

2011-16660

07/07/2011 3:28:14 PM

*Clay J. Dowling*

COUNTER	<u>ah</u>	C.E.	<u>[Signature]</u>
VERIFY	<u>ah</u>	D.E.	<u>[Signature]</u>
PROOF			
FEES \$	<u>36.50</u>		
CHECK#			
CHG	<u>COP</u>	CASH	
REFUND		CREDIT	
SHORT		NCR	

REGISTER OF DEEDS



**SECOND AMENDMENT  
TO  
DEVELOPMENT/SUBDIVISION AGREEMENT**

This Second Amendment to the Shadow Lake Development/Subdivision Agreement, made this 17th day of May, 2011, by and between SANITARY AND IMPROVEMENT DISTRICT NO. 264 (hereinafter referred to as "DISTRICT"), ALCHEMY PARTNERS I, LLC a Nebraska limited liability company, and SHADOW LAKE DEVELOPMENT, LLC, a Nebraska limited liability company (hereinafter collectively referred to as "SUBDIVIDER"), and THE CITY OF PAPIILLION, NEBRASKA, a municipal corporation (hereinafter referred to as "CITY") amends and modifies the Development/Subdivision Agreement adopted by RES. R05-0070 entered into by the parties on May 17, 2005.

WHEREAS, the SUBDIVIDER as the owner of the land desires to replat and develop Lot 750, Shadow Lake into Lots 1 and 2, and Outlot A, Shadow Lake Replat 5 as shown on the proposed plat attached hereto as Exhibit "A-2" (hereinafter referred to as "PROPERTY"); and

WHEREAS, the SUBDIVIDER 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 Papillion; and

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/Private Improvements. Attached hereto as Exhibit "B" and incorporated herein by reference are plats showing the public and private improvements to be installed on the PROPERTY, i.e. storm sewer, sanitary sewer and paving of public and private streets (hereinafter referred to as "Improvements"). Private streets must be constructed to public street standards and may be constructed in an Outlot rather than publically dedicated right-of-way. All Improvements must receive the approval of the CITY prior to construction.

2. Water, Gas and Electrical Power. The SUBDIVIDER agrees to enter into agreements with (i) Black Hills/Nebraska Gas Utility Company, LLC regarding all gas line extensions on the PROPERTY; (ii) Omaha Public Power District for power lines to be installed on the PROPERTY; and (iii) The City of Papillion for water line extensions on the PROPERTY. Copies of all agreements with Black Hills/Nebraska Gas Utility Company, LLC and the Omaha Public Power District will be provided to the CITY within four (4) months from the date of this Agreement.

3. Installation of Public/Private Improvements. The SUBDIVIDER agrees to commence the timely and orderly installation of the Improvements following execution of this Agreement, pursuant to Chapter 170, Subdivision of Land, of the Papillion Municipal Code.

*RUR@  
City of Papillion*

4. Payment for Public/Private Improvements. The SUBDIVIDER shall pay the cost of all of the paving, sanitary and storm sewer and water line Improvements, all charges by Black Hills/Nebraska Gas Utility Company, LLC for gas line installation and charges by Omaha Public Power District for underground electrical service or overhead power installations. The credit or funds of the DISTRICT shall not be used for construction of any improvement or facilities identified on Exhibit "B".

5. Sidewalks. The SUBDIVIDER shall cause sidewalks along both sides of all public and private streets within the area to be developed to be constructed according to the following schedule:

(a) Sidewalks shown on Exhibit "B" shall be constructed based on the following schedule:

(1) The sidewalks on the west and south sides of the private street located in Outlot A shall be installed at the time of completion of the construction of an adjacent building.

(2) The sidewalk on the south side of Schram Road shall be installed at the time of construction of the first building on either Lot 1 or Lot 2 or at the time of construction of the public improvements on Schram Road.

(3) The sidewalk on the west side of 72<sup>nd</sup> Street shall be installed at the time of construction of the first building on either Lot 1 or Lot 2 or at the time of construction of the public improvements on 72<sup>nd</sup> Street.

(4) The sidewalks along all street frontages adjacent to Outlot 23, Shadow Lake must be installed at the time of construction of the first building on either Lot 1 or Lot 2 or at the time of construction of the public improvements on 72<sup>nd</sup> Street.

