

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**SEPTEMBER 15, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR REPLAT & SUBDIVISION AGREEMENT – LOT 40A, CENTECH BUSINESS PARK (PROPOSED LOTS 1 & 2, CENTECH BUSINESS PARK REPLAT TWO) (NE OF CHANDLER ROAD & CENTECH ROAD)	◆ RESOLUTION (2) ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

Resolutions have been prepared to approve the Replat and Subdivision Agreement for approximately 3.27 acres located northeast of Chandler Road and Centech Road.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Resolutions have been prepared to approve the replat and subdivision agreement application by Millennium Place, LLC, on approximately 3.27 acres currently platted as Lot 40A, Centech Business Park (to be replatted as Lots 1 and 2, Centech Business Park Replat Two), generally located northeast of Chandler Road and Centech Road.

The property is zoned I-1, Light Industrial. Thiele Geotech, Inc., is located on this property. The replat is for the purpose of subdividing the property into two lots, which would allow for the construction of a new building on proposed Lot 2.

A detailed staff report is attached.

The Planning Commission held a public hearing on August 20, 2015, and unanimously recommended approval of the replat to City Council, contingent upon the finalization of a subdivision agreement prior to City Council review.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOT 40A, CENTECH BUSINESS PARK, TO BE REPLATTED AS LOTS 1 AND 2, CENTECH BUSINESS PARK REPLAT TWO, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for Lot 40A, Centech Business Park, to be replatted as Lots 1 and 2, Centech Business Park Replat Two; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on August 20, 2015, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lot 40A, Centech Business Park, to be replatted as Lots 1 and 2, Centech Business Park Replat Two, a subdivision located in the Southeast  $\frac{1}{4}$  of Section 13, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located northeast of Chandler Road and Centech Road, be, and hereby is, approved.

PASSED AND APPROVED THIS 15TH DAY OF SEPTEMBER, 2015.

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR LOTS 1 AND 2, CENTECH BUSINESS PARK REPAT TWO SUBDIVISION.

WHEREAS, the City Council did on September 15, 2015, approve the replat for Lots 1 and 2, Centech Business Park Replat Two Subdivision subject to certain conditions; and

WHEREAS, the Subdivider, Millennium Place, LLC, has agreed to execute a Subdivision Agreement satisfactory in form and content to the City; and

NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement presented at the September 15, 2015, City Council meeting for the Centech Business Park Replat Two Subdivision be and hereby is approved and the Mayor and City Clerk be and hereby are authorized to execute same on behalf of the City, subject to the conditions of Council replat approval and with such modifications that the City Administrator or City Engineer may determine necessary or advisable.

PASSED AND APPROVED THIS 15TH DAY OF SEPTEMBER, 2015.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk



CITY OF LA VISTA  
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: 2015-SUB-04

FOR HEARING OF: September 15, 2015  
Report Prepared on: September 1, 2015

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Millennium Place LLC  
13478 Chandler Road  
Omaha, NE 68138

**B. PROPERTY OWNER:**

Millennium Place LLC  
13478 Chandler Road  
Omaha, NE 68138

**C. LOCATION:** Northeast of the intersection of Chandler Road and Centech Road.

**D. LEGAL DESCRIPTION:** Lot 40A, Centech Business Park.

**E. REQUESTED ACTION(S):** Replat of Lot 40A, Centech Business Park to proposed Lots 1 and 2, Centech Business Park Replat Two.

**F. EXISTING ZONING AND LAND USE:** I-1 Light Industrial; industrial use (Thiele Geotech, Inc.)

**G. PURPOSE OF REQUEST:** Subdivision of one lot into two for the purpose of the construction of an additional, separate building.

**H. SIZE OF SITE:** 3.27 Acres

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** Thiele Geotech's Omaha Office is currently located here. The property falls from a high point in the northeast to the southwest.

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

1. **North:** Single family neighborhood, R-1 Single-Family Residential; Lots 10-17 Southridge 1<sup>st</sup> Addition and Lots 1-3 Southridge 3<sup>rd</sup> Addition
2. **East:** M & C Properties, LLC, I-1 Light Industrial; Lot 38 Centech Business Park
3. **South:** M & P Properties, LLC, I-1 Light Industrial; Lots 41 & 42 Centech Business Park
4. **West:** Omaha Distributing Co Inc., I-1 Light Industrial; Lots 32, 33 & 34 Centech Business Park.

**C. RELEVANT CASE HISTORY:**

1. On August 28, 2003 the City approved of an Administrative Plat to consolidate two lots of a similar size to what is proposed into one lot, creating Lot 40A.

**D. APPLICABLE REGULATIONS:**

1. Section 5.13 of the Zoning Regulations – I-1 Light Industrial District
2. Section 3.07 of the Subdivision Regulations – Replats

**III. ANALYSIS**

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

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

**C. TRAFFIC AND ACCESS:**

1. Two access points exist along Chandler Road and one access point connects to Centech Road. The additional lot created through the replatting process will utilize a blanket access easement, approved through the replatting process, to connect to Chandler Road and Centech Road.
2. It was determined by the City Engineer that the existing traffic study would not have to be amended for the proposed replat.

**D. UTILITIES:**

1. The properties have access to water, sanitary sewer, gas, power and communication utilities along Chandler Road and Centech Road.

**IV. REVIEW COMMENTS:**

1. In regard to Article 3.03.15 of the Subdivision Regulations, a subdivision agreement has been prepared since proposed private, shared infrastructure improvements are involved (the shared private driveway) and since the payment of tract sewer connection fees (aka interceptor fees) and stormwater management fees need to be addressed.
2. At the time of the building permit application, a landscaping plan that meets the requirements of Section 7.17 of the Zoning Ordinance will need to be submitted.

**V. STAFF RECOMMENDATION – REPLAT:**

Approval of Centech Business Park Replat Two.

**VI. PLANNING COMMISSION RECOMMENDATION – REPLAT:**

The Planning Commission held a public hearing on August 20, 2015 and unanimously recommended approval of the Replat to City Council, contingent upon the finalization of a subdivision agreement prior to City Council review.

