



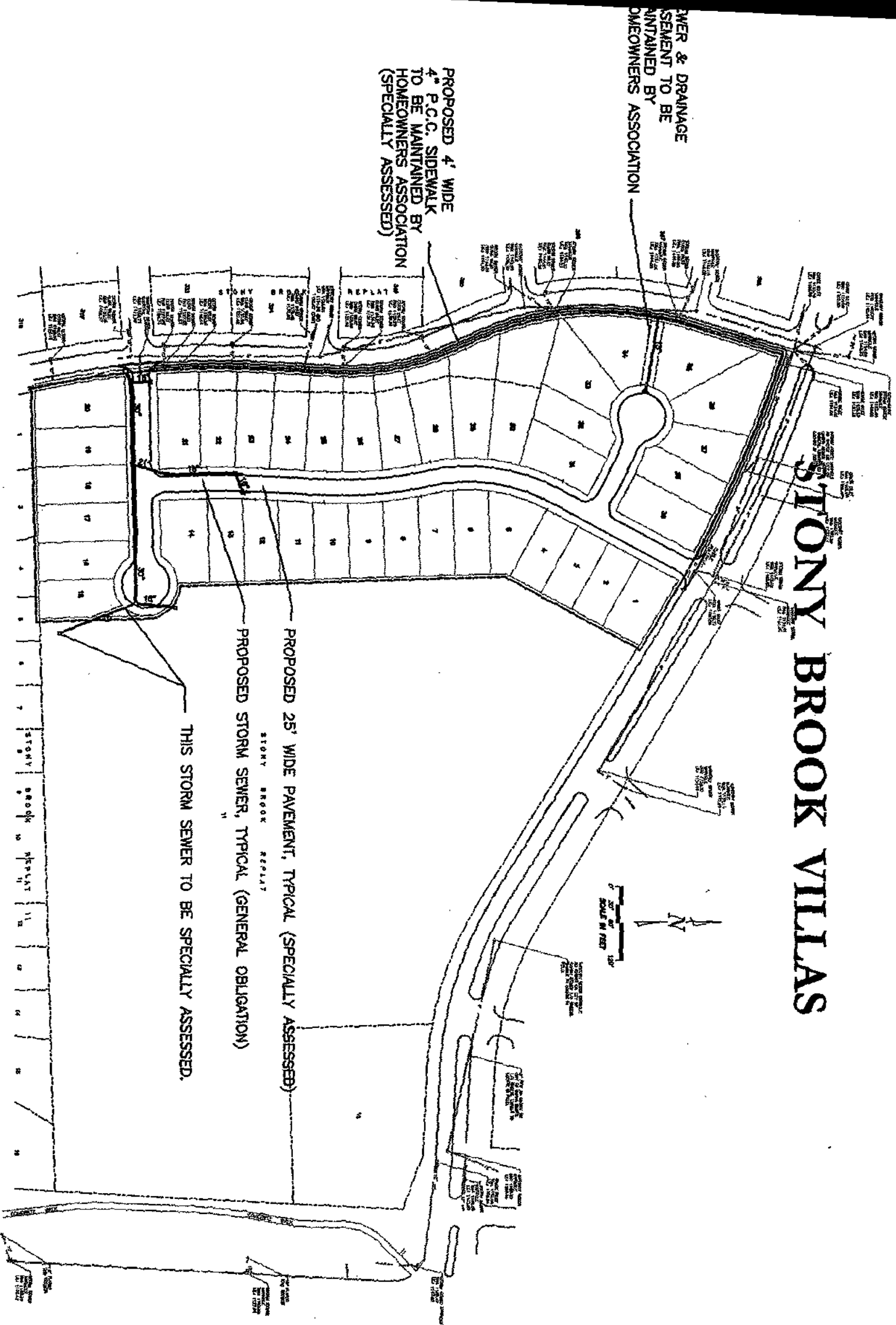
DATE: APRIL 25, 2002  
DRAWN BY: JKW  
CHECKED BY: DWH  
REVISION:

APPROVAL OF APOLLO BUILDING CORP., A NEBRASKA CORPORATION  
BY: TERENCE J. FROST, PRESIDENT  
PREST NATIONAL BANK OF OKLAHA

ACKNOWLEDGMENT OF OKLAHA CITY  
COUNTY OF DOUGLAS, NEB  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, TERENCE J. FROST, PRESIDENT OF APOLLO BUILDING CORP., A NEBRASKA CORPORATION ON BEHALF OF SAID CORPORATION.