(b) In any event, all sidewalks shall be constructed upon both sides of all public and private streets within the property within three (3) years of the recording of the subdivision plat.

(c) All sidewalks, handicap accessible ramps, and crosswalks shall be designed and constructed in accordance with PROWAG.

6. 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.

7. Repeal of Section 10. Section 10 of the May 17, 2005 Shadow Lake Development/Subdivision Agreement is hereby repealed because a separate Mixed Use Agreement for Shadow Lake Square is being adopted in conjunction with the approval of this amendment.

8. Payment of Watershed Fees. The SUBDIVIDER shall be responsible for payment of Watershed Fees in the amount of \$4,000 per gross acre for Lot 1 and \$3,300 per gross acre for Lot 2. The Watershed Fees for Lot 1 and Lot 2 shall be remitted by the SUBDIVIDER to the CITY upon issuance of a building permit on the respective lots on behalf of the DISTRICT. The Watershed Fees for Outlot A shall be calculated as follows: 50% of the gross acreage shall be paid at the rate of \$4,000 per gross acre and the remaining 50% of gross acreage shall be paid at \$3,300 per gross acre (which equates to \$3,650 per gross acre). The Watershed Fee for Outlot A shall be remitted by the SUBDIVIDER at the start of construction of the private street contained within Outlot A. The CITY shall remit said collected watershed fees to the DISTRICT. The reimbursement by the CITY to the DISTRICT shall be restricted for deposit into the DISTRICT'S bond fund and a reduction of the DISTRICT'S general obligation debt.



C

SUBDIVIDER:

ALCHEMY PARTNERS I, LLC,  
a Nebraska limited liability company,

By: Alchemy Development, LLC, a Nebraska  
limited liability company, Manager

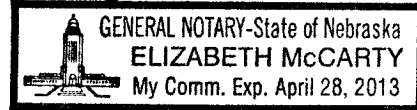
By: Robert Hancock  
Robert Hancock, President

STATE OF NEBRASKA            )  
  ) ss  
COUNTY OF SARPY            )

On this 16<sup>th</sup> day of May, 2011, before me, a Notary Public in and for said County and State, personally appeared ROBERT HANCOCK, President of Alchemy Development, LLC, a Nebraska limited liability company, Manager of ALCHEMY PARTNERS I, LLC, a Nebraska limited liability company, who executed the above and foregoing Second Amendment to Development/Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed on behalf of said company.

Elizabeth McCarty  
Notary Public

My commission expires: April 28, 2013



SUBDIVIDER:

SHADOW LAKE DEVELOPMENT, LLC,  
a Nebraska limited liability company

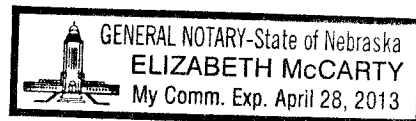
By: John C. Allen  
John C. Allen, Manager

STATE OF NEBRASKA            )  
  ) ss  
COUNTY OF SARPY            )

On this 9<sup>th</sup> day of May, 2011, before me, a Notary Public in and for said County and State, personally appeared JOHN C. ALLEN, Manager of SHADOW LAKE DEVELOPMENT, LLC, a Nebraska limited liability company, who executed the above and foregoing Second Amendment to Development/Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed on behalf of said company.

Elizabeth McCarty  
Notary Public

My commission expires: April 28, 2013



# EXHIBIT A-1

## LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I have made a boundary survey of the subdivision herein and that permanent monuments have been placed at all corners, angle points and ends of curves on the boundary on the plat and that permanent monuments will be placed at all corners, angle points and ends of curves on all lots and streets within the subdivision to be known as Lots 1, 2 and Outlot A, SHADOW LAKE REPLAT 5, being a replatting of Lot 750, SHADOW LAKE, Sarpy County, Nebraska described as follows:

Commencing at the northeast corner of the Northeast Quarter Section 2, Township 13 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska:

Thence South 02°43'31" East for 49.84 feet along the east line of said Section 2;

Thence South 87°16'29" West for 50.00 feet to the intersection on the south right of way line of Schram Road and the west right of way line of 72nd Street and the TRUE POINT OF BEGINNING;

Thence South 02°43'31" East for 1212.43 feet parallel with and 50.00 feet west of the east line of said Section 2;

Thence South 79°43'42" West for 166.36 feet;

Thence South 61°49'24" West for 172.34 feet to the east right of way line of Lakeview Drive;

Thence along said east right of way line for the following 9 (nine) courses.