**VI. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Preliminary Plat Map
3. Final Plat Map
4. Subdivision Agreement

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

1. Terry Morrison, Ehrhart Griffin & Associates
2. Dan Thiele, Millennium Place, LLC
3. Public Upon Request

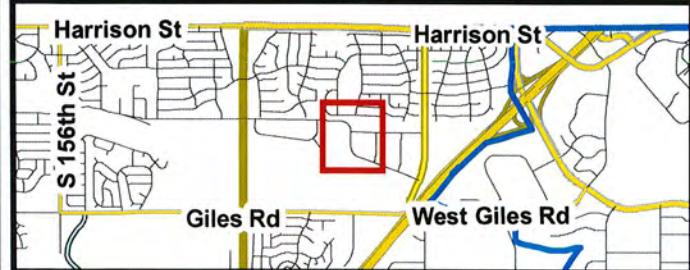
Prepared by:

  
Am Bnd  
Community Development Director

9-4-15  
Date



## Project Vicinity Map



## Centech Business Park Replat Two

8-10-2015  
CSB





July 9, 2015

Mr. Christopher Solberg  
City Planner  
City of La Vista  
8116 Park View Blvd.  
La Vista, NE 68128

RE: Proposed Replat -Initial Review  
Centech Business Park Replat Two  
City Engineer Review Comments

Chris:

I have reviewed the documents that you provided to me for the above-referenced application in your transmittal dated July 6, 2015. Based on the elements for consideration set forth in the Subdivision Regulations for a Replat which is essentially a combined submittal of a Preliminary Plat and Final Plat, I have the following comments:

#### Preliminary Plat Review

1. A preliminary plat meeting the requirements of Section 3.03 of the Subdivision Regulations needs to be prepared and submitted. The Site Grading plan, Sheet C3.1 could be modified to add the necessary content.
2. In regards to Article 3.03.19 a traffic impact analysis will not be required.
3. In regards to Article 3.03.15 a draft subdivision agreement needs to be prepared since proposed private, shared infrastructure improvements are involved (the shared private driveway) and since the payment of tract sewer connection fees(aka interceptor sewer fees) and storm water management fees need to be addressed. The applicant needs to provide information as to any payment of sewer connection fees to the City of Omaha since this property connects to the Stony Brook Outfall Sewer. The payments may have been made by the SID or the property owner to Sarpy County which in turn went to Omaha. I will check with Sarpy County for any history they may have on this matter and the applicant should review their records on this property. The storm water management fee would apply only to the new lot, Lot 2, since Lot 1 has already been developed.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

**Community Development**  
8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Fire**  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**  
8305 Park View Blvd.  
p: 402-339-9147

**Library**  
9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**  
9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

**Recreation**  
8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

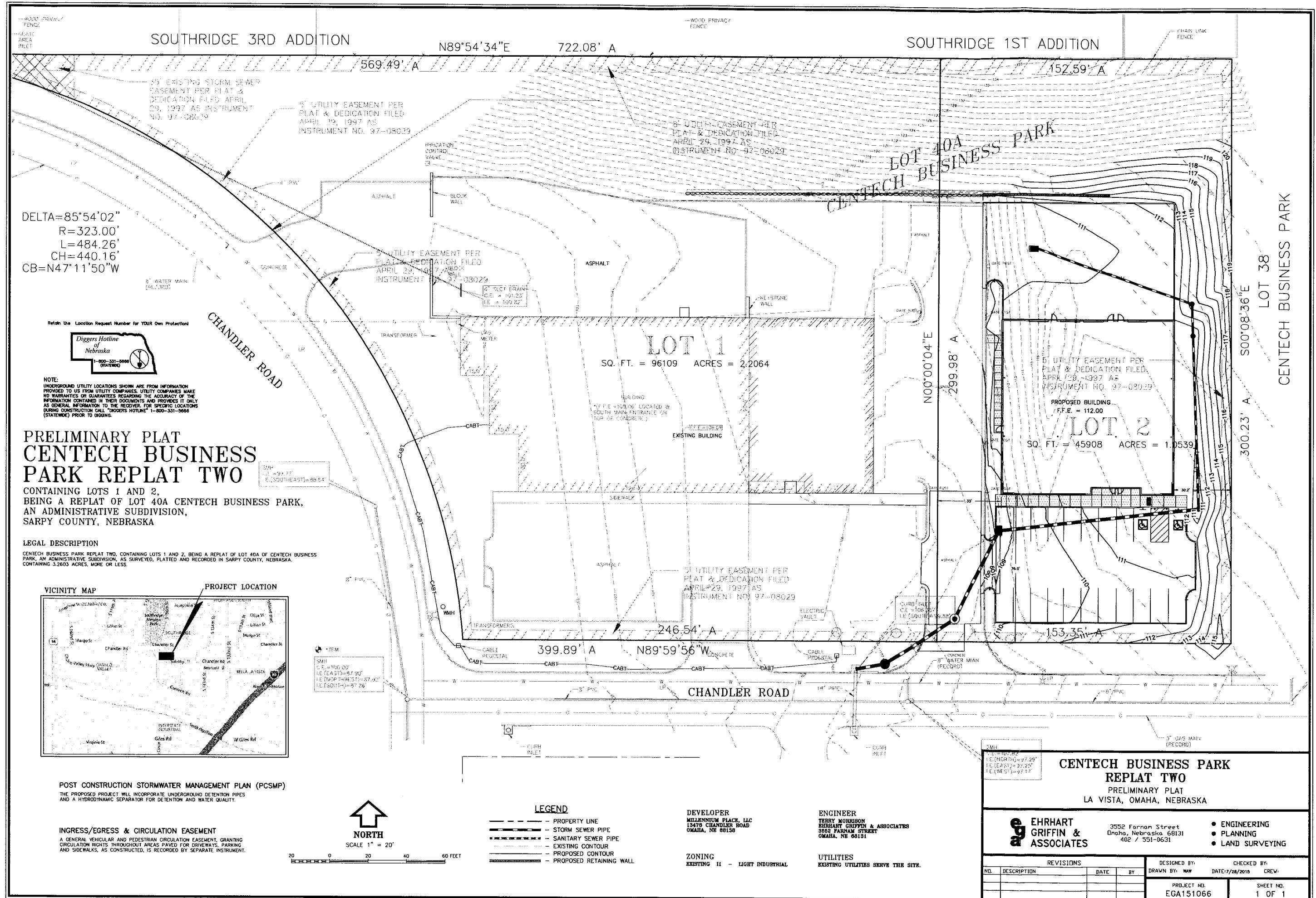
4. A conceptual PCSMP plan is needed to satisfy Article 3.03.20. This can be notations on the preliminary plat as to what type of detention and water quality devices are proposed.