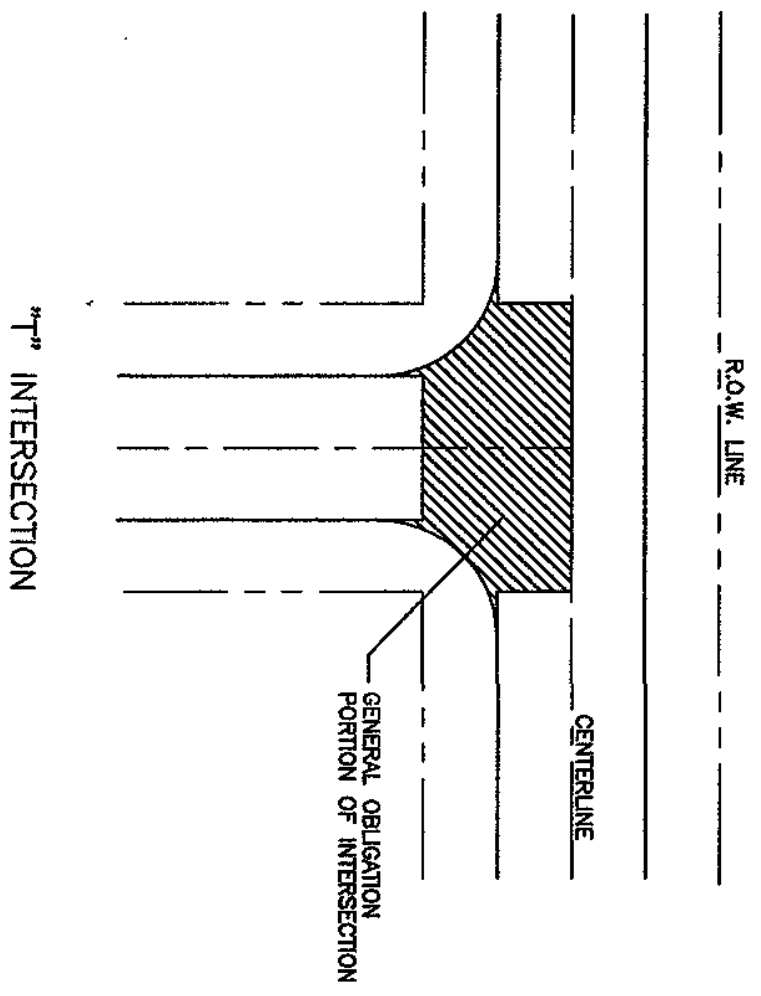
**EXHIBIT A**  
FINAL PLAT  
131-136  
EXHIBIT A.DWG