1) Thence North 37°00'25" West for 114.03 feet;

2) Thence along a curve to the right (having a radius of 268.50 feet and a long chord bearing North 23°12'23" West for 128.10 feet) for an arc length of 129.34 feet;

3) Thence North 09°24'21" West for 151.36 feet;

4) Thence along a curve to the left (having a radius of 331.50 feet and a long chord bearing North 23°24'34" West for 160.44 feet) for an arc length of 162.04 feet;

5) Thence North 37°24'48" West for 241.84 feet;

6) Thence along a curve to the right (having a radius of 268.50 feet and a long chord bearing North 17°13'09" West for 185.37 feet) for an arc length of 189.27 feet;

7) Thence North 02°58'29" East for 71.21 feet;

8) Thence along a curve to the left (having a radius of 331.50 feet and a long chord bearing North 11°42'26" West for 168.04 feet) for an arc length of 169.89 feet;

9) Thence North 26°23'20" West for 75.91 feet to the south right of way line of Schram Road;

Thence along a curve to the right (having a radius of 1450.00 feet and a long chord bearing North 76°09'17" East for 568.03 feet) for an arc length of 571.72 feet along said south right of way line;

Thence North 87°27'01" East for 180.15 feet continuing along said south line to the Point of Beginning;

Contains 704,824 square feet or 16.253 acres.

Note: All exterior courses described above monumented with a 5/8" rebar with 1 1/4" yellow plastic cap stamped LS-379 unless otherwise noted.

All other lots being created in the interior of this plat to be monumented with a 5/8" rebar with 1 1/4" yellow plastic cap stamped LS-566 unless otherwise noted.



