

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

Subject:	Type:	Submitted By:
NINTH AMENDMENT TO SUBDIVISION AGREEMENT — SOUTHPORT EAST REPLAT NINE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A resolution has been prepared to authorize the execution of the Ninth Amendment to the Subdivision Agreement, satisfactory in form to the City Administrator and City Attorney, for Southport East Replat Nine, generally located at Southport Parkway and Eastport Parkway.

FISCAL IMPACT

A subdivision agreement has been prepared according to the city's subdivision financing policy.

RECOMMENDATION

Approval.

BACKGROUND

On August 5, 1997 the City Council adopted Resolution No. 97-101 establishing the city's subdivision financing policy regarding public funding of improvements and other costs within or serving residential subdivisions, including both residential and commercial development within the zoning jurisdiction of the City of La Vista.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE NINTH AMENDMENT TO THE SUBDIVISION AGREEMENT FOR SOUTHPORT EAST REPLAT NINE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on August 7, 2007, approve the plat for Lots 1-4, Southport East Replat Nine; and

WHEREAS, the owners have agreed to execute a Subdivision Agreement satisfactory in form to the City Attorney and City Engineer.

NOW THEREFORE, BE IT RESOLVED, that the Ninth Amendment to the Subdivision Agreement presented at the August 7, 2007, City Council meeting for Southport East Replat Nine be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

PASSED AND APPROVED THIS 7TH DAY OF AUGUST 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

NINTH AMENDMENT TO SUBDIVISION AGREEMENT
(Southport East Subdivision)
**(Replat of Lots 1 and 2, Southport East Replat Six into Lots 1 through 4, inclusive,
Southport East Replat Nine)**

THIS NINTH AMENDMENT, made this _____ day of _____, 2007, to that certain Commercial Subdivision Agreement dated April 19, 2001 and original plat thereto, which among other lots, includes Lots 1 and 2, Southport East Replat Six, which said Lots 1 and 2 are to be Replatted herewith as Lots 1 through 4, inclusive, Southport East Replat Nine of this Subdivision.

WITNESSETH:

WHEREAS, the City of La Vista ("City") and R.S. Land, Inc., a Nebraska corporation, and Southpointe Partners I, LLC (herein collectively referred to as the "Initial Subdivider") entered into a Commercial Subdivision Agreement with the City dated April 19, 2001 (herein the "Subdivision Agreement" or the "Agreement"), setting forth certain agreements, Commercial Building Design and Criteria, and other terms, conditions and covenants running with the land in respect to the development of land within the Subdivision, all of which continue to apply to the area to be Replatted; and

WHEREAS, Joe McDermott Associates, Inc. and John L. Hoich (herein collectively the "Subdivider" herein) is the owner of said Lots 1 and 2, Southport East Replat Six containing 8.884 acres and which is the subject of this Ninth Amendment and as such is subject to the terms of the original Subdivision Agreement and applicable amendments; and

WHEREAS, Subdivider herein wishes to subdivide said Lots 1 and 2, Southport East Replat Six (herein the "Replat" or the "Replat Area"), same being a part of the Subdivision as shown on replat drawing attached as Exhibit "A" hereto and consisting of approximately 8.884 acres, more or less, per Surveyor's Certificate attached as Exhibit "B" hereto and being more specifically shown on the "Final Plat" of the Replat Area dated 5/10/07 and attached hereto as Exhibit "C"; and

WHEREAS, Joe McDermott Associates, Inc. and John L. Hoich currently own that portion of the Replat that is to be replatted into Lots 1 through 4, inclusive, said four (4) lots to constitute all of the land area and ownership within the Replat Area, all of whom are parties to this Ninth Amendment; and

WHEREAS, the parties wish to amend the Subdivision Agreement by this Amendment entered into between them to include the specific understandings and agreements pertaining to this replatting.

NOW, THEREFORE, IT IS AGREED by Subdivider and City as follows:

1. Replattings. Subject to the terms of this Ninth Amendment, Lots 1 and 2 of Southport East Replat Six, shall be Replatted as Lots 1 thru 4 inclusive, Southport East Replat Nine as more fully shown on Exhibit "C" dated June 26, 2007 (herein the "Replat" or "Replat Area").
2. Drainage Calculations and Map. Subdivider shall provide drainage calculations and a drainage map for the Replat Area for review and approval by the City's Engineer prior to

execution of the final Replat demonstrating what easements may be needed to convey major storm sewer events (hundred year flood) over the surface of the property, in a form satisfactory to the City's Engineer.

3. Perimeter Sidewalks. Each Lot owner, or its assigns, shall, at their cost, install and maintain perimeter sidewalks abutting the Replat Area. Said sidewalks shall be installed on each lot prior to the opening of any place of business on such lot. Sidewalks are not required along Giles Road.
4. Commercial Building Design Guide and Criteria. The Southport Design Guidelines, the specific design criteria to be utilized within the Southport East Subdivision, are incorporated into this amendment by reference and shall be applicable to commercial development within the Replat Area. Subdivider agrees to abide by the provisions thereof as they may have or shall be from time to time amended or modified by the City.
5. Grading Plan. The Grading and Erosion Control Plan for the Replat shall be prepared in accordance with the Papillion Creek Watershed Partnership requirements prior to grading on any individual lot.
6. Site Approval Precondition to Building Permit. Nothing herein shall be deemed a waiver or lessening of any of City's requirements for City approved site plan for any building prior to the issuance of a building permit therefor.
7. Public Access Roads or Driveways. Direct vehicular access to abutting streets shall be limited as indicated on the Replat. Any publicly used roads and driveways within the Replat shall be constructed to City approved specifications and shall not be less than twenty-five feet (25') wide seven inch (7") P.C. concrete paving. The City shall have access to and over such roadways and driveways for any purpose it deems appropriate in the exercise of its general governmental powers, including but not limited to, inspection, police, fire and rescue and other public safety purposes, and the exercise of all rights granted to City by the terms of the Subdivision Agreement as amended by this Ninth Amendment.
8. Staking Bond. Subdivider shall provide the City a staking bond satisfactory to City Engineer prior to City's release of the final plat of the Replat Area.
9. Tract Sewer Connection Fees. Subdivider agrees that the terms and conditions for the benefit of the City that are contained in the Subdivision Agreement and the separate Sewer Connection Agreement pertaining to the sanitary sewer system shall be equally applicable to the private sanitary sewer provided for herein and enforceable by City in respect thereto to the same extent as though the private sewer had originally been incorporated and made a part of said agreements. Tract sanitary sewer connection fees shall be due and payable to the City in the following amounts prior to the issuance of a building permit for a particular lot:

Lot 1, Southport East Replat Nine	2.787 acres @ \$5,500/Ac. =	\$15,328.50
Lot 2, Southport East Replat Nine	1.569 acres @ \$5,500/Ac. =	8,629.50
Lot 3, Southport East Replat Nine	2.386 acres @ \$5,500/Ac. =	13,123.00
Lot 4, Southport East Replat Nine	2.142 acres @ \$5,500/Ac. =	11,781.00
Total		<u>\$48,862.00</u>

The aforesated fee of \$5,500 per acre is the rate now in effect and is subject to increase. The rate in effect at time of connection to the sanitary sewer system will be the rate paid.

