

## **AGENDA ITEM 4 A**

**MAYFAIR 2<sup>ND</sup> ADDITION REPLAT 5**



CITY OF LA VISTA  
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: 2012-SUP-01

FOR HEARING OF:

April 19, 2012

Report Prepared on: April 11, 2012

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Buland Group Construction  
6173 Center Street  
Omaha, NE 68106

**B. PROPERTY OWNER:**

L&B Properties, LLC  
6173 Center Street  
Omaha, NE 68106

**C. LOCATION:** Northwest of 96<sup>th</sup> Street and Giles Road

**D. LEGAL DESCRIPTION:** Lot 1, Mayfair 2<sup>nd</sup> Addition Replat Three

**E. REQUESTED ACTION(S):** Replat of Lot 1, Mayfair 2<sup>nd</sup> Addition  
Replat Three

**F. EXISTING ZONING AND LAND USE:** C-1 – Shopping Center  
Commercial, Vacant

**G. PURPOSE OF REQUEST:** Replat of Lot 1, Mayfair 2<sup>nd</sup> Addition  
Replat Three to split the property into three separate lots for  
development.

**H. SIZE OF SITE:** 8.17 Acres

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** Existing Lot 1, Mayfair 2<sup>nd</sup>  
Addition Replat Three is relatively flat. Slopes along the eastern lot  
line increase northward. Slopes along the northern lot line increase  
eastward.

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

1. **North:** R-1 Single-Family Residential; Mayfair Replat  
One / Single Family Residential
2. **East:** C-1 Shopping Center Commercial; Mayfair 2<sup>nd</sup>  
Addition / Mix of Commercial and Vacant uses
3. **South:** C-1 Shopping Center Commercial; Mayfair 2<sup>nd</sup>  
Addition Replat Three / Vacant
4. **West:** C-1 Shopping Center Commercial; Mayfair 2<sup>nd</sup>  
Addition Replat One/ Vacant

**C. RELEVANT CASE HISTORY:**

1. Mayfair 2<sup>nd</sup> Addition Replat Three was approved September 19, 2006.

**D. APPLICABLE REGULATIONS:**

1. Section 5.10 of the Zoning Regulations – C-1 Shopping Center
2. Section 5.17 of the Gateway Corridor District (Overlay District)
3. Section 3.08 of the Subdivision Regulations – Replats

**III. ANALYSIS**

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

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

**C. TRAFFIC AND ACCESS:**

1. Vehicular access is provided to the property over a private roadway that was established in an ingress/egress easement granted with the platting of Mayfair 2<sup>nd</sup> Addition Replat One. There is also a blanket easement for vehicular ingress and egress along with a pedestrian easement over Lots 1 through 11 of the platting of Mayfair 2<sup>nd</sup> Addition Replat One. The subsequent replattings did not eliminate those original easements. The proposed plat identifies a 25 feet wide ingress/egress easement along the north side of Lot 2 over part of Lot 1. Illustrating the ingress/egress easement on the plat is satisfactory, however, a separate easement document needs to be prepared and recorded that identifies who benefits from the easement and what parties are responsible to maintain the easement. Maintenance of private roadways has been an issue in similar situations elsewhere in the City and providing for long term operation and maintenance must be addressed.
2. Recent traffic studies have indicated that a traffic signal is likely to be warranted in the near future at the intersection of 96<sup>th</sup> Street and the private roadway just east of the southwesterly corner of Lot 3. This is an intersection serving private commercial roadways on both sides of 96<sup>th</sup> Street. The signal will be assessed to the benefitted commercial properties in both the Mayfair and Southwind subdivisions at such time as the signal is installed. This will need to be acknowledged in the subdivision agreement for this replat.

#### **D. UTILITIES:**

1. Sanitary sewer exists along the east side of the property under the existing private roadway. The sanitary sewer was not stubbed out to this property due to the original development showing a larger lot to be served from the south. The preliminary plat will need to show the extent of the existing sanitary sewer and whether Lot 1 is fronted by the existing sanitary sewer. If not, the preliminary plat will need to indicate how service to Lot 1 will be provided and also needs to indicate where sanitary sewer stubouts to Lots 2 and 3 will be provided.
2. The original subdivision agreement provided for SID 195 making the payment of a tract sewer connection fee in the amount of \$3,600 to the City at the time of the original platting. The fee has since increased to \$5,973. When these lots are built upon, the applicants will need to pay the current fee rate to the City and the City will reimburse the \$3,600 per acre fee back to SID 195.
3. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan (PCSWMP). A permit will be required through the Permix web site that is utilized by all Papillion Creek Watershed Partnership communities. A conceptual PCSWMP has been provided, however, it will need to be reviewed prior to City Council approval. A draft Maintenance Agreement needs to be provided in the draft Subdivision Agreement. The PCSWMP will be reviewed in detail as part of the review process through the Permix web site, but the concept of using an extended detention basin to serve both lots is acceptable.
4. A storm water drainage study needs to be provided as part of the preliminary plat submittal. This study will need to indicate how drainage from the site will be handled as well as demonstrating no increase in peak flows for 2-year storm events above existing conditions.
5. The Papillion Creek Watershed Partnership storm water management fee will be applicable to this property and will be collected at the time of building permits on each lot at the rate of \$4,000 per acre.

#### **IV. REVIEW COMMENTS:**

1. The final plat needs to address the provision of easement rights for utility companies to serve lots by notation, illustration or addition of language to the dedication statement.

2. The adjacent subdivision names to the north of the property need to be added.
3. A subdivision agreement will be needed to address shared drainage facilities, extension of sanitary sewer or sewer stubs, shared private roadway construction, payment of tract sewer connection fees, payment of storm water management fees, and other typical subdivision agreement topics. The City will provide a sample subdivision agreement as a starting point.
4. The draft Post Construction Storm Water Maintenance Agreement needs to identify how the maintenance of any shared water quality Best Management Practices (BMPs) will be performed and allocated between lot owners.
5. The applicant is strongly encouraged to use Portland cement concrete pavement for any shared ingress-egress pathways. This request is made since shared private roadways in commercial developments in the City have historically been a maintenance problem when constructed of asphalt.