LAMP RYNEARSON  
& ASSOCIATES

14710 West Dodge Road, Suite 100 402.496.2498 | P  
Omaha, Nebraska 68154-2027 402.496.2730 | F  
www.LRA-Inc.com

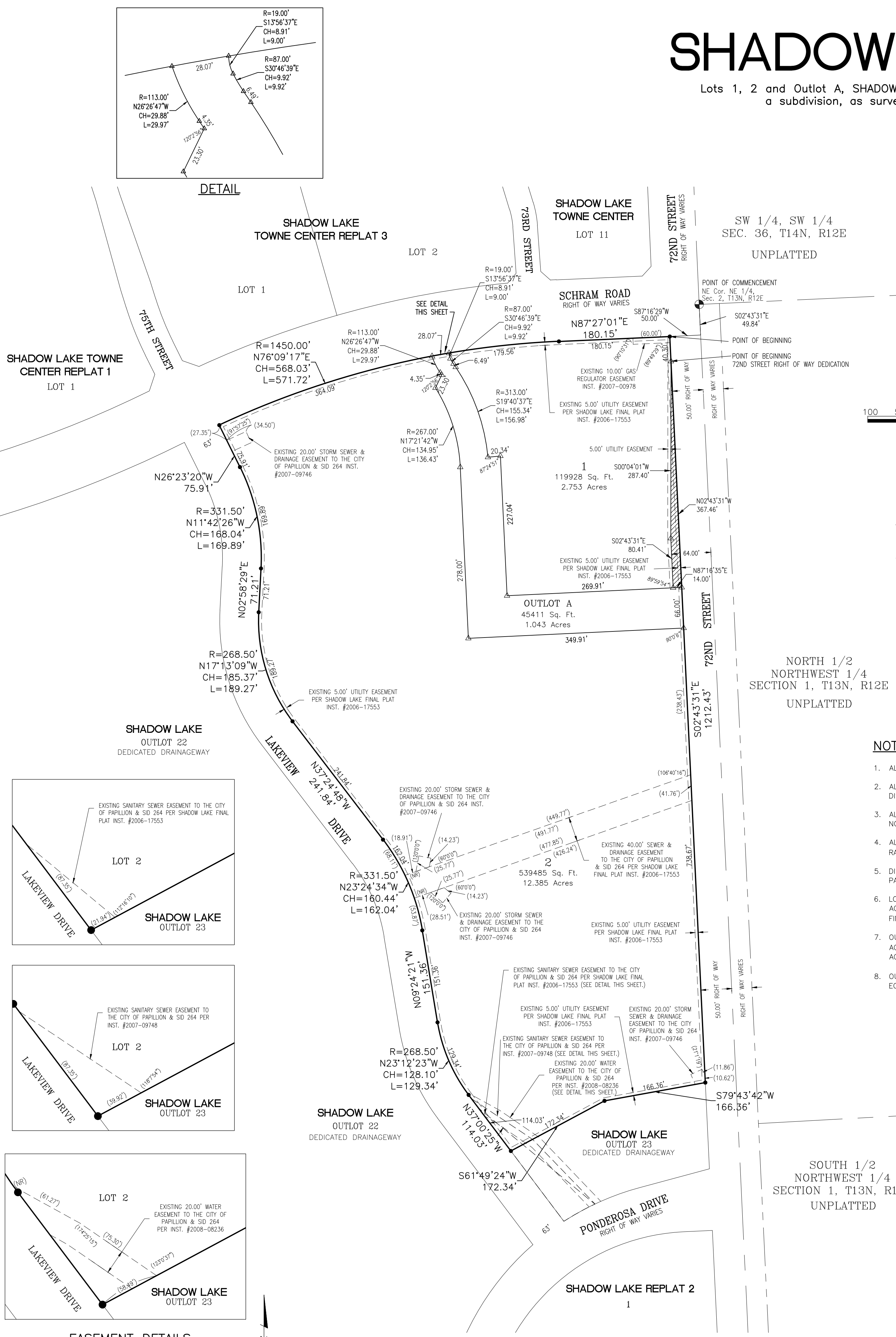
drawn by	designed by	reviewed by	project - task number	date	revisions
EAM		WEK	0111006.01-003	4-14-11	
path\filename L:\Engineering\0111006\SURVEY\DRAWINGS\RECORD\1106F101-EXHIBITA-1.dwg					

# SHADOW LAKE REPLAT 5

Lots 1, 2 and Outlot A, SHADOW LAKE REPLAT 5, being a replatting of Lot 750, SHADOW LAKE, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

LOCATED IN:  
NE 1/4 NE 1/4 SECTION 2, T13N, R12E

drawn by EAM	reference SHADOW LAKE
designed by	
reviewed by WEK	
filename 1106F101.dwg	
revisions	



**COUNTY TREASURER'S CERTIFICATE**

THIS IS TO CERTIFY THAT I find no regular nor special taxes due or delinquent against the property described in the Land Surveyor's Certificate and embraced in this plat, as shown by the records of this office, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Sarpy County Treasurer

**COUNTY SURVEYOR'S CERTIFICATE**

This plat of Lots 1, 2 and Outlot A, SHADOW LAKE REPLAT 5 was reviewed by the Sarpy County Surveyor's Office \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Sarpy County Surveyor

**CITY ENGINEER'S CERTIFICATE**

This plat of Lots 1, 2 and Outlot A, SHADOW LAKE REPLAT 5 was approved and accepted by the City Engineer of Papillion, Nebraska on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

City Engineer

**APPROVAL OF PAPILLION PLANNING COMMISSION**

This plat of Lots 1, 2 and Outlot A, SHADOW LAKE REPLAT 5 was approved and accepted by the Papillion Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Chairman, Papillion Planning Commission

**APPROVAL OF PAPILLION CITY COUNCIL**

This plat of Lots 1, 2 and Outlot A, SHADOW LAKE REPLAT 5 was approved by the City Council of Papillion, Nebraska, on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Mayor \_\_\_\_\_ City Clerk \_\_\_\_\_

**ZONING**

MU-MIXED USE

Front yard building setback	15
Interior side yard building setback	10
Street side yard building setback	10
Rear yard building setback	10

**ACKNOWLEDGEMENT OF NOTARY**

State of Nebraska )  
County of Sarpy ) SS

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011

by John C. Allen, Managing Member of SHADOW LAKE DEVELOPMENT, LLC, a Nebraska limited liability company, on behalf of said company.

