

## **AGENDA ITEM 4C**

**Brook Valley Business Park Replat 5**



CITY OF LA VISTA  
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: PRP-17-0001

For Hearing of: September 21, 2017  
Report Prepared on: September 12, 2017

**I. GENERAL INFORMATION**

**A. APPLICANT:**

REDZ LLC  
2800 South 110<sup>th</sup> Ct. #1  
Omaha, NE 68144

**B. PROPERTY OWNER:**

Peelz Real Estate, LLC  
P.O. Box 45085  
Omaha, NE 68145

**C. LOCATION:** Southwest of the intersection of 108<sup>th</sup> Street and Olive Street.

**D. LEGAL DESCRIPTION:** Lot 51 and Lot 28A1 Brook Valley Business Park, Lot 2 Brook Valley Business Park Replat Four

**E. REQUESTED ACTION(S):**

- Replat for Brook Valley Business Park Replat 5.

**F. EXISTING ZONING AND LAND USE:**

- Lot 51 and Lot 28A1 Brook Valley Business Park: I-2 Heavy Industrial; Vacant
- Lot 2 Brook Valley Business Park Replat Four: I-2 Heavy Industrial; Self-Service Storage Facility

**G. PURPOSE OF REQUEST:** Replat to adjust the configuration of the three lots for the purpose of development.

**H. SIZE OF SITE:** 19.12 Acres

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** Lot 51 and Lot 28A1 are currently vacant. The topography of each lot is impacted by slopes away from current/former railroad right-of-way or street right-of-way.

**B. GENERAL NEIGHBORHOOD/AREA ZONING AND LAND USES:**

1. North: I-2 Heavy Industrial; Various Industrial uses.

2. **East:** I-1 Light Industrial/I-2 Heavy Industrial; US Cold Storage, Portal Cemetery, Papillion Fire Station #1.
3. **South:** I-2 Heavy Industrial; BNSF Railroad right-of-way and vacant lots.
4. **West:** I-2 Heavy Industrial; Vacant

**C. RELEVANT CASE HISTORY:**

1. N/A.

**D. APPLICABLE REGULATIONS:**

1. Section 5.14 of the Zoning Regulations – I-2 Heavy Industrial District
2. Section 3.07 of the Subdivision Regulations – Replots

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan currently designates the lots for industrial uses.

**B. OTHER PLANS:** Not applicable.

**C. TRAFFIC AND ACCESS:**

1. The proposed plat designates an access point to Olive Street for Lot 1. An access easement across Lot 1 will allow access for Lot 2 to Olive Street. Lot 3 will access Olive Street through an existing access drive on the north end of the property.
2. The final plat has a notation stating no direct vehicular access onto 108th Street over the east property line of proposed Lots 1 and 2. The previous final plat of Brook Valley Business Park, Lots 51-61 included a restriction of vehicular access from Lot 51 (now proposed Lot 1) onto 108th Street. There is an existing drive apron on the west side of 108th Street opposite of Chandler Road intersection that provided for vehicular access to Lot 28A. However, topography makes use of that drive apron very unlikely. The restriction of vehicular access onto 108th Street from Lots 1 and 2 is appropriate.
3. The traffic generation estimates provided indicate the additional traffic volumes in peak hours will not reach the threshold requiring a complete traffic impact analysis.

**D. UTILITIES:**

1. The property has access to water, gas, power and communication utilities.

**IV. REVIEW COMMENTS:**

1. The applicant has provided email concurrence that indicates that the proposed development has preliminary approval to be accomplished under a nationwide permit from the Army Corps of Engineers. An official response from the Corps needs to be provided prior to City Council review of the replat.
2. There needs to be an indication that Sarpy County is willing to participate in the proposed public storm sewer extension to the extent requested by the applicant. The City Engineer submitted a request to Sarpy County Public Works on August 14<sup>th</sup> based on the applicant's request. If this issue is unresolved at the time of Planning Commission review, staff's recommendation to the Planning Commission would include a contingency for reaching a satisfactory agreement with Sarpy County concerning the public storm sewer extension. This would be documented in the subdivision agreement that would be part of the approval process at the City Council level.
3. As noted in Comment #2, the subdivision agreement will need to be finalized before the replat application is reviewed by the City Council.

**V. STAFF RECOMMENDATION – Replat:**

Staff recommends approval of the replat, contingent on the final resolution of issues related to the Army Corps of Engineers and Sarpy County as noted in Review Comments #1 and #2, and the finalization of a subdivision agreement prior to City Council review, as the request is consistent with the Subdivision Regulations and the Comprehensive Plan.

