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City of Omaha
Jim Suttle, Mayor

February 26, 2013

RECEIVED
13 FEB 14 PM 2:05
CITY CLERK
OMAHA, NEBRASKA

Public Works Department
Omaha/Douglas Civic Center
1819 Farnam Street, Suite 601
Omaha, Nebraska 68183-0601
(402) 444-5220
Fax (402) 444-5248

Robert G. Stubbe, P.E.
Public Works Director

Honorable President

and Members of the City Council,

The attached Resolution approves the Subdivision Agreement between WACHOVIA DEVELOPMENT CORPORATION, a North Carolina Corporation, and the City of Omaha. This Subdivision Agreement covers the public improvement of First National Business Park Replat 3, a subdivision located Northeast of 144th Street and FNB Parkway.

The Agreement provides for Interceptor Sewer Fees in the amount of \$31,059.60 and Watershed Management Fees in the amount of \$109,220.00 to be paid as building permits are issued.

The Agreement provides for Park Fees as follows: Trail & Boulevard Fee, to be assessed as building permits are issued; and Community Parks Fee, approximately half of which, \$4,160.00, is to be paid by the Subdivider at the time of final platting, and the remaining half to be paid as building permits are issued.

The Public Works Department requests your consideration and approval of the attached Resolution and Subdivision Agreement.

Respectfully submitted,

This action has been reviewed and found to be in conformance with the Master Plan.

RH Robert G. Stubbe 1-28-13
Robert Stubbe, P.E. Date
Public Works Director

R.E. Cunningham 1FEB2013
R.E. Cunningham, RA, F.SAME Date
Planning Director

Approved as to Funding:

Referred to City Council for Consideration:

DD Leslie A. Schaefer 1-30-13
Leslie A. Schaefer Date
Interim Finance Director

Jim Suttle 2-8-13
Mayor's Office Date

Approved:

Brook Bench 2-5-13
Brook Bench, Acting Director
Parks, Recreation and
Public Property Department

CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebraska

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, WACHOVIA DEVELOPMENT CORPORATION, a North Carolina Corporation, proposes to build a subdivision to be known as First National Business Park Replat 3, which will be located Northeast of 144th Street and FNB Parkway; and,

WHEREAS, WACHOVIA DEVELOPMENT CORPORATION, a North Carolina Corporation, will build public and private improvements in this subdivision; and,

WHEREAS, WACHOVIA DEVELOPMENT CORPORATION, a North Carolina Corporation, wishes to construct a sanitary sewer system and connect said system to the Sanitary Sewer System of the City of Omaha; and,

WHEREAS, WACHOVIA DEVELOPMENT CORPORATION, a North Carolina Corporation, agrees to pay Watershed Management fees of \$109,220.00, to be paid with the building permit; and,

WHEREAS, WACHOVIA DEVELOPMENT CORPORATION, a North Carolina Corporation,, agrees to pay Interceptor Sewer fees of \$31,059.60, to be paid with the building permit; and,

WHEREAS, WACHOVIA DEVELOPMENT CORPORATION, a North Carolina Corporation, agrees to provide for Park Fees as follows: Trail & Boulevard Fee, to be assessed as building permits are issued; and Community Parks Fee, approximately half of which, \$4,160.00, is to be paid at the time of final platting, and the remaining half to be paid as building permits are issued; and,

WHEREAS, a Subdivision Agreement has been prepared setting forth all the provisions mentioned above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

By.....
Councilmember

Adopted.....
.....
City Clerk

Approved.....
Mayor

CITY OF OMAHA

LEGISLATIVE CHAMBER

Omaha, Nebraska

PAGE -2-

THAT, the Subdivision Agreement between the City of Omaha and WACHOVIA DEVELOPMENT CORPORATION, a North Carolina Corporation, as recommended by the Mayor, providing for the Watershed Management fees, Interceptor Sewer fees, Parks fees, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as First National Business Park Replat 3 and is located Northeast of 144th Street and FNB Parkway.