Witness my hand and seal the date aforesaid.

Signature of Notary Public \_\_\_\_\_

**LAND SURVEYOR'S CERTIFICATE**

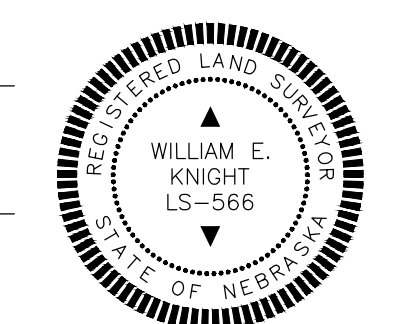
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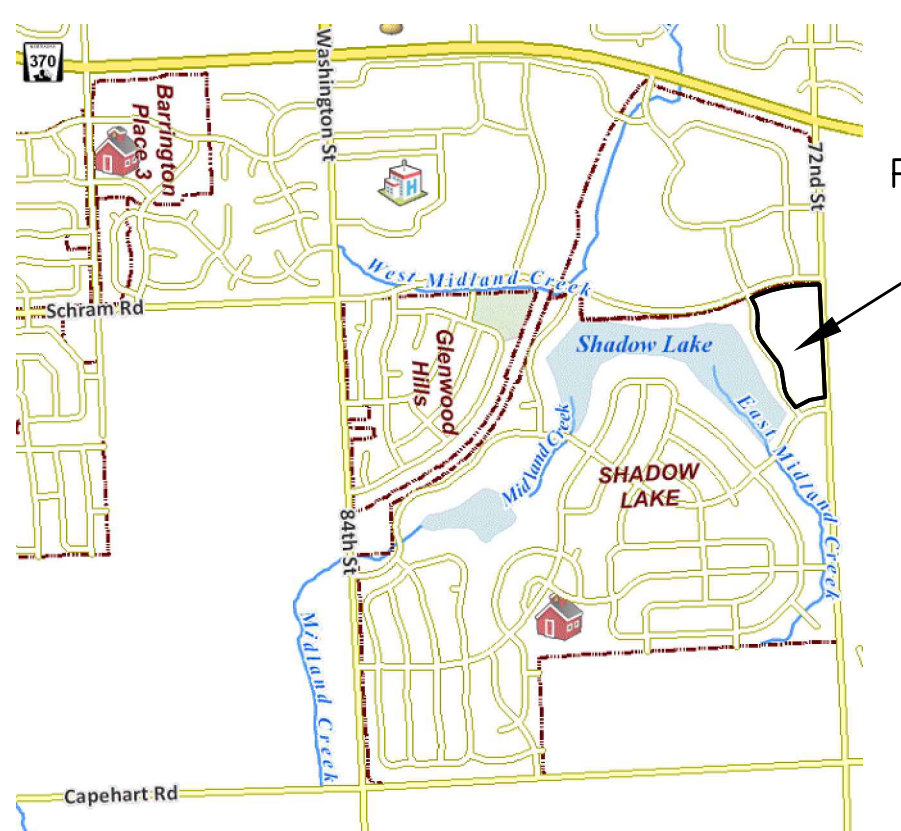
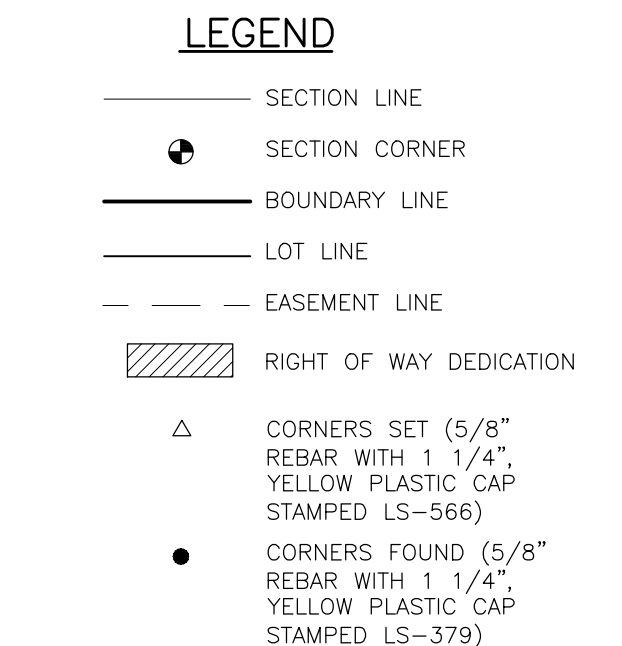
William E. Knight, L.S. 566

