

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
AUGUST 7, 2007 AGENDA**

Subject:	Type:	Submitted By:
INTERLOCAL COOPERATION AGREEMENT — LOT 242, PORTAL RIDGE SUBDIVISION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A resolution has been prepared to approve an Interlocal Cooperation Agreement with Sanitary and Improvement District No. 276 of Sarpy County, Nebraska, pertaining to Lot 242, Portal Ridge, adjacent to the City's public works facility.

FISCAL IMPACT

None at this time however when annexed any debt of the SID will become the debt of the City.

RECOMMENDATION

Approve.

BACKGROUND

During the platting process for the Portal Ridge subdivision, the City expressed an interest in the future expansion of the Public Works Facility. A note was added to the final plat which stated "Lot 242 may become part of the existing public facility in the future." Additionally, the Subdivision Agreement identifies that it was contemplated that Lot 242 would be "used for expansion of City's public works facility or other public use" and it is exempted from the covenants because of its non-residential nature.

An Interlocal Cooperation Act Agreement has been prepared and is attached. The agreement provides for the SID to purchase the property from the developer for \$87,454.93. This property will become City-owned property upon annexation. Prior to that time and pending the City's acquisition of the title to the property, the City may use the property for public works purposes. Also attached is a letter from the attorney for the SID, Bob Doyle, confirming the District's consent to the City's purchase and use of the lot prior to annexation should the City decide to do so.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH SANITARY AND IMPROVEMENT DISTRICT NO. 276 OF SARPY COUNTY, NEBRASKA CONCERNING THE PURCHASE OF LOT 242, PORTAL RIDGE, IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, Sanitary and Improvement District No. 276 is proposing to purchase Lot 242, Portal Ridge, from the developer, Portal Ridge Development, LLC; and

WHEREAS, the purchase of the lot is necessary for the future expansion of the City's Public Works Facility or other public use; and

WHEREAS, the Sanitary and Improvement District is willing to acquire and hold the property pending future annexation by the City.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Cooperation Agreement with Sanitary and Improvement District No. 276 of Sarpy County, Nebraska, concerning the purchase of Lot 242, Portal Ridge, is hereby 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 7th DAY OF AUGUST, 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

INTERLOCAL COOPERATION ACT AGREEMENT

THIS AGREEMENT (hereinafter referred to as “this Agreement”) is made by and among those of the following eligible parties who execute this Agreement, to-wit: the CITY OF LA VISTA, Nebraska “City”; and, the PORTAL RIDGE SUBDIVISION (SID # 276) “SID”.

WHEREAS, City has requested that SID acquire certain real property necessary for the future expansion of maintenance facilities which will be necessary for the future maintenance of public infrastructure within SID and,

WHEREAS, SID is willing to acquire and hold such property pending future annexation by City.

NOW, THEREFORE, in consideration of the foregoing recitals and their mutual covenants hereinafter expressed, the parties agree as follows:

1. **Authority:** This Agreement is an agreement for collective and cooperative action made pursuant to authority provided in the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. §13-801, R.R.S., 1997, et seq.), without a separate entity being created, and, whenever possible, this Agreement shall be construed in conformity therewith.
2. **Duration:** The duration of the Agreement shall be ten (10) years unless extended in writing by both parties.
3. **Purpose:** The purpose of the Agreement is to acquire property for the future expansion of the City of La Vista maintenance facility necessary for the future maintenance requirements of SID.
4. **Acquisition:** SID shall acquire Lot 242, Portal Ridge, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska at its sole cost.
5. **Cost:** The estimated cost of such acquisition is Eighty-seven Thousand Four Hundred Fifty-four and 93/100 (\$87,454.93) Dollars.
6. **Records:** SID shall maintain all records and otherwise administer this joint undertaking.
7. **Effective Date:** This Agreement shall become effective upon execution by both parties.

IN WITNESS WHEREOF, this Agreement is entered into by these parties pursuant

to resolutions duly adopted by their respective governing boards.

Executed by the City of La Vista, Nebraska on this day of , 2007.

THE CITY OF LA VISTA, NEBRASKA

By: _____
Mayor

Attest:

Approved as to form:

City Clerk

By: _____
City Attorney

Executed by Sanitary and Improvement District No. 276 of Sarpy County, Nebraska on
this day of , 2007.

SID No. 276

By: _____
Chair

Attest:

Clerk

Law Mice/3

FULLENKAMP, DOYLE & JOBEUN

JOHN H. FULLenkAMP
ROBERT C. DOYLE
LARRY A. JOBEUN
AIMEE J. HALEY BRIAN
C. DOYLE SARAH L.
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July 31, 2007

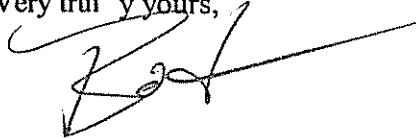
Ms. Ann Birch
Community Development Director
City of LaVista
8116 Park View Blvd.
LaVista, NE 68128

Dear Ann:

The undersigned represents SID #276.

Please be advised that SID #276 has no objection, and hereby consents to the use of Lot 242, Portal Ridge by the City of LaVista as contemplated in the Inter-local prior to annexation by the City.

Very truly yours,



ROBERT C. DOYLE

dkl

LAW OFFICES
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JAMES J. FITZGERALD, JR.
1903-1989

CHARLES A. SCHORR
1924-1998

*ALSO LICENSED TO PRACTICE IN IOWA

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CARLA HEATHERSHAW RISCO*
CAMILLE R. HAWK
MATTHEW J. BOEVER
DUSTIN J. KESSLER
JOSHUA W. WEIR*

June 26, 2007

VIA EMAIL

Ms. Ann Birch
Community Development Director
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

In re: Lot 242, Portal Ridge Subdivision

Dear Ann:

Enclosed is the most recent form of the Interlocal Cooperation Agreement between the City and S.I.D. #276 pertaining to the subject property which is to eventually become an extension of the City's public works facility.

The purchase price to be paid by S.I.D. #276 to the Developer as of June 30, 2007 is \$87,454.93 computed as follows:

2.171 acres of land @ \$37,500 per acre	\$81,412.50
Greenbelt taxes paid by Developer	1,953.50
Interest paid by Developer from time of platting 8/12/06 thru 6/30/07 (231 days @ 17.701 per day)	<u>4,088.93</u>
	<u>\$87,454.93</u>

I reviewed with Bob Doyle, attorney for S.I.D. #276, the \$89,051.59 S.I.D. cost he had in his 8/17/06 draft of the agreement. We are now in agreement that the correct number is only \$87,454.93 as of 6/30/07.

Ms. Ann Birch
June 27, 2007
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Enclosed is a corrected form of "Interlocal Cooperation Act Agreement".

The purchase price to be paid by the S.I.D. to the Developer for the lot will be paid by S.I.D. warrants which eventually will be retired by issuance of bonds of the S.I.D. These bonds and the interest thereon will become debt of the City upon the City's annexation of the Subdivision.

Mr. Doyle agreed that pending the City's acquisition of title to the property that the City may use the property for public works purposes. He will confirm in writing the District's consent to the City's use of the Lot prior to the City's annexation thereof.

Upon my inquiry as to how sales are going in Portal Ridge, Mr. Doyle advised that they have been going exceptionally well, particularly when compared to other subdivisions.

Yours very truly,

For the Firm

JJB/ss
Enclosures
cc: Brenda Gunn
Rita Ramirez
Tom McKeon