

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 1, 2019 AGENDA**

Subject:	Type:	Submitted By:
APPLICATION FOR REPLAT – LA VISTA CITY CENTRE REPLAT 3 84 TH ST & BARMETTLER DR	◆ RESOLUTIONS (2) ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG SENIOR PLANNER

SYNOPSIS

Resolutions have been prepared for approval of a replat and subdivision agreement amendment for 9.98 acres located east of the intersection of 84th Street and Barmettler Drive, into Lots 1-12 La Vista City Centre Replat 3 for the purpose of redevelopment and dedication of associated right-of-way.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

Resolutions have been prepared to consider applications for a replat and subdivision agreement amendment submitted by La Vista City Centre, LLC on behalf of the owners of approximately 9.98 acres currently described as Lots 5-12 La Vista City Centre and Lot 1 La Vista City Centre Replat 1. The property is generally located east of the intersection of 84th Street and Barmettler Drive.

The purpose of the requests is to replat the property into 12 lots (Lots 1-12 La Vista City Centre Replat 3) for redevelopment and dedication of the associated right-of-way. A detailed staff report is attached.

The Planning Commission held a meeting on July 18, 2019, and unanimously recommended approval of the replat contingent on the finalization of a subdivision agreement amendment prior to City Council review, as the request is consistent with the Redevelopment Plan, Subdivision Regulations and the Comprehensive Plan, as amended.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOTS 5-12 LA VISTA CITY CENTRE AND LOT 1 LA VISTA CITY CENTRE REPLAT 1, TO BE REPLATTED AS LOTS 1-12 LA VISTA CITY CENTRE REPLAT 3, A SUBDIVISION LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described property applied for approval of a replat for Lots 5-12 La Vista City Centre and Lot 1 La Vista City Centre Replat 1, to be replatted as Lots 1-12 La Vista City Centre Replat 3; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on July 18, 2019, the La Vista Planning Commission held a meeting and reviewed the replat and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 5-12 La Vista City Centre and Lot 1 La Vista City Centre Replat 1, to be replatted as Lots 1-12 La Vista City Centre Replat 3, a subdivision located in the West Half of the Northwest Quarter of the Southwest Quarter of Section 14, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located east of the intersection of 84th Street and Barmettler Drive, be, and hereby is, approved, subject to adoption and execution of the corresponding Subdivision Agreement amendment presented at this Council meeting.

PASSED AND APPROVED THIS 1ST DAY OF OCTOBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE SUBDIVISION AGREEMENT FOR LA VISTA CITY CENTRE.

WHEREAS, the City Council did on October 1, 2019, approve of La Vista City Centre Replat 3 subject to certain conditions; and

WHEREAS, the Subdivider, La Vista City Centre, LLC, and Subdivider's successor, City Centre I LLC, as owners of the affected lots agreed to execute an amendment to the original Subdivision Agreement satisfactory in form and content to the City;

NOW THEREFORE, BE IT RESOLVED, that the First Amendment to Subdivision Agreement presented at the October 1, 2019, City Council meeting for the La Vista City Centre Subdivision be and hereby is approved and the Mayor and City Clerk be and hereby are authorized to execute the same on behalf of the City, subject to any specified conditions of Council and any revisions that the City Administrator or City Engineer may determine necessary or advisable.

PASSED AND APPROVED THIS 1ST DAY OF OCTOBER, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: PRP 19-0002

FOR HEARING OF: October 1, 2019
Report Prepared on: September 19, 2019

I. GENERAL INFORMATION

A. APPLICANT:

La Vista City Centre LLC (on behalf of both property owners)
222 S. 15th Street, Suite 1404S
Omaha, NE 68102

B. PROPERTY OWNERS:

Lots 5, 6, 8, 9, 11, 12 La Vista City Centre and Lot 1 La Vista City Centre Replat 1:

La Vista City Centre LLC
222 S. 15th Street, Suite 1404S
Omaha, NE 68102

Lot 10 La Vista City Centre

City Centre 1 LLC
PO BOX 241468
Omaha, NE 68124

Lot 7 La Vista City Centre:

City of La Vista
8116 Park View Blvd.
La Vista, NE 68128

C. LOCATION: East of the intersection of 84th Street and Barmettler Drive.

D. LEGAL DESCRIPTION: Lots 5-12 La Vista City Centre and Lot 1 La Vista City Centre Replat 1

E. REQUESTED ACTION(S): Replat for proposed Lots 1-12 La Vista City Centre Replat 3.

F. EXISTING ZONING AND LAND USE:
MU-CC, Mixed Use City Centre District; vacant.

G. PURPOSE OF REQUEST:

1. Replat of properties listed in the request into 12 lots for the purpose of redevelopment.
2. Dedication of property for right-of-way.

H. SIZE OF SITE: 9.98 Acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** The property is vacant. The land is generally flat with a gradual downward slope to the east.
- B. GENERAL NEIGHBORHOOD/AREA ZONING AND LAND USES:**
- 1. North:** La Vista Civic Centre Park, R-1 Single-Family Residential with a Gateway Corridor Overlay (Overlay District) and a Flood Plan; Open Recreation Space
 - 2. East:** La Vista City Centre; MU-CC, Mixed Use City Centre District; Mixed Use development.
 - 3. South:** La Vista City Centre; MU-CC, Mixed Use City Centre District; Mixed Use development.
 - 4. West:** Brentwood Plaza; C-1 Shopping Center Commercial with a Gateway Corridor Overlay; Strip cent development.
- C. RELEVANT CASE HISTORY:**
1. The final plat for La Vista City Centre was originally approved by City Council on July 19, 2016.
- D. APPLICABLE REGULATIONS:**
1. Section 5.19 of the Zoning Regulations – MU-CC Mixed Use City Centre District
 2. Section 3.03 of the Subdivision Regulations – Preliminary Plats

III. ANALYSIS

- A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates the area for mixed uses.
- B. OTHER PLANS:** This site was identified in *A Vision Plan for 84th Street* as a mixed use city center. This site has also been designated as blighted and substandard and in need of redevelopment, and identified as the initial redevelopment project in the *84th Street Redevelopment Plan*.
- C. TRAFFIC AND ACCESS:**
1. The Replat includes the dedication of:
 - Right-of-way to extend City Centre Drive to 84th Street,
 - Additional right-of-way to widen the Barmettler Drive,
 - Right-of-way provide public access to planned public parking facilities on Lots 7 and 12 La Vista City Centre Replat 3.
 2. Existing access points are at 84th Street and Barmettler Drive, 84th Street and Main Street, and an intersection currently under construction at 84th Street and City Centre Drive, approximately 275 feet south of the former intersection of 84th Street and Summer Drive.

Sidewalk connections into the development from 84th Street and through the development will be constructed at the time of development of each respective lot.

3. The City Engineer has concluded that this replat of the existing lots within La Vista City Centre will not have a substantial impact to the determinations made within the original traffic study for the original La Vista City Centre plat.

D. UTILITIES:

1. The properties have access to water, sanitary sewer, gas, power and communication utilities.

IV. REVIEW COMMENTS:

1. An amendment to Subdivision Agreement to address infrastructure installation and expenditures is attached for consideration in relation to the approval of the Replat.
2. The Parties will execute and deliver such deeds and other documents, instruments, or consideration as appropriate in connection with dedication of right of way or other property conveyances pursuant to La Vista City Centre Replat 3 or any subsequent replats or requirements, subject to satisfaction of any applicable statutory or other legal requirements.
3. Easements have been proposed for access and utilities. The utility easement traversing Lot 12 has been added to accommodate the conduit and service panels.
4. Lot numbering has been revised from the initial draft to the current plan set at the desire of the applicant to match existing lot numbering as much as possible. The staff review letter comments refer to the initial lot numbering scheme. A copy of the initial draft of the final plat has been added after the staff review letter for reference purposes.
5. Based on discussions between the City, Papillion Fire Department, DLR Group, AGA Consulting, and Olsson Associates, the lot width of Lot 7 has been adjusted to meet the schematic design needs for a parking structure on this lot that was prepared in January of 2017.

V. STAFF RECOMMENDATION – Replat:

Subject to approval and execution of the Subdivision Agreement amendment, approval of La Vista City Centre Replat as the Replat request is consistent with the Redevelopment Plan, Comprehensive Plan, and the Subdivision Regulations, as amended.

VI. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on July 18, 2019 and unanimously voted to recommend approval of the proposed Replat.

VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Staff Review Letter and Applicant Response Letter
3. Replat Map set
4. Subdivision Agreement

VIII. COPIES OF REPORT SENT TO:

1. Eric Williams, Olsson Associates Inc.
2. Chris Erickson, La Vista City Centre, LLC
3. Public Upon Request

 Prepared by: _____

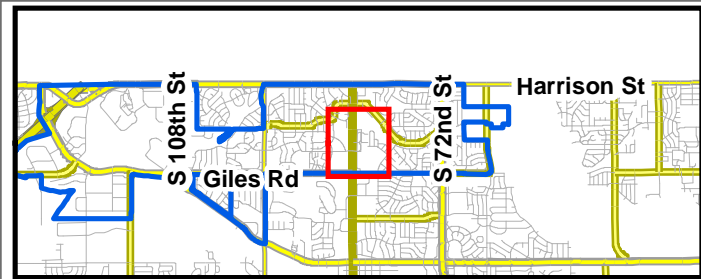
9/24/19

Community Development Director

Date



Project Vicinity Map



**La Vista City Centre
Replat 3**

6/10/2019
CAS





May 22, 2019

Chris Erickson
La Vista City Centre, LLC
PO Box 428
Boys Town NE, 68010

RE: Replat – Initial Review
La Vista City Centre – Replat 3

Mr. Erickson,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable section of the Subdivision Regulations for the Replat the City has the following comments:

Preliminary Plat Review

1. Article 3.03.07: Provide clarification between existing (or soon to be existing) public sewers and water mains and proposed additional public sewers and water mains. This can be done with line types and should identify additional proposed public sewers and water mains beyond what is currently contracted for Phase 1 public improvements. The sanitary sewer layout shown on Sheet C2.1 is not correct and needs to be corrected to match the public improvement plans. The location of the relocated sanitary outfall sewer north of Lots 1 and 2 should be shown based on the TD2 topographic survey of the "interface" area dated January 31, 2019. If Olsson does not already have a copy of this survey, the City will make arrangements for Olsson to receive it.
2. Article 3.03.09: The proposed lot areas should be identified in square footage and not acres since appraisals and negotiations will need the areas in square feet. Lot 11 as proposed does not comply with the definition of "Lot" per Section 2.13 of the Zoning Regulations or Section 4.15 of the Subdivision Regulations.

Staff recommends converting Lot 11 to a flag lot fronting on Barmettler Drive to resolve this issue.

3. Article 3.03.10: In addition to comment on Article 3.03.07 identify in some manner (illustration or notation) proposed sidewalks to reach Lots 11, 5 and 2.
4. Article 3.03.12: Identify proposed easements for ingress/egress and utilities. Examples include sidewalk over edges of Lots 7 and 8 to reach Lot 5 as well as utility easement in the same area to provide communications to the second parking structure. Also, any easements needed to accommodate street lighting

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 Buildings & Grounds
8112 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

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

www.cityoflavista.org
info@cityoflavista.org

cables, conduit and service panels (such as over part of Lot 12) need to be addressed. Any blanket ingress/egress easements should be noted.