Final Plat

5. The wording of the Ingress/Egress & Circulation Easement on the final plat seems to need a wording correction where it says...."constructed or recorded by separate instrument". This separate instrument will need to be prepared and ready to record prior to releasing the final plat for recording.
6. There is no need for a staking bond with this plat as the dedication states that permanent markers have been placed.

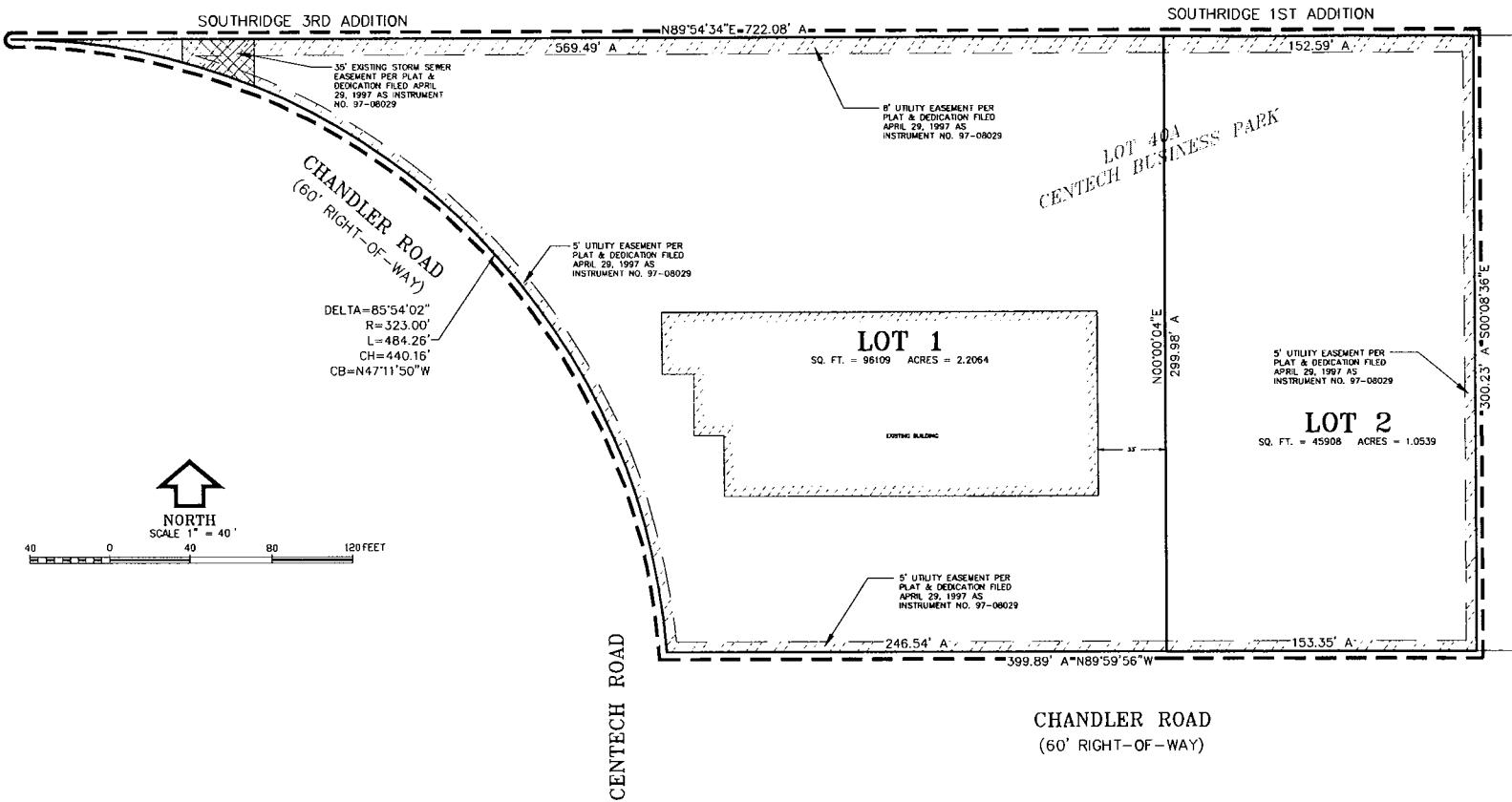
Please contact me if you have questions about my comments. Please submit revised materials to me for additional review.

John M. Kottmann  
John M. Kottmann  
City Engineer



# FINAL PLAT CENTECH BUSINESS PARK REPLAT TWO

CONTAINING LOTS 1 AND 2,  
BEING A REPLAT OF LOT 40A CENTECH BUSINESS PARK,  
AN ADMINISTRATIVE SUBDIVISION,  
SARPY COUNTY, NEBRASKA



**REVIEW BY SARPY COUNTY PUBLIC WORKS**  
THIS PLAT OF  
CENTECH BUSINESS PARK REPLAT TWO  
WAS REVIEWED BY THE SARPY COUNTY SURVEYOR'S OFFICE

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

**SARPY COUNTY SURVEYOR/ENGINEER**

**COUNTY TREASURER'S CERTIFICATE**  
THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBODIED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

**COUNTY TREASURER**  
\_\_\_\_\_  
\_\_\_\_\_  
DATE

**APPROVAL OF LA VISTA CITY PLANNING COMMISSION**  
THIS PLAT OF  
CENTECH BUSINESS PARK REPLAT TWO (LOTS NUMBERED AS SHOWN)  
WAS APPROVED BY THE CITY PLANNING COMMISSION OF LA VISTA, NEBRASKA

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

**CHAIRMAN OF LA VISTA CITY PLANNING COMMISSION**

**ACCEPTANCE BY LA VISTA CITY COUNCIL**

THIS PLAT OF  
CENTECH BUSINESS PARK REPLAT TWO (LOTS NUMBERED AS SHOWN)  
WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_  
IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA.