**VI. ATTACHMENTS TO REPORT:**

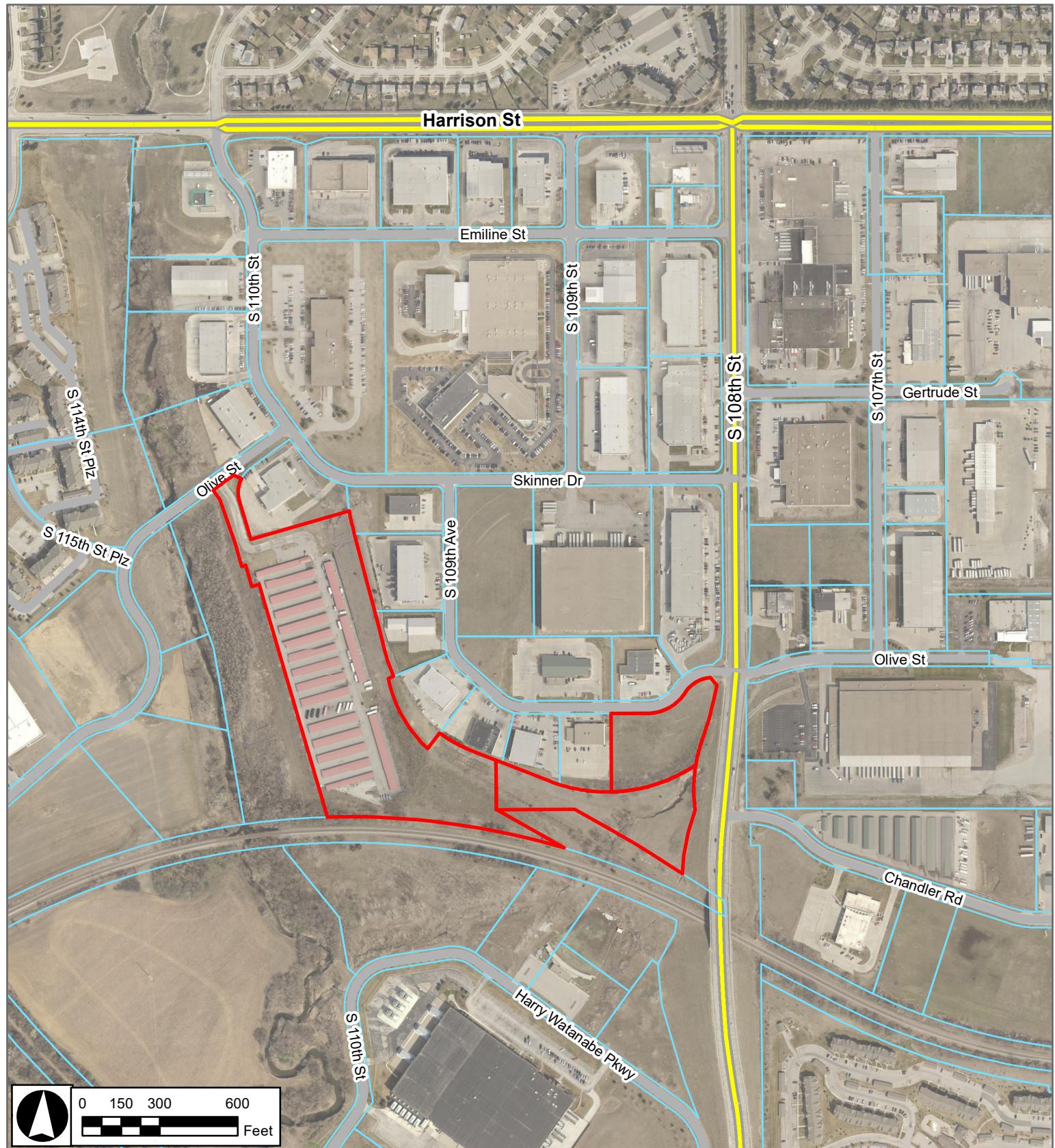
1. Vicinity Map
2. Staff Review Letters
3. Applicant Response Letters
4. Replat Maps

**VIII. COPIES OF REPORT SENT TO:**

1. Zachary Daub, REDZ, LLC
2. William Peel, Peelz Real Estate, LLC
3. Scott Loos, P.E., Thompson, Dreessen, & Dorner, Inc.
4. Public Upon Request

  
\_\_\_\_\_  
City Planner

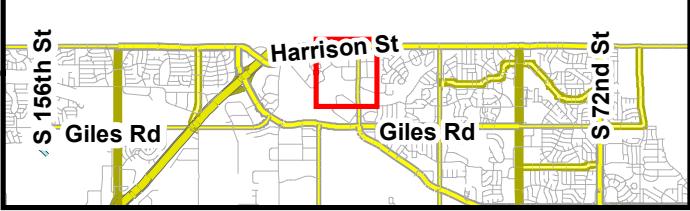
  
\_\_\_\_\_  
Date



## Brook Valley Business Park Replat Five Lots 1, 2, & 3

9-14-2017

JMC





June 16, 2017

Zachary Daub  
REDZ, LLC  
2800 South 110<sup>th</sup> Ct. 31  
Omaha, NE 68144

RE: Replat Application – Initial Review  
Brook Valley Business Park Replat 5

Mr. Daub,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable section of the Subdivision Regulations for the Replat, the City has the following comments:

Preliminary Plat

1. Please show the approximate acreage (nearest tenth acre) on each of the proposed lots on the preliminary plat for compliance with Article 3.03.06.
2. Please label Chandler Road to the east of proposed Lot 2. Also, show or make notations that public water mains and gas mains exist to serve the proposed lots. A copy of the jurisdictional delineation report (addressed elsewhere in these comments) will full fulfill the request for showing watercourses and ravines. This is in accordance with Article 3.03.07.
3. Relative to Article 3.03.10, please identify to what extent the sanitary sewer is proposed to be public and whether there will be other public or shared, private infrastructure (such as water main for fire protection to Lot 2 or cross-parking or shared roadway). In verbal conversations with the applicant's engineer the City Engineer has indicated that it would be possible for public participation in the storm sewer installation as a result of the need to address an ongoing erosion problem and protect the integrity of the 108<sup>th</sup> Street roadway embankment. There needs to be a meeting with the applicant's representatives, the City and Sarpy County to discuss the details and process of reaching an agreement on the storm sewer improvements.
4. Relative to Article 3.03.11, please submit a copy of the jurisdictional delineation report and the acceptance or determination by the Corps of Engineers that there are no jurisdictional areas involved in the proposed development limits.
5. Some existing easements have not been illustrated as required by Article 3.03.12. The existing 20 feet wide sanitary sewer easement from Book 51,

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Page 71 of the Sarpy County Misc. Records needs to be extended up to Lot 54 abutting proposed Lot 3. Former lot line easements from previous plat dedications are not shown, such as between Lot 2, BVBP Replat Four and BVBP Lot 28A. If those are to be released, then evidence of utility company agreement to do so will be needed before recording the plat; otherwise they need to be illustrated. There also appears to be an ingress-egress easement at the north end of proposed Lot 3 per Instrument No. 2005-44316. Finally, the applicant needs to provide some form of communication from the BNSF that indicates the spur track easement that exists/existed along the south line of Lot 51 has been released so that development can take place as proposed.

6. In accordance with Article 3.03.15 please provide itemized estimates for proposed public and/or private, shared infrastructure improvements. With the exception of the public storm sewer noted in Item 3, the City Engineer does not expect any public funding to be involved in the infrastructure improvements. You may proceed to prepare exhibits of the proposed infrastructure to incorporate into a subdivision agreement. A sample subdivision agreement will be provided as a starting point. The agreement will need to include provisions for maintenance of shared, private infrastructure.
7. The line style in the legend for "Proposed Water Main" appears to be the same line style as what seems to be delineating the building envelope.
8. The proposed building plan shown on Lots 1 and 2 on the preliminary plat does not appear to meet the requirements of I-2 zoning for 25 feet rear or 30 feet side yard requirements. This would not be something that can be addressed by waiving subdivision regulations and no such request was made. The development plan will need to be revised or else some other request, such as a PUD, would need to be made. It should also be noted that the proposed storm sewer and drainage easement along the common line between Lots 1 and 2 is not the same width between the preliminary plat (25 feet) and the final plat (20 feet).
9. In regards to Article 3.03.19, the applicant needs to provide a statement as to the maximum expected peak hour traffic from proposed Lots 1 and 2 using trip generation rates for the proposed uses based on the Trip Generation manual published by the Institute of Transportation Engineers. The results of that peak hour estimation will determine whether any additional traffic impact study is required.
10. Relative to Article 3.03.20, the extent to which the sanitary sewer installation is proposed to be public needs to be shown (Item 3 above). Also, a preliminary drainage study for the proposed storm sewer that defines the necessary easement for a 100-year storm event is needed. The preliminary plat shows the proposed storm sewer crossing over an existing storm sewer to reach another existing storm sewer (both the same size). Since it is somewhat unusual for storm sewers to cross over each other and not connect, this can

lead to possible confusion in future maintenance and utility locating operations. However, if there is a physical need based on pipe elevations, the proposed alignment may be justified. Please provide the necessary details to explain the proposal. Also, a conceptual post-construction storm water management plan is needed that identifies providing water quality improvements for the first one-half inch of runoff and detention of runoff to maintain 2-year return frequency storm event peak flows to existing conditions. The capacity of the existing pipe under the BNSF railroad at the downstream side of these lots needs to be addressed as well. A post-construction storm water permit will be required through the Permix web site. Lots 1 and 2 can share such a permit with an appropriate cross-easement agreement for operation and maintenance. If additional development is proposed on Lot 3, it will have to address post-construction storm water management at the time of a building permit for such additional development.

#### Final Plat

11. The title block of the Final Plat needs to be corrected from "Sarpy County Administrative Subdivision" to "Final Plat".
12. The label on the graphic scale needs correction as the text is garbled.
13. References to the City in the Planning Commission and City Council approval blocks need to be corrected as "La Vista" is two words.
14. Relative to Article 3.05.13, the approval block for the Planning Commission needs to have "Chairman" changed to "Chairperson" according to Section 10.03 of the Subdivision Regulations.
15. Relative to Article 3.05.19, the surveyor's certification block needs to be revised to have the first sentence of the standard language in Section 10.02 of the Subdivision Regulations added.
16. In accordance with Article 3.05.24 please provide itemized cost estimates, including engineering fees, for the proposed public improvements and for proposed private, shared infrastructure improvements. Any request for public participation in the public storm sewer construction needs to be set forth. Prior to releasing the final plat for recording, a satisfactory financial guarantee in the amount of 110% of such estimate will be required. Refer to Section 7.02 of the Subdivision Regulations for more information on improvement guarantees.
17. An acceptable subdivision agreement will be needed prior to City Council action. See Item 6 above.
18. The final plat has a notation stating no direct vehicular access onto 108<sup>th</sup> Street over the east lines of proposed Lots 1 and 2. The previous final plat of