**V. PLANNING COMMISSION RECOMMENDATION:**

Approval of Mayfair 2<sup>nd</sup> Addition Replat Five, subject to the satisfactory resolution of the following issues prior to City Council review:

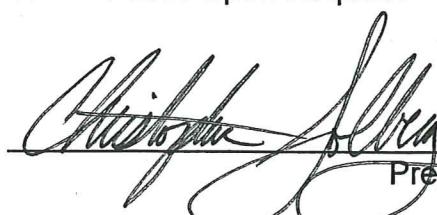
1. Satisfactory resolution of the aforementioned issues regarding the replat and subdivision agreement, with review and approval by the City Engineer and the City Attorney.

**VI. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Initial review report from City Engineer
3. Preliminary Plat Maps
4. Final Plat Map

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

1. Larry Baland, Baland Group
2. Matt Sutton, The Schemmer Associates
3. Public Upon Request



\_\_\_\_\_  
Prepared by:  
\_\_\_\_\_  
 4-13-12  
\_\_\_\_\_  
Community Development Director

Date



## Mayfair 2nd Addition - Replat Five

### Replat of Lot 1 Mayfair 2nd Addition Replat Three

April 11, 2012  
CAS





March 13, 2012

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

RE: Application for Replat-Initial Review  
Mayfair 2<sup>nd</sup> Addition Replat Five

Chris:

I have reviewed the final plat drawing that you sent to me. The proposed final plat would replat Lot 1, Mayfair 2<sup>nd</sup> Addition Replat Three into three lots to be known as Lots 1 through 3, Mayfair 2<sup>nd</sup> Addition Replat Five. I offer the following comments:

**TRAFFIC & ACCESS:**

1. Vehicular access is provided to the property over a private roadway that was established in an ingress/egress easement granted with the platting of Mayfair 2<sup>nd</sup> Addition Replat One. There is also a blanket easement for vehicular ingress and egress along with a pedestrian easement over Lots 1 through 11 of the platting of Mayfair 2<sup>nd</sup> Addition Replat One. The subsequent replatting did not eliminate those original easements. The proposed plat identifies a 25 feet wide ingress/egress easement along the north side of Lot 2 over part of Lot 1. Illustrating the ingress/egress easement on the final plat is satisfactory, however, a separate easement document needs to be prepared and recorded that identifies who benefits from the easement and what parties are responsible to maintain the easement. Maintenance of private roadways has been an issue in similar situations elsewhere in the City and providing for long term operation and maintenance must be addressed. In addition, I recommend that an easement be illustrated on the final plat and granted in a separate instrument over Lot 3 running from the existing private roadway to the west line of Lot 3 in alignment with the existing roadway that leads out to 96<sup>th</sup> Street. This easement could be adjusted in the future when a particular development plan is brought forth for Lot 3. The proposed use of the property is consistent with the existing zoning and commercial use of the property was considered when the infrastructure was installed and no traffic impact study is needed for this replatting.
2. The development on these lots will need to include sidewalks along the existing private roadway. Such sidewalks should be 5 feet wide.

**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

3. Recent traffic studies have indicated that a traffic signal is likely to be warranted in the near future at the intersection of 96<sup>th</sup> Street and the private roadway just east of the southwesterly corner of Lot 3. This is an intersection serving private commercial roadways on both sides of 96<sup>th</sup> Street. The signal will be assessed to the benefitted commercial properties in both the Mayfair and Southwind subdivisions at such time as the signal is installed. This will need to be acknowledged in the subdivision agreement for this replat.

#### UTILITIES & DRAINAGE:

4. Sanitary sewer exists along the east side of the property under the existing private roadway. The sanitary sewer was not stubbed out to this property due to the original development showing a larger lot to be served from the south. A preliminary plat will need to be prepared that shows the extent of the existing sanitary sewer and whether Lot 1 is fronted by the existing sanitary sewer. If not, the preliminary plat will need to indicate how service to Lot 1 will be provided and also needs to indicate where sanitary sewer stubouts to Lots 2 and 3 will be provided.
5. The original subdivision agreement provided for SID 195 making payment of a tract sewer connection fee in the amount of \$3600 to the City at the time of the original platting. The fee has since increased to \$5,973. When these lots are built upon, the applicants will need to pay the current fee rate to the City and the City will reimburse the \$3600 per acre fee back to SID 195.
6. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan and a permit will be required through the Permix web site that is utilized by all Papillion Creek Watershed Partnership communities. A conceptual Post Construction Storm Water Management Plan needs to be submitted as part of the replat submittal. A Post Construction Storm Water Management Plan and a Maintenance Agreement will be required as part of the Subdivision Agreement.
7. A storm water drainage study needs to be provided as part of the preliminary plat submittal. This study will need to indicate how drainage from the site will be handled as well as demonstrating no increase in peak flows for 2-year storm events above existing conditions.
8. The Papillion Creek Watershed Partnership storm water management fee will be applicable to this property and will be collected at the time of building permits on each lot at the rate of \$4,000 per acre.

#### PRELIMINARY PLAT REVIEW:

9. A preliminary plat needs to be submitted for concurrent review with the final plat. Refer to Section 3.03 of the Subdivision Regulations for content requirements.

#### FINAL PLAT REVIEW:

10. The final plat needs to address provision of easement rights for utility companies to serve the lots by notation or illustration or addition of language to the dedication.

11. The adjacent subdivision names to the west, north and east of the property need to be added.
12. Identify the range in width of Brentwood Drive right of way adjacent to Lot 1 by adding to the note "R.O.W. Varies".
13. Identify the dimension of the common lot lines between Lots 1, 2 and 3.
14. A major storm, storm sewer and utility easement is indicated along the west sides of Lot 2 and 3. Identify how this easement continues to the south. Provide a copy of an existing easement, if it exists.

PLAT APPLICATION, ESTIMATE, SUBDIVISION AGREEMENT & MISC:

15. I did not receive a plat application for review, but assume that one was submitted. That document needs to indicate that any infrastructure improvements will be privately funded. This would apply to any shared drainage facilities, extension of sewer stubs, etc.
16. Provide a copy to the City of any existing or proposed private protective covenants affecting this property.
17. A subdivision agreement will be needed to address shared drainage facilities, extension of sanitary sewer or sewer stubs, shared private roadway construction, payment of tract sewer connection fees, payment of storm water management fees, and other typical subdivision agreement topics. The City will provide a sample subdivision agreement as a starting point.
18. In the draft Post Construction Storm Water Maintenance Agreement identify how the maintenance of any shared water quality BMPs will be performed and allocated between the lot owners.
19. In regards to the proposed shared access drive between Lots 1 and 2, the applicant will need to provide a proposed common area maintenance agreement that provides for long term operation, maintenance and payment of costs for such shared facility. A draft in acceptable form will be needed prior to this application being considered by the City Council and will need to be recorded concurrent with the recording of the plat.
20. The applicant is strongly encouraged to use Portland cement concrete pavement for any shared ingress-egress pathways. This request is made since shared private roadways in commercial developments in the City have historically been a maintenance problem when constructed of asphalt.