10. Infrastructure to be at Private Expense. The cost of all infrastructure, improvements and easements within and serving the Replat Area, (outside the Replat Area but needed to serve the Replat Area) including but not limited to parking and internal street improvements, external street improvements, sidewalks, ingress and egress, sanitary sewer, storm sewer, power, CATV, gas, water, cost of connection to external infrastructure shall be constructed and maintained at private expense and no part thereof shall be the responsibility of or at the expense of the City. The initial installation costs of these services shall be paid in full by the Subdivider. All on-going maintenance, repair and replacement shall be at the cost of the individual Lot owners and paid on a proportionate basis.
11. Improvements to Southport Parkway. Improvements to Southport Parkway, a public street, to construct a left-turn bay on Southport Parkway will benefit Replat Nine. A drawing of these improvements is attached hereto as Exhibit D. The costs of the improvements to construct the left-turn bay on Southport Parkway shall be paid by the Subdivider. Upon City's acceptance of the improvements, City will assume maintenance responsibility.
12. Common Improvements/Maintenance. For purposes hereof, the following provisions shall be applicable:
 - a. Common Area Improvement Defined. The term Common Area Improvement shall mean all infrastructure and improvements set forth on Exhibit "E". Said Common Area Improvements shall include, but not be limited to, ingress and egress, roads, parking, storm drainage, sanitary sewer, public utility infrastructure or services and other infrastructure needs for or benefiting more than a single lot. The Common Area Improvements are internal to the replat area and are shown on the attached Exhibit "E" incorporated herein by this reference.
 - b. Common Area Expense Defined. Common Area Expense shall include all engineering expense, including engineering costs, the costs of construction, reconstruction, modification, repair, maintenance (including clean up and clean out) and replacement of any such items or services, together with the City's costs, if any, of engineering, inspection, review and design.
 - c. Sharing of Common Area Expense. Common Area Expense shall be shared as follows:
 - d-1. Initial Cost Sharing Ratio. The owners, their successors and assigns, of the Replat lots shall be responsible for and defray the Common Area Expense in the same ratio that the land area of each of their Replat lots bears to the total land area of lots served or benefited by the improvement, to wit:

Replat Lot No.	Acres	Percent of Common Area Expense for Replat Six Improvements	Percent of Common Area Expense for Replat Nine Improvements
1	2.787	13.41%	31.37%

2	1.569	7.55%	17.66%
3	2.386	11.49%	26.86%
4	2.142	10.31%	24.11%
TOTAL	8.884	42.76%	100.00%

The foregoing percentages of Common Area Expense shall prevail unless adjusted pursuant to subparagraph 12.d-2 hereof next following.

- d-2. Adjustment of Common Area Cost Sharing Ratios. The method of sharing Common Area Expense as set forth in subparagraph 12.d-1 above may be modified by the owners of all Replat lots agreeing to a different cost sharing as among themselves and filing with the City an application executed by all property owners then within the Replat Area to allow sharing in the designated different ratio. If the City Administrator, in consultation with the City Engineer, determines the original cost allocation is to be unfair and such requested change, if approved, will not be adverse to the City's or to the public interest, then the City Administrator may approve such application. Approval shall be discretionary. If approved, the property owners, at their expense, shall file the modification with the appropriate written approval of the City Administrator and City Engineer endorsed thereon.
- d. Filing of Record. The Subdivider, at its expense, shall record this Ninth Amendment in the land records of the Office of the Register of Deeds of Sarpy County and shall cause a recorded copy thereof to be transmitted to the City Administrator. Any adjustment under subparagraph 12.d-2 above shall be similarly recorded and transmitted at Subdivider's expense. Such recordings shall include lot specific recorded notice.
- e. City Engineer to be Determiner. The City Engineer shall be the determiner of which improvements are required and which are Common Area Expense and which are not Common Area Expense, and which, if any, are not being properly constructed, repaired or maintained or are in need of replacement.
- f. City Access/Repair, Etc. The City, its employees and agents, shall have right of entry and full access to any and all areas and improvements within the Replat Area for purposes of inspection. In the event City determines construction, repair or maintenance is not progressing or not being performed satisfactorily or in a timely manner, City may, at its sole option and without any obligation to do so, decide to undertake construction, repair and/or maintenance of any such Common Area Improvements and to assess the cost, including engineering costs and legal costs, together with interest at the rate of twelve percent (12%) per annum until paid, and City shall have a lien for the cost therefor, which lien City may file of record against the lots benefited and enforce collection of such liens.
- g. City's Exercise of Rights Discretionary. City's and/or City Engineer's exercise of any or all of the authority herein given shall be at City's sole and absolute discretion, and City, City Engineer and City agents shall have no responsibility or liability by reason of either the nonexercise or the exercise of any such authority.

13. City Engineer's Requirement for Approval of Replat. Subdivider, to the extent not heretofore fully accomplished, shall at its expense fully complete, and have approved by City, the engineering requirements set forth in Exhibit "H" hereto.
14. Special Assessments. The lots within the Replat Area are subject to special assessments to be levied. All special assessments for the initial installation of Common Area Improvements shall be paid by Subdivider. Any future special assessments for repair, maintenance or replacement of Common Area Improvements shall be paid by the then current individual Lot owners.
15. Ownership Representation. The undersigned signatory on the proposed Final Plat of Southport East Replat Nine, a copy of which is attached as Exhibit "C" hereto, and to the Ninth Amendment to the Subdivision Agreement, to wit, Joseph McDermott, President of Joe McDermott Associates, Inc. and John L. Hoich, an individual do warrant and represent that they have executed the Final Plat for Southport East Replat Nine and this Ninth Amendment to Subdivision Agreement on behalf of Joe McDermott Associates, Inc. and John Hoich, respectively, and that as between them they are the sole owners of 100% of the Replat Area at date of execution of this Ninth Amendment and at date of recording the Replat.
16. Covenants Running With the Land. The obligations and agreements of Subdivider herein are perpetual covenants running with the land and shall be binding on the Subdivider and all of Subdivider's successors and assigns in title. The covenants herein shall be cumulative to, and not in lieu of, prior covenants running with the land. City shall have the right, but not the obligation, to enforce any and all covenants.
17. Planned Unit Development. Subdivider has made application to City for approval of a Planned Unit Development on Lots 1 thru 4 of the Replat, which the City Council has approved as to location and concept, but the final language of which must be approved by the City Administrator with such engineering and/or legal consultation as the Administrator may deem necessary. The copy of the Subdivider's application for approval of its planned unit development is attached hereto as Exhibit "G".
18. Exhibit Summary. The Exhibits proposed by E & A Consulting Group, Inc. engineers for the Subdivider, attached hereto and made a part hereof, are as follows:

Exhibit "A":	Composite Drawing of Replat Nine.
Exhibit "B":	Lot Surveys for each of the four lots to be created by this amendment.
Exhibit "C":	Final Plat dated 6/26/07.
Exhibit "D":	City Engineer's PUD requirements.
Exhibit "E":	Common Area Improvements.
Exhibit "F":	Improvements to Southport Parkway.
Exhibit "G":	Subdivider's Application for Approval of Planned Unit Development.
Exhibit "H":	City Engineer's engineering requirements for approval.

19. Right to Enforce. Provisions of this Amendment may be enforced at law or in equity by the owners of land within the Replat Area and may be enforced by the City at law, in equity or such other remedy as City determines appropriate.
20. Ratification. In all other respects, the Subdivision Agreement shall not be affected hereby, and is hereby ratified and confirmed.

(Signatures on following pages)