Brook Valley Business Park, Lots 51-61 included a restriction of vehicular access from Lot 51 (now proposed Lot 1) onto 108<sup>th</sup> Street. There is an existing drive apron on the west side of 108<sup>th</sup> Street opposite of Chandler Road intersection that provided for vehicular access to Lot 28A. However, topography makes use of that drive apron very unlikely. The restriction of vehicular access onto 108<sup>th</sup> Street from Lots 1 and 2 is very appropriate.

At the time of building permit, tract sewer connection fees will be collected on this property at the rate of \$6,690 per acre. This fee is subject to change at January 1, 2018. In regards to Lot 3, the fee would apply to the portion of former Lot 28A that is added into proposed Lot 3 and would be collected at such time as a building permit is issued on this portion of Lot 3. The acreage of former Lot 28A involved in Lot 3 needs to be documented in the subdivision agreement in the section addressing tract connection fees for future reference.

Storm water management fees will be applicable to this property and will need to be collected at the applicable rate at the time of building permit.

Please submit 4 full size copies (along with electronic copies) of the revised documents. A timeline for review by Planning Commission and City Council will be determined after review of the revised documents.

If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,



Christopher Solberg, AICP  
City Planner

Attachment

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Scott Loos P.E., Thompson, Dreessen, & Dorner, Inc.  
William Peel, Peelz Real Estate, LLC



July 5, 2017

Zachary Daub  
REDZ, LLC  
2800 South 110<sup>th</sup> Ct. 31  
Omaha, NE 68144

RE: Replat Application – 2nd Review  
Brook Valley Business Park Replat 5

Mr. Daub,

We have reviewed the revised documents submitted for the above-referenced application on June 26, 2017. Based on the elements for consideration set forth in the applicable section of the Subdivision Regulations for the Replat, the City has the following comments:

1. The revised preliminary plat now indicates a 40 feet long public sanitary sewer extension instead a longer extension in Lot 3. Since the proposed extension only goes from a manhole in the center of the street to just beyond the right of way line, staff does not see that this needs to be a public sewer extension. Each lot (Lots 1 and 2) can have its own service line to the sanitary sewer in the street. Please verify the depth of the sanitary sewer in Olive Street being adequate to reach Lot 2 in this revised routing.
2. Please submit a copy of the jurisdictional delineation report and the acceptance or determination by the Corps of Engineers that there are no jurisdictional areas impacted by the proposed development activity or at least that such would be within nationwide permit parameters. The preliminary plat shows a “potential jurisdictional channel”.
3. Information is needed as to what is proposed for former lot line easements from prior plat dedications such as between Lot 2, Brook Valley Business Park (BVBP) Replat Four and Lot 28, BVBP and between Lots 28 and 51, BVBP. If those are to be released, then evidence of utility company agreement to do so will be needed before recording the plat; otherwise, they need to be illustrated on the plat.
4. Copies of the agreements made with the BNSF releasing rights to the spur track on the property need to be provided.
5. There remains a discrepancy in regards to the proposed width of the storm sewer easement along the common lines of Lots 1 and 2. It is shown as 25

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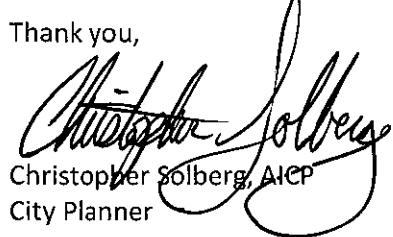
feet on the preliminary plat and 20 feet on the final plat. Also, the extension of the storm sewer easement from the west side of Lot 1 to the south along the common lines of Lots 2 and 3 will need to be at least 30 feet wide which is the existing width in total along the west side of Lot 1, but will be subject to major storm path easement needs. There will need to be closure of the gap between the existing storm sewer easements as noted on the attached excerpt from the final plat.

6. The trip generation estimates provided indicate the additional traffic volumes in peak hours will not reach the threshold requiring a complete traffic impact analysis.
7. Since this site drains to an existing culvert under the BNSF rail line, the City Engineer recommends that the drainage study show no increase in peak flows to this culvert from development of this property for all storm events up to and including the 100-year return frequency storm event. The drainage study indicates some increase in the 100-year peak flows which will require additional attenuation. The general concepts for water quality facilities are satisfactory. A detailed review of the drainage study is still in progress.
8. In regards to the request for participation in the costs of extending the existing public storm sewer that will address the current, serious erosion problem, the City Engineer will pursue some form of agreement with Sarpy County to obtain the funding to apply towards the proposed construction and anticipate this would be incorporated into the proposed subdivision agreement.
9. The draft subdivision agreement is currently under review, comments on the agreement will be provided separately.
10. The revised plat has adjusted the proposed lot line between Lots 1 and 2, however; there still appears to be an issue with meeting a 25 feet rear yard at the southeast corner of the proposed building on Lot 1 based on what is drawn on the preliminary plat. An adjustment to the proposed lot line would appear to be able to solve the problem.