I recommend that the applicant revise and resubmit documents to address the items listed above.

Please feel free to contact me if you have questions about my recommendations.

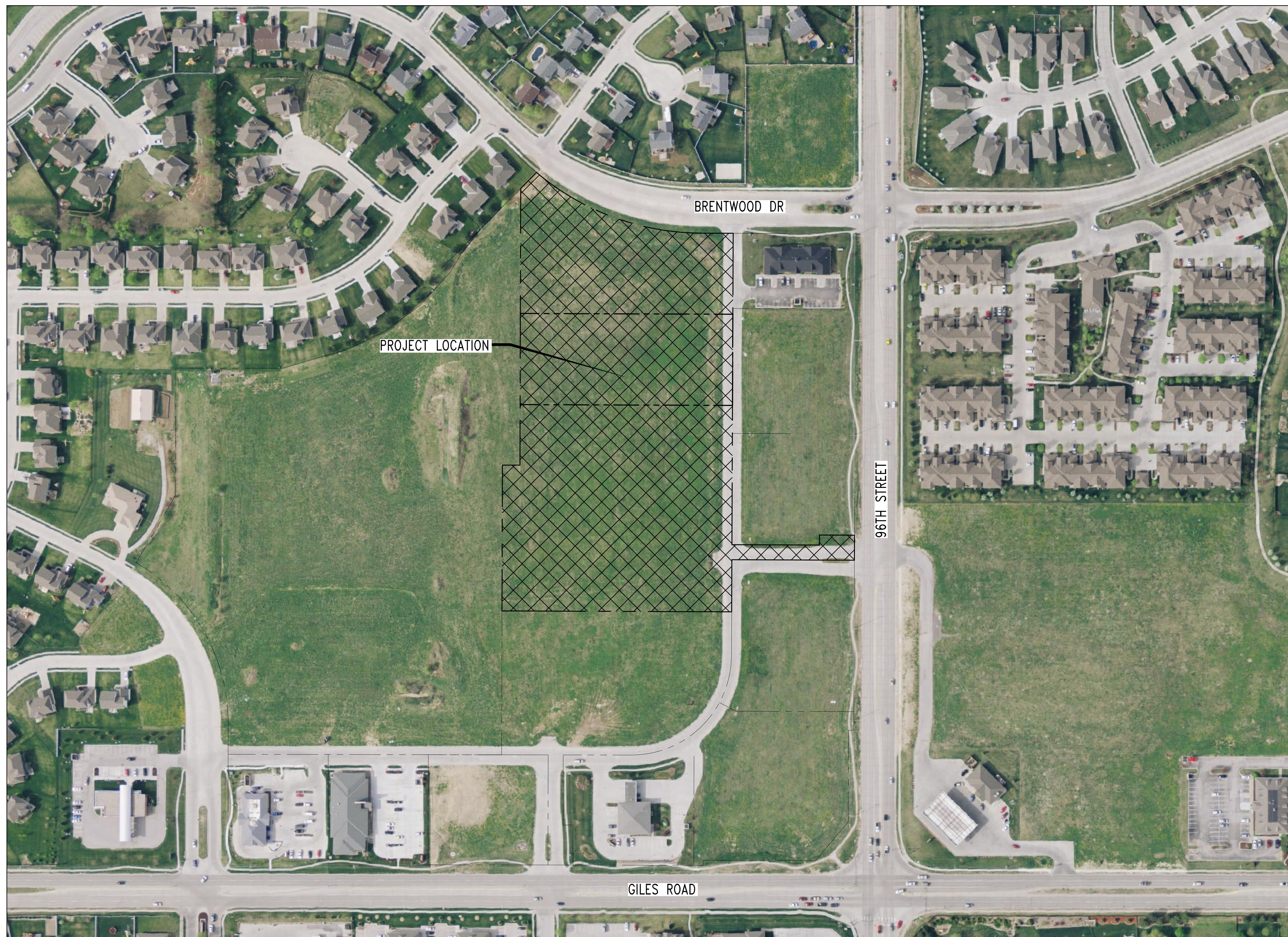


John M. Kottmann  
City Engineer

P N M L K J H G F E D C B A

# MAYFAIR 2ND ADDITION REPLAT FIVE PRELIMINARY PLAT

P N M L K J H G F E D C B A



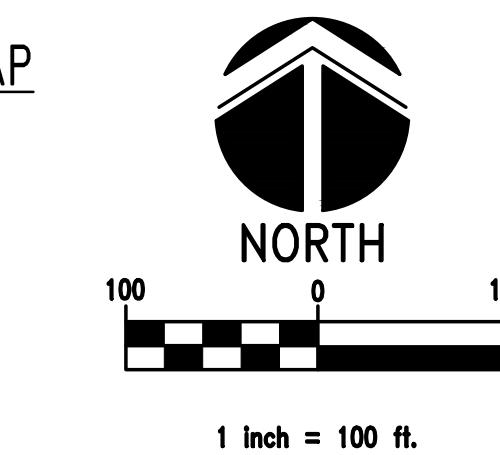
## DRAWING INDEX

- 0 COVER SHEET
- EXHIBIT "B" EXISTING SITE PLAN
- EXHIBIT "C" PRELIMINARY PLAT
- EXHIBIT "D" IMPROVEMENT PLAN
- EXHIBIT "E" CONCEPTUAL POST CONSTRUCTION  
STORM WATER MANAGEMENT PLAN

OWNER/SUBDIVIDER: L & B PROPERTIES, LLC  
6173 CENTER STREET  
OMAHA, NE 68106  
ENGINEER/SURVEYOR: THE SCHEMMER ASSOCIATES  
1044 NORTH 115TH STREET, SUITE 300  
OMAHA, NE 68154

## LOCATION MAP

SCALE: 1"=100'



