



City of Omaha
Jean Stothert, Mayor

April 7, 2015

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CITY CLERK
OMAHA, NEBRASKA

Public Works Department

Traffic Engineering Division

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 603
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 Amendment No. 1 to the Wastewater Service Agreement between 203rd Plaza, LLC, a Nebraska limited liability company (203rd Plaza LLC), and the City of Omaha. This Amendment covers the conveyance of 21 of the 28 equivalent lots permitted for wastewater treatment under the original Wastewater Service Agreement from the Archdiocese of Omaha Youth Camp (Youth Camp) to 203rd Plaza LLC. 203rd Plaza LLC will develop 21 single family lots as Forest Glen (Lots 1-21), a subdivision within Douglas County, Nebraska.

203rd Plaza LLC will connect onto the Omaha treatment system via the sanitary sewer lines of Douglas County S&IDs No. 240 & 217, the regional lift station, and ultimately the Omaha interceptor sewer system. The Youth Camp previously paid sewer connection fees for the 28 equivalent lots, so no such fees will be due at the time of building permit for the 21 lots conveyed to 203rd Plaza LLC under the terms of this Amendment. There is adequate capacity in the Papillion Creek Waste Water Treatment Plant to handle the wastewater expected from this Amendment.

The Public Works Department requests your consideration and approval of the attached Amendment to the Wastewater Service Agreement.

Respectfully submitted,

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

Robert G. Stubbe 3-13-15
RH Robert G. Stubbe, P.E. Date
Public Works Director

James R. Thele 3/26/15
James R. Thele Date
Planning Director

Approved as to Funding:

Referred to City Council for Consideration:

Stephen B. Curtiss 3/19/15
Stephen B. Curtiss Date
Finance Director

Jean Stothert 3/27/15
Jean Stothert Date
Mayor's Office

**AMENDMENT NO. 1 TO AGREEMENT FOR WASTEWATER SERVICE
 BETWEEN
 CITY OF OMAHA, NEBRASKA
 AND
 203RD PLAZA, LLC, THE GRANTEE OF THE
 ARCHDIOCESE OF OMAHA YOUTH CAMP
 5455 SOUTH 245TH STREET
 DOUGLAS COUNTY, NEBRASKA**

THIS AMENDMENT NO. 1 TO THE AGREEMENT FOR WASTEWATER SERVICE is made this ____ day of _____, 2015 by and between 203rd Plaza, LLC, a Nebraska limited liability company, 1505 N. 203rd Street, Elkhorn, Douglas County, Nebraska 68022 (hereinafter called "203rd Plaza"), and the CITY OF OMAHA, a Municipal Corporation of the State of Nebraska (hereinafter called "Omaha").

WITNESSETH THAT:

WHEREAS, the Archdiocese of Omaha Youth Camp ("Youth Camp") entered into an Agreement for Wastewater Service with Omaha dated June 7, 2011 (the "Agreement") in which Omaha agreed to provide wastewater treatment services for the Service Area shown in Exhibit "A-2011" of the Agreement for 28 equivalent single family lots; and

WHEREAS, the Youth Camp conveyed ownership of the real property to 203rd Plaza on November 19, 2013, and as a result, 203rd Plaza is the successor of Youth Camp under the Agreement; and

WHEREAS, 203rd Plaza is developing the single family residential subdivision of Forest Glen consisting of Lots 1 through 21, inclusive, a subdivision in Douglas County, Nebraska, which subdivision is within the Service Area set forth in Exhibit "A-2011" attached to the Agreement and updated in Exhibit "A-2014" attached hereto; and

WHEREAS, 203rd Plaza desires to transfer 21 of the 28 equivalent single family lots for which wastewater treatment by Omaha was granted under the Agreement to the 21 single family lots consisting of the Forest Glen subdivision, a copy of the plat showing the lots being attached hereto as Exhibit "B"; and

WHEREAS, Omaha is agreeable to transferring 21 of the 28 equivalent lots permitted for wastewater treatment under the Agreement to the 21 Forest Glen lots.

NOW, THEREFORE, in consideration of these facts, the parties hereto do mutually agree to amend the Agreement by this Amendment No. 1 as follows:

1. Omaha and 203rd Plaza agree to transfer 21 of the 28 equivalent lots for which wastewater treatment service was granted under the Agreement to the 21 single family lots

known as Lots 1 through 21, inclusive, Forest Glen, a subdivision in Douglas County, Nebraska, which is shown on Exhibit "B" attached hereto.