Please submit 4 full size copies (along with electronic copies) of the revised documents. A timeline for review by Planning Commission and City Council will be determined after review of the revised documents.

If you have any questions regarding these comments please feel free to contact me at any time.

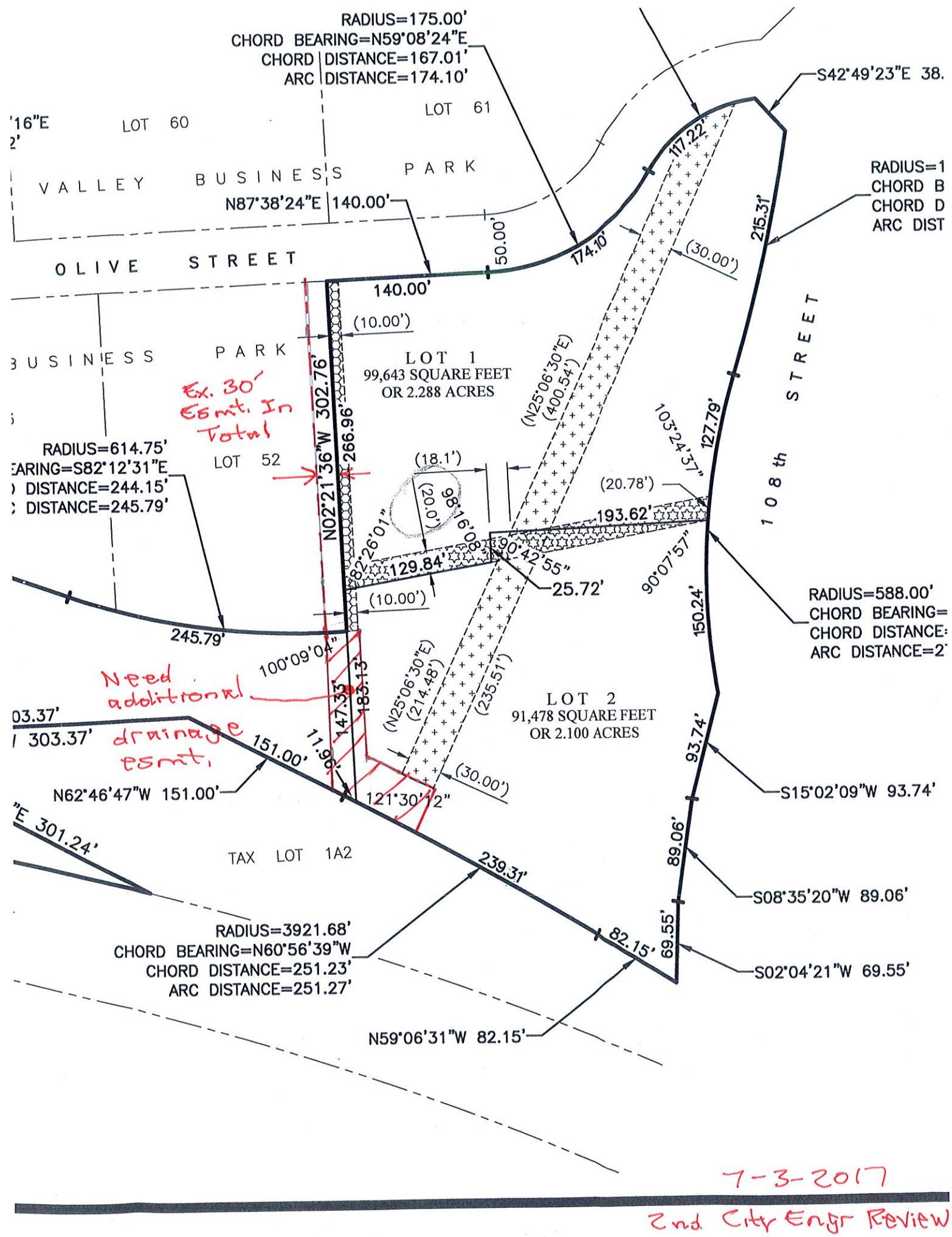
Thank you,



Christopher Solberg, AICP  
City Planner

Attachment

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Scott Loos P.E., Thompson, Dreessen, & Dorner, Inc.  
William Peel, Peelz Real Estate, LLC



July 24, 2017

City of La Vista  
Attn: Mr. Christopher Solberg, AICP  
8116 Park View Blvd.  
La Vista, Nebraska 68128-2198

RE: Brook Valley Business Park Replat 5  
Lot 51 Brook Valley Business Park II and Tax Lot 28A1  
108<sup>th</sup> and Olive Street  
Omaha, Nebraska  
TD2 Job No. 1542-120

Mr. Solberg:

We are writing in response to your comment letter dated July 5, 2017.