**MAYOR**  
\_\_\_\_\_  
ATTEST: CITY CLERK

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE,  
MILLENNIUM PLACE, LLC

THE OWNERS OF THE PROPERTY DESCRIBED IN THE CERTIFICATION OF SURVEY AND EMBODIED WITHIN THE PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO A LOT TO BE NUMBERED, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS

CENTECH BUSINESS PARK REPLAT TWO

(LOTS TO BE NUMBERED AS SHOWN), AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THE PLAT, AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER & LIGHT COMPANY, CABLE TELEVISION AND TELE COMMUNICATIONS AND ANY COMPANY WHICH HAS BEEN GRANTED A PERPETUAL TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND REVIEW POLES, WIRES, CABLES, CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER AND FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM, AND THE RECEPTION ON, OVER, THROUGH, UNDER AND ACROSS A FIVE FOOT (5') MID STRIP OF LAND ABUTTING AND FRONT AND SIDE BOUNDARY LOT LINE, AN EIGHT FOOT (8') WIDE STRIP OF LAND ALONG THE REAR BOUNDARY LINES OF THE INTERIOR LOTS AND A SIXTEEN FOOT (16') WIDE STRIP OF LAND ALONG THE REAR BOUNDARY LINES OF THE EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREBY DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE-DESCRIBED ADDITION. SAID SIXTEEN-FOOT (16') WIDE EASEMENT WILL BE REDUCED TO AN EIGHT-FOOT (8') WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED AND WE FURTHER GRANT A PERPETUAL EASEMENT TO METROPOLITAN UTILITIES DISTRICT, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND REVIEW PIPELINES, HYDRANTS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE FOOT (5') WIDE STRIP OF LAND ALONG THE CURE-DE-SAC STREET, AND PERPETUAL BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN THE SAME EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

BY \_\_\_\_\_

AS FOR: MILLENNIUM PLACE, LLC

DATE \_\_\_\_\_

## MORTGAGEE'S CONSENT TO SUBDIVISION AND DEDICATION

WE, FIRST NATIONAL BANK, THE UNDERSIGNED, AS MORTGAGEE UNDER A CERTAIN

MORTGAGE DATED \_\_\_\_\_

RECORDED IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_ OF THE PUBLIC RECORDS OF SARPY COUNTY, NEBRASKA, COVERING THE PARCEL AS DESCRIBED AND CONTAINED WITHIN THE SURVEYOR'S CERTIFICATE HEREON, DO HEREBY CONSENT TO THE PLATTING OF SAID LANDS AS SHOWN HEREON, AS A SUBDIVISION TO BE KNOWN AS CENTECH BUSINESS PARK REPLAT TWO AND HEREBY JOIN IN THE DEDICATION OF SUCH LANDS AS SUCH SUBDIVISION.

FOR: FIRST NATIONAL BANK

BY: ROB GLORICK

AS: (TITLE) \_\_\_\_\_

DATE: \_\_\_\_\_

## ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )

COUNTY OF \_\_\_\_\_ )  
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

BY: \_\_\_\_\_

AS: \_\_\_\_\_

FOR: MILLENNIUM PLACE, LLC

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

## ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )

COUNTY OF \_\_\_\_\_ )  
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_

BY: ROB GLORICK

AS: \_\_\_\_\_

FOR: FIRST NATIONAL BANK

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

DATE: 6/9/15  
DESIGNED BY: \_\_\_\_\_

DRAWN BY: WAW  
CHECKED BY: LVF  
CREW: \_\_\_\_\_



SHEET NO. \_\_\_\_\_

1 OF 1

PROJECT NO.  
EGA151066

REVISIONS	DESCRIPTION	DATE	BY
NO.			

**EHRHART  
&  
GRIFFIN &  
ASSOCIATES**  
3552 Farnam Street  
Omaha, Nebraska 68131  
402 / 551-0631  
• ENGINEERING  
• PLANNING  
• LAND SURVEYING

**CENTECH BUSINESS PARK  
REPLAT TWO**  
FINAL PLAT  
LA VISTA, NEBRASKA

CENTECH BUSINESS PARK REPLAT TWO, CONTAINING LOTS 1 AND 2, BEING A REPLAT OF LOT 40A OF CENTECH BUSINESS PARK, AN ADMINISTRATIVE SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, CONTAINING 3.2603 ACRES, MORE OR LESS.

LARRY A. VAN FLEET, NEBRASKA R.L.S. 505 DATE \_\_\_\_\_

**SUBDIVISION AGREEMENT  
CENTECH BUSINESS PARK REPLAT TWO**

This Subdivision Agreement, made this \_\_\_\_ day of September, 2015 by and between MILLENNIUM PLACE, LLC a Nebraska limited liability company (hereinafter referred to as "SUBDIVIDER"), and SANITARY AND IMPROVEMENT DISTRICT NO. 172 OF SARPY COUNTY, NEBRASKA (hereinafter referred to as "SID 172"), and the CITY OF LA VISTA, NEBRASKA (hereinafter referred to as "CITY").

WHEREAS, the Subdivider is the owner of the land shown on the proposed replat attached hereto as Exhibit "A" (hereinafter referred to as "PROPERTY" or "Replatted Area"), which parcel of land is outside the corporate limits of the City, but within the City's zoning and platting jurisdiction. The replat as finally approved by the City Council shall be referred to herein as the "final plat" or "Final Plat; and

WHEREAS, the PROPERTY was originally platted as Lots 39 and 40, inclusive, Centech Business Park, a platted and recorded subdivision in Sarpy County, Nebraska under the conditions set forth in a previous Development Agreement adopted by the Sarpy County Board of Commissioners on June 20, 1995 ("Original Development Agreement"); and by administrative plat in or about 2003, Lots 39 and 40 were consolidated into a single Lot 40A; and

WHEREAS, a building and related improvements were constructed and made on western portions of Lot 40A; and

WHEREAS, the Subdivider proposes to construct on eastern portions of Lot 40A a new building, and to do so requested subdivision of Lot 40A into two lots as depicted in Centech Business Park Replat Two attached as Exhibit "A" ("Replat"). The existing building will be located on Lot 1, and the new building constructed on Lot 2, of the Replat ; and

WHEREAS, the Subdivider wishes to connect the system of sanitary sewers to be constructed within the PROPERTY to the sewer system of SID 172; and

WHEREAS, the Subdivider, SID 172 and City desire to agree on various matters as set forth in this Agreement; and

WHEREAS, all provisions of the Original Development Agreement pertaining to the PROPERTY are valid and are hereby affirmed and shall remain in effect except as modified by this Subdivision Agreement.