2. That Omaha and 203rd Plaza agree to allocate \$23,100.00 of the \$30,800.00 connection fees paid by the Youth Camp to Omaha under paragraph 4 of the Agreement from the area described in Exhibit "A-2011" to the 21 single family lots which are known as Lots 1 through 21, inclusive, Forest Glen, as shown on Exhibit "B" attached hereto, and as a result, the interceptor service fees for Lots 1 through 21, Forest Glen, have been paid and do not have to be paid at the time of the issuance of building permits for these lots.

3. 203rd Plaza agrees to comply with all of the terms and conditions required on the Youth Camp under the Agreement including, but not limited to, agreeing to comply with the terms set forth in the City of Omaha Wastewater Service Agreement General Provisions dated November 1, 1994, a copy of which is attached to the Agreement.

4. Except as otherwise amended herein, the terms and conditions of the Agreement shall remain in full force and effect as written and shall be binding upon and inure to the benefit of Omaha and 203rd Plaza, and their successors, guarantees and assigns.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by the proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED BY 203rd PLAZA, LLC, this 5th day of February, 2015.

ATTEST:

203rd PLAZA, LLC, a Nebraska limited liability company

Paulyn J. Ellington

Frank R. Krejci
Frank R. Krejci, Manager

EXECUTED BY CITY OF OMAHA this ___ day of _____, 2015.

ATTEST:

CITY OF OMAHA:

City Clerk

Mayor

RECOMMENDED:

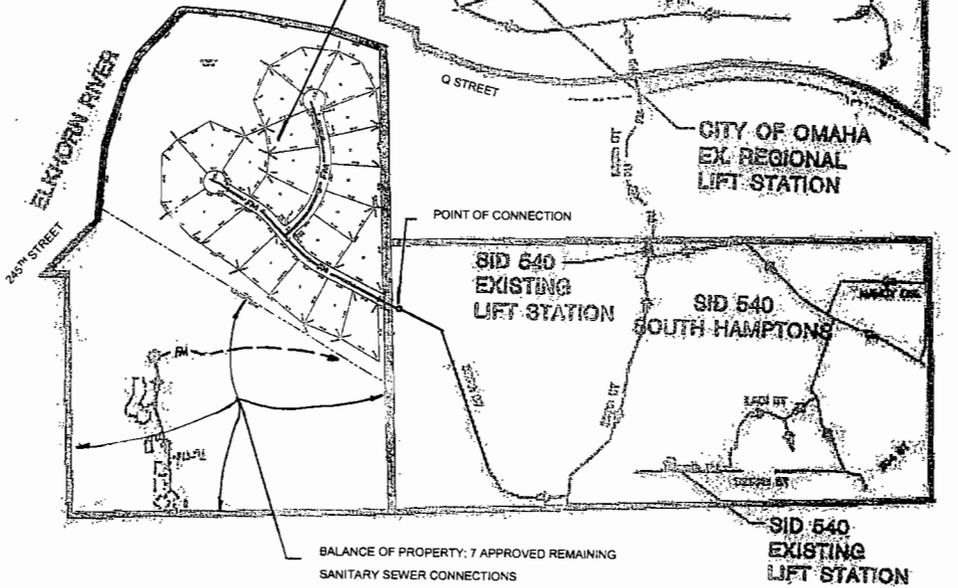
APPROVED AS TO FORM:

Robert J. Hubbe 3-31-15
Public Works Director

[Signature] 03/16/2015
~~Asst. Deputy~~ City Attorney



FOREST GLEN SUBDIVISION, ALLOCATION OF
21 SANITARY SERVICES OF APPROVED 28



E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services
130 North 117th Street Omaha, NE 68154
Phone: 402.896.4700 Fax: 402.896.3599



EXHIBIT A-2014
(MODIFICATION OF EXHIBIT A-2011)

EXHIBIT TO AMENDMENT NO 1 OF
WASTEWATER TREATMENT AGREEMENT

Revisions	Date	Description
1	1-14-15	As Shown

Prep No: _____
Date: 1-14-15
Designed By: _____
Drawn By: _____
Scale: NONE