5. Article 3.03.15: An amendment to Subdivision Agreement will be needed to address infrastructure installation and expenditures prior to City Council consideration of the replat.
6. Article 3.03.19: The parking demands for Lots 9, 11 and 12 need to be identified and checked for quantity of available parking on-site and abutting the lots. This would include the First National Bank parking demands.
7. Article 3.03.20:
 - a. The proposed sanitary sewer layout needs to address how Lots 1, 2, 3, and 8 will access sanitary sewer. The layout shown on C2.1 does not match the public infrastructure plans in some locations.
 - b. A drainage plan is needed that identifies drainage areas and where they will connect to the infrastructure system. This pertains to Lots 1, 2, 5, 7 and 11 for example.
 - c. Information on a PCSMP plan needs to be provided on Sheet C3.1. This would include reference to the current plan for PCSMP No. 20170324-3736P and particularly Note 2 on Exhibit "B". Notations as to which lots will be expected to provide water quality devices in accordance with said Note 2 should be added to Sheet C3.1.

Final Plat Review

8. Article 3.05.02: Refer Item 2 above concerning Lot 11. Also, at the southwest corner of Lot 11 there appears to be an erroneous line type indicating a lot line that is believed to be a dimension line to tie down the location of Lot 11 and it not intended to be a lot line.

There needs to be further discussion on the proposed configuration of Lot 5. A schematic design for a parking structure on this lot was prepared in January of 2017 by the team of DLR Group, AGA Consulting, and Olsson Associates. That schematic design proposed a dimension of 194.08 feet along 84th Street. The current plat proposal is 185.00 feet along 84th Street. This dimension will require some easement rights on adjacent lots for foundations extending past the proposed property line and will require some concurrence from the CBO and Fire Marshall as to fire separation requirements relative to easements versus lot lines. There is also a need for open air easements on lots adjacent to Lot 5 to avoid the parking garage being required to have mechanical ventilation systems.

Staff will be meeting internally to examine the options and requirements for configuration of this lot. A conclusion regarding this issue will be provided after the conclusion of this meeting.

9. Article 3.05.09: Identify the square footage of each lot, not the acreage.

10. Article 3.05.15: In the Surveyor's Certification include a statement of the total acreage in the boundary of the plat.
11. Article 3.05.19: Revise the wording of the Surveyor's Certificate to be consistent with the language in Section I 0.02. The first sentence is missing.
12. Article 3.05.25: An amendment to Subdivision Agreement will be needed to address infrastructure installation and expenditures prior to City Council consideration of the replat.
13. A full metes and bounds description of each piece of property proposed to change hands through this process will need to be provided to allow for the commencement of an appraisal process.

In addition to the comments provided above, additional redline comments have been provided in the attached documents.

Please submit 4 full size copies (along with electronic copies) of the revised documents for final review.

If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,



Christopher Solberg, AICP
Senior Planner

Attachment

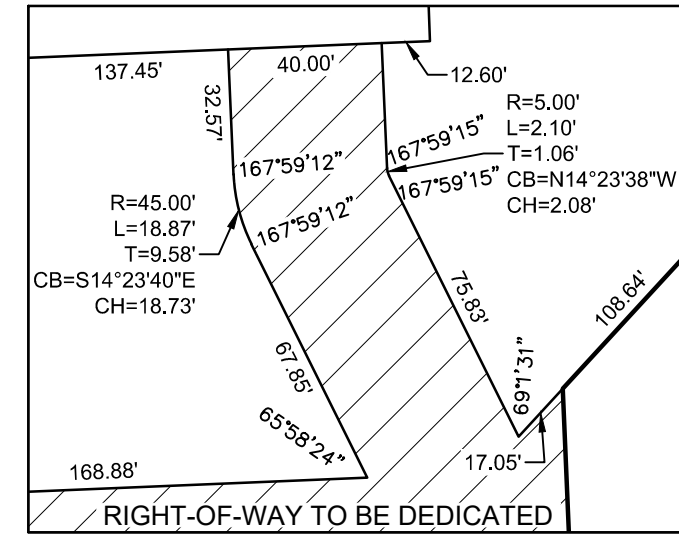
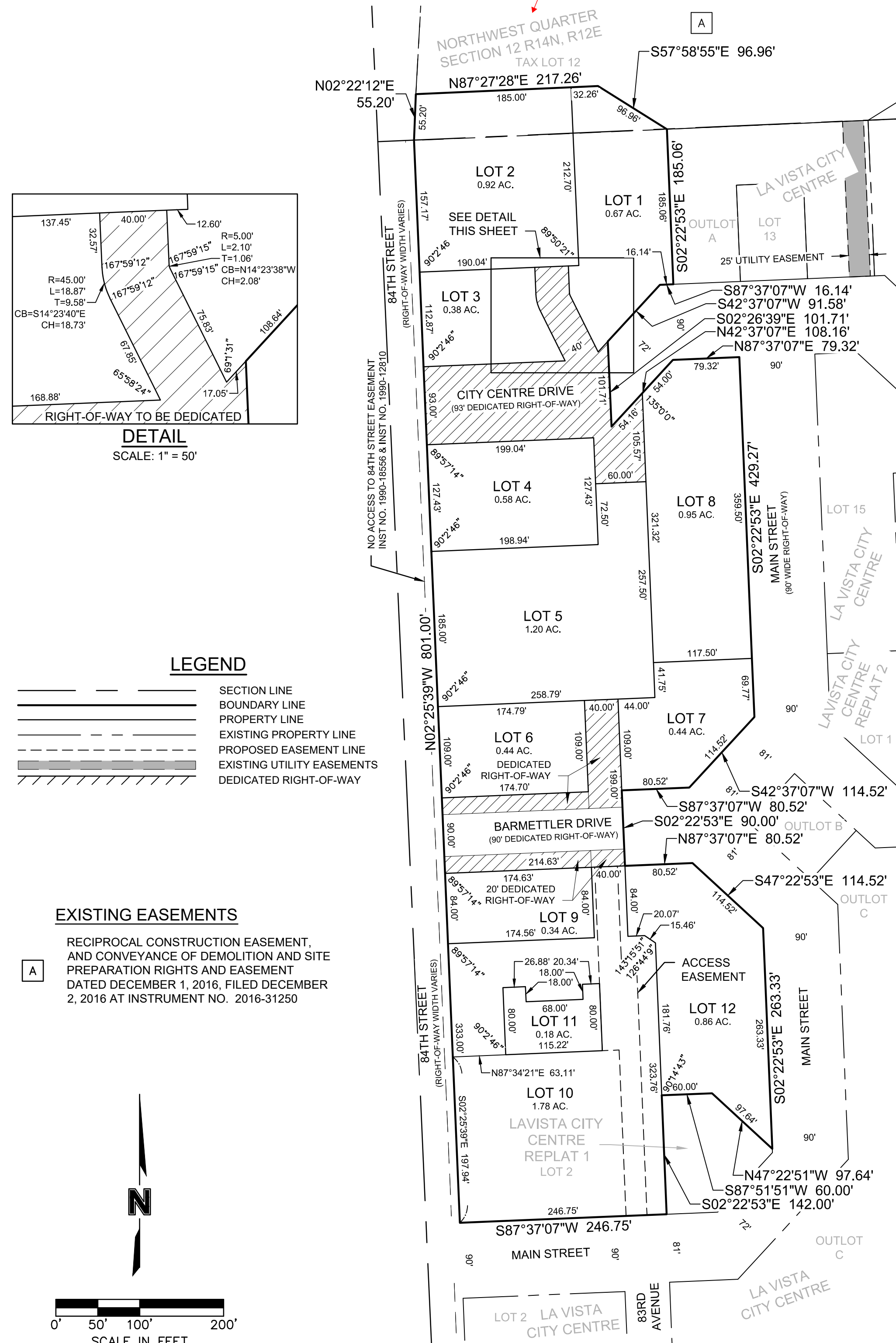
cc: John Kottmann, City Engineer
Pat Dowse, City Engineer
Eric Williams, Olsson Associates

LA VISTA CITY CENTRE REPLAT THREE

LOTS 1 THRU 12

BEING A REPLAT OF LOTS 5 THRU 12, LA VISTA CITY CENTRE AND LOT 1, LA VISTA CITY CENTRE REPLAT 1, BOTH PLATTED AND RECORDED SUBDIVISIONS LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA

LOT 12 OF LA VISTA CITY CENTRE IS ALSO IN THE NW 1/4 14-14-12



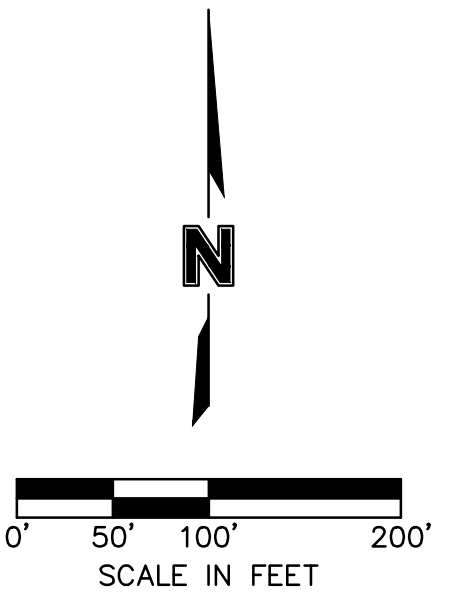
DETAIL
SCALE: 1" = 50'

LEGEND

- SECTION LINE
- BOUNDARY LINE
- PROPERTY LINE
- EXISTING PROPERTY LINE
- PROPOSED EASEMENT LINE
- EXISTING UTILITY EASEMENTS
- DEDICATED RIGHT-OF-WAY

EXISTING EASEMENTS

RECIPROCAL CONSTRUCTION EASEMENT, AND CONVEYANCE OF DEMOLITION AND SITE PREPARATION RIGHTS AND EASEMENT DATED DECEMBER 1, 2016, FILED DECEMBER 2, 2016 AT INSTRUMENT NO. 2016-31250



OWNER'S CERTIFICATION

I/WE THE UNDERSIGNED LA VISTA CITY CENTRE, LLC OWNER OF THE REAL ESTATE SHOWN AND CHRISTOPHER L. ERICKSON DESCRIBED HEREIN, DO HEREBY CERTIFY THAT I/WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDED, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS LA VISTA CITY CENTRE REPLAT THREE, AN ADDITION TO THE CITY OF LA VISTA, NEBRASKA. ALL STREETS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC UNLESS SPECIFICALLY NOTED HEREIN. OTHER PUBLIC LANDS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY RESERVED FOR PUBLIC USE.

CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED. ANY ENCUMBRANCES OR SPECIAL ASSESSMENTS ARE EXPLAINED AS FOLLOWS:

THERE ARE STRIPS OF GROUND SHOWN OR DESCRIBED ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF UTILITY OR CITY TO INSTALL, REPAIR, REPLACE AND MAINTAIN ITS INSTALLATIONS.

LA VISTA CITY CENTRE, LLC
CHRISTOPHER L. ERICKSON
MANAGING MEMBER

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
) SS
COUNTY OF _____)

ON THE _____ DAY, OF _____ 2019, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED CHRISTOPHER L. ERICKSON, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS/HER VOLUNTARY ACT AND DEED AS SAID LA VISTA CITY CENTRE, LLC.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE MENTIONED.

NOTARY PUBLIC

OWNER'S CERTIFICATION

I/WE THE UNDERSIGNED CITY OF LA VISTA, A MUNICIPAL CORPORATION OWNER OF THE REAL ESTATE SHOWN AND CHRISTOPHER L. ERICKSON DESCRIBED HEREIN, DO HEREBY CERTIFY THAT I/WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDED, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

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DOUGLAS KINDIG, MAYOR

ATTEST:
PAM BUETHE, CITY CLERK

SARPY COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE AS APPEARS ON THIS PLAT.

ON THIS _____ DAY OF _____, 2019.

SARPY COUNTY TREASURER

PRINTED NAME

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS REVIEWED BY THE SARPY COUNTY SURVEYOR'S OFFICE THIS _____ DAY OF _____, 2019.

COUNTY SURVEYOR/ENGINEER

NOTES

1. ALL INTERNAL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
2. NO DIRECT ACCESS SHALL BE PERMITTED ONTO 84TH STREET FROM LOTS 2, 3, 4, 5, 6, 9, AND 10.