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

1. Right to connect to City sewer system. The PROPERTY is located within the Wastewater Service Area covered by an agreement between the City of Omaha and the City of La Vista. Said agreement requires the City of La Vista to approve all connections within said Wastewater Service Area that ultimately receive treatment of sewage by the City of Omaha. The City of La Vista hereby acknowledges that it has given the Subdivider the right to connect the sanitary sewer service of the PROPERTY to the City of La Vista sanitary sewer system, subject to obtaining proper permits and connection agreements in form and content satisfactory to the City Engineer, and paying the applicable fees at the rates in effect at the time of said connection, which rates are subject to increase. Notwithstanding any other provisions of this Agreement, all direct or indirect connections to the City of La Vista sanitary sewer system shall be subject to all requirements applicable to the sanitary sewer system from time to time, and City of La Vista retains the right to disconnect the sanitary sewer of any industry, or other sewer user within the area to be developed, which is connected or discharging into the sanitary sewer system in violation of any applicable ordinances, statutes, rules, or regulations.
2. Sewer Connection/Drainage Fee. The Subdivider represents and warrants to City that Subdivider has previously made payment of the sewer connection fee for Lots 39 and 40, inclusive (subject to verification by the City and payment by Subdivider of any unpaid amounts) of Centech Business Park in the amount of (to be determined) to the City. The property on which payment has previously been made is illustrated on Exhibit "B" attached hereto and incorporated by reference.
3. Watershed Management Fee. The Subdivider shall make payment to the City of La Vista for Watershed Management Fees with respect to development of Lot 2 of the Replatted Area. The City will collect this fee and remit it to the Papillion Creek Watershed Partnership. This fee is computed as follows for the portion of Lot 2, Centech Business Park Replat Two, on which new development or significant redevelopment is to occur. Payment shall be made to the City prior to receiving a building permit to construct improvements on Lot 2 of the PROPERTY. Payment shall be based on the current rates in effect at the time that payment is made. The fee at the current rates in effect upon execution of this Subdivision Agreement is computed as follows:

Lot 2, Centech Business Park Replat Two		
1.054 Acres @ \$4,497.00 per acre, industrial zoning		\$4,739.84

The fee stated in this section above is stated at the rates currently in effect and is subject to increase. The rates in effect at the time of issuance of the building permit, if greater than the above stated rates, will be the rates to be paid. Payment must be made to City's Permits & Inspections Division before a building permit will be issued and before the commencement of construction of any improvements related to such building.

4. Public Access Roads or Driveways. Direct vehicular access to abutting streets shall be limited as indicated on the Replat, as finally approved by the City in the final plat. The City shall have access to and over such roadways and driveways for any purpose it deems appropriate in the exercise of its general governmental powers, including but not limited to,

inspection, police, fire and rescue and other public safety purposes, and the exercise of all rights granted to City by this Subdivision Agreement or otherwise.

5. Easements. All easements required by the Subdivider, SID 172, City or any other party, for existing, proposed, or relocated public or private or shared improvements, including without limitation, sewers, utilities, roads or other infrastructure or improvements, shall be granted by the final plat or by other instruments, in form and content satisfactory to the City Engineer ("Easements"). Subdivider and all successors and assigns of Subdivider shall be jointly and severally responsible for maintenance, operation, replacement and repair of any Easements or improvements thereof or thereon. Release of the final plat for recording shall be conditioned on execution, delivery and recording of said Easements with the final plat. Copies of recorded Easements shall be provided to the City.
6. Infrastructure and Easements at Private Expense. The cost of all infrastructure, improvements and Easements within and serving the Replatted Area shall be constructed, maintained and provided at private expense and the sole cost and expense of Subdivider and any successor or assign of Subdivider, and no part thereof shall be the responsibility or expense of SID 172 or City.
7. Annexation. Subdivider and SID 172 each agrees not to directly or indirectly fund or pursue, or encourage any other person to fund or pursue, any lawsuit or other action contesting annexation of the Replatted Area, or any part thereof, by the City. Subdivider and SID 172 each agrees that the City shall not be obligated to annex the Replatted Area.
8. Binding effect. The Subdivision Agreement shall be binding upon the parties, their respective successors, and assigns.
9. Right to Enforce. Provisions of this Agreement may be enforced at law or in equity by the owners of land within the Replatted Area and may be enforced by SID 172 or the City at law, in equity or such other remedy as SID 172 or City determines appropriate. All rights and remedies of a party, whether specified in this Agreement or otherwise provided, are cumulative.
10. Incorporation by Reference. Recitals at the beginning of this Agreement, and all exhibits, documents or instruments referenced in this Agreement, are incorporated into this Agreement by reference.
11. Nondiscrimination. Notwithstanding anything in this Agreement to the contrary, (i) each party agrees that neither it nor any subcontractor of the party shall discriminate against any employee or applicant for employment to be employed in the performance of this Agreement, with respect to the employee's or applicant's hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, age, sex, disability, or national origin; and (ii) the City is a recipient of federal funds, and as a result all required contractual provisions related to such federal funds shall be deemed incorporated into this Agreement by this reference and binding upon the parties.

12. Assignment. This Agreement may not be assigned by any party without the express written consent of all parties.
13. Entire Agreement. This Agreement represents the entire agreement and understanding, and supersedes all prior understandings and agreements, written or oral, of the parties with respect to the matters contained herein. The Agreement only may be amended by a written amendment executed by all parties.
14. Severability. If any part of this Agreement is held by a court of competent jurisdiction to be illegal or unenforceable, the illegality or unenforceability shall not affect the remainder of this Agreement, and this Agreement shall be construed as if such illegal or unenforceable provision had never been included herein.
15. Filing of Record. The Subdivider, at its expense promptly will record the final plat, Easements and this Agreement in the land records of the Office of the Register of Deeds of Sarpy County and shall cause a recorded copy thereof to be transmitted to the City Administrator.
16. Covenants Running with Land. This Agreement and the agreements and understandings contained or incorporated herein constitute perpetual covenants running with the land and shall be binding jointly and severally upon the Subdivider and all of Subdivider's successors, heirs, assigns, lenders, mortgagees or others gaining or claiming any interest or lien in, to or against Subdivider or any PROPERTY within the Replatted Area. This Agreement shall be subject to approval of the governing bodies of SID 172 and the City and cannot be changed without approval of both said governing bodies and a written amendment executed by proper officials of both SID 172 and the City. The covenants herein shall be cumulative to, and not in lieu of, prior covenants running with the land, except to the extent modified by this Agreement. City and SID 172 each shall have the right, but not the obligation, to enforce any and all covenants.