P:\rah\1064rah.doc

APPROVED AS TO FORM:

	1-29-13
_____ CITY ATTORNEY	DATE

By.....
Councilmember

Adopted.....
.....
City Clerk

Approved.....
Mayor

**SUBDIVISION AGREEMENT
FIRST NATIONAL BUSINESS PARK REPLAT 3**

This Subdivision Agreement, made this _____ day of _____, 20__ by and between WACHOVIA DEVELOPMENT CORPORATION, a North Carolina Corporation (hereinafter referred to as "SUBDIVIDER"), and the CITY OF OMAHA (hereinafter referred to as "CITY").

WHEREAS, the Subdivider is the owner of the land shown on the proposed plat attached hereto as Exhibit "A" (hereinafter referred to as "PROPERTY"), and,

WHEREAS, the Subdivider proposes to build public and private improvements on portions of 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 Omaha; 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 improvements. Public improvements currently exist to serve the site.
2. Water, gas, and electrical power. The Subdivider agrees to enter into an Agreement with the Metropolitan Utilities District regarding all water and gas line extensions on the Property, and into an Agreement with the Omaha Public Power District for power lines to be installed on the Property. Copies of all Agreements with the Metropolitan Utilities District and the Omaha Public Power District will be provided to the City prior to issuance of a Certificate of Occupancy for any improvements.
3. Payment for improvements. The Subdivider shall cause the cost of all the improvements, as well as all charges by the Metropolitan Utilities District for water and gas line installation and charges by the Omaha Public Power District for Underground electrical service or overhead power installations to be paid.
4. Sidewalks. All sidewalks have been constructed upon both sides of all public streets within the Property.
5. 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.

6. Interceptor Sewer Fee. The owner of each lot shall make payment to the City of Omaha for the construction of interceptor sewers. This fee is computed as follows for the lots shown on the plats (Exhibit "A"). Payment shall be made to the City Permits and Inspections Division prior to receiving a building permit to construct improvements on any lot. Lots 1 and 3, First National Business Park Replat 3, as shown herein in Exhibit A shall not be subject to the Interceptor Sewer fee, as they already have existing buildings with existing connections to the City's sewer system. However, the parties acknowledge that in the event of any future subdivision of Lot 1 or 3, First National Business Park Replat 3, into multiple buildable lots, any newly-created lots shall be subject to the then-current Interceptor Sewer fee through the amendment of this agreement by the parties, while the lots containing the existing building will continue not to be subject to the fee. Payment shall be based on the current fee adopted by the Omaha City Council and is currently as follows:

Lot 2, MU, 5.2 Acres @ \$5,973.00	\$31,059.60
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TOTAL:	\$31,059.60
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7. Watershed Management Fee. The owner of each lot shall make payment to the City of Omaha for Watershed Management Fees. This fee is computed as follows for the lots shown on the plats (Exhibit "A"). Payment shall be made to the City Permits and Inspections Division prior to receiving a building permit to construct improvements on any lot. Watershed Management Fees shall be payable respecting Lots 1 or 3, First National Business Park Replat 3 only at such time(s) and as set forth in Chapter 32 of the Omaha Municipal Code. Payment shall be based on the current fee adopted by the Omaha City Council and is currently as follows:

Lot 1, MU, 1.975 Acres @ \$4,000.00	\$7,900.00
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Lot 2, MU, 5.2 Acres @ \$4,000.00	\$20,800.00
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Lot 3, MU, 20.13 Acres @ \$4,000.00	\$80,520.00
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TOTAL:	\$109,220.00
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8. Park Fees. The owner of each lot shall make payment to the City of Omaha for Park Fees. Lots 1 and 3, First National Business Park Replat 3, as shown herein in Exhibit A shall not be subject to the Park Fees, as they are already improved lots. However, the parties acknowledge

that in the event of any future subdivision of Lot 1 or 3, First National Business Park Replat 3, into multiple buildable lots, any newly-created lots shall be subject to the then-current Park Fees through the amendment of this agreement by the parties, while the lots containing the existing building will continue not to be subject to the fee.

Trails / Boulevard Fee. There will be no platting fees for trails and boulevards. A Trail and Boulevard Fee will be assessed at the time of building permit.

Community Parks. Approximately fifty percent (50%) of the Community Park (CP) Fee will be paid by the Subdivider at the time of final platting. This portion of the CP Fee is calculated on a per-acre basis as follows:

Lot 2, Commercial or Industrial, 5.2 Acres @ \$800.00 per acre	\$4,160.00
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TOTAL:	\$4,160.00
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The remaining portion of the Community Park Fee will be assessed at the time of building permits on a per-lot basis.