SUBDIVIDE

SUBDIVIDE

LIEN HOLDER CONSENT

THE UNDERSIGNED HOLDER OF THAT CERTAIN LIEN AGAINST THE REAL PROPERTY DESCRIBED IN THE PLAT KNOWN AS LA VISTA CITY CENTRE REPLAT THREE (HEREINAFTER "PLAT"), SAID LIEN BEING RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF SARPY COUNTY, NEBRASKA AS INSTRUMENT NO. 2016-31248 (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.

DUNDEE BANK, A BRANCH OF SECURITY STATE BANK

BY: _____
ADRIAN HERNANDEZ

TITLE: SENIOR VICE PRESIDENT

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
) SS
COUNTY OF _____)

ON THE _____ DAY, OF _____ 2019, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED ADRIAN HERNANDEZ, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS/HER VOLUNTARY ACT AND DEED AS SAID LA VISTA CITY CENTRE, LLC.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE MENTIONED.

NOTARY PUBLIC

APPROVAL BY LA VISTA CITY ENGINEER

THE PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS APPROVED BY THE LA VISTA CITY ENGINEER,

ON THIS _____ DAY OF _____, 2019.

JOHN KOTTMANN, CITY ENGINEER

APPROVAL BY LA VISTA CITY PLANNING COMMISSION

THE PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION,

ON THIS _____ DAY OF _____, 2019.

CHAIRPERSON, LA VISTA PLANNING COMMISSION

ACCEPTANCE BY LA VISTA CITY COUNCIL

THE PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS APPROVED AND ACCEPTED BY THE LA VISTA CITY COUNCIL,

ON THIS _____ DAY OF _____, 2019.

PAM BUETHE, CITY CLERK

DOUGLAS KINDIG, MAYOR

SURVEYOR'S CERTIFICATION

I, TERRY L. ROTHANZL, DO HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN AND THAT PERMANENT MONUMENTS AS NOTED HEREON HAVE BEEN PLACED ON THE BOUNDARY OF THE PLAT AND AT ALL CORNERS, ANGLE POINTS, AND ENDS OF ALL CURVES ON THE BOUNDARY AND ON THE LOTS IN THE SUBDIVISION TO BE KNOWN AS LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 BEING A REPLAT OF LOTS 5 THRU 12, LA VISTA CITY CENTRE AND LOT 1, LA VISTA CITY CENTRE REPLAT 1, BOTH SUBDIVISIONS, AS SURVEYED, PLATTED, AND RECORDED IN SARPY COUNTY, NEBRASKA.

TERRY L. ROTHANZL
NEBRASKA L.S. 607

DATE



olsson

2111 South 67th Street, Suite 200 TEL 402.341.1116
Omaha, NE 68106 FAX 402.341.5895
www.olsson.com

REV. NO.	DATE	REVISIONS DESCRIPTION

FINAL PLAT

LA VISTA CITY CENTRE REPLAT THREE
LOTS 1 THRU 12

LA VISTA, NEBRASKA

2019

REVISIONS

drawn by: _____ DSH
checked by: _____ EWTLR
approved by: _____ TLR
QA/QC by: _____ EWTLR
project no.: _____ 016-0546
drawing no.: _____
date: _____ 04.26.19

SHEET
1 of 1

USER: dhostings

DWG: F:\2016\0501-1000\016-0546\40-Design\Survey\SRVY\Sheets\Final Plat\La Vista City Centre Replat Three - 60546.dwg
DATE: May 03, 2019 12:00pm XREFS:

LA VISTA CITY CENTRE REPLAT THREE

LOTS 1 THRU 12

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LA VISTA CITY CENTRE, LLC
CHRISTOPHER L. ERICKSON
MANAGING MEMBER

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
) SS
COUNTY OF _____)

ON THE _____ DAY, OF _____ 2019, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED CHRISTOPHER L. ERICKSON, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS/HER VOLUNTARY ACT AND DEED AS SAID LA VISTA CITY CENTRE, LLC.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE MENTIONED.

NOTARY PUBLIC _____

OWNER'S CERTIFICATION

I/WE THE UNDERSIGNED CITY OF LA VISTA, A MUNICIPAL CORPORATION OWNER OF THE REAL ESTATE SHOWN AND CHRISTOPHER L. ERICKSON DESCRIBED HEREIN, DO HEREBY CERTIFY THAT I/WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDED, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS LA VISTA CITY CENTRE REPLAT THREE, AN ADDITION TO THE CITY OF LA VISTA, NEBRASKA. ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC UNLESS SPECIFICALLY NOTED HEREIN. OTHER PUBLIC LANDS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY RESERVED FOR PUBLIC USE.

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DOUGLAS KINDIG, MAYOR

ATTEST:
PAM BUETHE, CITY CLERK

SARPY COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE AS APPEARS ON THIS PLAT.

ON THIS _____ DAY OF _____, 2019.

SARPY COUNTY TREASURER _____

PRINTED NAME _____

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS REVIEWED BY THE SARPY COUNTY SURVEYOR'S OFFICE THIS _____ DAY OF _____, 2019.

COUNTY SURVEYOR/ENGINEER _____

NOTES

- ALL INTERNAL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- NO DIRECT ACCESS SHALL BE PERMITTED ONTO 84TH STREET FROM LOTS 2, 3, 4, 5, 6, 9, AND 10.

LIEN HOLDER CONSENT

THE UNDERSIGNED HOLDER OF THAT CERTAIN LIEN AGAINST THE REAL PROPERTY DESCRIBED IN THE PLAT KNOWN AS LA VISTA CITY CENTRE REPLAT THREE (HEREINAFTER "PLAT"), SAID LIEN BEING RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF SARPY COUNTY, NEBRASKA AS INSTRUMENT NO. 2016-31248 (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.

DUNDEE BANK, A BRANCH OF SECURITY STATE BANK

BY: _____
ADRIAN HERNANDEZ

TITLE: SENIOR VICE PRESIDENT

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
) SS
COUNTY OF _____)

ON THE _____ DAY, OF _____ 2019, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED ADRIAN HERNANDEZ, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS/HER VOLUNTARY ACT AND DEED AS SAID LA VISTA CITY CENTRE, LLC.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE MENTIONED.

NOTARY PUBLIC _____

APPROVAL BY LA VISTA CITY ENGINEER

THE PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS APPROVED BY THE LA VISTA CITY ENGINEER,

ON THIS _____ DAY OF _____, 2019.

JOHN KOTTMANN, CITY ENGINEER

APPROVAL BY LA VISTA CITY PLANNING COMMISSION

THE PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION,

ON THIS _____ DAY OF _____, 2019.

CHAIRPERSON, LA VISTA PLANNING COMMISSION _____

ACCEPTANCE BY LA VISTA CITY COUNCIL

THE PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS APPROVED AND ACCEPTED BY THE LA VISTA CITY COUNCIL,

ON THIS _____ DAY OF _____, 2019.

PAM BUETHE, CITY CLERK

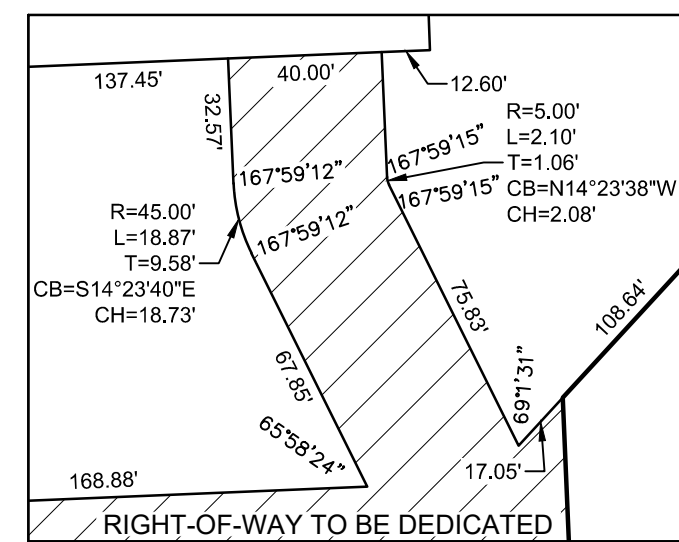
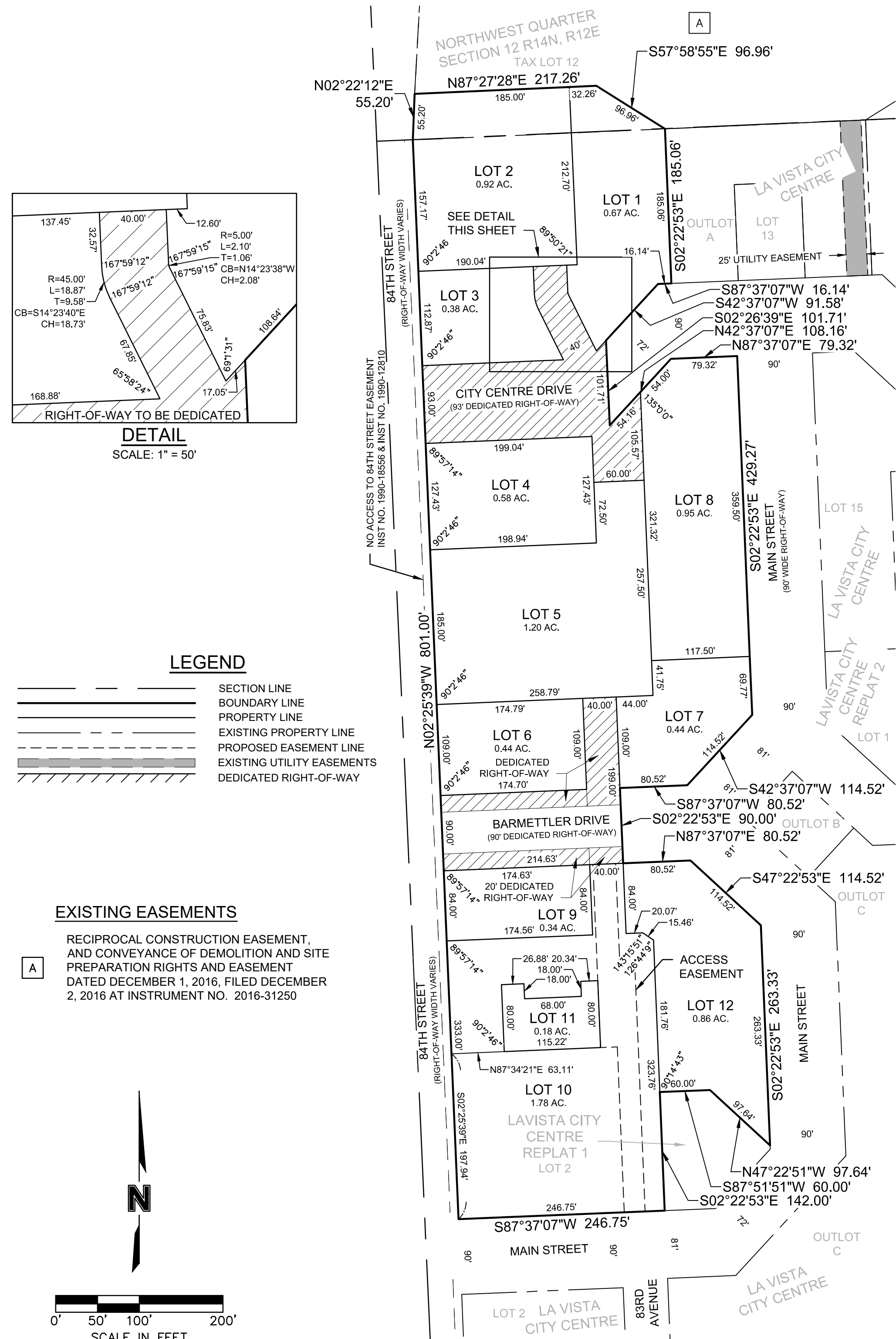
DOUGLAS KINDIG, MAYOR

SURVEYOR'S CERTIFICATION

I, TERRY L. ROTHANZL, DO HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN AND THAT PERMANENT MONUMENTS AS NOTED HEREON HAVE BEEN PLACED ON THE BOUNDARY OF THE PLAT AND AT ALL CORNERS, ANGLE POINTS, AND ENDS OF ALL CURVES ON THE BOUNDARY AND ON THE LOTS IN THE SUBDIVISION TO BE KNOWN AS LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 BEING A REPLAT OF LOTS 5 THRU 12, LA VISTA CITY CENTRE AND LOT 1, LA VISTA CITY CENTRE REPLAT 1, BOTH SUBDIVISIONS, AS SURVEYED, PLATTED, AND RECORDED IN SARPY COUNTY, NEBRASKA.