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

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

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

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

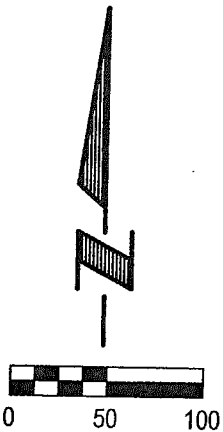
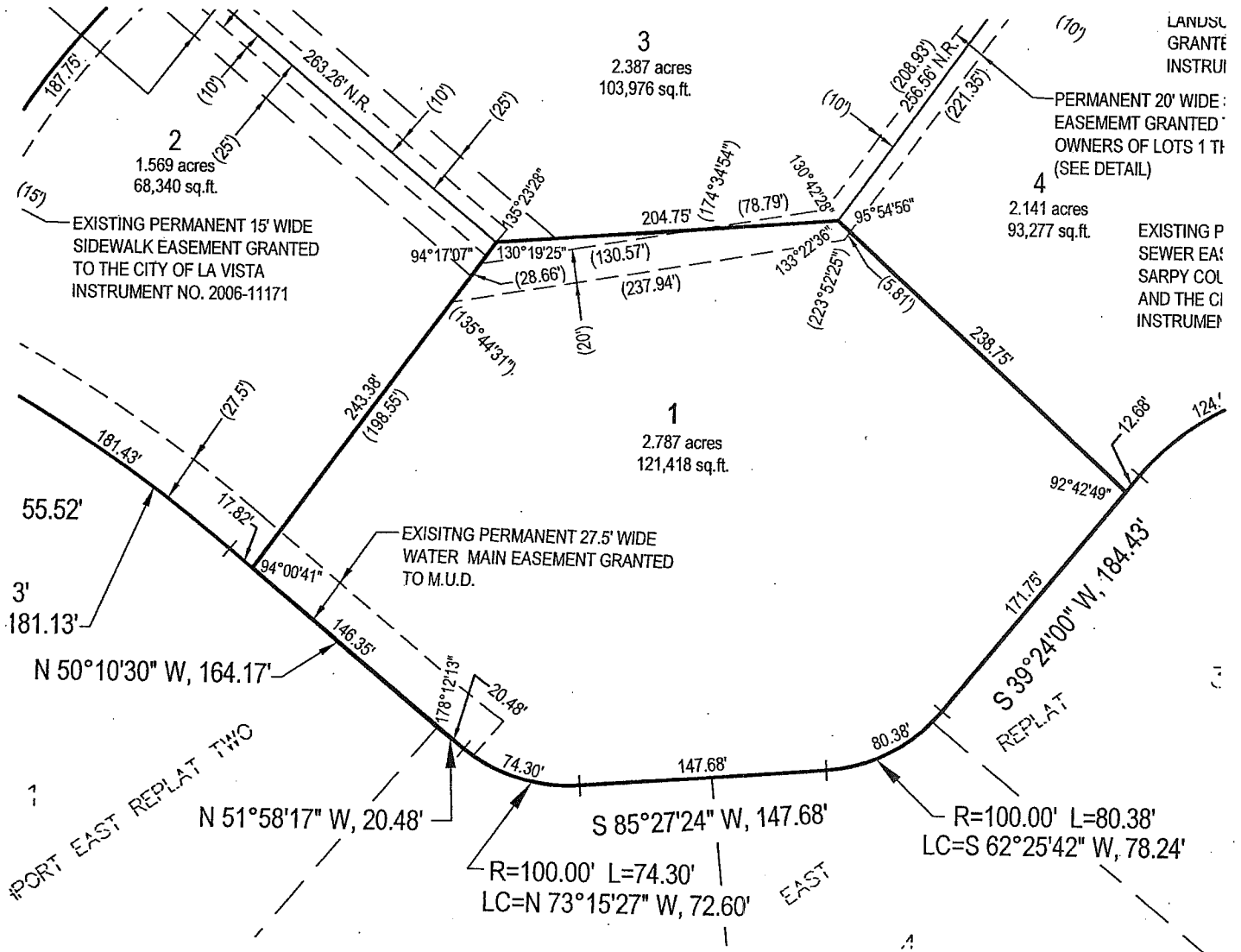
- 8 -

Filed in the office of
SARPY COUNTY SURVEYOR
Papillion, Nebraska

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA

LEGAL DESCRIPTION: LOT 1, SOUTHPORT EAST REPLAT NINE, A SUBDIVISION LOCATED IN THE SE1/4 OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.



Scale: 1" = 100'

ROBERT CLARK

L.S. 419

DATE



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700

OFFICIAL ADDRESS: _____

DATE RECEIVED: _____ BUILDING PERMIT No.: _____

Drawn by: MH Chkd by: wac 7-5-07 Chkd by: _____

Job No.: P2000.030.030 Date: 7-5-2007 Book No.: XXXXX

LOT SURVEY
SOUTHPORT EAST
REPLAT NINE

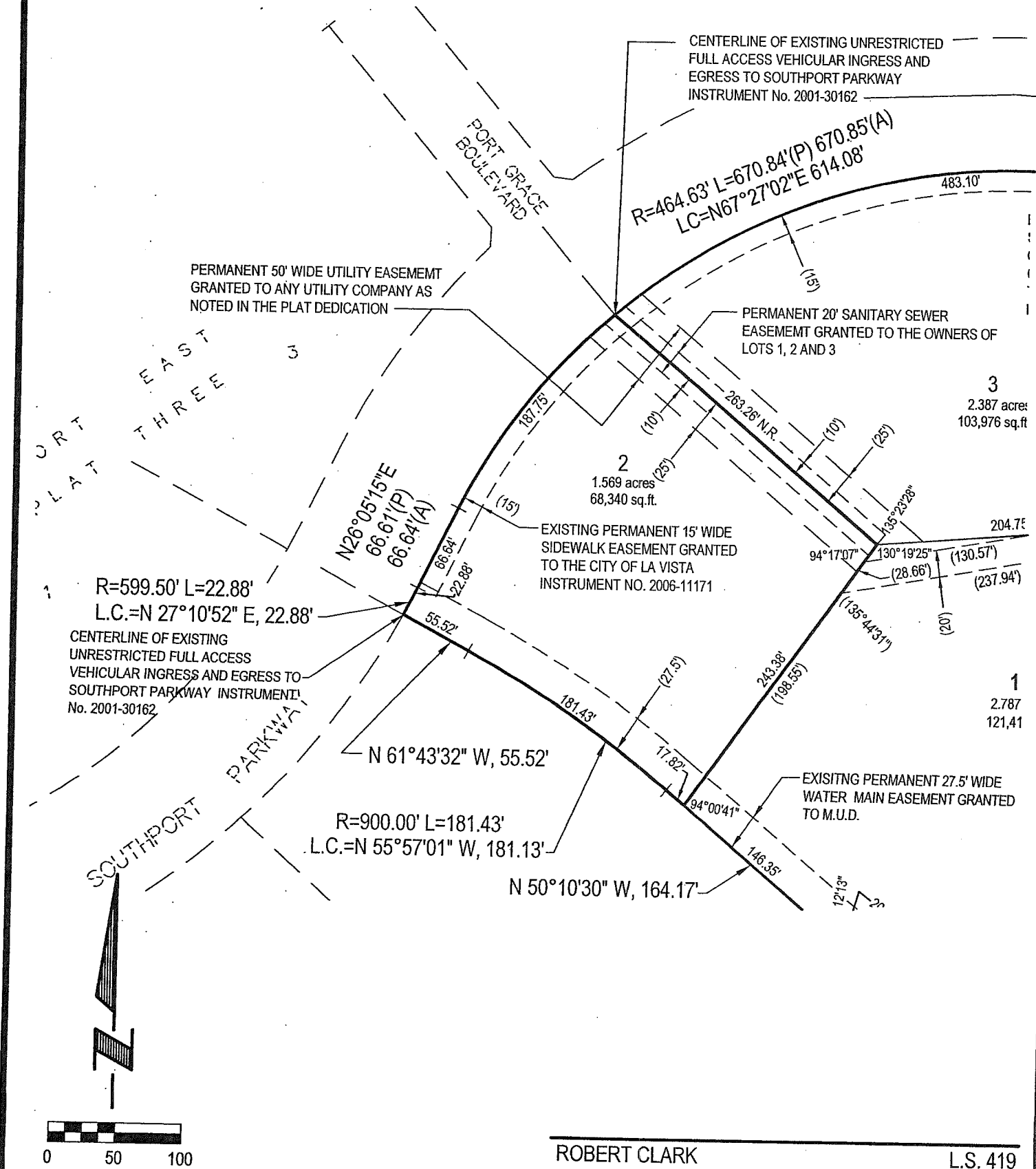
SARPY COUNTY, NEBRASKA

EXHIBIT B1

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA

LEGAL DESCRIPTION: LOT 2, SOUTHPORT EAST REPLAT NINE, A SUBDIVISION LOCATED IN THE SE1/4 OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.



Scale: 1" = 100'

DATE

E&A CONSULTING GROUP, INC. ENGINEERING • PLANNING • FIELD SERVICES 330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700		
OFFICIAL ADDRESS: _____		
DATE RECEIVED: _____		BUILDING PERMIT No.: _____
Drawn by: MH	Chkd by: <u>WAC 7-5-07</u>	Chkd by: _____
Job No.: P2000.030.030	Date: 7-5-2007	Book No.: XXXXX