**LEGAL DESCRIPTION**  
Being a replat of Lot 1, Mayfair 2nd Addition Replat Three, located in the Southeast One-Quarter of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska. Being more particularly described as follows: Beginning at the Northeast corner of said Lot 1, thence South 00713'43" West (assumed bearing) for 622.28 feet; thence South 89°46'17" East for 175.00 feet; thence North 00713'43" East for 20.00 feet; thence South 89°46'17" East for 70.00 feet; thence South 00713'43" West for 50.00 feet along the West Right-of-Way line of 96th Street; thence North 89°46'17" West for 245.00 feet; thence South 00713'43" West for 104.09 feet; thence North 89°46'16" West for 459.09 feet; thence North 00709'02" East for 291.27 feet; thence South 89°56'11" East for 35.18 feet; thence North 00709'02" East for 552.92 feet; thence North 44°36'38" East for 44.83 feet; thence the following two (2) courses along the South Right-of-Way line of Brentwood Drive: (1) Southeasterly along a 516.00 foot radius curve to the left for 358.95 feet with a long chord bearing South 69°49'51" East, 351.76 feet (2) South 89°46'17" East for 63.04 feet to the Point of Beginning. Above described tract contains 8.17 acres, more or less.

**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

MAYFAIR 2ND ADDITION REPLAT FIVE  
SARPY COUNTY, NEBRASKA

COVER SHEET

PROJECT NO.: 06165.004

O

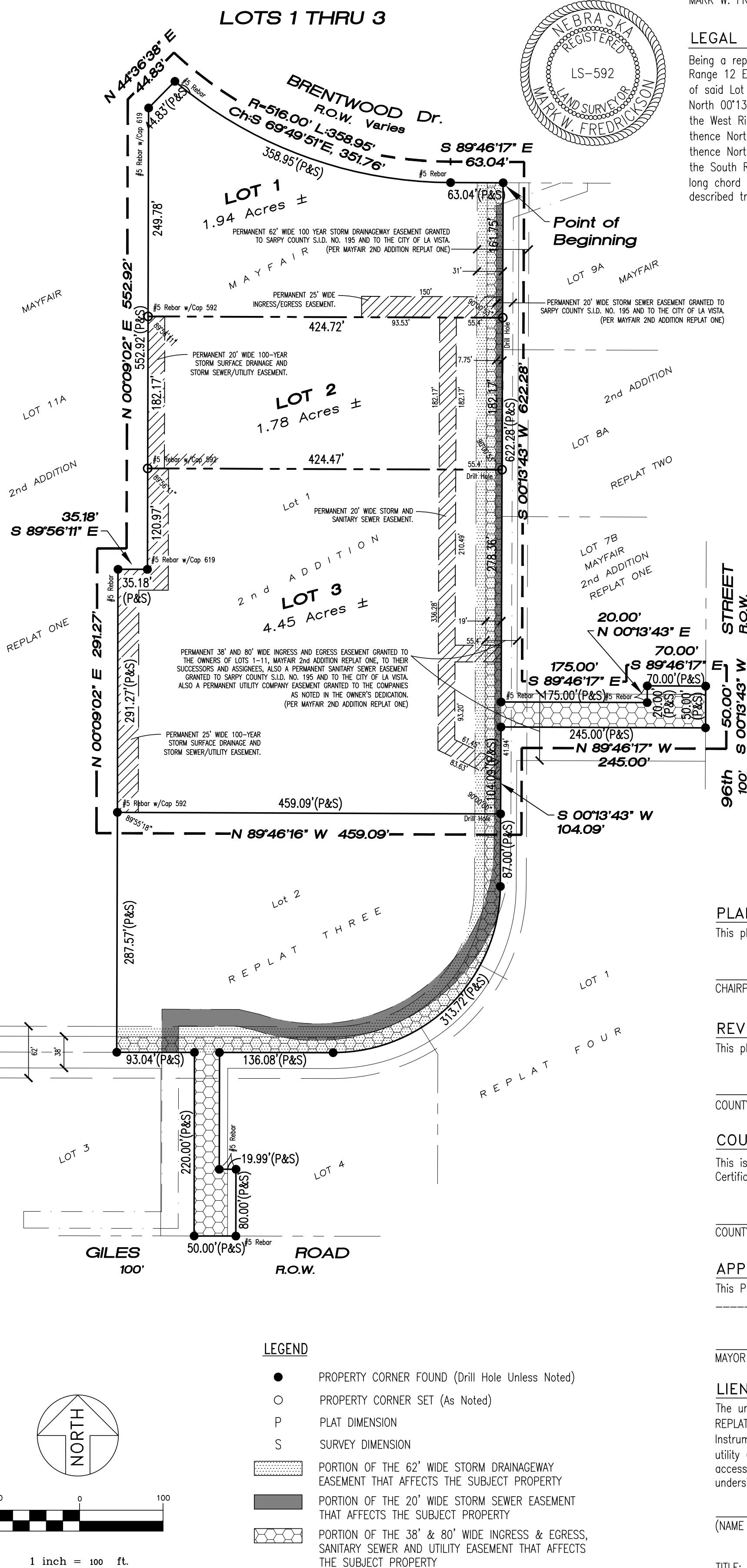
DESIGNED: CAN ISSUE DATE: 04/09/2012  
DRAWN: DK REVISIONS: 0 DATE:   
CHECKED: MS BY:  DESCRIPTION:

THIS DRAWING IS BEING  
MAILED TO THE OWNER  
AND IS THE PROPERTY  
OF THE DESIGNER.  
IT IS THE PROPERTY OF  
THE DESIGNER AND  
MAY NOT BE COPIED  
OR USED BY ANYONE  
OTHER THAN THE  
OWNER OR THE  
DESIGNER.

# MAYFAIR 2nd ADDITION REPLAT FIVE

BEING A REPLAT OF LOT 1, MAYFAIR 2nd ADDITION REPLAT THREE, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6th P.M., SARPY COUNTY, NEBRASKA.

## LOTS 1 THRU 3



## LAND SURVEYOR'S CERTIFICATE

I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, that this plat correctly represents a survey conducted by me or under my direct supervision on 11/15/11, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct.