TERRY L. ROTHANZL
NEBRASKA L.S. 607

DATE _____



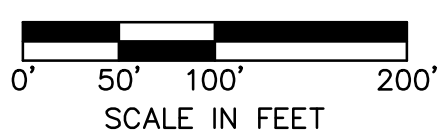
DETAIL
SCALE: 1" = 50'

LEGEND

- SECTION LINE
- BOUNDARY LINE
- PROPERTY LINE
- EXISTING PROPERTY LINE
- PROPOSED EASEMENT LINE
- EXISTING UTILITY EASEMENTS
- DEDICATED RIGHT-OF-WAY

EXISTING EASEMENTS

RECIPROCAL CONSTRUCTION EASEMENT, AND CONVEYANCE OF DEMOLITION AND SITE PREPARATION RIGHTS AND EASEMENT DATED DECEMBER 1, 2016, FILED DECEMBER 2, 2016 AT INSTRUMENT NO. 2016-31250



USER: dhostings

DWG: F:\2016\0501-1000\016-0546\40-Design\Survey\SRVY\Sheets\Final Plat\La Vista City Centre Replat Three - 60546.dwg
DATE: May 03, 2019 12:00pm XREFS:

olsson

2111 South 67th Street, Suite 200 TEL 402.341.1116
Omaha, NE 68106 FAX 402.341.5895
www.olson.com

REV. NO.	DATE	REVISIONS DESCRIPTION

FINAL PLAT
LA VISTA CITY CENTRE REPLAT THREE
LOTS 1 THRU 12
LA VISTA, NEBRASKA

drawn by: _____ DSH
checked by: _____ EWTLR
approved by: _____ TLR
QA/QC by: _____ EWTLR
project no.: 016-0546
drawing no.: _____
date: 04.26.19

Comment Response: Preliminary Plat-Final Plat Replat 3

Preliminary Plat Review

1. Article 3.03.07: Provide clarification between existing (or soon to be existing) public sewers and water mains and proposed additional public sewers and water mains. This can be done with line types and should identify additional proposed public sewers and water mains beyond what is currently contracted for Phase 1 public improvements. The sanitary sewer layout shown on Sheet C2.1 is not correct and needs to be corrected to match the public improvement plans. The location of the relocated sanitary outfall sewer north of Lots 1 and 2 should be shown based on the TD2 topographic survey of the "interface" area dated January 31, 2019. If Olsson does not already have a copy of this survey, the City will make arrangements for Olsson to receive it.
Response: Sanitary and storm mains for the development have been installed throughout the project and the plans have been updated to reflect what was installed with the public improvements including the stub locations for the lots. The outfall sewer north of the lots have been added and coordinated with TD2 and provided on the plans.
2. Article 3.03.09: The proposed lot areas should be identified in square footage and not acres since appraisals and negotiations will need the areas in square feet. Lot 11 as proposed does not comply with the definition of "Lot" per Section 2.13 of the Zoning Regulations or Section 4.15 of the Subdivision Regulations.

Staff recommends *converting* Lot 11 to a flag lot *fronting on* Barmettler Drive to resolve this issue.

Response: Areas have been changed to SF instead of acres. Lot 11 (now Lot 3) has been revised to a flag lot per the meeting with staff.
3. Article 3.03.10: In addition to comment on Article 3.03.07 identify in some manner (illustration or notation) proposed sidewalks to reach Lots II, 5 and 2. **Response: Sidewalks are shown as part of the future development configuration. These are subject to change depending on the final lot configurations.**
4. Article 3.03.12: Identify proposed easements for ingress/egress and utilities. Examples include sidewalk over edges of Lots 7 and 8 to reach Lot 5 as well as utility easement in the same area to provide communications to the second parking structure. Also, any easements needed to accommodate street lighting cables, conduit and service panels (such as over part of Lot 12) need to be addressed. Any blanket ingress/egress easements should be noted. **Response: Easements have been provided for access and utilities as well as ROW areas have been provided for the entrance to the garages to accommodate the planned sidewalks for these entries. Utility easement for Lot 12, has been added to accommodate the conduit and service panels.**
5. Article 3.03.15: An amendment to Subdivision Agreement will be needed to address infrastructure installation and expenditures prior to City Council consideration of the replat. **Response: An updated Subdivision Agreement will be provided.**
6. Article 3.03.19: The parking demands for Lots 9, 11 and 12 need to be identified and checked for quantity of available parking on-site and abutting the lots. This would include the First National Bank parking demands. **Response: A parking table has been provided on the plans for the lots.**

7. Article 3.03.20:

- a. The proposed sanitary sewer layout needs to address how Lots 1, 2, 3, and 8 will access sanitary sewer. The layout shown on C2.1 does not match the public infrastructure plans in some locations. **Response: The sanitary layout has been updated to ensure we are matching the public infrastructure layout. The stubs for the lots are shown for the lots.**
- b. A drainage plan is needed that identifies drainage areas and where they will connect to the infrastructure system. This pertains to Lots 1, 2, 5, 7 and 11 for example. **Response: The drainage for these lots are accommodated under the original drainage report for the overall development. Drainage for these lots are accommodated in the storm system running through the development and discharged to the north through the storm system.**
- c. Information on a PCSMP plan needs to be provided on Sheet C3.1. This would include reference to the current plan for PCSMP No. 20170324- 3736P and particularly Note 2 on Exhibit "8". Notations as to which lots will be expected to provide water quality devices in accordance with said Note 2 should be added to Sheet C3.1. **Response: Notes regarding the current PCSMP has been added. Reference to which lots are draining to specific pond and water quality areas per the original drainage report has been added to the plan.**

Final Plat Review

8. Article 3.05.02: Refer Item 2 above concerning Lot 11. Also, at the southwest corner of Lot 11 there appears to be an erroneous line type indicating a lot line that is believed to be a dimension line to tie down the location of Lot 11 and it not intended to be a lot line.

There needs to be further discussion on the proposed configuration of Lot 5. A schematic design for a parking structure on this lot was prepared in January of 2017 by the team of DLR Group, AGA Consulting, and Olsson Associates. That schematic design proposed a dimension of 194.08 feet along 84th Street. The current plat proposal is 185.00 feet along 84th Street. This dimension will require some easement rights on adjacent lots for foundations extending past the proposed property line and will require some concurrence from the CBO and Fire Marshall as to fire separation requirements relative to easements versus lot lines. There is also a need for open air easements on lots adjacent to Lot 5 to avoid the parking garage being required to have mechanical ventilation systems.

Staff will be meeting internally to examine the options and requirements for configuration of this lot. A conclusion regarding this issue will be provided after the conclusion of this meeting. **Response: This lot has been revised based on coordination with DLR on the proposed parking garage drawings. The Lot (which is now labeled as Lot 7) has been increased in size from 184' to 205' to accommodate the open air/fire requirement along the garage.**

9. Article 3.05.09: Identify the square footage of each lot, not the acreage. **Response: Lot areas have been revised to SF as requested.**

Article 3.05.15: In the Surveyor's Certification include a statement of the total acreage in the boundary of the plat. **Response: This has been added.**

10. Article 3.05.19: Revise the wording of the Surveyor's Certificate to be consistent with the language in Section I 0.02. The first sentence is missing. **Response: Language has been update as requested**
11. Article 3.05.25: An amendment to Subdivision Agreement will be needed to address infrastructure installation and expenditures prior to City Council consideration of the replat. **Response: A amendment to the agreement will be provided to the City prior to Council**

consideration

12. A full metes and bounds description of each piece of property proposed to change hands through this process will need to be provided to allow for the commencement of an appraisal process. **Response: Legals have been provided to the City and Kevin Koreger for coordination.**

LA VISTA CITY CENTRE REPLAT THREE LOTS 1 THRU 12

BEING A REPLAT OF LOTS 5 THRU 12, LA VISTA CITY CENTRE AND LOT 1, LA VISTA CITY CENTRE REPLAT 1, BOTH PLATTED AND RECORDED SUBDIVISIONS LOCATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA

OWNER'S CERTIFICATION

I, WE THE UNDERSIGNED LA VISTA CITY CENTRE, LLC OWNER OF THE REAL ESTATE SHOWN AND CHRISTOPHER L. ERICKSON DESCRIBED HEREIN, DO HEREBY CERTIFY THAT I/WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS LA VISTA CITY CENTRE REPLAT THREE, AN ADDITION TO THE CITY OF LA VISTA, NEBRASKA. ALL STREETS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC UNLESS SPECIFICALLY NOTED HEREIN. OTHER PUBLIC LANDS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY RESERVED FOR PUBLIC USE.

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LA VISTA CITY CENTRE, LLC
CHRISTOPHER L. ERICKSON
MANAGING MEMBER

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
) SS
COUNTY OF _____)

ON THE _____ DAY, OF _____ 2019, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AFORESAID COUNTY PERSONALLY APPEARED CHRISTOPHER L. ERICKSON, KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS/HER VOLUNTARY ACT AND DEED AS SAID LA VISTA CITY CENTRE, LLC.

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DOUGLAS KINDIG, MAYOR

ATTEST: _____
PAM BUETHE, CITY CLERK

SARPY COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE AS APPEARS ON THIS PLAT.

ON THIS _____ DAY OF _____, 2019.

SARPY COUNTY TREASURER _____

PRINTED NAME _____

REVIEW BY SARPY COUNTY PUBLIC WORKS

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COUNTY SURVEYOR/ENGINEER _____

NOTES

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LIEN HOLDER CONSENT

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DUNDEE BANK, A BRANCH OF SECURITY STATE BANK

BY: _____
ADRIAN HERNANDEZ

TITLE: SENIOR VICE PRESIDENT

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
) SS
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NOTARY PUBLIC _____

APPROVAL BY LA VISTA CITY ENGINEER

THE PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS APPROVED BY THE LA VISTA CITY ENGINEER,

ON THIS _____ DAY OF _____, 2019.

JOHN KOTTMANN, CITY ENGINEER

APPROVAL BY LA VISTA CITY PLANNING COMMISSION

THE PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION,

ON THIS _____ DAY OF _____, 2019.

CHAIRPERSON, LA VISTA PLANNING COMMISSION _____

ACCEPTANCE BY LA VISTA CITY COUNCIL

THE PLAT OF LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12 WAS APPROVED AND ACCEPTED BY THE LA VISTA CITY COUNCIL,

ON THIS _____ DAY OF _____, 2019.

