

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JULY 3, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDMENT TO RESIDENTIAL SUBDIVISION AGREEMENT — PORTAL RIDGE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared to authorize the execution of an Amendment to the Residential Subdivision Agreement, satisfactory in form to the City Administrator and City Attorney, for Portal Ridge, generally located southeast of 108<sup>th</sup> & Giles Road.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On August 5, 1997 the City Council adopted Resolution No. 97-101 establishing the city's subdivision financing policy regarding public funding of improvements and other costs within or serving residential subdivisions, including both residential and commercial development within the zoning jurisdiction of the City of La Vista.

This particular amendment is proposed to allow the SID to construct the ADA sidewalk ramps at all intersections. The current agreement would require the individual property owners to construct the ramps at the time of their sidewalk installation, which does not assure uniform construction.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE RESIDENTIAL SUBDIVISION AGREEMENT FOR PORTAL RIDGE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City did on June 6, 2006, approve the Residential Subdivision Agreement for Portal Ridge; and

WHEREAS, the City has proposed an amendment to allow the District to construct ADA sidewalk ramps at all street intersections at a total estimated cost to the District of \$78,563.80.

NOW THEREFORE, BE IT RESOLVED, that an Amendment to the Residential Subdivision Agreement presented at the July 3, 2007, City Council meeting for Portal Ridge be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF JULY 2007.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

**AMENDMENT TO RESIDENTIAL SUBDIVISION AGREEMENT**

**Portal Ridge Subdivision  
PUD-1 Planned Unit Development**

THIS Amendment to the Subdivision AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between PORTAL RIDGE DEVELOPMENT, LLC, a Nebraska limited liability company (hereinafter referred to as "Developer"), SANITARY AND IMPROVEMENT DISTRICT NO. 276 OF SARPY COUNTY, NEBRASKA (hereinafter referred to as "District"), and the CITY OF LA VISTA, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City");

WITNESSETH:

WHEREAS, Developer, District and the City entered into a Subdivision Agreement on October 11<sup>th</sup>, 2006, for Portal Ridge which is generally located southeast of 107th and Giles Road, as described on Exhibit "A" ; and,

WHEREAS, The Subdivision Agreement provided for the construction of "Authorized Public Improvements"; and,

WHEREAS, The parties wish to add the installation of ADA Sidewalk Ramps to all Street Intersections; and,

WHEREAS, the parties wish to agree upon the manner and the extent to which public funds may be expended in connection with installation of the ADA Sidewalk Ramps.

NOW, THEREFORE, IT IS AGREED THAT THE SUBDIVISION AGREEMENT IS AMENDED as follows:

2. Additional Authorized Public Improvements

Developer, District and City agree that the District may construct or install, or cause to be constructed or installed, and the credit of District shall be used for the installation of ADA sidewalk ramps at all street intersections as shown on attached exhibit at a construction estimate cost of \$56,117.00 and a total estimated cost, including all soft costs, of \$78,563.80

I. Sidewalks. This section of the Subdivision Agreement is hereby amended to allow the installation of the ADA Sidewalk ramps. Plans and specifications shall be approved prior to construction according to Section 11 of the Subdivision Agreement.

In all other respects, the Subdivision Agreement remains in full force and effect.

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:

PORTAL RIDGE DEVELOPMENT, LLC

\_\_\_\_\_

By \_\_\_\_\_  
Timothy W. Young, Managing Member

ATTEST:

SANITARY AND IMPROVEMENT DISTRICT NO. 276  
OF SARPY COUNTY, NEBRASKA

\_\_\_\_\_  
Clerk of Said District

By \_\_\_\_\_  
Chair of the Board of Trustees

ATTEST:

CITY OF LA VISTA

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

By \_\_\_\_\_  
Douglas Kindig, Mayor

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA                    )  
COUNTY OF \_\_\_\_\_            )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Timothy W. Young, personally known by me to be the managing member of Portal Ridge Development, LLC. and the identical person whose name is affixed to the foregoing Amendment to Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed.

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

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

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA                    )  
COUNTY OF \_\_\_\_\_                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public, duly commissioned and qualified in and for said County, appeared \_\_\_\_\_, personally known by me to be the Chair of the Board of Trustees of Sanitary and Improvement District No. 276 of Sarpy County, Nebraska, and \_\_\_\_\_, to me personally known to be the Clerk of the Board of Trustees of Sanitary and Improvement District No. 276 of Sarpy County, Nebraska, the identical persons whose names are affixed to the foregoing Amendment to Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed.