LOT SURVEY
SOUTHPORT EAST
REPLAT NINE

SARPY COUNTY, NEBRASKA

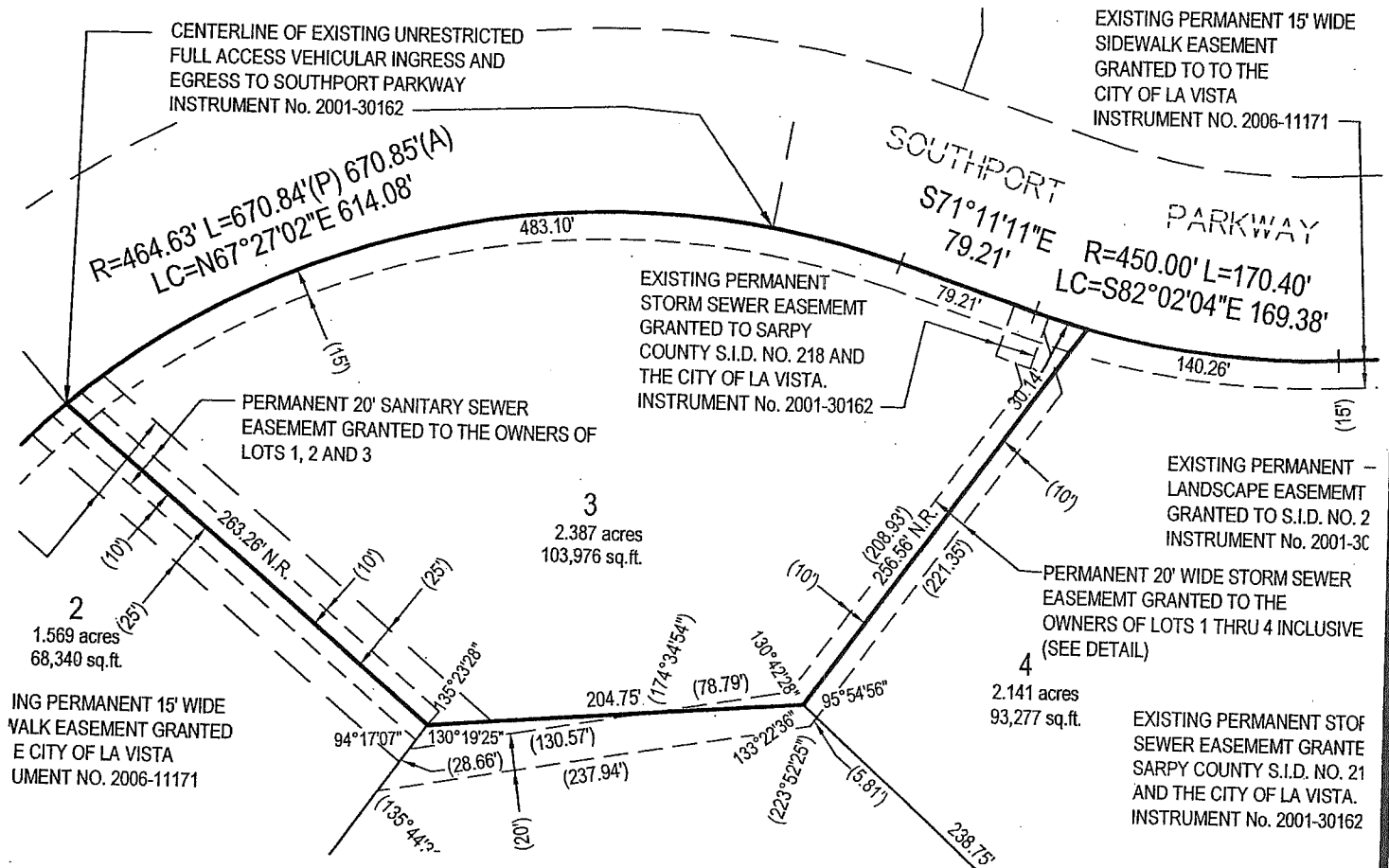
EXHIBIT B2

Filed in the office of
SARPY COUNTY SURVEYOR
Papillion, Nebraska

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA

LEGAL DESCRIPTION: LOT 3, SOUTHPORT EAST REPLAT NINE, A SUBDIVISION LOCATED IN THE SE1/4 OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.



ROBERT CLARK

L.S. 419

DATE

Scale: 1" = 100'

e+a E&A CONSULTING GROUP, INC. ENGINEERING • PLANNING • FIELD SERVICES 330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700		
OFFICIAL ADDRESS: _____		
DATE RECEIVED: _____		BUILDING PERMIT No.: _____
Drawn by: MH	Chkd by: <i>wac</i> 7-5-07	Chkd by: _____
Job No.: P2000.030.030	Date: 7-5-2007	Book No.: XXXXX

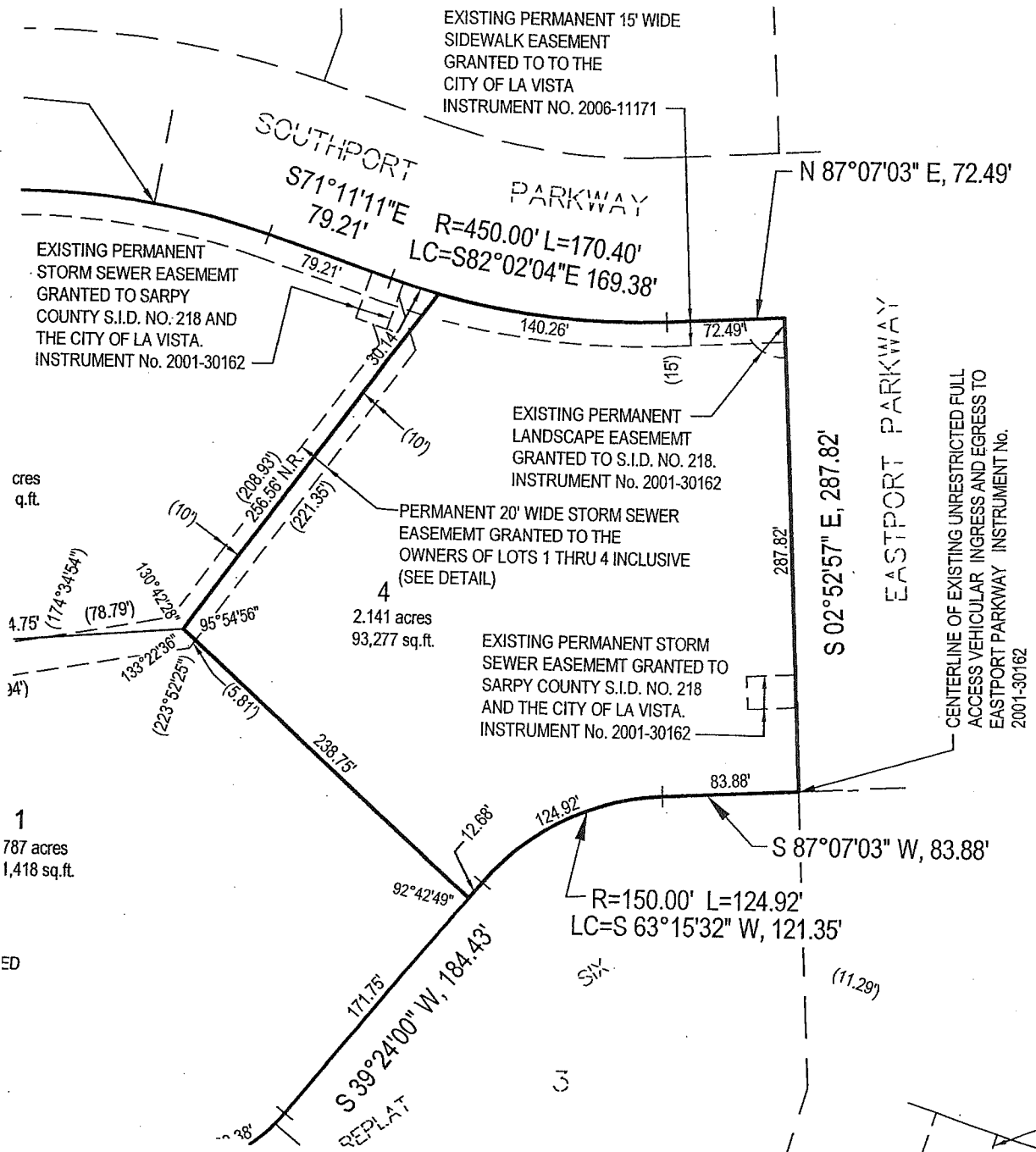
LOT SURVEY
SOUTHPORT EAST
REPLAT NINE
SARPY COUNTY, NEBRASKA

EXHIBIT B3

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA

LEGAL DESCRIPTION: LOT 4, SOUTHPORT EAST REPLAT NINE, A SUBDIVISION LOCATED IN THE SE1/4 OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.