PAM BUETHE, CITY CLERK

DOUGLAS KINDIG, MAYOR

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, AND THAT THIS PLAT MEETS OR EXCEEDS THE "MINIMUM STANDARDS FOR SURVEYS" ADOPTED BY THE NEBRASKA STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. I, TERRY L. ROTHANZL, DO HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN AND THAT PERMANENT MONUMENTS AS NOTED HEREON WILL BE PLACED ON THE BOUNDARY OF THE PLAT AND AT ALL CORNERS, ANGLE POINTS, AND ENDS OF ALL CURVES ON THE BOUNDARY AND ON THE LOTS IN THE SUBDIVISION TO BE KNOWN AS LA VISTA CITY CENTRE REPLAT THREE, LOTS 1 THRU 12, BEING A REPLAT OF LOTS 5 THRU 12, LA VISTA CITY CENTRE AND LOT 1, LA VISTA CITY CENTRE REPLAT 1, BOTH SUBDIVISIONS, AS SURVEYED, PLATTED, AND RECORDED IN SARPY COUNTY, NEBRASKA. SAID FINAL PLAT CONTAINS A CALCULATED AREA OF 434,718.61 SQUARE FEET OR 9.980 ACRES.

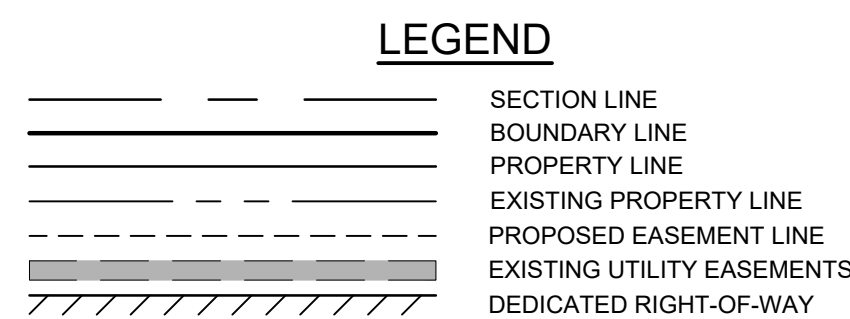
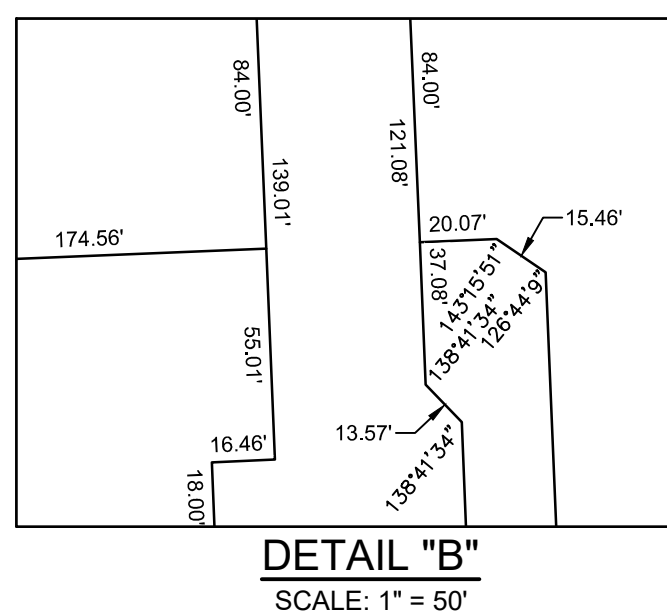
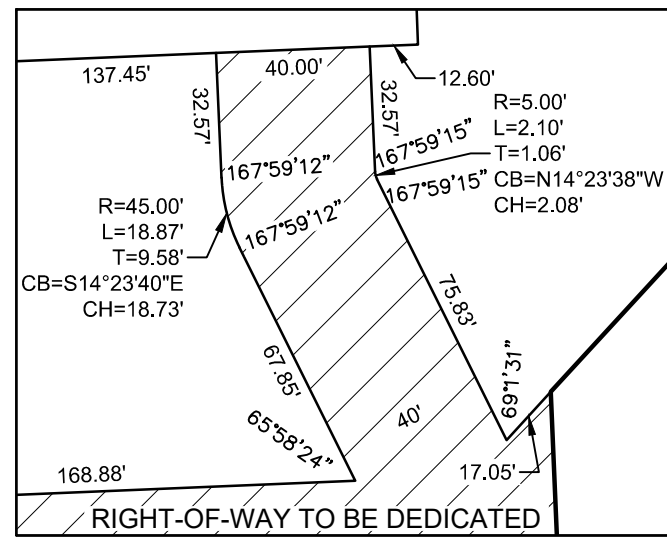
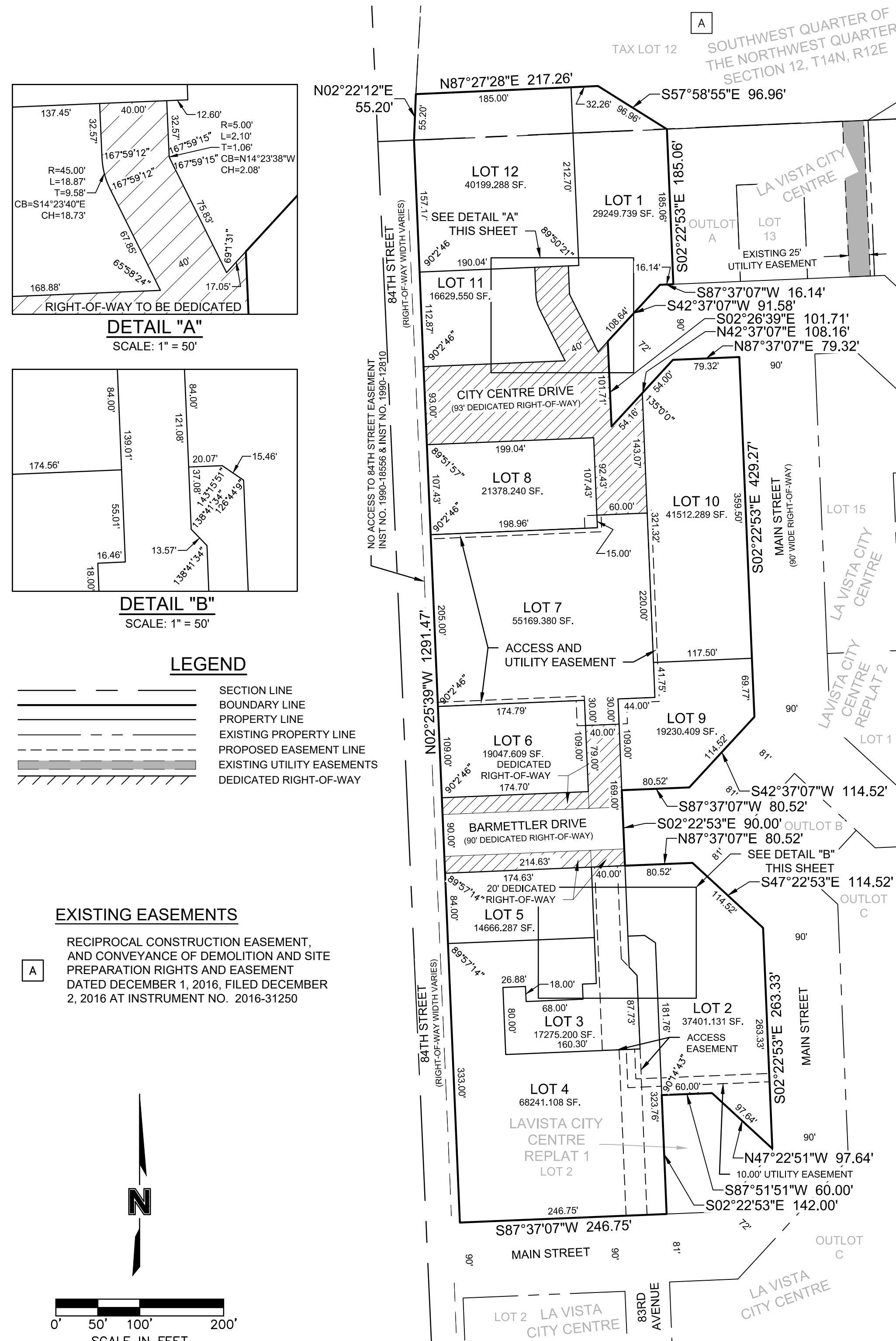
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NEBRASKA L.S. 607

DATE _____

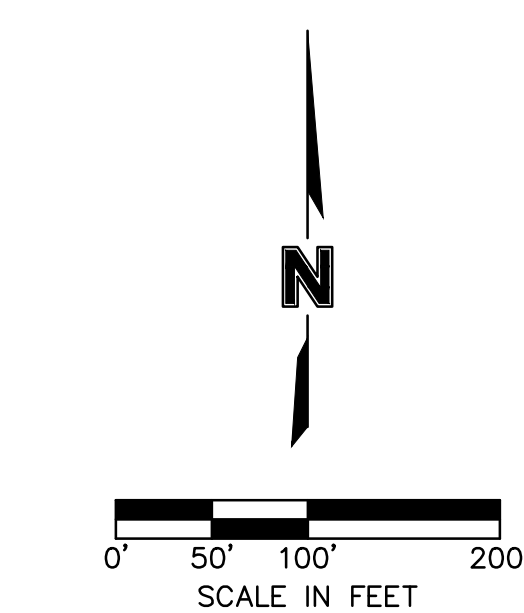


drawn by: _____ DSH
checked by: _____ EWTLR
approved by: _____ TLR
QA/QC by: _____ EWTLR
project no.: _____ 016-0546
drawing no.: _____
date: _____ 05.29.19

SHEET
1 of 1



EXISTING EASEMENTS
RECIPROCAL CONSTRUCTION EASEMENT, AND CONVEYANCE OF DEMOLITION AND SITE PREPARATION RIGHTS AND EASEMENT DATED DECEMBER 1, 2016, FILED DECEMBER 2, 2016 AT INSTRUMENT NO. 2016-31250



DWG: F:\2016\0501-1000\016-0546\40-Design\Survey\SRVY\Sheets\Final Plat\La Vista City Centre Replat Three - 60546.dwg
 DATE: Jul 10, 2019 12:52pm
 USER: dshastings
 XREFS:

olsson
 2111 South 67th Street, Suite 200 TEL 402.341.1116
 Omaha, NE 68106 FAX 402.341.5895
 www.olsson.com

REV. NO.	DATE	REVISIONS DESCRIPTION

FINAL PLAT
 LA VISTA CITY CENTRE REPLAT THREE
 LOTS 1 THRU 12
 LA VISTA, NEBRASKA
 2019

[SPACE ABOVE THIS LINE FOR RECORDING DATA]

FIRST AMENDMENT TO SUBDIVISION AGREEMENT

(La Vista City Centre)

(Replat of Lots 5-12, La Vista City Centre and Lot 1, La Vista City Centre Replat 1, Platted and Recorded Subdivisions Located in the West Half of the Northwest Quarter of the Southwest Quarter of Section 14, Township 14 North, Range 12 East of the 6th P.M., which shall henceforth be replatted as Lots 1-12, La Vista City Centre Replat 3)

THIS First Amendment to the Subdivision Agreement ("Amendment"), made effective as of the ___ day of _____, 2019, by and between the City of La Vista, a Nebraska municipal corporation ("City"), La Vista City Centre, LLC, a Nebraska limited liability company, (hereinafter referred to as the "Subdivider"), City Centre I LLC, a Nebraska limited liability company, ("City Centre I"), and E&W Holdings, LLC, a Nebraska limited liability company ("E&W") (and collectively referred to as the "Parties").

WITNESSETH:

WHEREAS, La Vista City Centre was initially platted in 2016 as Lots 1 through 17 and Outlots A through C, La Vista City Centre; and.