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

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

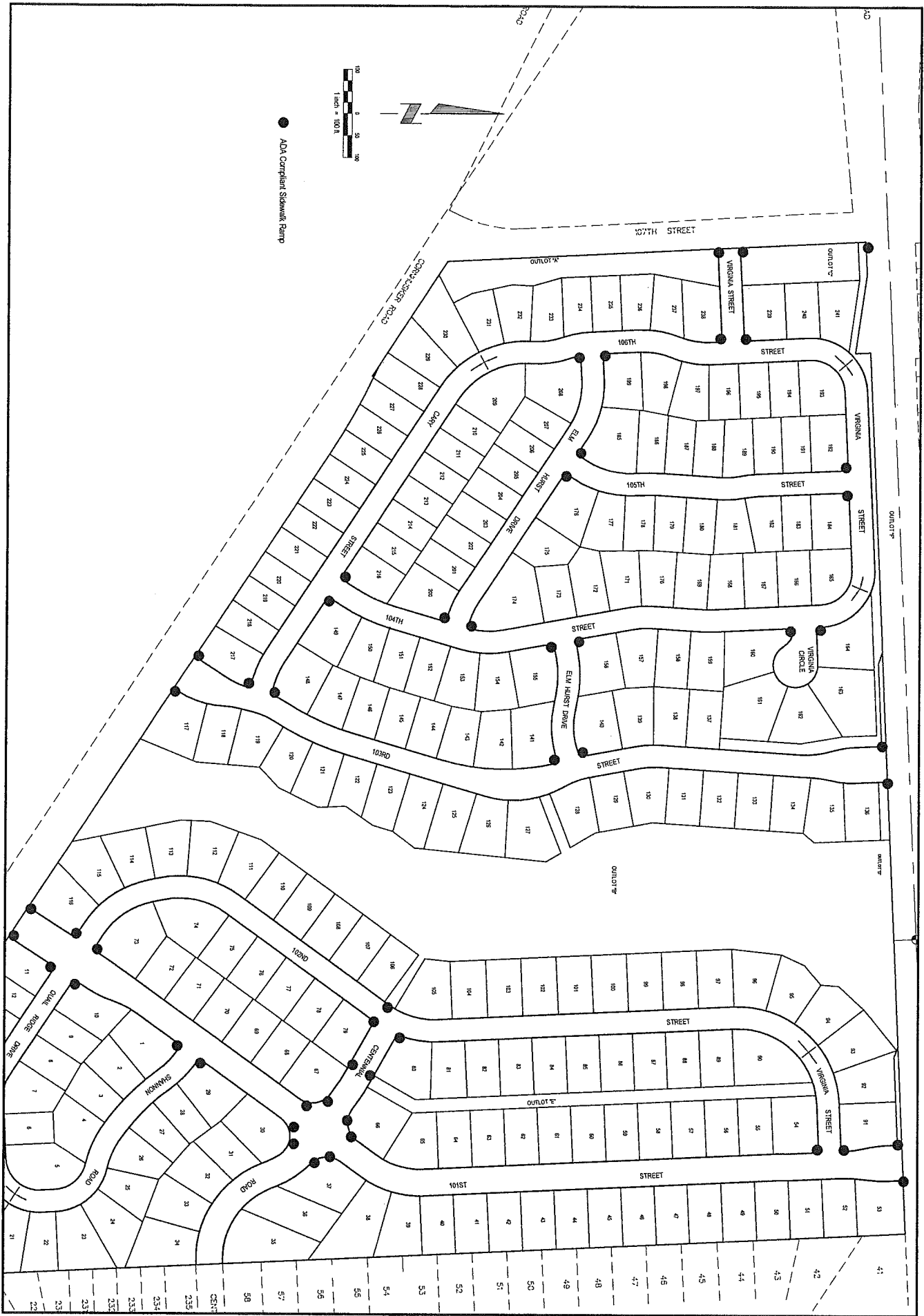
ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA                    )  
COUNTY OF \_\_\_\_\_                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Douglas Kindig, personally known by me to be the Mayor of the City of La Vista and Rita Ramirez, to me personally known to be the City Clerk of the City of La Vista, the identical persons whose names are affixed to the foregoing Amendment to Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed.

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

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



Proj No: 2005.054.001		Revisions	
Date: 05/14/2007		Date	See Sheets
Designed By: BJA			
Drawn By: JCT			
Checked By:			
Sheet 1 of			

**SIDEWALK RAMP EXHIBIT**

**PORTAL RIDGE**  
LOTS 1 THRU 242 INCLUSIVE  
& OUTLOTS "A" THRU "F"  
SUBDIVISION AGREEMENT AMENDMENT  
S & L D NO 376  
LA VISTA, NEBRASKA

**e&a** E&A CONSULTING GROUP, INC.  
ENGINEERING • PLANNING • FIELD SERVICES  
330 NORTH 157TH STREET - OMAHA, NE 68154  
PHONE: (402) 395-4700 FAX: (402) 395-3399  
www.eacg.com

## Portal Ridge sidewalk ramp cost estimate

6/21/2007

Item	Quan.	unit	unit price	total
1 4'x4" sidewalk at curb ramp	1,260	SF	\$ 2.95	\$ 3,717.00
2 6" double curb ramp	2,590	SF	\$ 5.00	\$ 12,950.00
3 6" single curb ramp	770	SF	\$ 5.00	\$ 3,850.00
4 insert panel	140	EA	\$ 180.00	\$ 25,200.00
5 grind curb	1,040	LF	\$ 10.00	\$ 10,400.00
total				\$ 56,117.00
40% admin costs				\$ 22,446.80
TOTAL				\$ 78,563.80