# STONY BROOK VILLAS



## EXHIBIT B PAVING & STORM SEWER

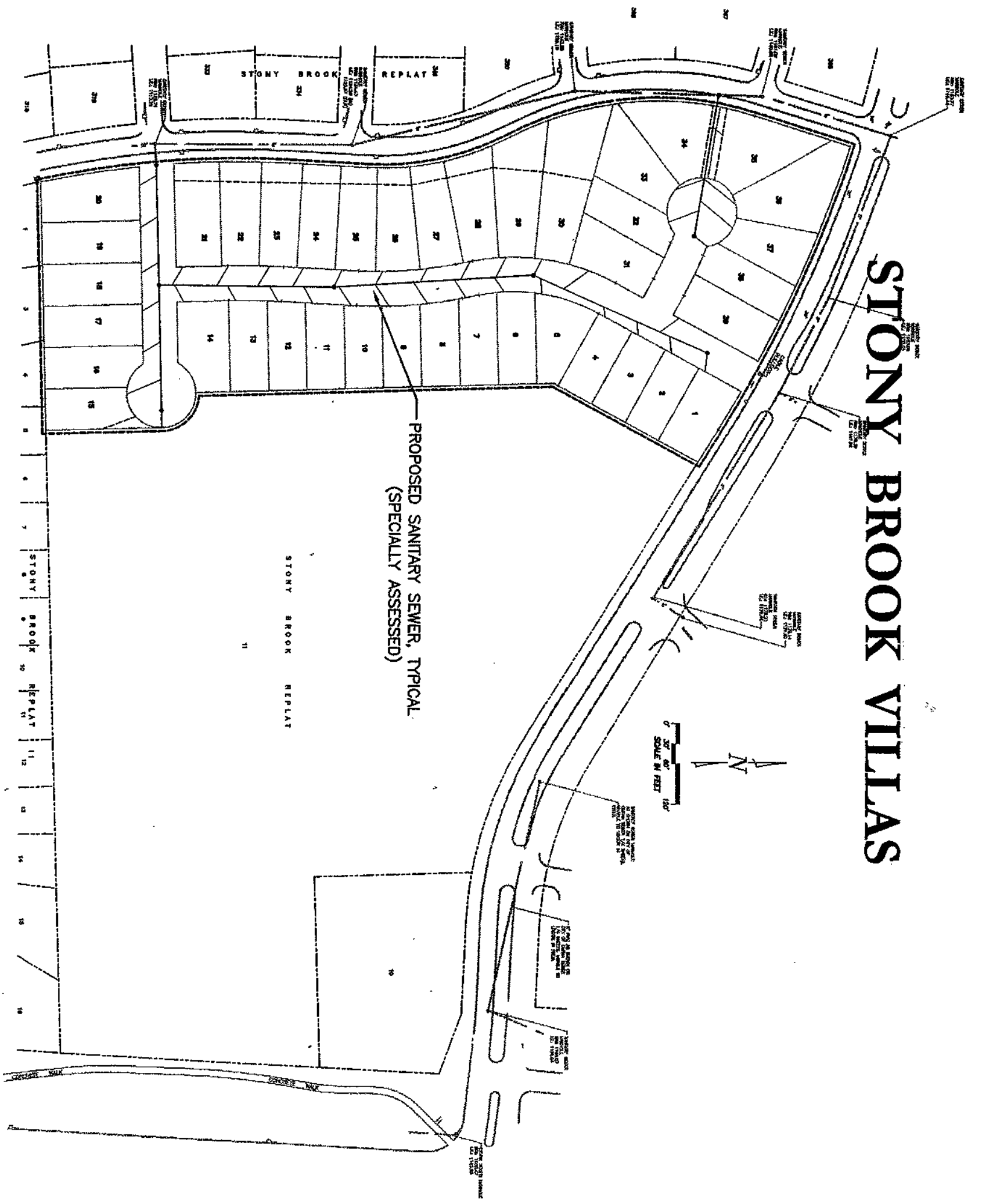
131-138  
EXHIBIT\_B1.DWG



**EXHIBIT B**  
**PAGE 2**



# STONY BROOK VILLAS



**EXHIBIT C**  
**SANITARY SEWER**  
131-136  
EXHIBIT\_C.DWG

**STONY BROOK VILLAS**

ESTIMATED CITY COST	ESTIMATED SPECIALLY ASSESSED	ESTIMATED TOTAL COST	ITEM
\$20,400	\$110,400	\$130,800	PAVEMENT
\$49,900	\$4,600	\$54,500	STORM SEWER
\$0	\$68,900	\$68,900	SANITARY SEWER
\$0	\$15,700	\$15,700	SIDEWALK
\$70,300	\$199,600	\$269,900	TOTAL

**EXHIBIT "E"**

TD2 NO. 131-136  
June 25, 2002

# CITY OF OMAHA

## LEGISLATIVE CHAMBER

Omaha, Nebr.....August 13, 2002.....