WHEREAS, Subdivider and City entered into a Subdivision Agreement on December 1, 2016, for La Vista City Centre (herein "Subdivision Agreement"); and

WHEREAS, The following replats have been approved:

1. Replat 1: Lots 3 and 4, La Vista City Centre, were replatted as Lots 1 and 2, La Vista City Centre Replat 1.
2. Replat 2: Lots 16 and 17, La Vista City Centre, were replatted as Lots 1 and 2, La Vista City Centre Replat 2; and

WHEREAS, Lot ownership currently is as follows:

1. La Vista Car Wash LLC, a Nebraska limited liability company, as successor of LVCC, owns Lot 1, La Vista City Centre,
2. Subdivider owns Lots 2, 5, 6, 8, 9, 11, 12, 13 and Outlot C, La Vista City Centre, Lot 1, La Vista City Centre Replat 1, and Lot 1, La Vista City Centre Replat 2. E&W owns the building and other improvements on Lot 8, La Vista City Centre, and
3. City Centre I, as successor of LVCC, owns Lots 10, 14 and 15, La Vista City Centre and Lot 2, La Vista City Centre Replat 1; and
4. The City of La Vista owns Lot 7 and Outlots A and B, La Vista City Centre, and Lot 2, La Vista City Centre Replat 2; and

WHEREAS, the parties wish to amend the Subdivision Agreement, among other purposes, to revise the platting of the Property, dedicate additional right of way, and specify requirements for certain public improvements.

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

I. Replatting: The Parties desire to dedicate additional right of way and adjust the boundaries of Lots 5-12 of La Vista City Centre and Lot 1 of La Vista City Centre Replat 1 as shown on Exhibit "A" attached which shall become Lots 1-12, La Vista City Centre Replat 3.

II. Conveyances: The Parties shall execute and deliver such deeds and other documents, instruments, or consideration as appropriate in connection with dedication of right of way or other property conveyances pursuant to La Vista City Centre Replat 3 or any subsequent replats or requirements, subject to satisfaction of any applicable statutory or other legal requirements.

III. Public Improvements. Updated requirements with respect to certain Public Improvements preliminarily described in the Subdivision Agreement shall be as follows:

- A. Public Offstreet Surface Parking. Public offstreet surface parking currently existing on Lot 7, La Vista City Centre Replat 3 (which is a replatting of original Lot 7, La Vista City Centre) as described in Exhibit "J" of the Subdivision Agreement, shall continue to be used for public offstreet surface parking until the Additional Public Offstreet Parking Garage is constructed on such Lot 7 pursuant to the terms of Section 3(b)(iii)(b) of the Subdivision Agreement. New or additional public offstreet surface parking on such Lot 7 shall not be constructed. Pursuant to the terms of Section 3(b)(iii)(b), the City shall, at its sole cost, construct the Additional Public Offstreet Parking Garage on Lot 7 in accordance with a schedule established pursuant to the Subdivision Agreement.
- B. Updated Exhibits "E" and "F". Exhibits "E" and "F" of the Subdivision Agreement shall be updated and replaced by Exhibits "E" and "F" attached to this Amendment.

IV. Parking Improvements on Lot 4, Replat 3. Except as otherwise provided in an amendment to the CCRs or written agreement of property owners in form and content satisfactory to the City Engineer ("Alternative Agreement or Instrument"), Subdivider as part of the Common Areas of the La Vista City Centre Property shall own, construct, and, during the Declarant Control Period under the CCRs maintain, repair, and replace on Lot 4, Replat 3 for the nonexclusive use of the Owners and their Permittees in common with other users such surface parking areas and other Improvements as approved by the City in accordance with applicable requirements. On and after the date that the Declarant Control Period ends, such Lot 4, Replat 3 and all such surface parking areas and other Improvements thereon shall be owned, maintained, replaced and repaired by the Association. Costs and expenses incurred pursuant to this Section IV shall be included, assessed, and paid as Common Area Charges under the CCRs Terms used in this Section IV have the meanings set forth in the CCRs except as otherwise expressly defined in this Amendment or required by the context. Subdivider, as a condition of City releasing Replat 3 for recording, shall record with the Sarpy County Register of Deeds an amendment to the CCRs incorporating the provisions of this Section IV, or an Alternative Agreement or Instrument, in form and content satisfactory to the City Engineer.

V. Easements. All proposed easements by the Subdivider, and easements required by the City, for existing, proposed, or relocated public or private shared improvements (sewers, utilities, roads or other infrastructure) shall be granted by instruments separate from the final plat or CCRs, in form and content satisfactory to the City Engineer ("Easements"). Release of the final plat for recording shall be conditioned on the execution and delivery of Easements for recording. The Easement documents shall outline rights,

obligations and terms of the easements. Easements shall be recorded at the time of recording of the final plat and copies of the recorded Easements shall be provided to the City.

VI. Filing of Record. The Subdivider, at its expense when recording the final plat, shall record this Amendment in the land records of the Office of the Register of Deeds of Sarpy and shall cause a recorded copy thereof to be transmitted to the City Administrator. Any modification to this Amendment, or the Subdivision Agreement as amended, shall require a written amendment executed by the City and other applicable Parties and shall be similarly recorded and transmitted at Subdivider's expense. Such recordings shall include lot specific recorded notice.

VII. Recitals. Recitals above and exhibits referenced in this Amendment are incorporated into this Amendment by reference.

VIII. No Revisions Beyond Expressed Terms of Amendment. The Subdivision Agreement remains in full force and effect as originally written, except as specifically amended by this Amendment thereto.

IX. Counterparts. This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

X. Covenants. This Amendment and the agreements and understandings herein constitute covenants running with the land, shall survive all closings, and shall be binding upon the parties and their respective successors, heirs and assigns, lenders, mortgagees, tenants, transferees or any other persons or entities gaining or claiming any interest or lien within the Public Improvement Redevelopment Project Area or Mixed Use Redevelopment Project Area, as either Area shall be modified from time to time.

XI. Defined Terms. Terms used in this Amendment shall have the meanings provided in the Subdivision Agreement except as otherwise expressly defined in this Amendment or required by the context.

XII. Exhibit Summary. The Exhibits attached hereto and incorporated herein by this reference and made a part hereof, are as follows:

- Exhibit "A": Proposed Replat 3
- Exhibit "E": Property for City Improvements
- Exhibit "F-1 — "F-3": Public Improvements

IN WITNESS WHEREOF, we, the parties hereto, by our respective duly authorized agents, hereto affix our signatures the day and year first above written.

La Vista City Centre, LLC

BY: _____

Christopher L. Erickson

TITLE: Manager

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)ss.
COUNTY OF _____)

The foregoing First Amendment to Subdivision Agreement was acknowledged before me this ____ day of _____, _____, by Christopher L. Erickson, Manager of La Vista City Centre, LLC, a Nebraska limited liability company, on behalf of said limited liability company.

[Seal]

Notary Public

CITY CENTRE I, LLC,
a Nebraska limited liability company

By: _____
Christopher L. Erickson, Manager

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)ss.
COUNTY OF _____)

The foregoing First Amendment to Subdivision Agreement was acknowledged before me this _____ day of _____, _____ by Christopher L. Erickson, Manager of City Centre I, LLC, a Nebraska limited liability company, on behalf of said limited liability company.

[Seal]

Notary Public

E&W HOLDINGS, LLC,
a Nebraska limited liability company

La Vista City Centre, LLC, a Nebraska
limited liability company, Sole Member

By: _____
Christopher L. Erickson, Manager

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)ss.
COUNTY OF _____)

The foregoing First Amendment to Subdivision Agreement was acknowledged before me this ____ day of _____, ____ by Christopher L. Erickson, Manager of La Vista City Centre, LLC, a Nebraska limited liability company, and the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary act and deed of La Vista City Centre, LLC.

[Seal]

Notary Public

ATTEST:

CITY OF LA VISTA

By _____

City Clerk

Mayor

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)
COUNTY OF _____) ss.

On this _____ day of _____, 2017, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Christopher L. Erickson, Managing Member of La Vista City Centre, LLC, personally known by me to be the identical person whose name is affixed to the foregoing First Amendment to Subdivision Agreement, and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary acts and deeds of said La Vista City Centre, LLC.

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

Notary Public

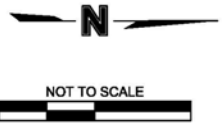
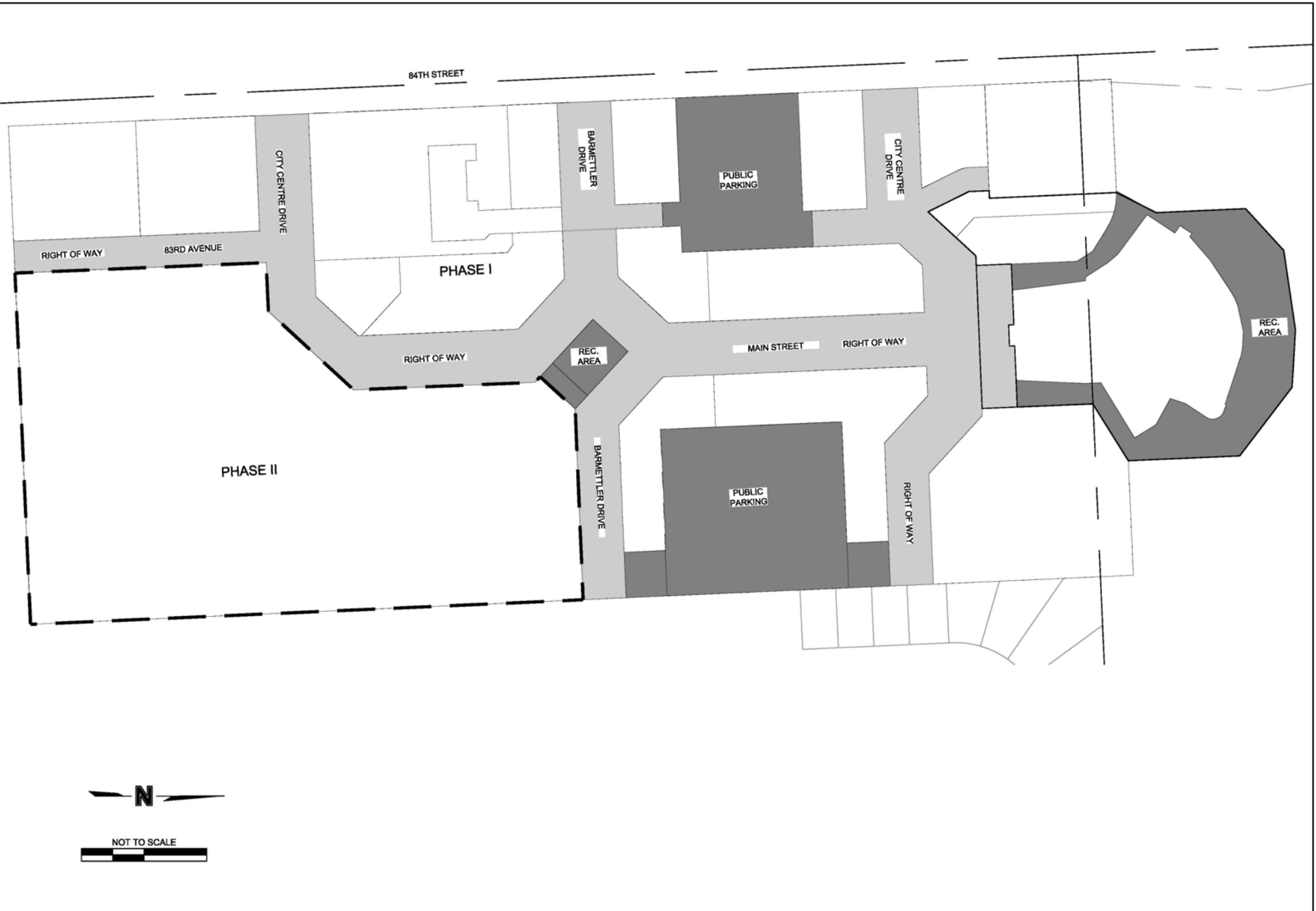
ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)
COUNTY OF _____) ss.