MARK W. FREDRICKSON, RLS #592

DATE

## LEGAL DESCRIPTION

Being a replat of Lot 1, Mayfair 2nd Addition Replat Three, located in the Southeast One-Quarter of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska. Being more particularly described as follows: Beginning at the Northeast corner of said Lot 1, thence South 00°13'43" West (assumed bearing) for 622.28 feet; thence South 89°46'17" East for 175.00 feet; thence North 00°13'43" East for 20.00 feet; thence South 89°46'17" East for 70.00 feet; thence South 00°13'43" West for 50.00 feet along the West Right-of-Way line of 96th Street; thence North 89°46'17" West for 245.00 feet; thence South 00°13'43" West for 104.09 feet; thence North 89°46'16" West for 459.09 feet; thence North 00°09'02" East for 291.27 feet; thence South 89°56'11" East for 35.18 feet; thence North 00°09'02" East for 552.92 feet; thence North 44°36'38" East for 44.83 feet; thence the following two (2) courses along the South Right-of-Way line of Brentwood Drive: (1) Southeasterly along a 516.00 foot radius curve to the left for 358.95 feet with a long chord bearing South 69°49'51" East, 351.76 feet (2) South 89°46'17" East for 63.04 feet to the Point of Beginning. Above described tract contains 8.17 acres, more or less.

## DEDICATION

Known all men by these presents that I, Larry G. Buland, owner of the property described in the Surveyor's Certification and embraced within the plat has caused said land to be subdivided into lots and streets to be numbered and named as shown, said subdivision to be hereafter known as MAYFAIR 2nd ADDITION REPLAT FIVE (lots numbered as shown), and I do hereby ratify and approve of the disposition of my property as shown on the plat, and I do hereby grant easements as shown on this plat, I do further grant a perpetual easement to the Omaha Public Power District, Qwest, Century Link, and any company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, to erect, operate, maintain, repair, and renew poles, wires, cables, conduits, and other related facilities, and to extend thereon wires or 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') wide strip of land abutting all front and side boundary lot lines; an eight foot (8') wide strip of land abutting the rear boundary lines of all interior lots; and a sixteen foot (16') wide strip of land abutting the rear boundary lines of all exterior lots. 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 do further grant a perpetual easement to Metropolitan Utilities District of Omaha and Black Hills Energy, their successors and assigns, to erect, install, operate, maintain, repair, and renew pipelines, hydrants, and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under, and across a five foot (5') wide strip of land abutting all streets. No permanent buildings or retaining walls shall be placed in the said 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.

In witness whereof, I do set our hand this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

L & B PROPERTIES, LLC

Larry G. Buland, President

DATE

## ACKNOWLEDGMENT OF NOTARY

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ }

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, qualified and commissioned in and for said county and state, personally appeared: \_\_\_\_\_, personally known by me to be the identical person whose name is affixed to the dedication and he did acknowledge the execution thereof to be his voluntary act and deed.

NOTARY PUBLIC

DATE

## PLANNING COMMISSION APPROVAL

This plat of MAYFAIR 2nd ADDITION REPLAT FIVE was approved by the La Vista Planning Commission.

CHAIRPERSON, LA VISTA PLANNING COMMISSION

DATE

## REVIEW BY SARPY COUNTY PUBLIC WORKS

This plat of MAYFAIR 2nd ADDITION REPLAT FIVE was reviewed by the office of the Sarpy County Surveyor.

COUNTY SURVEYOR / ENGINEER

DATE

## COUNTY TREASURERS CERTIFICATION

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

COUNTY TREASURER

DATE

## APPROVAL OF LA VISTA CITY COUNCIL

This Plat of Mayfair 2nd Addition Replat Five was approved by the City Council of the City of La Vista, Nebraska on this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_, in accordance with the State Statutes of Nebraska.

MAYOR

ATTEST: CITY CLERK

## LIEN HOLDER CONSENT

The undersigned holder of that certain lien against the real property described in the plat known as MAYFAIR 2nd ADDITION REPLAT FIVE (hereinafter "Plat"), said lien being recorded in the Office of the Register of Deeds of Sarpy County, Nebraska as Instrument No. \_\_\_\_\_, (hereinafter "Lien"), does hereby consent to the dedication of and subordinate the lien to any utility (sewer, water, electric, cable TV, telephone, natural gas) easements, or streets or roads, pedestrian way easements, and access easements and relinquishments of access, dedicated to the public, all as shown on the Plat, but not otherwise. The undersigned confirms that it is the holder of the lien and has not assigned the lien to any other person.

(NAME OF LIEN HOLDER)

By: \_\_\_\_\_

TITLE: \_\_\_\_\_

PRINT THE NAME OF THE INDIVIDUAL

JOB NO.

06165.004

SHEET

1-1

1 OF 1

MAYFAIR 2nd ADDITION REPLAT FIVE  
SARPY COUNTY, NEBRASKA.

**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

THIS DRAWING IS BEING MADE AVAILABLE BY THE SCHEMMER ASSOCIATES INC. ("SIA") FOR USE ON THIS PROJECT IN ACCORDANCE WITH SIA'S TERMS AND CONDITIONS FOR PROFESSIONAL SERVICES. SIA ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ANY USE OF THIS DRAWING OR PART THEREOF, EXCEPT IN ACCORDANCE WITH THE TERMS OF THE ABOVE AGREEMENT.

DESIGNED: \_\_\_\_\_  
DRAWN: CJG  
CHECKED: MWF  
BY: \_\_\_\_\_  
DATE: 03/30/12

DATE BY APP REVISIONS

JOB NO.

06165.004

SHEET

1-1

1 OF 1

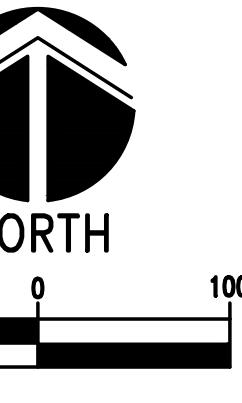
MAYFAIR 2nd ADDITION REPLAT FIVE  
SARPY COUNTY, NEBRASKA.

**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

THIS DRAWING IS BEING MADE AVAILABLE BY THE SCHEMMER ASSOCIATES INC. ("SIA") FOR USE ON THIS PROJECT IN ACCORDANCE WITH SIA'S TERMS AND CONDITIONS FOR PROFESSIONAL SERVICES. SIA ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ANY USE OF THIS DRAWING OR PART THEREOF, EXCEPT IN ACCORDANCE WITH THE TERMS OF THE ABOVE AGREEMENT.