IN WITNESS WHEREOF, we the Parties hereto, by our respective duly authorized agents, hereto affix our signatures the day and year first above written.

ATTEST:

CITY OF LA VISTA

---

CITY CLERK

DATE

MAYOR

DATE

ATTEST:

SANITARY AND IMPROVEMENT  
DISTRICT NO. 172 OF SARPY  
COUNTY, NEBRASKA

---

CLERK

DATE

CHAIRPERSON

DATE

MILLENNIUM PLACE, LLC

---

By: DANIEL J. THIELE

DATE

Title: \_\_\_\_\_

## ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF \_\_\_\_\_ )  
 ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

---

## Notary Public

## ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 )SS

## ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me a Notary Public, duly commissioned and qualified in and for said County, appeared \_\_\_\_\_ and \_\_\_\_\_, personally known by me to be the Clerk and Chairperson of SID 172, and acknowledged the execution thereof to be their voluntary act and deed, and the voluntary act and deed of said SID 172.

WITNESS my hand and Notarial Seal the day and year last above written.

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## Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF \_\_\_\_\_ ) ss.  
 )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Daniel J. Thiele, personally known by me to be the \_\_\_\_\_ of MILLENNIUM PLACE, LLC, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

\_\_\_\_\_  
Notary Public

EXHIBIT "A"