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, Apollo Building Corporation, Inc. proposes to build a Subdivision, Stony Brook Villas, which will be located southeast of 147<sup>th</sup> Street and Stony Brook Boulevard; and,

WHEREAS, Apollo Building Corporation, Inc. wishes to connect to Omaha's sewer system, the system of sanitary sewers to be constructed by the City within the area to be developed; and,

WHEREAS, Apollo Building Corporation, Inc. will create the Stony Brook Villas Homeowners Association who will provide certified ongoing maintenance within the Subdivision; and,

WHEREAS, the City of Omaha has established Street Improvement District 6868 to install the paving, Storm Sewer District No. 6050 to install the storm sewer and Sanitary District 6051 to install the sanitary sewer to service the Subdivision; and,

WHEREAS, the proposed estimated cost is \$269,900.00 with the City paying \$20,400.00 from the 2000 Street and Highway Fund 13175, Intersection Construction Organization 116166; \$49,900 from the 2000 Sewer Bond Fund 13116, Organization 116251; and \$199,600.00 from the Special Assessment Fund 13573, Organization 11668; and,

WHEREAS, the Public Works Department, following completion of the improvement, shall specially assess the \$199,600.00 to the benefited slots within the Subdivision.

WHEREAS, a 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:

By.....  
Councilmember

Adopted.....  
.....  
City Clerk

Approved.....  
Mayor

# CITY OF OMAHA

## LEGISLATIVE CHAMBER

Omaha, Nebr..... August 13, 2002.....

PAGE 2

THAT, the Subdivision Agreement among the City of Omaha, Apollo Building Corporation, Inc. and Stony Brook Villas Homeowners Association, as recommended by the Mayor, providing for the public improvements and sewer connections to the Omaha sewer system, is hereby approved.

**BE IT FURTHER RESOLVED:**

THAT the Finance Department is authorized to pay for the improvement from the following sources: \$20,400.00 from the 2000 Street and Highway Fund 13175, Intersection Construction Organization 116166; \$49,900 from the 2000 Sewer Bond Fund 13116, Organization 116251; and \$199,600.00 from the Special Assessment Fund 13573, Organization 11668.

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APPROVED AS TO FORM:

*[Signature]* 7-19-02  
CITY ATTORNEY DATE

**IMPRINTED SEAL  
REGISTER OF DEEDS**

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.

*[Signature]*  
CITY CLERK

By.....  
Councilmember

Adopted..... **AUG 27 2002** 7-0  
*[Signature]*  
City Clerk

Approved..... *[Signature]* 8/29/02  
Mayor

1954-

NO. 1928

Resolution by .....

Res. that the Subdivision Agreement among the City of Omaha, Apollo Building Corporation, Inc. and Stony Brook Villas Homeowners Association, as recommended by the Mayor, providing for the public improvements and sewer connections to the Omaha sewer system, is hereby approved. The Subdivision is to be known as Stony Brook Villas which will be located southeast of 147<sup>th</sup> Street and Stony Brook Boulevard; that the Finance Department is authorized to pay for the improvement from the following sources: \$20,400.00 from the 2000 Street and Highway Fund 13175, Intersection Construction Organization 116166; \$49,900 from the 2000 Sewer Bond Fund 13116, Organization 116251; and \$199,600.00 from the Special Assessment Fund 13573, Organization 11668.

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19 ✓

Presented to City Council

AUG 13 2002

*#1954 - over 2 weeks to sign for pursuant to City Council Rule VII E.*

AUG 27 2002 - Adopted 7-0

*Buster Brown*

City Clerk