In response to Item 1: We have verified the depth of the sanitary sewer in Olive Street and have adjusted the plans to provide individual services for each proposed building.

In response to Item 2: We have met with the USACOE reviewer, Ms. Joleen Hulsing, on site to determine the jurisdictional areas but have not received a formal delineation report or determination that a nationwide permit would be sufficient for the proposed development.

In response to Item 3: We've attached the easement vacation from OPPD and are waiting on the other utilities for their letters.

In response to Item 4: A copy of the BNSF agreement is attached hereto.

In response to Item 5: The revised submittal has included consistently showing the easement at 25 feet in width on both documents.

In response to Item 6: No response is required.

In response to Item 7: The proposed storm sewer system has been revised to provide additional attenuation of the 100 year peak flows from the developed property.

In response to Items 8 and 9: No response is required.

In response to Item 10: An adjustment has been made to the lot line to accommodate the yard requirements.

Attached please find four copies of the revised information referred to above along with a flash drive containing digital copies of same.

Mr. Christopher Solberg  
Brook Valley Business Park Replat 5  
La Vista, Nebraska  
July 24, 2017  
Page 2

Please contact the undersigned with any questions or if additional information is required.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.

A handwritten signature in blue ink that reads "Douglas S. Dreessen, P.E." The signature is fluid and cursive, with "Douglas S." on the first line and "Dreessen, P.E." on the second line.

Douglas S. Dreessen, P.E.

DSD/tjp



August 25, 2017

Zachary Daub  
REDZ, LLC  
2800 South 110<sup>th</sup> Ct. 31  
Omaha, NE 68144

RE: Replat Application – 3rd Review  
Brook Valley Business Park Replat 5

Mr. Daub,

We have reviewed the revised documents submitted for the above-referenced application on July 24, 2017. Based on the elements for consideration set forth in the applicable section of the Subdivision Regulations for the Replat, the City has the following comments:

1. Information needs to be provided indicating that the proposed development can be accomplished under a nationwide permit from Corps. This information needs to be provided prior to the September 5, 2017 deadline for Planning Commission packet document submittals.
2. There needs to be an indication that Sarpy County is willing to participate in the proposed public storm sewer extension to the extent requested by the applicant. The City Engineer submitted a request to Sarpy County Public Works on August 14 based on the applicant's request. If this issue is unresolved at the time of Planning Commission review, staff's recommendation to the Planning Commission would include a contingency for reaching a satisfactory agreement with Sarpy County concerning the public storm sewer extension. This would be documented in the subdivision agreement that would be part of the approval process at the City Council level.
3. As noted in Item 2, the subdivision agreement will need to be finalized before going to City Council.

In order for the replat to be considered for review at the September 21<sup>st</sup> Planning Commission meeting, a full, revised set of documents will need to be provided for Planning Commission Packets. Please submit 14 full size copies (along with electronic copies) of the revised documents by noon on September 5, 2017 to ensure that the application stays on track for the review by the Planning Commission.

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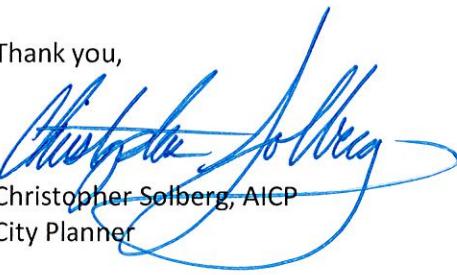
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If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,

  
Christopher Solberg, AICP  
City Planner

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Scott Loos P.E., Thompson, Dreessen, & Dorner, Inc.  
William Peel, Peelz Real Estate, LLC  
File

September 12, 2017

City of La Vista  
Attn: Mr. Christopher Solberg, AICP  
8116 Park View Blvd.  
La Vista, Nebraska 68128-2198

RE: Brook Valley Business Park Replat 5  
Lot 51 Brook Valley Business Park II and Tax Lot 28A1  
108<sup>th</sup> and Olive Street  
Omaha, Nebraska  
TD2 Job No. 1542-120

Mr. Solberg:

We are writing in response to your comment letter dated August 25, 2017.

In response to Item 1: We have continued the process with the USACOE to obtain a determination for wetlands in this development. Separate communication was provided to the City Engineer that explained where we are in this process.

In response to Item 2: Our client has been communicating with Sarpy County to determine the extent to which all parties will contribute to the construction of the proposed storm sewer extension.

In response to Item 3: A subdivision agreement will be created and submitted for approval prior to City Council.

Attached please find fourteen copies of the preliminary and final plats and the erosion control plan along with a CD containing digital copies of same.

Please contact the undersigned with any questions or if additional information is required.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



Andrew A. Koster, P.E.