On this _____ day of _____, 2017, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing First Amendment to Subdivision Agreement, and acknowledged the execution thereof to be their voluntary act and deed, and the voluntary act and deed of said City.

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

Notary Public



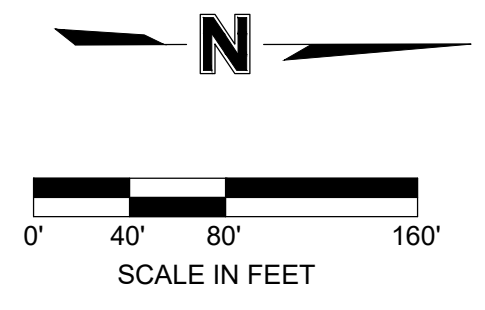
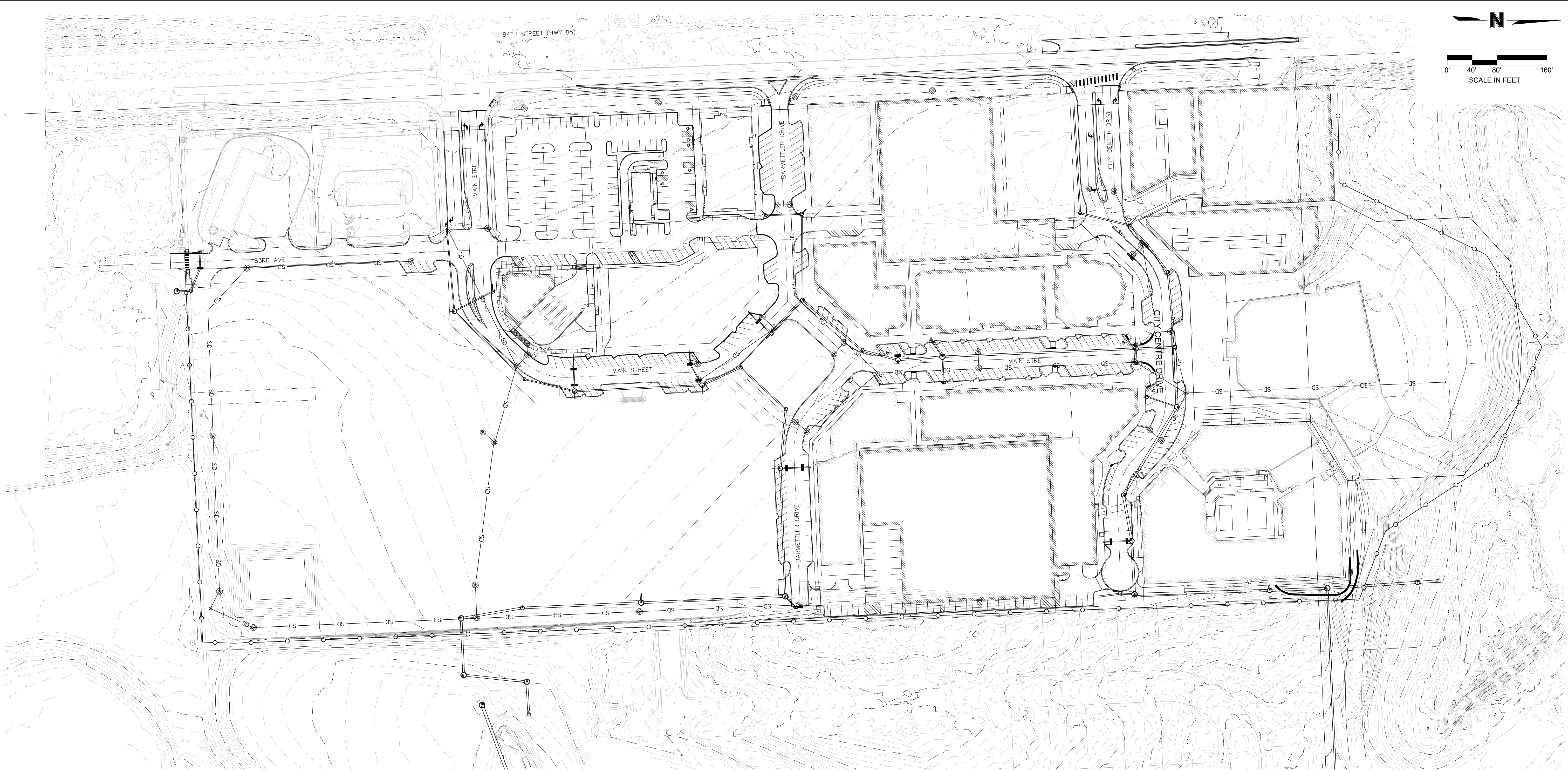
PROJECT NO: 016-0546
 DRAWN BY: EW
 DATE: 09/05/19

PROPERTY FOR CITY
 IMPROVEMENTS EXHIBIT

olsson
 2111 South 67th Street,
 Suite 200
 Omaha, NE 68106
 TEL 402.341.1116

EXHIBIT
 E

DWG: F:\2016\0501-1000\016-0546\40-Design\Autocad\Exhibits\Subdivision Agreement\19_09_05_C_GRD_60546 - Exhibit F-2.dwg USER: ewilliams
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LEGEND

- BOUNDARY LINE
- - - SECTION LINE
- EXISTING PROPERTY LINE
- SILT FENCE
- ▨ CONSTRUCTION ENTRANCE
- ⊙ INLET PROTECTION
- - - - - xxx - - - - - EXISTING MAJOR CONTOUR
- - - - - xxx - - - - - EXISTING MINOR CONTOUR
- - - - - xxx - - - - - PROPOSED MAJOR CONTOUR
- - - - - xxx - - - - - PROPOSED MINOR CONTOUR
- - - - - xxx - - - - - PROPOSED STORM CONTOUR
- SD ○ PROPOSED STORM SEWER INLET/MANHOLE

NOTES:

1. CONTOURS SHOWN ARE AT 5' INTERVALS.
2. IT IS THE DEVELOPER'S INTENT TO DO ALL GRADING AND EROSION CONTROL UNDER ONE PERMIT.