DESIGNED: \_\_\_\_\_  
DRAWN: CJG  
CHECKED: MWF  
BY: \_\_\_\_\_  
DATE: 03/30/12

DATE BY APP REVISIONS



1 inch = 100 ft.



# SCHÉMME R

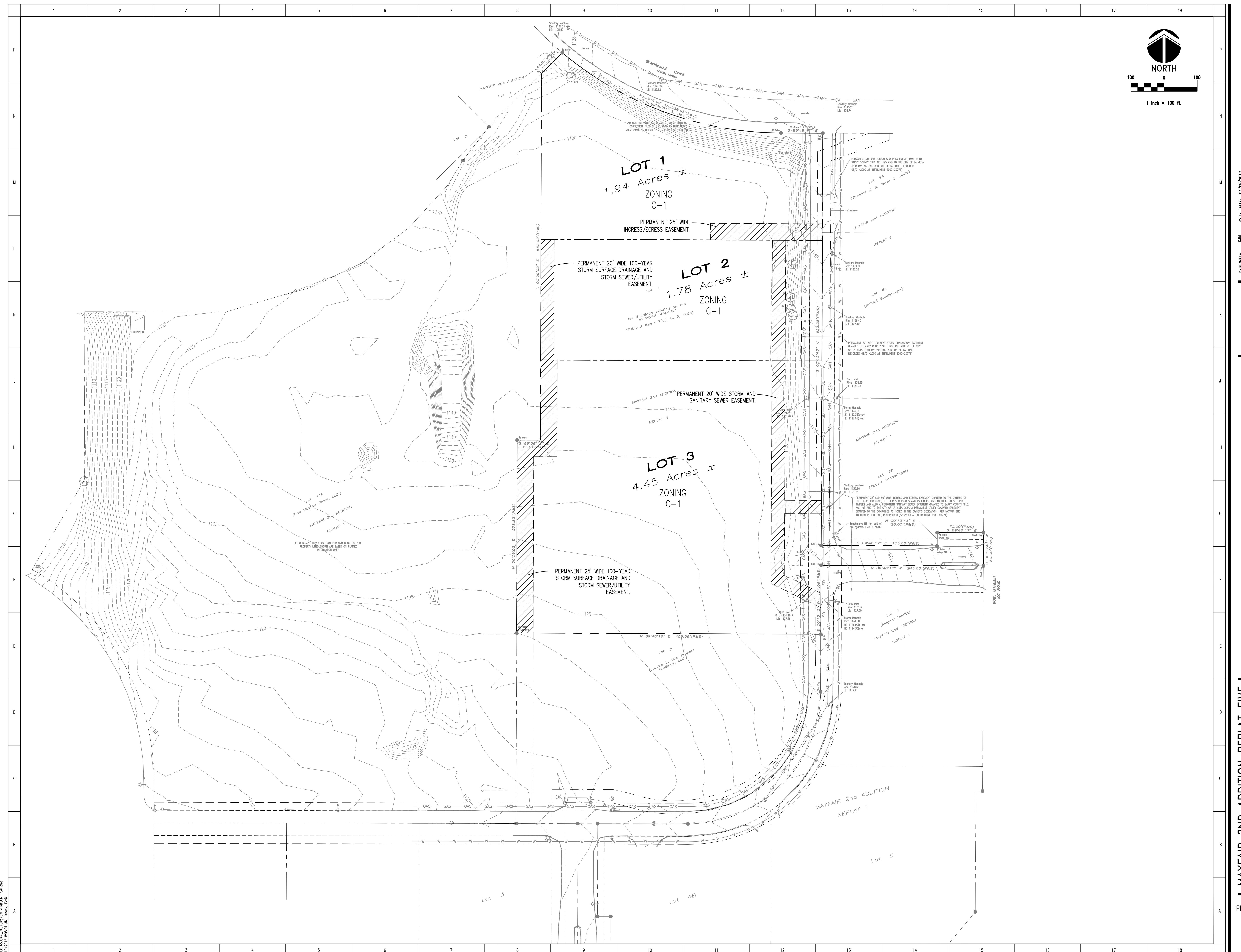
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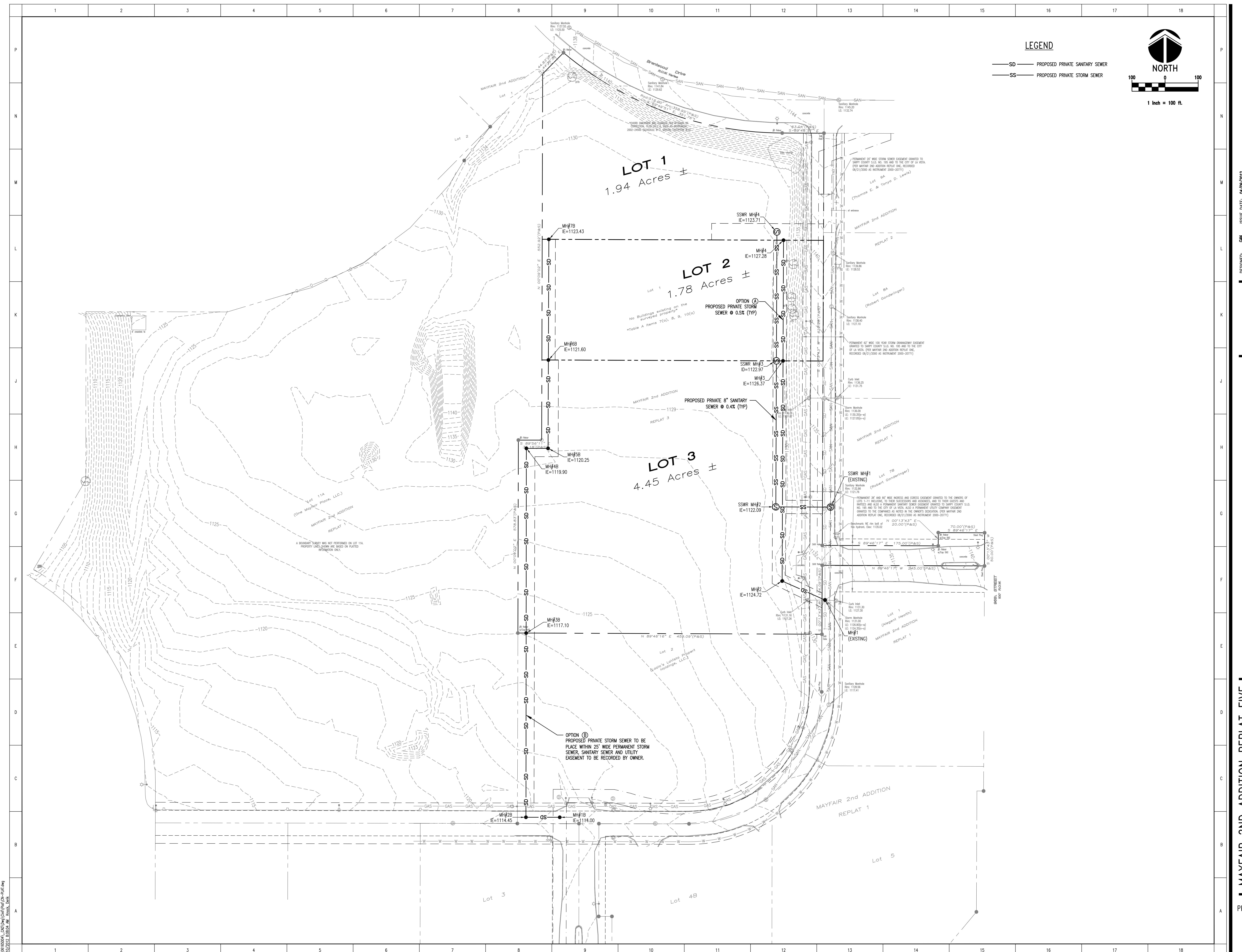
## EXISTING SITE PLAN