AAK/tjp

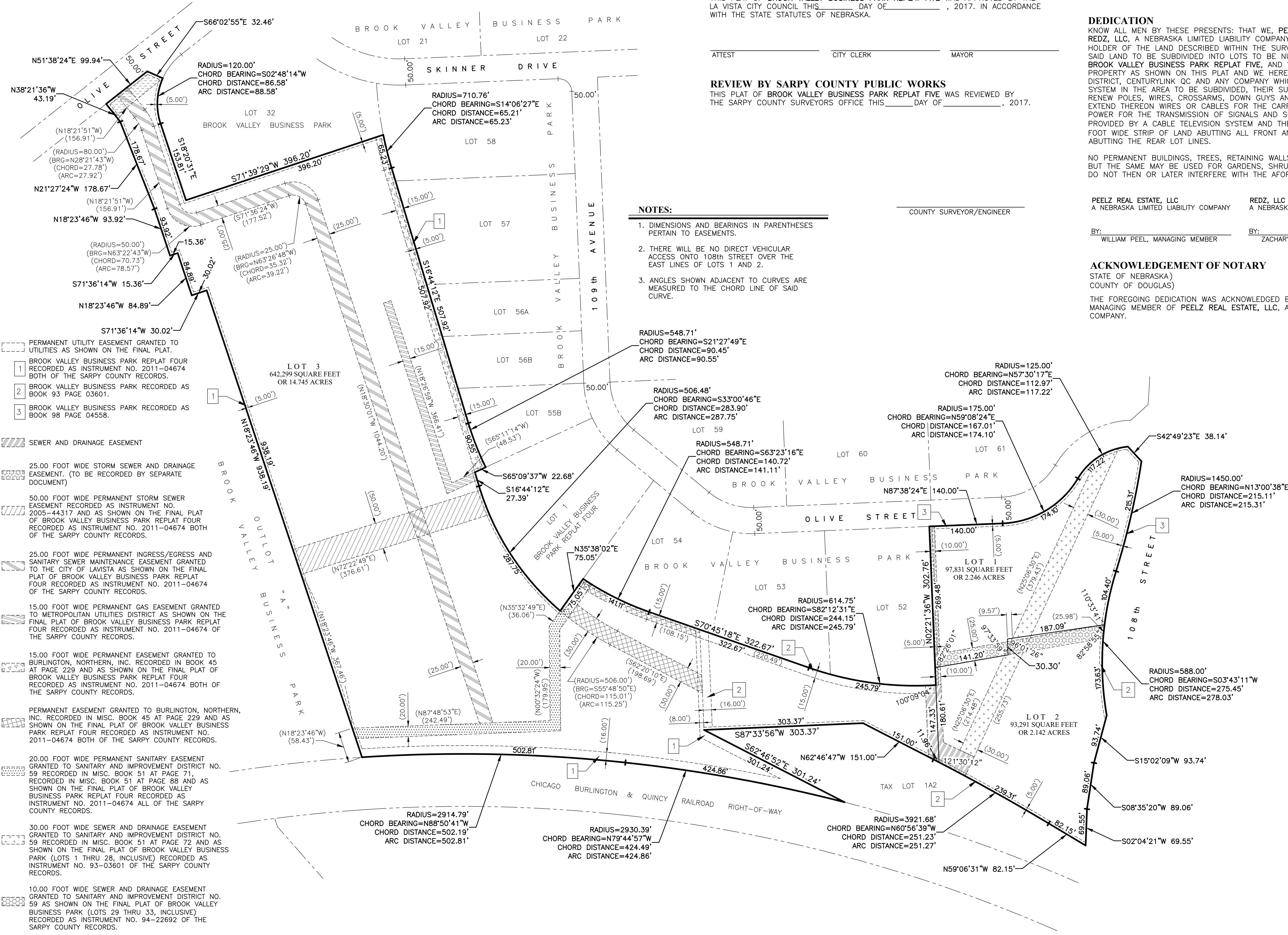
Enclosures



# BROOK VALLEY BUSINESS PARK REPLAT FIVE

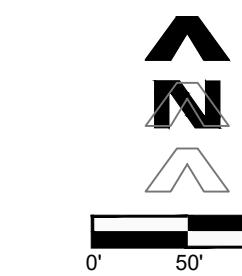
LOTS 1, 2 AND 3

BEING A REPLATTING OF LOT 28A1 AND 51, IN BROOK VALLEY BUSINESS PARK AND LOT 2, IN BROOK VALLEY BUSINESS PARK REPLAT FOUR, BOTH SUBDIVISIONS IN SARPY COUNTY NEBRASKA, LYING WITHIN THE SOUTH 1/2 OF THE NE 1/4 OF SECTION 17, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY AND WITHIN THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 17.