## EXHIBIT A

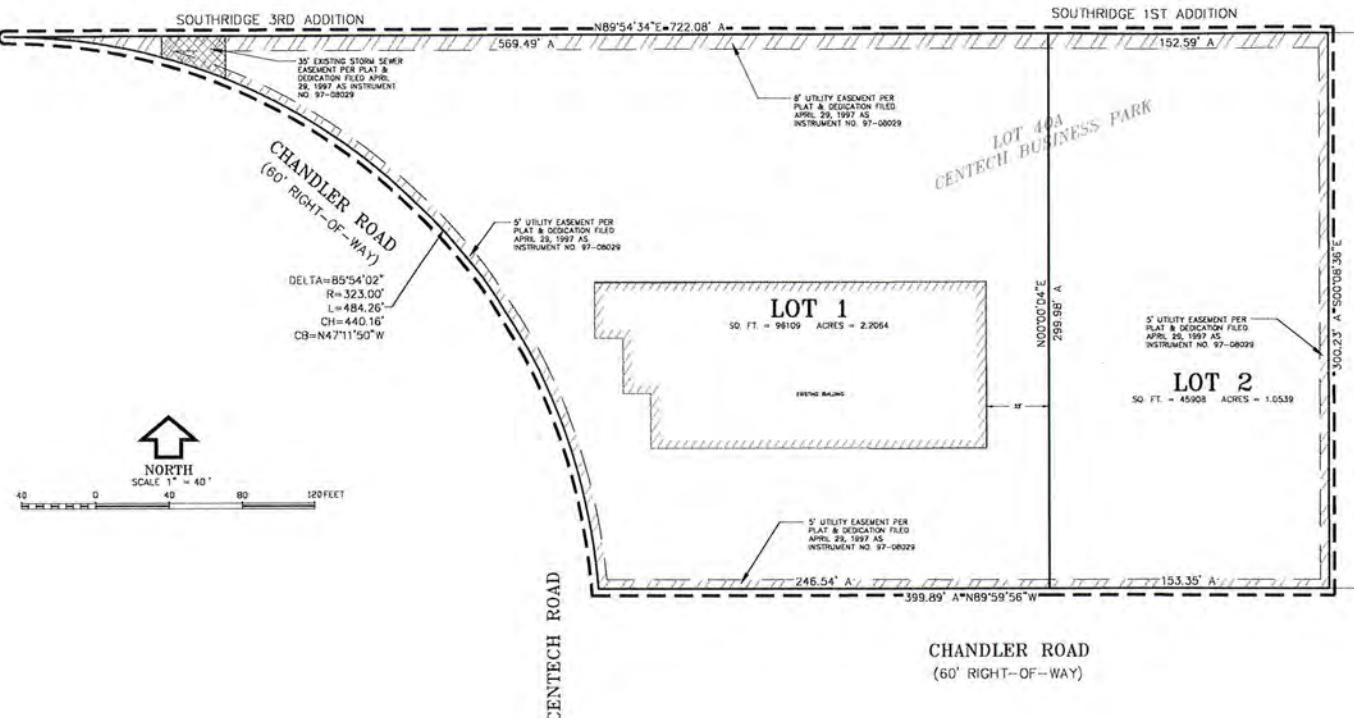
<p><b>FINAL PLAT CENTECH BUSINESS PARK REPLAT TWO</b></p> <p>CONTAINING LOTS 1 AND 2, BEING A REPLAT OF LOT 40A CENTECH BUSINESS PARK, AN ADMINISTRATIVE SUBDIVISION, SARPY COUNTY, NEBRASKA</p>  <p><b>REVIEW BY SARPY COUNTY PUBLIC WORKS</b> THIS PLAT OF CENTECH BUSINESS PARK REPLAT TWO WAS REVIEWED BY THE SARPY COUNTY SURVEYOR'S OFFICE THIS _____ DAY OF _____ 20_____</p> <p><b>APPROVAL OF LA VISTA CITY PLANNING COMMISSION</b> THIS PLAT OF CENTECH BUSINESS PARK REPLAT TWO (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY PLANNING COMMISSION OF LA VISTA, NEBRASKA THIS _____ DAY OF _____ 20_____</p> <p><b>COUNTY TREASURER'S CERTIFICATE</b> THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBODIED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE COUNTY TREASURER _____ DATE _____</p> <p><b>INGRESS/EGRESS &amp; CIRCULATION EASEMENT</b> A GENERAL VEHICULAR AND PEDESTRIAN CIRCULATION EASEMENT, GRANTING CIRCULATION RIGHTS THROUGHOUT AREAS PAVED FOR DRIVEWAYS, PARKING AND SIDEWALKS, AS CONSTRUCTED, IS RECORDED BY SEPARATE INSTRUMENT.</p> <p><b>ACCEPTANCE BY LA VISTA CITY COUNCIL</b> THIS PLAT OF CENTECH BUSINESS PARK REPLAT TWO (LOTS NUMBERED AS SHOWN) WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA THIS _____ DAY OF _____ 20_____</p> <p><b>ATTEST: CITY CLERK</b> MAYOR _____</p> <p><b>SURVEYOR'S CERTIFICATE</b> I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, AND THAT THIS PLAT MEETS THE EXACTING MINIMUM STANDARDS FOR PLATS ADOPTED BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. FURTHER, I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MARKERS HAVE BEEN SET AT ALL LOT CORNERS, ANGLE POINTS AND AT THE ENDS OF ALL CURVES WITHIN THE SUBDIVISION TO BE KNOWN AS CENTECH BUSINESS PARK REPLAT TWO, CONTAINING LOTS 1 AND 2, BEING A REPLAT OF LOT 40A OF CENTECH BUSINESS PARK, AN ADMINISTRATIVE SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, CONTAINING 3.2603 ACRES, MORE OR LESS.</p> <p>LARRY A. VAN FLEET, NEBRASKA R.L.S. 505 DATE _____</p>		<p>PROJECT NO. EGA151066</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">REVISIONS</td> <td style="width: 10%;">BY</td> <td style="width: 80%;"></td> </tr> <tr> <td>NO.</td> <td>DATE</td> <td></td> </tr> <tr> <td colspan="3">MILLENNIUM PLACE, LLC</td> </tr> </table> <p><b>EHRHART GRIFFIN &amp; ASSOCIATES</b> 3552 Fernem Street Omaha, Nebraska 68131 402 / 551-0631</p> <ul style="list-style-type: none"> <li>• ENGINEERING</li> <li>• PLANNING</li> <li>• LAND SURVEYING</li> </ul> <p><b>CENTECH BUSINESS PARK REPLAT TWO</b> FINAL PLAT LA VISTA, NEBRASKA</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">MORTGAGEE'S CONSENT TO SUBDIVISION AND DEDICATION WE, FIRST NATIONAL BANK, THE UNDERSIGNED, AS MORTGAGEE UNDER A CERTAIN MORTGAGE DATED _____ RECORDED IN BOOK _____, AT PAGE _____ OF THE PUBLIC RECORDS OF SARPY COUNTY, NEBRASKA, COVERING THE PARCEL AS DESCRIBED AND CONTAINED WITHIN THE SURVEYOR'S CERTIFICATE HEREON, DO HEREBY CONSENT TO THE PLATTING OF SAID LANDS AS SHOWN HEREIN AS A SUBDIVISION TO BE KNOWN AS CENTECH BUSINESS PARK REPLAT TWO AND HEREBY JOIN IN THE DEDICATION OF SUCH LANDS AS SUCH SUBDIVISION. FOR: FIRST NATIONAL BANK BY: ROB GLORICK AS: (TITLE) DATE: _____</td> <td style="width: 50%;">ACKNOWLEDGEMENT OF NOTARY STATE OF NEBRASKA _____ COUNTY OF _____ THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20_____ BY: ROB GLORICK AS: _____ FOR: MILLENNIAL PLACE, LLC FOR: FIRST NATIONAL BANK NOTARY PUBLIC MY COMMISSION EXPIRES _____ NOTARY PUBLIC MY COMMISSION EXPIRES _____</td> </tr> <tr> <td colspan="2">ACKNOWLEDGEMENT OF NOTARY STATE OF NEBRASKA _____ COUNTY OF _____ THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20_____ BY: ROB GLORICK AS: _____ FOR: FIRST NATIONAL BANK NOTARY PUBLIC MY COMMISSION EXPIRES _____ NOTARY PUBLIC MY COMMISSION EXPIRES _____</td> </tr> <tr> <td colspan="2">DATE: 6/9/15 DESIGNED BY: DRAWN BY: WAV CHECKED BY: LVF CREW:  </td> </tr> <tr> <td colspan="2">SHEET NO. 1 OF 1</td> </tr> </table>	REVISIONS	BY		NO.	DATE		MILLENNIUM PLACE, LLC			MORTGAGEE'S CONSENT TO SUBDIVISION AND DEDICATION WE, FIRST NATIONAL BANK, THE UNDERSIGNED, AS MORTGAGEE UNDER A CERTAIN MORTGAGE DATED _____ RECORDED IN BOOK _____, AT PAGE _____ OF THE PUBLIC RECORDS OF SARPY COUNTY, NEBRASKA, COVERING THE PARCEL AS DESCRIBED AND CONTAINED WITHIN THE SURVEYOR'S CERTIFICATE HEREON, DO HEREBY CONSENT TO THE PLATTING OF SAID LANDS AS SHOWN HEREIN AS A SUBDIVISION TO BE KNOWN AS CENTECH BUSINESS PARK REPLAT TWO AND HEREBY JOIN IN THE DEDICATION OF SUCH LANDS AS SUCH SUBDIVISION. FOR: FIRST NATIONAL BANK BY: ROB GLORICK AS: (TITLE) DATE: _____	ACKNOWLEDGEMENT OF NOTARY STATE OF NEBRASKA _____ COUNTY OF _____ THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20_____ BY: ROB GLORICK AS: _____ FOR: MILLENNIAL PLACE, LLC FOR: FIRST NATIONAL BANK NOTARY PUBLIC MY COMMISSION EXPIRES _____ NOTARY PUBLIC MY COMMISSION EXPIRES _____	ACKNOWLEDGEMENT OF NOTARY STATE OF NEBRASKA _____ COUNTY OF _____ THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20_____ BY: ROB GLORICK AS: _____ FOR: FIRST NATIONAL BANK NOTARY PUBLIC MY COMMISSION EXPIRES _____ NOTARY PUBLIC MY COMMISSION EXPIRES _____		DATE: 6/9/15 DESIGNED BY: DRAWN BY: WAV CHECKED BY: LVF CREW:  		SHEET NO. 1 OF 1	
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MORTGAGEE'S CONSENT TO SUBDIVISION AND DEDICATION WE, FIRST NATIONAL BANK, THE UNDERSIGNED, AS MORTGAGEE UNDER A CERTAIN MORTGAGE DATED _____ RECORDED IN BOOK _____, AT PAGE _____ OF THE PUBLIC RECORDS OF SARPY COUNTY, NEBRASKA, COVERING THE PARCEL AS DESCRIBED AND CONTAINED WITHIN THE SURVEYOR'S CERTIFICATE HEREON, DO HEREBY CONSENT TO THE PLATTING OF SAID LANDS AS SHOWN HEREIN AS A SUBDIVISION TO BE KNOWN AS CENTECH BUSINESS PARK REPLAT TWO AND HEREBY JOIN IN THE DEDICATION OF SUCH LANDS AS SUCH SUBDIVISION. FOR: FIRST NATIONAL BANK BY: ROB GLORICK AS: (TITLE) DATE: _____	ACKNOWLEDGEMENT OF NOTARY STATE OF NEBRASKA _____ COUNTY OF _____ THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20_____ BY: ROB GLORICK AS: _____ FOR: MILLENNIAL PLACE, LLC FOR: FIRST NATIONAL BANK NOTARY PUBLIC MY COMMISSION EXPIRES _____ NOTARY PUBLIC MY COMMISSION EXPIRES _____																		
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DATE: 6/9/15 DESIGNED BY: DRAWN BY: WAV CHECKED BY: LVF CREW:  																			
SHEET NO. 1 OF 1																			