9. Binding effect. The Subdivision Agreement shall be binding upon the parties, their respective successors, and assigns.

ATTEST:

CITY OF OMAHA

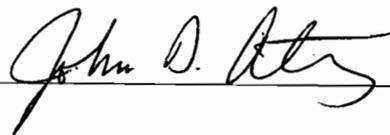
CITY CLERK OF THE CITY OF OMAHA

MAYOR

APPROVED AS TO FORM:

 1-29-12

DEVELOPER:

 12-28-12

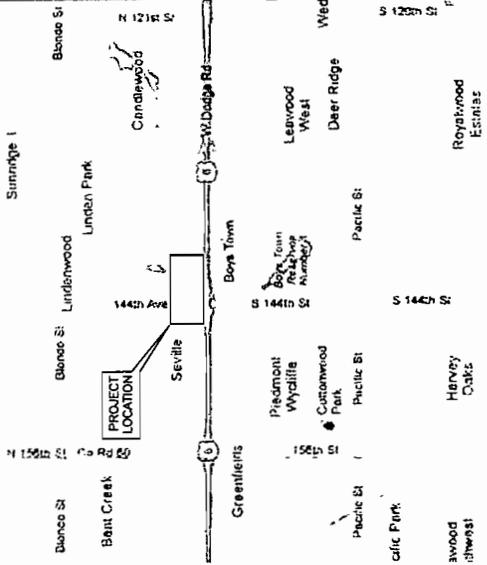
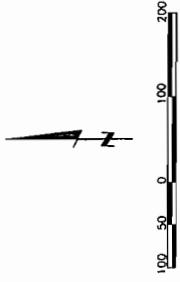
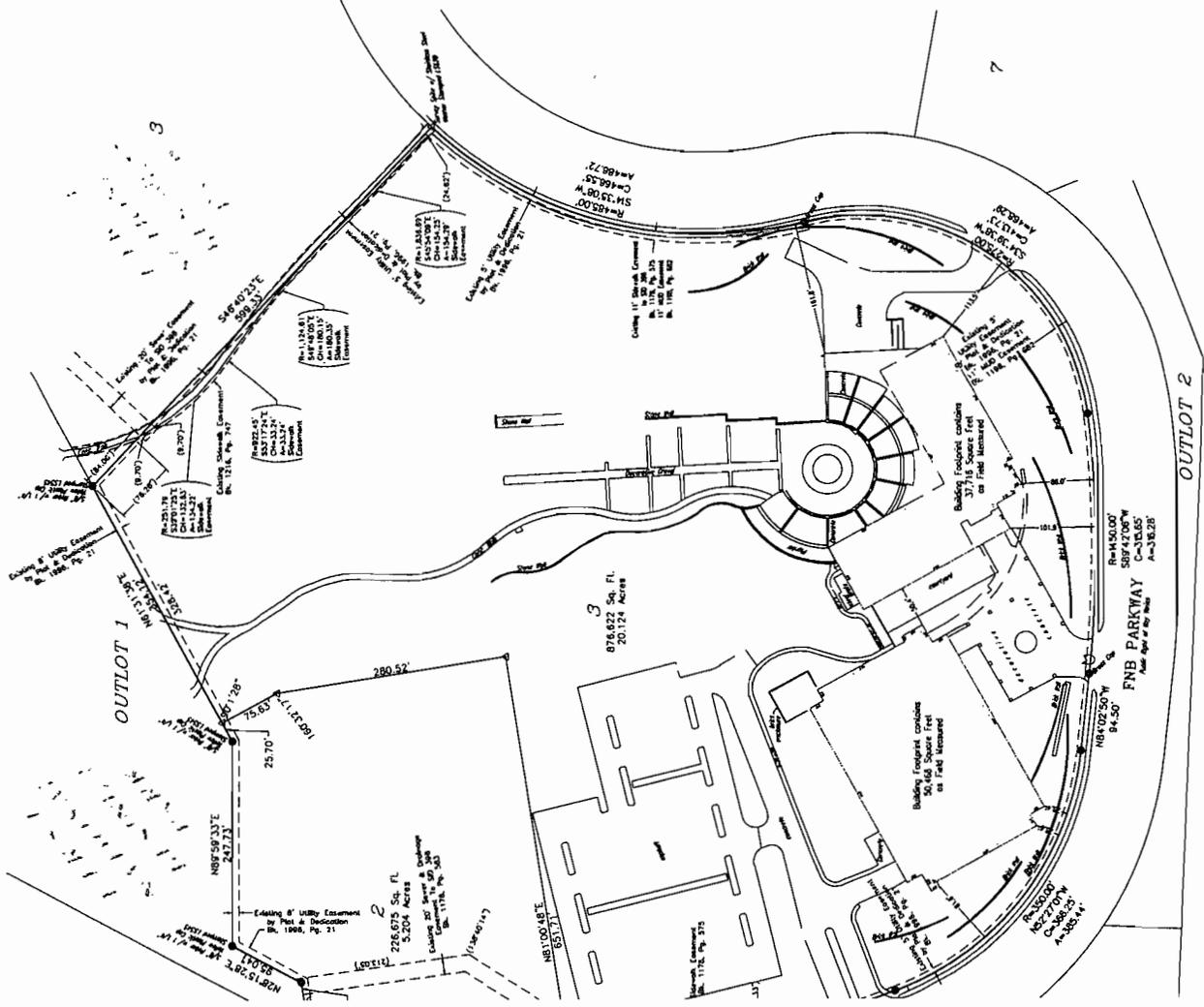
subagree