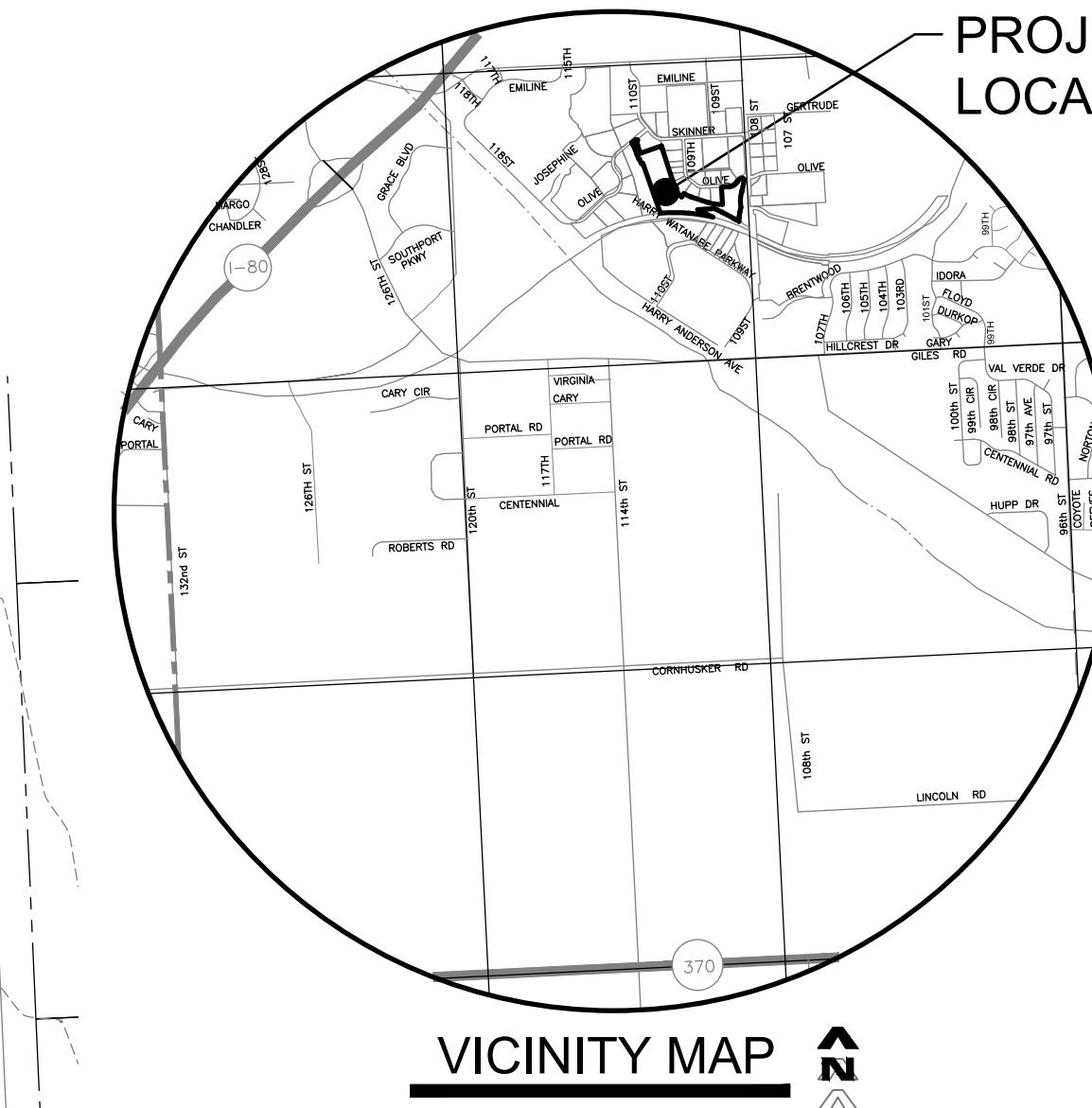


# BROOK VALLEY BUSINESS PARK REPLAT FIVE

## LOTS 1, 2 & 3



## PROJECT LOCATION



thompson, dreessen & dorner, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p.402.330.8860 [www.td2co.com](http://www.td2co.com)

thompson, dreessen & dorner, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p.402.330.8860 [www.td2co.com](http://www.td2co.com)

Project Name

# Brook Valley Business Park Replat Five Lots 1, 2 & 3

## SUBDIVIDER

### OWNER

ENGINEER

THOMPSON, DREESSEN AND DORNER  
10836 OLD MILL ROAD  
OMAHA, NEBRASKA 68154

## LEGAL DESCRIPTION

BEING A REPLATTING OF LOT 28A1 AND 51, IN BROOK VALLEY BUSINESS PARK AND LOT 2, IN BROOK VALLEY BUSINESS PARK REPLAT FOUR, BOTH SUBDIVISIONS IN SARPY COUNTY NEBRASKA, LYING WITHIN THE SOUTH 1/2 OF THE NE 1/4 OF SECTION 17, T14N, R12E OF THE 6RTH P.M., SAID SARPY COUNTY AND WITHIN THE NE 1/4 OF THE SE 1/4 OF SAID SECTION 17.

## LEGEND

Legend for site plan symbols and labels:

- Existing Contours: Dashed line
- Proposed Contours: Solid line
- Proposed Storm Sewer: Three parallel lines
- Proposed Water Main: Dashed line
- Proposed Sanitary Sewer: Solid line with a circle containing an 'S'
- Proposed Silt Fence: Two parallel lines with an 'X' in the center

Professional Sea

Revision D

Drawn By: RTM  
Job No.: 1542-120

Reviewed By: SRL  
Date: 06-05-17

# Sheet Title

# Erosion Control Plan

Chapter 11