ROBERT CLARK

L.S. 419

DATE



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700

OFFICIAL ADDRESS: _____
DATE RECEIVED: _____ BUILDING PERMIT No.: _____

Drawn by: MH Chkd by: wac 7-5-07 Chkd by: _____

Job No.: P2000.030.030 Date: 7-5-2007 Book No.: XXXXX

LOT SURVEY
SOUTHPORT EAST
REPLAT NINE

SARPY COUNTY, NEBRASKA

EXHIBIT B4



Memo

To: John Hoich
From: Marcus Baker
CC:
Date: April 25, 2007
Re: Southport East Replat 9 / PUD comments

Mr. Hoich,

I am forwarding the comments from other City Offices that I have received to date, regarding the above referenced project. Please let me know if you have any questions.

Thanks,

J. Marcus Baker, AICP

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 Cornhusker Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

April 11, 2007

Mr. Marcus Baker
City Planner
City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

RE: 2007 Minor & Administrative Plat Reviews
Southport East Replat Nine
Review of Initial Submittal
TD² File No. 171-344

Mr. Baker:

I have reviewed the proposed final plat that you provided me under your transmittal dated April 3, 2007. The submittal included:

- Final Plat dated March 27, 2007

There was no application included so I must assume that the applicant provided you with an appropriate application properly signed.

I offer the following comments:

TRAFFIC & ACCESS

1. A traffic impact study was prepared for Replat Six which included 120,000 square feet of office uses on the two lots now being replatted into four lots. The accompanying PUD plan shows proposed uses including 85,500 square feet of office and 6,529 square feet of restaurant. Since the trip generation from this latest development plan will be less than previously contemplated, there is no need for additional traffic studies for this proposed replat.
2. Perimeter sidewalks will be required as the lots are built upon. See my comments on the PUD plan for additional information.
3. There is an existing blanket ingress/egress easement over all of the proposed lots from prior platings. This blanket easement allows for sharing of the access points identified on the plat to Southport and Eastport Parkways.
4. The access points noted on the replat are consistent with what was previously approved. However, refer to my comment letter on the PUD plan concerning verification of driveway alignment with the City parking lot driveways.

Mr. Marcus Baker

April 10, 2007

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5. There will need to be a modification to the existing island in Southport Parkway to create a left-turn bay for westbound traffic to turn left into the proposed access opposite of Port Grace Boulevard. This modification will need to be done at private expense and will require detailed plans and specifications. Performance bonds and insurance certificates will be required since this will be a public street improvement. The amendment to subdivision agreement for this plat will need to address this item.

UTILITIES & DRAINAGE

6. The proposed replatting provides a blanket storm sewer and drainage easement over these lots. However, proposed Lot 1 will be draining across proposed Lots 3 and/or 4. The amount of drainage from proposed Lot 1 is more than should be surface drained across the adjacent lots. Therefore, the PUD plan needs to include a drainage plan showing a preliminary storm sewer layout. This is also noted in my PUD review comments.
6. The lots will have access to existing public utilities in Westport Parkways but there will need to be common area extensions of storm and sanitary sewers to reach proposed Lot 1. These will be privately owned and maintained sewers.

MISCELLANEOUS

7. This proposed replat qualifies as a replat that allows for a waiver of separate submittal of a final and preliminary plat Article 3.08.04 of the Subdivision Regulations requires a concurrent preliminary plat. However, Article 3.08.08 implies that a preliminary plat is not required if the guidelines of Article 3.09.03 do not apply. Item 3.09.03.06 is applicable since proposed Lot 1 will not have direct access to a street. However, the PUD plan will provide for access via a private shared access road. Therefore, it is my opinion that a preliminary plat is not required.
8. There will need to be an amendment to the common area maintenance agreement prepared for Replat Six to reallocate costs of construction and maintenance due to the revised configuration of lots.
9. The City Attorney should review the replat and provide an amendment to the subdivision agreement as appropriate.
10. The final plat of Replat Six needs to be recorded and the amendment to subdivision agreement pertaining to Replat Six needs to be fully executed prior to the City Council considering this application.
11. A staking bond or certification that all lot corners have been pinned should be provided prior to the Mayor signing the final plat, if it is approved.
12. Financial data for all public improvements, including itemized estimates of construction costs and soft costs, should be provided before consideration by the City Council. This information should identify that the funding source will be private.

I recommend that the final plat of Southport East Replat Nine be approved contingent upon the PUD being approved. The City Attorney should prepare an amendment to the Subdivision Agreement as he determines necessary, prior to this case moving forward to City Council.

Mr. Marcus Baker
April 10, 2007
Page 3

Prepared by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

cc: File

April 11, 2007

Mr. Marcus Baker
City Planner
City of La Vista
City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

RE: Proposed PUD Plan
Lots 1-4, Southport East Replat Nine
Initial Review
TD² File No. 171-345

Mr. Baker:

I have reviewed the documents you provided to me in your transmittal dated April 3, 2007 for the proposed PUD plan. I offer the following comments:

1. The most recent PUD for Replat Six included a building height adjustment allowing 55 feet instead of the 45 feet allowed in C-3 zoning. Based upon the proposed PUD showing 1 and 2 story buildings, I do not see a need for allowing heights more than 45 feet. The documents I have received do not include any proposed PUD language so I cannot determine if this plan proposes to maintain the previous PUD modifications or is proposing to follow the C-3 regulators. This needs to be addressed if such information was not submitted.
2. The PUD plan have numerous easement notations plotted on top of other notes making the information illegible. The plan should be revised with the notes moved so that all information is readable.
3. The PUD plan provides some information on an internal sidewalk system. It is difficult to determine what is proposed is some locations and some additional connections to the external sidewalk system are needed. Also, the plan omitted perimeter public sidewalk along proposed Lot 2. This needs to be corrected.
4. City staff needs to determine to what extent the "Corner Streetscape" sidewalk and landscaping detail in the Design Guidelines apply to this project and include such instructions in a request to the applicant to revise the PUD plan..
5. A preliminary landscaping plan needs to be provided at a scale of 1" equals 50' or smaller so that there is no confusion in the future when building permits applications are submitted and reviewed. This plan should include notated widths of landscaped areas particularly along public street frontages and along the edges of common area drives. The plan does not appear to show the 20 feet of green space required by the Design Guidelines. Along common area drives where the property line is in the middle of the proposed drive, the required interior lot line landscaping of 10 feet will need to be transferred to the back of curb of such shared drives.

6. If there are any drive-up windows proposed in this development they must be clearly identified and labeled on the PUD plan.
7. There is a data table on the PUD plan that shows composite open space on the combined four lots to be 18.0 percent. This is considerably less than the 25 percent that was set forth in the previous PUD plan text for each lot in Replat Six. The previous PUD plan text also required at least 10 percent greenspace in the parking areas and no data is presented on this item in the proposed PUD plan.
8. A preliminary drainage plan needs to be provided that identifies a preliminary layout of proposed storm sewers. This is needed so that when a particular lot applies for a building permit it can be determined how it's drainage should be handled relative to adjacent lots. For example, it will not be appropriate for Lot 1 to surface drain onto Lots 3 and/or 4. A storm sewer layout plan must be prepared so that individual applicants will know what is expected to be constructed on their lot. An alternative would be to construct a backbone storm sewer as part of common area improvements.
9. The plan shows a proposed easement along the common lot line between Lots 2 and 3 for the benefit of Lots 1, 2 and 3. Again, to avoid conflicts with whom is to construct this sewer when individual building permit applications are made, I recommend that this be installed as part of the common area improvements.
10. The proposed drive entrance opposite the intersection of Port Grace Blvd and Southport Parkway is likely to be congested since one must immediately turn either left or right as soon as one enters from the street. Further, vehicles stacked waiting to exit at this location are likely to block the path of inbound vehicles. The layout needs to be redesigned at this location and lot lines changed if necessary. Lot 1 has only one drive entrance to it's parking lot and has no internal circulation with Lots 2, 3, and 4. This is a poor design and not representative of a planned development.
11. The extent of shared access driveways needs to be identified on the plan through shading/hatching or preparation of a separate plan to clearly show the extent of such common area improvement. These roadways shall be paved with not less than 7-inch thick Portland cement concrete pavement to a width of at least 25 feet.
12. The applicant should be reminded of the need to comply with FAA regulations due to the regulated airspace for the Millard Airport affecting this property.