Date \_\_\_\_\_



**NOTES**

- ALL DISTANCES ARE SHOWN IN DECIMAL FEET.
- ALL DISTANCES SHOWN ALONG CURVES ARE ARC DISTANCES NOT CHORD DISTANCES.
- ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- ALL LOT LINES ON CURVED STREETS ARE RADIAL UNLESS OTHERWISE NOTED (NR).
- DISTANCES AND ANGLES SHOWN IN PARENTHESES REFER TO EASEMENTS.
- LOTS 1 AND 2 HAVE NO DIRECT VEHICULAR ACCESS TO 72ND STREET PER SHADOW LAKE FINAL PLAT INST. #2006-17553.
- OUTLOT A WILL HAVE RIGHT IN RIGHT OUT ACCESS TO 72ND STREET AND WILL HAVE 3/4 ACCESS TO SCHRAM ROAD.
- OUTLOT "A" IS DEDICATED FOR INGRESS/EGRESS TO LOTS 1 AND 2.



**OWNER'S CERTIFICATION**

KNOW ALL PERSONS BY THESE PRESENTS: That the undersigned are OWNERS of the property as described in the surveyor's certificate and embraced within this plat, and have caused said land to be subdivided into lots as shown on this plat.

SHADOW LAKE DEVELOPMENT, LLC, a Nebraska limited liability company, OWNER

**ACKNOWLEDGEMENT OF NOTARY**

State of Nebraska )  
County of Sarpy ) SS

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011

by John C. Allen, Managing Member of SHADOW LAKE DEVELOPMENT, LLC, a Nebraska limited liability company, on behalf of said company.

Witness my hand and seal the date aforesaid.