**EXHIBIT F-2
PUBLIC IMPROVEMENTS**

LA VISTA CITY CENTRE
84TH STREET AND BRENTWOOD DRIVE

LA VISTA, NE

REV. NO.	DATE	REVISIONS DESCRIPTION

2019

REVISIONS

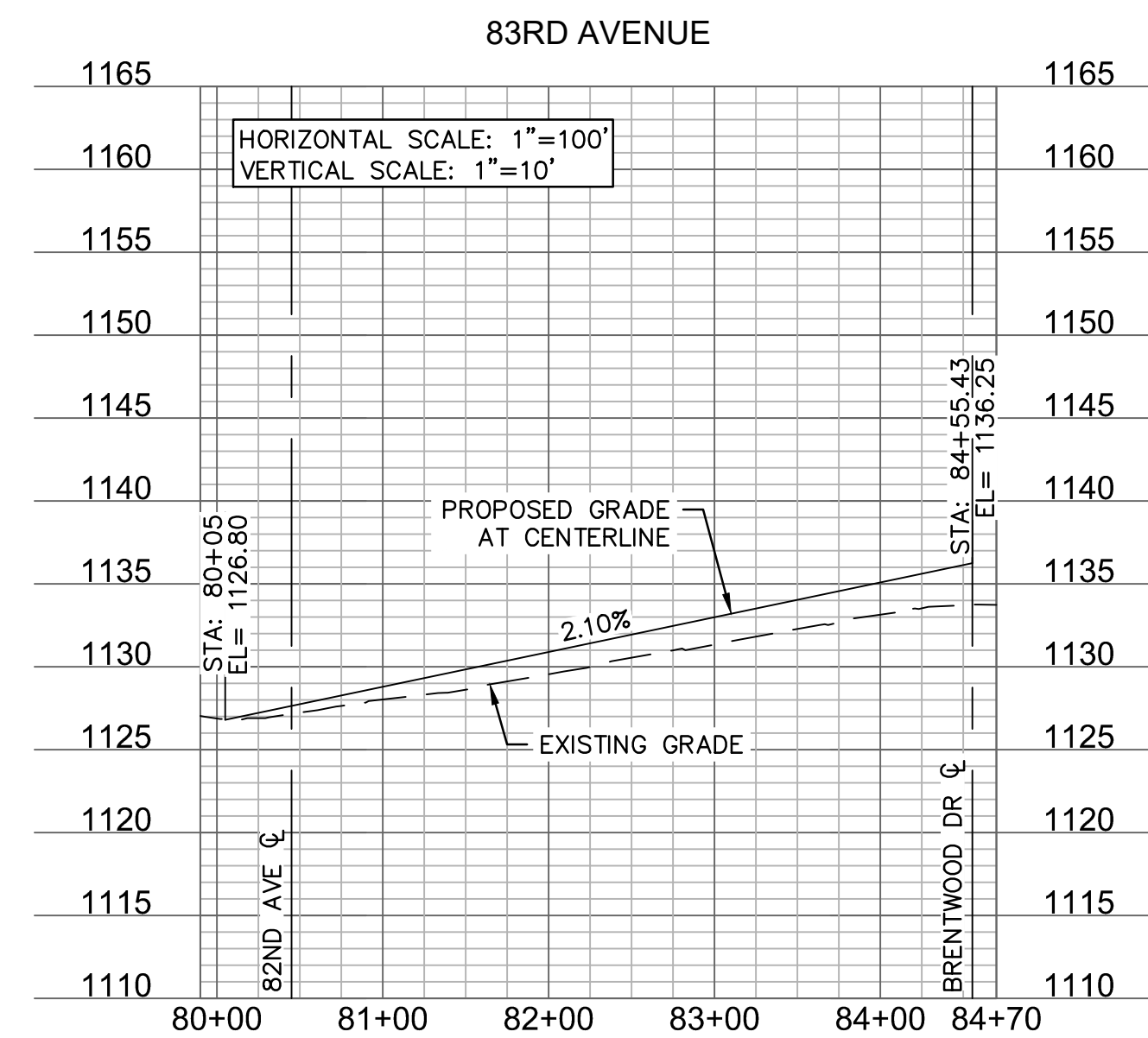
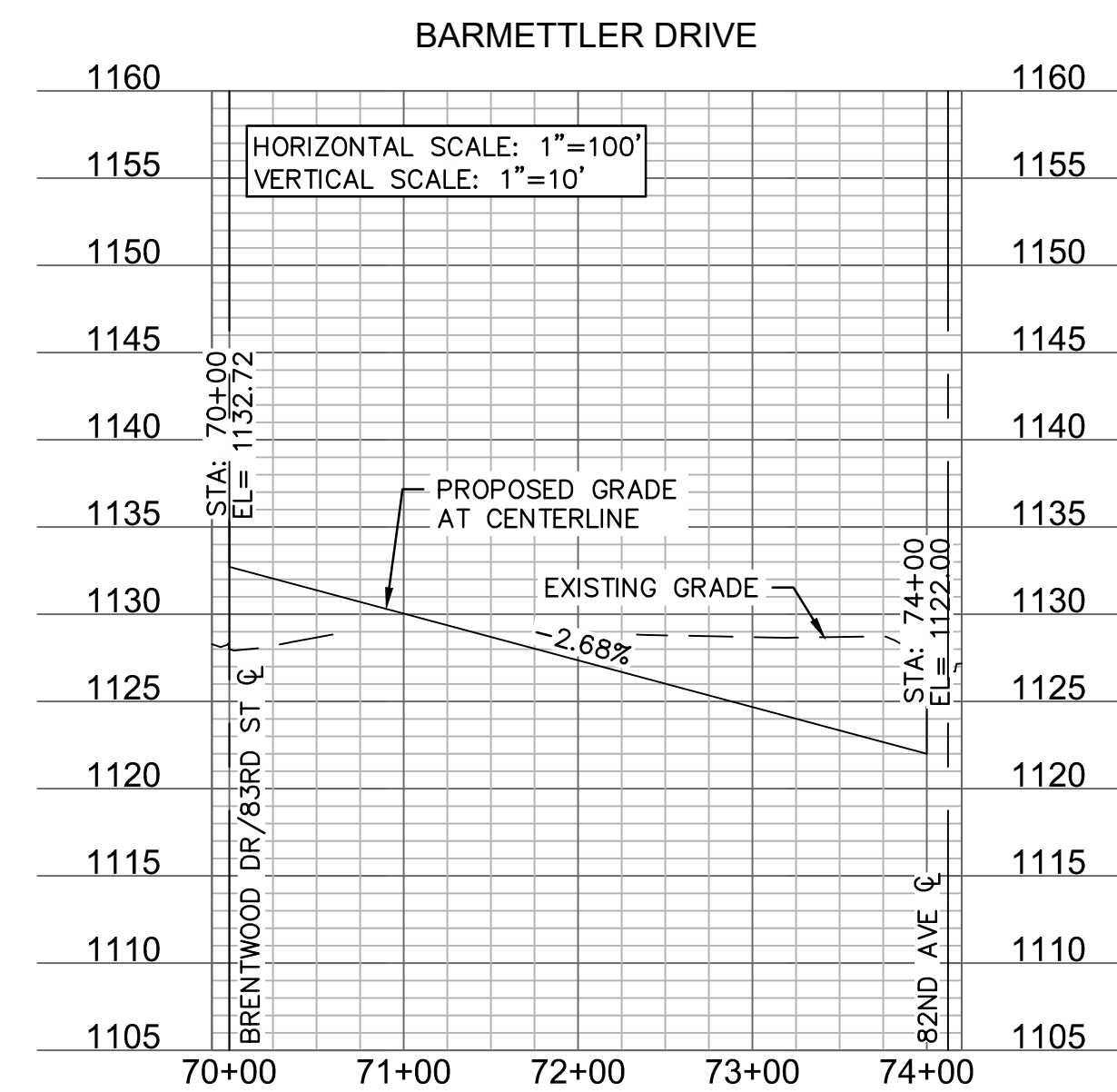
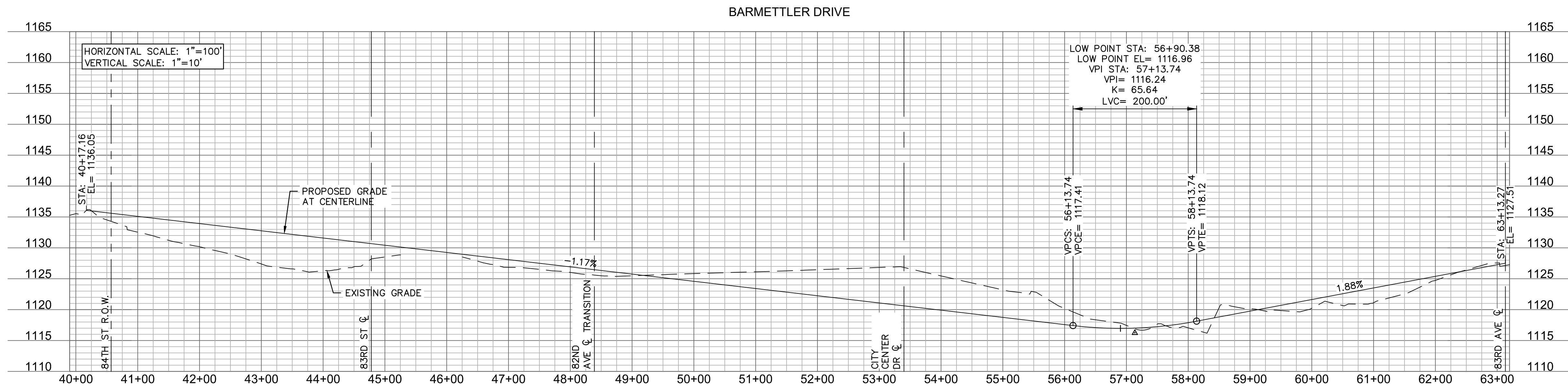
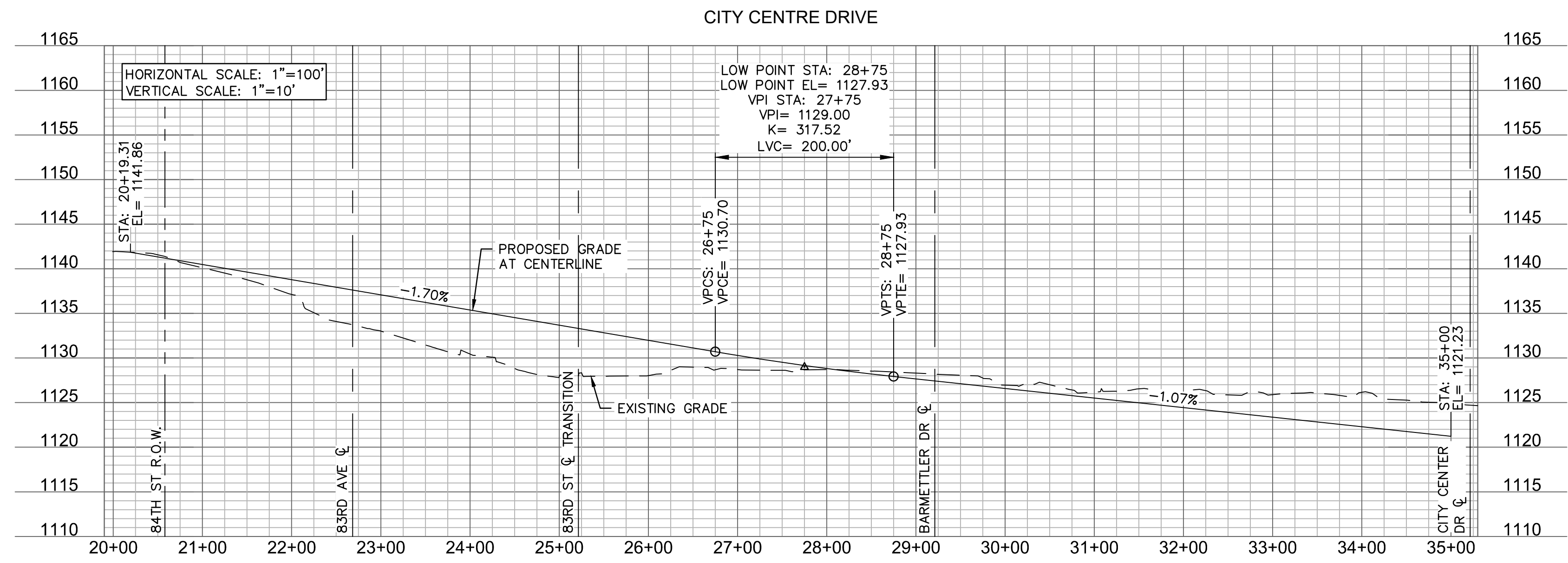
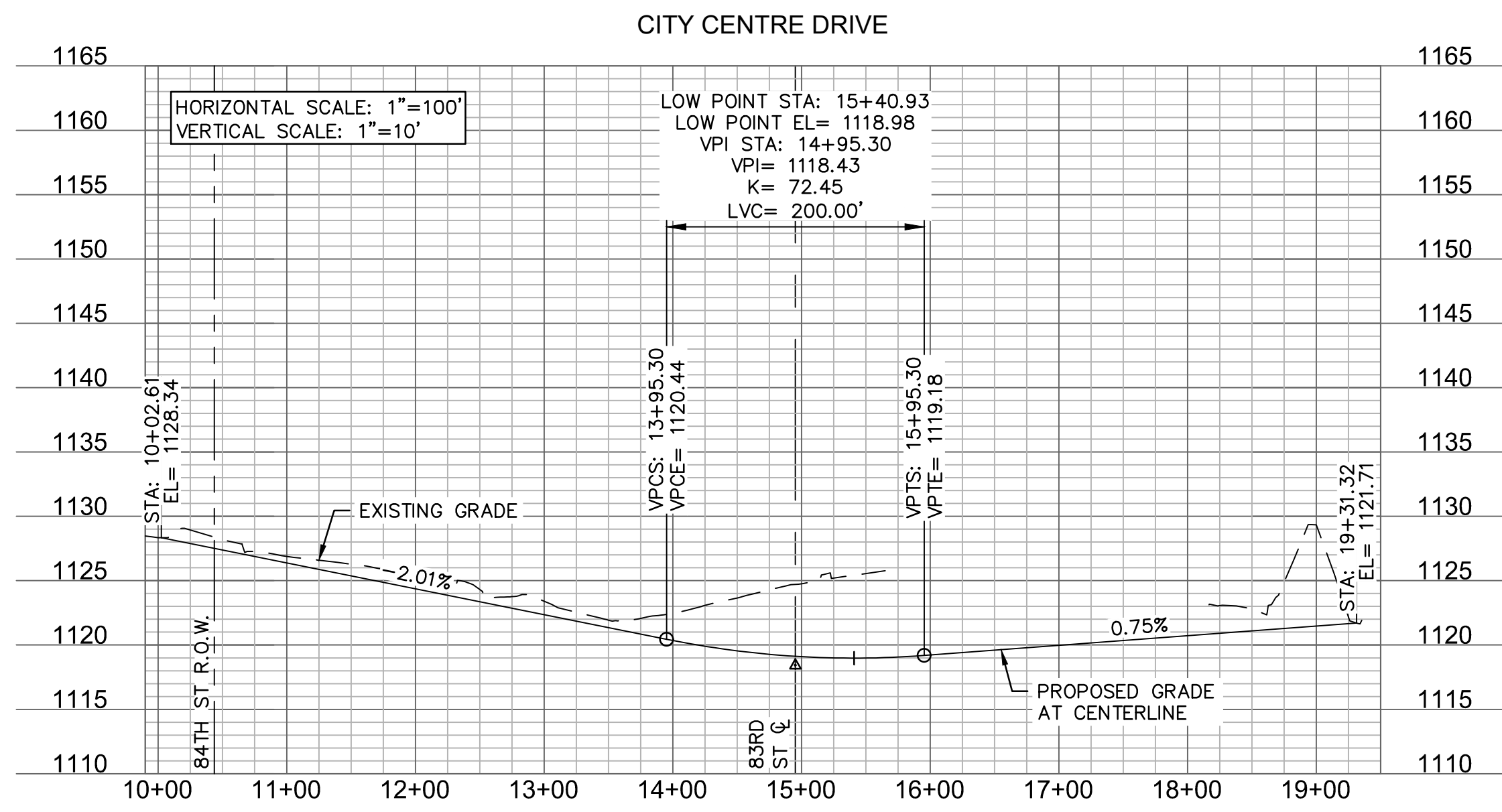
drawn by: CAS
 checked by: ERG
 approved by: ERG
 QA/QC by: ERG
 project no.: 016-0546
 drawing no.:
 date: 09.25.19

SHEET
C3.2

olsson

2111 South 67th Street, Suite 200
Omaha, NE 68106
TEL 402.341.1116
www.olson.com

DWG: F:\2016\0501-1000\016-0546\40-Design\Autocad\Exhibits\Subdivision Agreement\IC_RPP_60546 - Exhibit F-3.dwg
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REV. NO.	DATE	REVISIONS DESCRIPTION

EXHIBIT F-3 PUBLIC IMPROVEMENTS	2019
LA VISTA CITY CENTRE 84TH STREET AND BRENTWOOD DRIVE	
LA VISTA, NE	

drawn by: CAS
 checked by: ERG
 approved by: ERG
 QA/QC by: ERG
 project no.: 016-0546
 drawing no.:
 date: 09.25.19