**MAYFAIR 2ND ADDITION REPLAT FIVE  
SARPY COUNTY, NEBRASKA**

PROJECT NO.: 06165.004

# EXHIBIT "B"





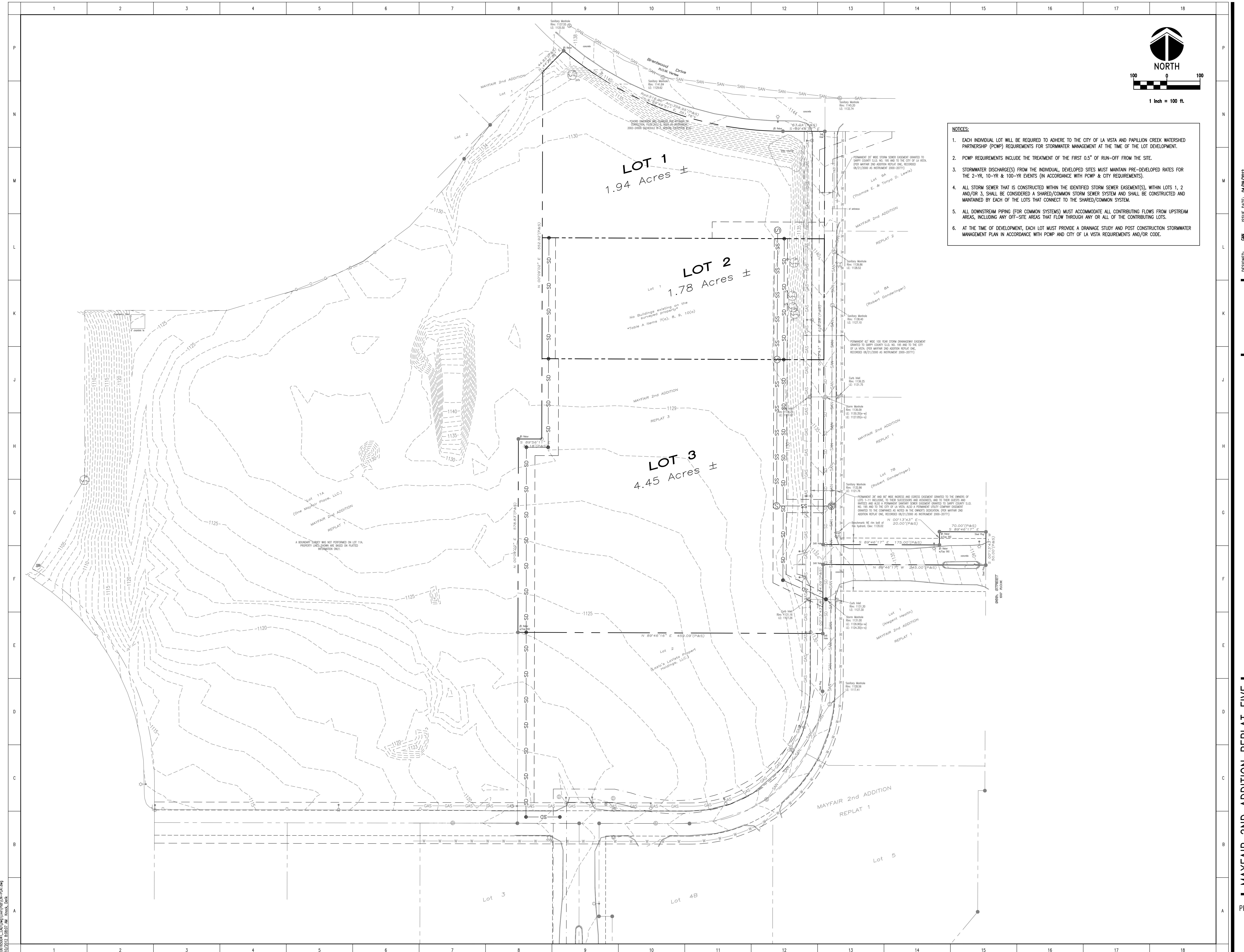
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ARCHITECTS | ENGINEERS | PLANNERS