I recommend that the PUD plan be revised and resubmitted prior to consideration by the Planning Commission. The language of the PUD amendment should be prepared prior to the request moving forward to City Council.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

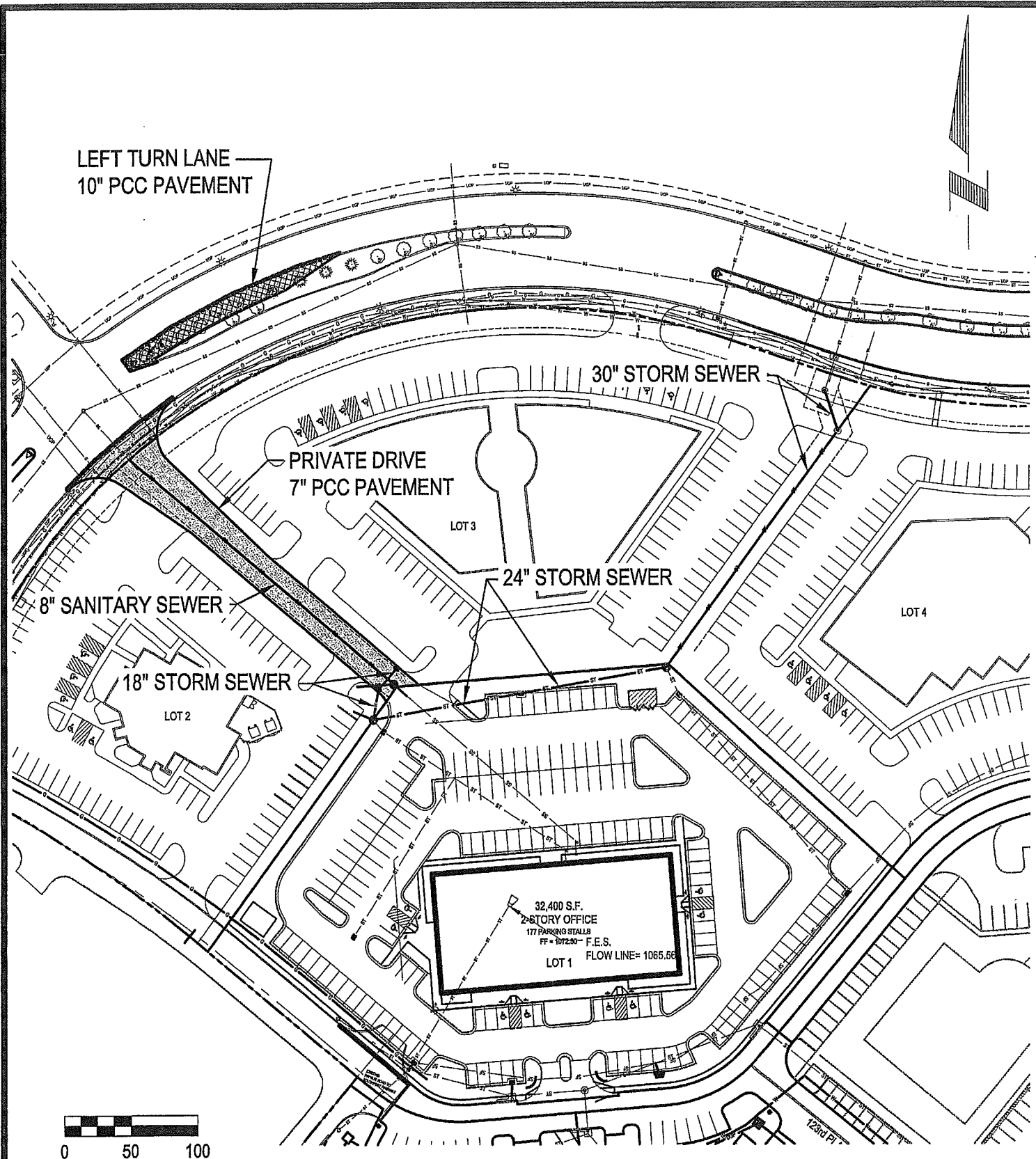
cc: File

LA VISTA POLICE DEPARTMENT INTEROFFICE MEMORANDUM

TO: CITY PLANNER
FROM: CHIEF BOB LAUSTEN
SUBJECT: SOUTHPORT EAST REPLAT 9
DATE: 4/5/2007
CC:

The Police Department has reviewed the provided documents relating to the final plat, Southport East Re-plat 9.

There were no concerns identified by police.



Scale: 1" = 100'



E&A CONSULTING GROUP, INC.
 ENGINEERING • PLANNING • FIELD SERVICES
 330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700

Drawn by: KC

Chkd by: _____

Chkd by: _____

Job No.: 2000.030.030

Date: 06/26/07

EXHIBIT "E"

COMMON AREA IMPROVEMENTS
 SOUTHPORT EAST REPLAT NINE

SARPY COUNTY, NEBRASKA

LEFT TURN LANE
10" PCC PAVEMENT

PORT GRACE BLVD

SOUTHPORT PARKWAY



Scale: 1" = 40'



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68164 PHONE: (402) 895-4700

Drawn by: KC

Chkd by: _____

Chkd by: _____

Job No.: 2000.030.030

Date: 06/26/07

EXHIBIT "F"

IMPROVEMENTS TO SOUTHPORT PARKWAY

SOUTHPORT EAST REPLAT NINE

SARPY COUNTY, NEBRASKA

**CITY OF LA VISTA
PLANNING & ZONING
APPLICATION FORM**

#2000 030.30

CHECK APPLICATION(S) SUBMITTED:

- | | | |
|---|---|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Administrative Plat | <input type="checkbox"/> Preliminary P.U.D. |
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Preliminary Plat * | <input type="checkbox"/> Final P.U.D. |
| <input type="checkbox"/> Zoning/Subdivision Amendment | <input type="checkbox"/> Revised Preliminary Plat | <input type="checkbox"/> Building Design Review |
| <input type="checkbox"/> Conditional Use Permit | <input checked="" type="checkbox"/> Final Plat | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Condition Use Permit Amendment | <input type="checkbox"/> Replat or Small Tract Sub. | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Tower Development Permit | <input type="checkbox"/> Vacation of Plat | _____ |

* A pre-application meeting is required prior to submittal.

A. GENERAL INFORMATION

1. Applicant:

Name: JOHN L. HOICH Contact: _____
Address: 4418 S. 180TH STREET
City/State/Zip: OMAHA, NE 68135
Phone/Fax: 333-1919

2. Property Owner: (if not applicant)

Name: JOHN L. HOICH Contact: _____
Address: 4418 S. 180TH STREET
City/State/Zip: OMAHA, NE 68135
Phone/Fax: 333-1919

3. Engineer/Surveyor or Architect

Name: E&A CONSULTING GROUP Contact: JEFF ELLIOTT
Address: 330 N. 117TH STREET
City/State/Zip: OMAHA, NE 68154
Phone/Fax: 895-4700/895-3599
Email: jelliott@eacg.com

4. Primary Project Contact: (Applicant, Representative, or Other)

Name: _____ Contact: _____
Address: _____
City/State/Zip: _____
Phone/Fax: _____
Email: _____

- If more than one property owner or developer is involved, please attach additional names and addresses to this application.
- The contact person will receive all staff correspondence.

Please note that your application will not be accepted or there may be a delay in processing by the Community Development Department if any of the required information or materials are missing or improperly presented. In order to ensure that a complete application is provided and to avoid unnecessary delays in processing, please remember to submit the appropriate submittal requirements i.e., signed application, fees, exhibits and/or site plans, special studies if applicable and signed checklist. If you have any questions regarding this application or required materials, please contact the Community Development Department at (402) 331-4343 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

5. Certification:

An application may be filed only by the owner(s) of the property or by a person with the power of attorney from the owner authorizing the application, or by the attorney-at-law representing the owner. Indicate your authority.

☒ X

I (We) (am) (are) the sole owner(s) of the property.

I have the power of attorney from the property owner(s) authorizing the application and a copy of the authorization is attached.

I am the attorney at law representing the owner(s) and a copy of the authorization is attached.

John L. Hoich
Signature

John L. Hoich 4428 So. 180th St.
Name (Print) Address

X Joe M. McDermott
Signature

9812 E Omaha NE 68135
Address

NOTE: ALL APPLICATIONS MUST HAVE THE CURRENT PROPERTY OWNER'S SIGNATURE(S), OR THE PERSON WITH THE PROPER POWER OF ATTORNEY SIGNATURE, NOTARIZED BY A CERTIFIED NOTARY PUBLIC (ATTACH IF NECESSARY)

6. Affiliated Application:

An applicant may wish to increase the property considered under this application to include surrounding owners. By signing below, an adjoining property owner can state their intent to be party to this application (attach additional sheet if necessary. A legal description must also be attached for each property owner.