Signature of Notary Public \_\_\_\_\_



WWW.LRA-INC.COM  
(Ph) 402.496.2498  
(Fax) 402.496.2730

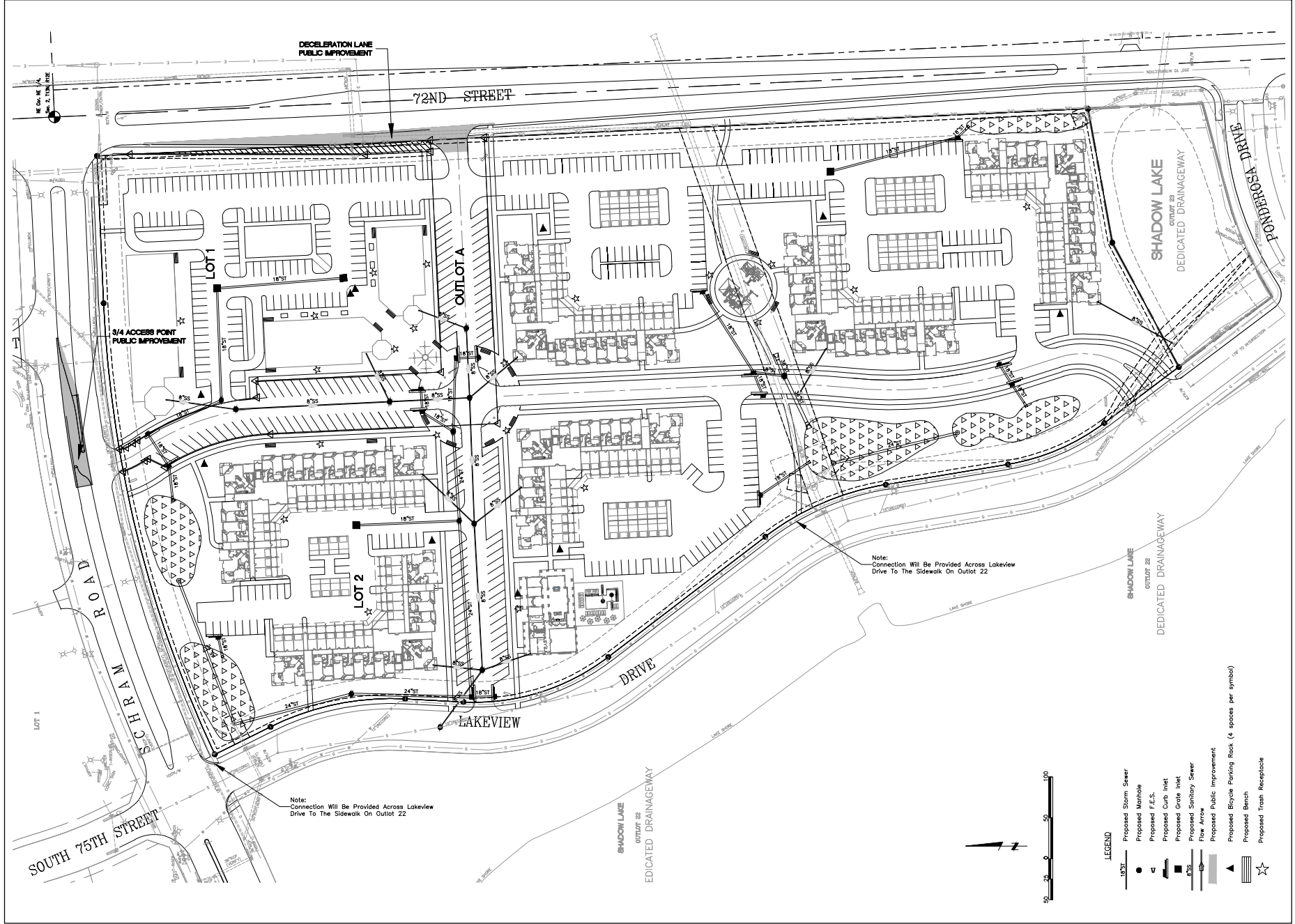
Lamp, Rynearson & Associates, Inc.  
14710 West Dodge Road, Suite 100  
Omaha, Nebraska 68154-2027

SHADOW LAKE REPLAT 5 (Lots 1, 2 and Outlot A)  
PAPILLION, SARPY COUNTY, NEBRASKA

FINAL PLAT

job number-tasks  
0111006.01-003  
book page  
date  
2-14-11  
sheet  
1 of 1

# EXHIBIT A-2



DECELERATION LANE  
PUBLIC IMPROVEMENT

72ND STREET

3/4 ACCESS POINT  
PUBLIC IMPROVEMENT

LOT 1

OUTLOT A

LOT 2

LAKEVIEW DRIVE

SCHRAM ROAD

SOUTH 75TH STREET

SHADOW LAKE  
DEDICATED DRAINAGEWAY

POBRESKA DRIVE

Note:  
Connection Will Be Provided Across Lakeview  
Drive To The Sidewalk On Outlet 22

Note:  
Connection Will Be Provided Across Lakeview  
Drive To The Sidewalk On Outlet 22

LEGEND

- 10" ST Proposed Storm Sewer
- Proposed Manhole
- Proposed F.E.S.
- Proposed Curb Inlet
- Proposed Grate Inlet
- Proposed Sanitary Sewer
- Flow Arrow
- Proposed Public Improvement
- Proposed Bicycle Parking Rack (4 spaces per symbol)
- Proposed Bench
- Proposed Trash Receptacle

Drawn by	CGJ
Designed by	CGJ
Reviewed by	KAP
Checked by	
Approved by	

This document is a PRELIMINARY version which has never been sealed. This media should not be considered a certified document.

WWW.LRA-INC.COM  
(PH) 402.996.2398  
(FAX) 402.996.2720

Lamp, Rynearson & Associates, Inc.  
14710 West Dodge Road, Suite 100  
Omaha, Nebraska 68134-2027  
SHADOW LAKE SQUARE  
PAPILLION, NEBRASKA

SUBDIVISION AGREEMENT  
EXHIBIT B  
PRIVATE IMPROVEMENTS AND  
PUBLIC IMPROVEMENTS

Job number-Sub  
0111008.01-007  
book page  
date 2/14/2011  
sheet 1 of 1