EXHIBIT "B"

# EXHIBIT B

CENTECH BUSINESS PARK 97-08029

LOTS 35 THRU 51, INC.

BEING A PLAT OF ALL OF LOTS 9 AND 10, CENTECH BUSINESS PARK, A SUBDIVISION LOCATED IN THE SE 1/4 OF SECTION 13; AND ALSO BEING A PLATTING OF ALL OF TAX LOT 5A1B, A TAX LOT LOCATED IN SBD SE 1/4 OF SECTION 13; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH PM. CEDAR COUNTY, NEBRASKA.

**SARPY COUNTY BOARD OF COMMISSIONERS APPROVAL**

This final plat of CENTECH BUSINESS PARK (Lots 35 thru 51, inclusive) was approved by the County Board of Commissioners on the 11th day of

CHAS. E. COOPER



**SURVEYOR'S CERTIFICATE**

I hereby certify that I have surveyed the property shown on this plat and that all dimensions have been computed for all lots and streets in CENTECH BUSINESS PARK (Lots 35 thru 51, inclusive), being a replat of all of Lots 9 and 10, CenTech Business Park (Lots 1 thru 29, Inclusive), a subdivision located in the SE 1/4 of Section 13; and also being a platting of all of Tax Lot 5A1B, a tax lot located in said SE 1/4 of Section 13, all located in Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Seward County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of said Lot 9, CentTech Business Park (Lots 1 thru 29, inclusive), said point also being on the Northerly right-of-way line of CentTech Road; thence N70°54'42"W (assumed bearing) along the South line of said Lots 9 and 10, CentTech Business Park (Lots 1 thru 29, inclusive), said line also being said Northerly right-of-way line of CentTech Road, a distance of 305.00 feet to the Southwest corner of said Lot 10, CentTech Business Park (Lots 1 thru 29, inclusive); thence N18°05'18"W along the West line of said Lot 10, CentTech Business Park (Lots 1 thru 29, inclusive), a distance of 265.93 feet to the Northwest corner of said Lot 10, CentTech Business Park (Lots 1 thru 29, inclusive); thence along the Northerly line of said CentTech Business Park (Lots 1 thru 29, inclusive), on the following described courses; thence N86°53'43"W, a distance of 206.65 feet; thence Northerly on a curve to the left with a radius of 689.22 feet, a distance of 43.46 feet, said curve having a long chord which bears N01°37'53"E, a distance of 43.45 feet; thence N00°10'30"W, a distance of 130.00 feet; thence S89°49'30"W, a distance of 350.00 feet; thence N00°10'30"W, a distance of 170.00 feet; thence S89°49'30"W, a distance of 316.77 feet to the Northwest corner of Lot 14, said CentTech Business Park (Lots 1 thru 29, inclusive), said point also being on the Easterly right-of-way line of said CentTech Road; thence along said Easterly right-of-way line of CentTech Road and also along the Northerly right-of-way line of Chandler Road on the following described courses; thence N00°50'0"W, a distance of 320.75 feet; thence Northerwesterly on a curve to the left with a radius of 323.00 feet, a distance of 503.64 feet, said curve having a long chord which bears N45°30'20"W, a distance of 454.15 feet to a point on the North line of said SE ¼ of Section 13, said point also being on the South line of Lot 4, Southridge 3<sup>rd</sup> Addition, a subdivision located in the North ½ of said Section 13; thence N89°49'30"E along said North line of the SE ¼ of Section 13, said line also being the South line of said Southridge 3<sup>rd</sup> Addition, said line also being the South line of Southridge 1<sup>st</sup> Addition and Southridge, subdivisions located in said North ½ of Section 13, a distance of 1522.18 feet to the Northeast corner of Lot 3, said CentTech Business Park (Lots 1 thru 29, inclusive); thence along said Northerly line of CentTech Business Park (Lots 1 thru 29, inclusive) on the following described courses; thence S00°10'30"E, a distance of 360.00 feet; thence S89°49'30"W, a distance of 133.73 feet; thence S00°10'30"E, a distance of 646.46 feet to the Southwest corner of Lot 7, said CentTech Business Park (Lots 1 thru 29, inclusive); thence S86°53'43"E along the South line of said Lot 7, CentTech Business Park (Lots 1 thru 29, inclusive), a distance of 216.13 feet to the Northeast corner of said Lot 9, CentTech Business Park (Lots 1 thru 29, inclusive); thence S18°05'18"W along the East line of said Lot 9, CentTech Business Park (Lots 1 thru 29, inclusive), a distance of 351.37 feet to the point of beginning.

Said tract of land containing an area of 24.015 acres, more or less.

Robert Clark, LS-419  Dec. 19, 1996

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Verify: A  
J.E. \_\_\_\_\_  
Proof: W  
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Charge

**SARBY COUNTY TREASURER'S CERTIFICATE**

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and embraced in this plat as shown by the records of this office.

shown by the records of this office.

Rudiger 4/29/97  
Sarpy County Treasurer Date

TAXES ASSESSED AND LEVIED FOR THE  
CURRENT YEAR ARE NEITHER DUE NOR  
PAID. TREASURER'S CERTIFICATION  
IS ONLY VALID UNTIL DECEMBER 30th  
OF THIS YEAR.

**CENTECH BUSINESS PARK**  
LOTS 35 THRU 51, INCLUSIVE  
10000 sq. feet - 100% of America's finest and largest modern office buildings.

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