Signature

Name (Print)

Address

Signature

Name (Print)

Address

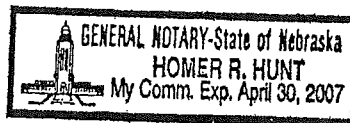
ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

On this 5TH day of JUNE, 2006, before me a Notary Public,
duly commissioned and qualified in and for said County, appeared John L. Hoich,
_____ who is the identical person whose name is affixed to
the Planning and Zoning application, and acknowledged the execution thereof to
be his/her voluntary act and deed.

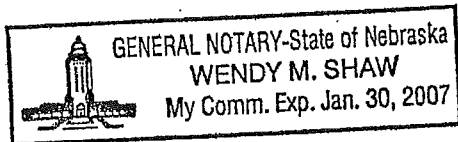
WITNESS my hand and Notarial Seal the day and year last above written.

Homer R. Hunt
Notary Public



STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 27 day of July, 2006, before me, a Notary Public qualified in said County, personally appeared Joe McDermott, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.



Wendy M. Shaw
Notary Public

B. PROJECT INFORMATION:

1. Subdivision Name: SOUTHPORT EAST REPLAT NINE
2. Project Location: 1/4 1/4 Section 18, T 14, R 12, Sarpy County, Nebraska.
General Location: SOUTHPORT PARKWAY & GILES ROAD
3. Project/Property Address (if known): _____
4. Area: 8.884 (acres)
5. Future Land Use Designation (Comprehensive Plan): Commercial
6. Proposed Land Use Designation (if applicable): _____
7. Existing Zoning Designation: (attach additional sheet if necessary)

Zoning	Acres	Lots	Units	Density
C3-PUD	8.884			
Total				

8. Proposed Zoning Designation (attach additional sheet if necessary)

Zoning	Acres	Lots	Units	Density
C3-PUD	2.787	1		
C3-PUD	1.569	2		
C3-PUD	2.386	3		
C3-PUD	2.142	4		
Total	8.884	4		

9. Present Use of the Land: VACANT
10. Proposed Request: OFFICE & COMMERCIAL

11. If commercial\industrial\office or multi-family residential:

- a. Number & type of units\buildings: _____
- b. Total building coverage (footprint): _____ square feet.
- c. Total open space: _____ square feet.
- d. Total paved impervious area: _____ square feet.
- e. Total building floor area: _____ gross square feet.
- f. Total number of parking spaces: Provided _____ Covered _____ Uncovered _____
- g. Total number of persons employed or intended to be regularly employed on the site during the maximum working shift _____.

12. Building Height: _____ feet _____ stories.
13. If single family residential:
 - a. Number of units/lots: _____
 - b. Minimum lot frontage as measured at building setback line: _____
 - c. Minimum lot size: _____ square feet
 - d. Average lot size: _____ square feet
14. Attach Legal Description of Property and Surveyor's Certificate.
15. Attach list of Property Owners located within 300 feet of proposed project. (Must be prepared by a title company and in label-ready format).
16. Attach site plan and/or other documents that illustrate this request.
17. Include appropriate application fee.
18. For public hearing presentation, overhead transparencies or other approved form of projected illustrations identical to any display boards being used are required.

FOR OFFICE USE ONLY

Project Case Number _____	Planning Commission _____
	Published: _____
	Action: _____
ate Complete Application Received _____	City Council _____
	Published: _____
	Action: _____
eck Number/Amount _____	Posted on Property: _____
	Notice to School District: _____

ier Comment (s):

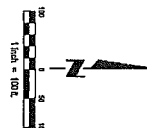
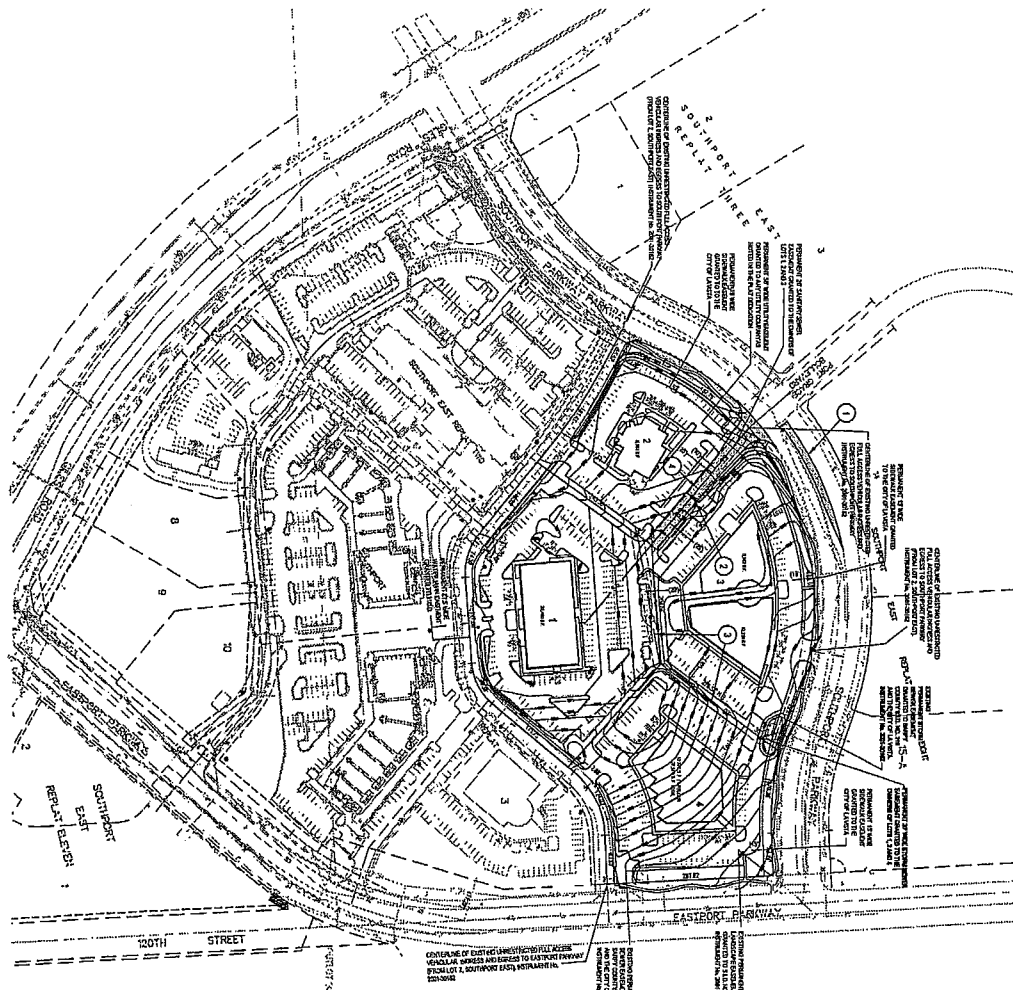
UTILITIES & IMPROVEMENTS

(Must be Submitted when Public Improvements are Proposed and/or Required)

	FINANCING %						
	Proposed			Private	S.I.D.		
	Existing	Quantity	Cost		Special	G.O.	Reimbursables
Sanitary Sewer							
Storm Sewer							
Drainage							
Major							
Collector							
Minor							
Driveways							
Parks & Open Space							
Recreation Facilities							
Water							
Electricity							
Other							
TOTALS							

Electricity: Above Ground _____ Below Ground _____
 Estimated Total Taxable Valuation: Land: _____ Improvements: _____
 Debt Ratio: _____

**Attach Itemized Estimate



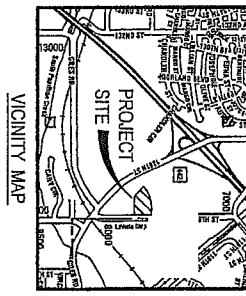
LOT #	AREA	PERCENT
1	121.42 AC.	74.1%
2	121.42 AC.	74.1%
3	121.42 AC.	74.1%
4	121.42 AC.	74.1%
5	121.42 AC.	74.1%
6	121.42 AC.	74.1%
7	121.42 AC.	74.1%
8	121.42 AC.	74.1%
9	121.42 AC.	74.1%
10	121.42 AC.	74.1%
TOTAL	1214.2 AC.	741.0%

LOT #	AREA	PERCENT
1	121.42 AC.	74.1%
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10	121.42 AC.	74.1%
TOTAL	1214.2 AC.	741.0%

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8	121.42 AC.	74.1%
9	121.42 AC.	74.1%
10	121.42 AC.	74.1%
TOTAL	1214.2 AC.	741.0%

1. LEFT TURN LANE OFF SOUTHPORT PARKWAY AT PORT CHASE BOULEVARD INTERSECTION.
2. STAIRWAY SERVING ALONG LOT LINE BETWEEN LOTS 2 & 3 FOR REBURY OF LOTS 1 & 2.
3. STORM SEWER ALONG LOT LINE BETWEEN LOTS 3 & 4 FOR REBURY OF LOTS 1 & 2.
4. PRIVATE DRIVE F.P.C.