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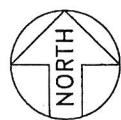
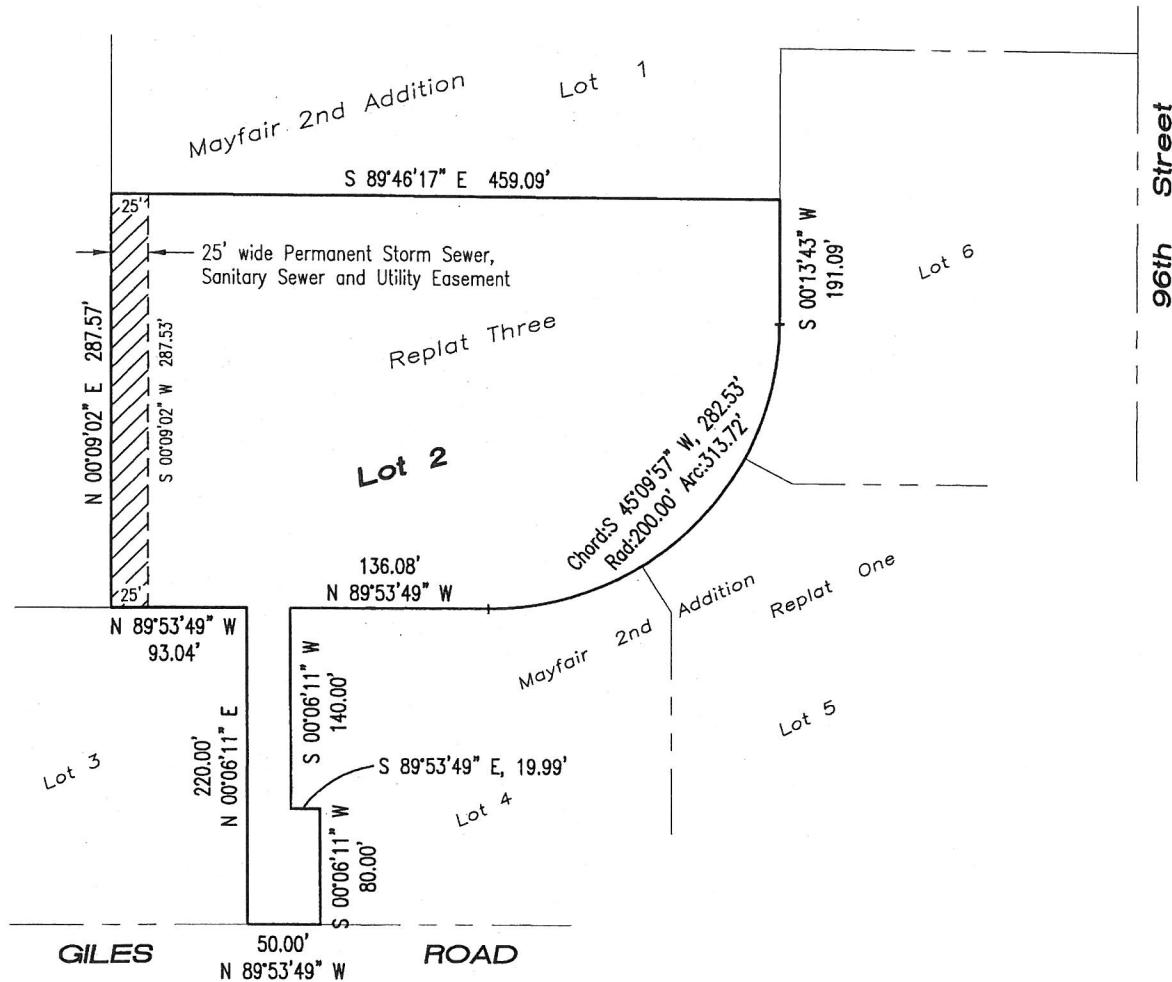
# **EXHIBIT "D"**



## EASEMENT EXHIBIT

### LEGAL DESCRIPTION

A 25 foot wide Permanent Storm Sewer, Sanitary Sewer and Utility Easement located in Lot 2, Mayfair 2nd Addition Replat Three, as platted and recorded in Sarpy County, Nebraska, being more particularly described as follows: Beginning at the Northwest corner of said Lot 2, thence South 89°46'17" East (assumed bearing) for 25.00 feet along the North line of said Lot 2; thence South 00°09'02" West for 287.53 feet along a line 25.00 feet east of and parallel with the West line of said Lot 2; thence North 89°53'49" West for 25.00 feet along the Southerly line of said Lot 2; thence North 00°09'02" East for 287.57 feet along the West line of said Lot 2 to the Point of Beginning. Above described easement contains 7,189 Square Feet, more or less.



100 0 100

1 inch = 100 ft.



Architects Engineers

1044 North 115th Street, Suite 300  
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402.493.4800

**From:** Larry Buland [mailto:larry.buland@bulandgroup.com]  
**Sent:** Wednesday, December 27, 2006 1:02 PM  
**To:** Brian Boles  
**Cc:** Scott Miller; LMarinovic@gatewaycommunitybank.com; jvillarreal@burnslawfirm.net; George Grieb  
**Subject:** 96th & Giles Purchase

Brian,

*Please Note #4*

2. The brokerage commissions shall be split as follows:  
 Lazlo's to pay John Layman 3% of purchase price.  
 L & B to pay Ron Bergsten 3% of purchase price.  
 Lazlo's and L & B to each pay Ron Grothe 1.5% of purchase price for a total compensation of 3% of purchase price.
3. Lazlo's to reimburse \$5,000 toward expenses to introduce new design guidelines.
4. A 25' full utility easement shall be granted to lot to the north of the purchased site (Proposed Lot 1 on Replat 3, currently owned by L & B Properties) along the west side of the property being purchased (Proposed Lot 2 on Replat 3).
5. Closing shall take place by 12:00 Noon on December 30<sup>th</sup>, 2006.
6. All parties shall act in good faith to accommodate closing, including issues that may be subsequent to stated closing goals.
7. In case of conflicts between this agreement and the original Purchase Agreement and related documents, this document's terms shall prevail.
8. Existing \$15,000 deposit shall be applied toward purchase if closing takes place by 12/30/2006. Deposit shall be forfeited for failure to close for any reason.

If this is your understanding, please sign below and fax to me at 402-552-0036. I will sign and fax back if you desire. Let's plan on closing at 11:00 on Friday, December 29<sup>th</sup>, 2006 in Omaha. I look forward to being neighbors! It is our goal to support your success.

Yours truly,

Larry G. Buland  
 Buland Group – Construction Services  
 6173 Center Street  
 Omaha, NE 68106  
 402-552-0111  
 402-552-0036 fax

Accepted:



C.E.O.

12-27-06

Brain Boles

Title

Date

*Larry G. Buland, Manager L&B 12-28-06*