Exhibit "A"

Subdivision Plat

NATIONAL BUSINESS PARK REPLAT 3

Lots 1, 2 & 3 FIRST NATIONAL BUSINESS PARK REPLAT 3, being a replatting of Lots 1 & 2, FIRST NATIONAL BUSINESS PARK, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska



VICINITY MAP

LEGEND

- A ARC DIMENSIONS
- C CHORD DIMENSIONS
- RB REBAR
- CORNER FOUND (5/8" REBAR UNLESS NOTED OTHERWISE)
- △ CORNERS SET (5/8" REBAR WITH 1/4" YELLOW PLASTIC CAP UNLESS NOTED OTHERWISE)
- BOUNDARY LINE
- LOT LINE
- - - - - EASEMENT LINE

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I have surveyed and placed permanent monuments at all corners and ends of curves as described above or shown hereon on the ground and the same are shown as being in place on the plat hereon as REPLAT 3, Lots 1, 2 & 3, National Business Park, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.



Warren R. Hecker, L.S. 620
Date _____

OWNER'S CERTIFICATION

I, Warren R. Hecker, L.S. 620, State of Nebraska, a national banking association, hereby certify that the undersigned are owners of the property described in the plat hereon and that the plat hereon is a true and correct copy of the original plat, and have caused said plat to be subdivided into lots as shown on this plat.

Lot 1, FIRST NATIONAL BUSINESS PARK, First National Bank of Omaha, a national banking association
Printed Name _____ Signature _____
Title _____
Lot 2, FIRST NATIONAL BUSINESS PARK, Wachovia Development Corporation, a North Carolina corporation
Printed Name _____ Signature _____
Title _____

PLANNING DIRECTOR'S APPROVAL

Approved as a subdivision of FIRST NATIONAL BUSINESS PARK REPLAT 3, of not more than two (2) lots, parcels or blocks with plat in the City of Omaha 1926. This subdivision approval is void unless this plat is filed and recorded with the County Register of Deeds within thirty (30) days of this date.

Planning Director _____ Date _____ day of _____ 2012

ACKNOWLEDGEMENT OF NOTARIES

State of Nebraska)
County of Douglas) SS
The foregoing instrument was acknowledged before me this _____ day of _____ 2012

Created by: GIM
Designed by: WSH
Reviewed by: WSH

Warren R. Hecker, L.S. 620
14710 West Dodge Road, Suite 100
Omaha, Nebraska 68154-2027
www.LRA-Inc.com
402.496.2730
402.496.2498

LAMP RYNEARSON & ASSOCIATES
14710 West Dodge Road, Suite 100
Omaha, Nebraska 68154-2027
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402.496.2498

LOTS 1, 2 & 3, FIRST NATIONAL BUSINESS PARK REPLAT 3
OMAHA, DOUGLAS COUNTY, NEBRASKA