LEGAL DESCRIPTION

BEING A NEW LAYING OFF OF LOTS 1 & 2, SOUTHPORT EAST REPLAT NINE, A SUBDIVISION LOCATED IN THE SE1/4 OF SECTION 12, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 5TH P.M. SHERIDAN COUNTY, NEBRASKA.

CONTAINING AN AREA OF 8.86 ACRES, MORE OR LESS.

DEED OF TRUST

JONAL H. HODG AND JOE MOWATT ASSOC. INC.

OWNER, NE BRD

ZONING

EXISTING C-1

PROPOSED C-2, LOTS 1 THRU 10 INCLUSIVE

NOTES

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
2. ALL LOT LINES ARE PARALLEL TO CURVED STREET'S UNLESS SHOWN AS NONPARALLEL.
3. ALL DIMENSIONS AND ANGLES SHOWN WITH DIMENSIONS ARE FOR THE LOCATION OF EASEMENTS.
4. SETTING RESTRICTIONS, DIRECT VEHICLES AS ACCESS SHALL NOT BE ALLOWED TO SOUTHPORT PARKWAY, EASTPORT PARKWAY OR EASTPORT PARKWAY LOTS ABUTTING SAID STREET, EXCEPT AT THE LOCATION NOTED AND SHOWN, POSTINDENT NO. 200 STREET, AND ALSO EXCEPT AS SHOWN AND NOTED BY THE SURVEYOR'S FIELD NOTES AND PLANS.
5. A PERMANENT STORM SEWER AND DRAINAGE SYSTEM HAS BEEN GRANTED TO THE OWNERS OF LOTS 1 THRU 10 INCLUSIVE, SOUTHPORT EAST REPLAT NINE, BY THE NEBRASKA DEPARTMENT OF REVENUE, WHICH ARE OCCUPIED BY BUILDINGS AS SHOWN ON THE PLANS. SAID LOTS 1 & 2, SOUTHPORT EAST REPLAT NINE, REBURY TO LOTS 1 THRU 10 INCLUSIVE, SOUTHPORT EAST REPLAT NINE.

Proj. No.	Revision
1	04/01/2007
2	05/01/2007
3	05/01/2007
4	05/01/2007

PUD PLAN

SOUTHPORT EAST REPLAT NINE

LAWTON, KANSAS



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

332 NORTH 117TH STREET CHAMPAIGN, IL 61814
PHONE: (815) 415-4788 FAX: (815) 415-3299
www.eagroup.com

LOTS 1 THRU 4 INCLUSIVE

NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA



- ## EAST REPUTATION

This plot of SOUTHPORT EAST REPLAT NINE (lots numbered as shown) was approved by the City Council of the City of La Verne, Michigan, on this _____ day of _____, _____ in accordance with the State Statutes of Michigan.

Neyce

This plot of SOUTHPORT EAST REPLAT NINE (lots numbered as shown) was approved by the City Planning Commission on this _____ day of _____.

Chairman of La Vista City Planning Commission

[illegible][illegible]

JOE MODERHOTT ASSOCIATES INC.

By Joseph McDermott, President

John L. Hoich

ACKNOWLEDGEMENT OF NOTARY

On this _____ day of _____, before me, the undersigned, Notary Public in and for said County, personally came Joseph McDermott, President, JOE MCDEMOTT ACCOUNTS INC., who is personally known to me as the individual person whose name is affixed to the Declaration on this poll and acknowledged the same to be his voluntary act and deed as such officer of said corporation.

Witness my hand and Notarial Seal this day and year last above written.

Molony Public

ACKNOWLEDGEMENT OF NOTARY

On this _____ day of _____, before me, the undersigned, a Notary Public in and for said County, personally came John L. Hibel, who is personally known to me, and he acknowledged to me that he is the person whose name is utilized to the Dedication on this plat and acknowledged the same to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this day and year first above written.

Notary Public

COUNTY TREASURER'S CERTIFICATE

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

DATE _____
County Treasurer _____

DATE _____ County Treasurer _____

SURVEYORS CERTIFICATE

HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED ON THE BOUNDARY AT ALL CORNERS OF ALL ANGLE POINTS AND ENDS OF ALL CURVES IN SOUTHPORT EAST REPLAY INNE, BEING A REVERTAL OF LOT 1 AND 2, SOUTHPORT EAST REPLAY SIX, A SUBDIVISION LOCATED IN THE SE1/4 OF SECTION 14, TOWNSHIP 11 NORTH, RANGE 12 EAST OF THE 6TH P.M., SAMPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

SAID TRACT OF LAND CONTAINS AN AREA OF 387,010.55010 SQUARE FEET OR 8.884 ACRES, MORE OR LESS.

JASON AHEADLEY L.S. 604 DATE

DATE _____

REVIEW OF SARDY COUNTY SURVEY OR

This parcel SOUTHPORT EAST REPLAT NINE (lots numbered as above) was reviewed by the office of the Sepp County Surveyor on this _____ day of _____.

Supply County Surveyor

APPROVAL OF SHERIFF COUNTY REGISTER OF DEEDS

Recorded on this _____ day of _____

Searcy County Registrar of Deeds **D**

0

LAVISTA, KANSAS

FINAL PLAT

Proj No: P2000.030.030	Revisions	
Date: 03/27/2007	Rev	Date
Designed By: JDE	1	04/05/2007
Drawn By: LEO	2	05/10/2007
Scale: 1" = 10'	3	05/24/2007
Sheet 1 of 1		



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

230 NORTH 117TH STREET OMAHA, NE 68154
PHONE: (402) 895-4700 FAX: (402) 895-3599
WWW.GBCI.COM

EXHIBIT "H"

City Engineer's Requirements for Approval of Replatting. Subdivider, to the extent not heretofore fully accomplished, shall at Subdivider's expense fully complete the following requirements of the City Engineer:

1. Perimeter sidewalks will be required as the lots are built upon.
2. There is an existing blanket ingress/egress easement over all of the proposed lots from prior platting. This blanket easement allows for sharing of the access points identified on the plat to Southport and Eastport parkways.
3. A shared access driveway must be identified on the PUD Plan through shadings/hatching or preparation of a separate plan to clearly show the extent of common area improvements.
4. The access points noted on the replat are to be consistent with previously approved locations. Driveway alignment with City parking lot driveways shall be consistent with previously approved access points on the replat and shall be verified to be such by the developer.
5. There shall be a modification to the existing island in Southport Parkway to create a left-turn bay for westbound traffic to turn left into the proposed access opposite of Port Grace Boulevard. This modification will need to be done at private expense and will require detailed plans and specifications. It shall be submitted to City for approval. Submission to City of performance bonds and insurance certificates will be required since this is a public street improvement.
6. The proposed replatting provides a blanket storm sewer and drainage easement over the replat lots. However, proposed Lot 1 will be draining across proposed Lots 3 and/or 4. The amount of drainage from proposed Lot 1 is more than should be surface drained across the adjacent lots. The PUD plan is to include a drainage plan showing a preliminary storm sewer layout.
7. The lots will have access to existing public utilities in Westport Parkway, but there will need to be common area extensions of storm and sanitary sewer to reach proposed Lot 1. These will be privately financed, owned and maintained sewers.
8. Subdivider shall prepare an amendment to the common area maintenance agreement prepared for Replat Six to reallocate costs of construction and maintenance due to the revised configuration of lots.
9. A staking bond or certification that all lot corners have been pinned should be provided prior to the Mayor signing the final plat, if it is approved.
10. Subdivider financial data for all public improvements, including itemized estimates of construction costs and soft costs, should be provided to City before consideration by the City Council. This information should identify that the funding source will be private.