

JAMES C. CRIPE

ATTORNEY AT LAW

1231 GOLDEN GATE CENTER
PAPILLION, NEBRASKA 68046-2879
TELEPHONE: (402) 339-8059
FAX: (402) 339-8048

August 20, 2003

Sarpy County Clerk
1210 Golden Gate Drive
Papillion, Nebraska 68046



Re: SID 246

Dear Sir or Madam:

Enclosed for filing is a Certified Copy of Petition, Articles of Association and Decree forming SID 246 of Sarpy County.

Thank you.

Very Truly Yours,

James Cripe
James C. Cripe

JCC/tmn
Enclosures

FILED
SARPY COUNTY
COURT
9 AM 10:11

COPY

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF SANITARY AND) DOC. CJO3 NO. 132
IMPROVEMENT DISTRICT NO. 246)
OF SARPY COUNTY, NEBRASKA) DECREE

THIS MATTER coming on for hearing on the 19th day of August, 2003, upon the petition of the owners of all the land included within said Sanitary and Improvement District No. 246 of Sarpy County, Nebraska, which is described in Exhibit "A", attached hereto and incorporated herein, and upon the Articles of Association of said District duly executed by the owners of all of the land included within said District, and upon the evidence:

THE COURT FINDS:

1. The owners of all of the real estate included within said District have duly executed and filed herein Articles of Association of said District and filed the petition to this Court as required by Sections 31-727 through 31-780 R.R.S. 1943, as amended.
2. There are no owners of real estate within said District who are unknown or who are non-residents or who have failed to execute and file said Articles of Association and said petition, and therefore issuance of summons or process should be dispensed with.
3. The formation of such District will be conducive to public health, convenience, and welfare of present and future owners and occupants of all said real estate included with said District.
4. All of said real estate is residential in use and character and none of said real estate is used for industrial purposes or located within any municipal corporation.
5. The five trustees nominated in said Articles of Association are suitable persons, are owners of real estate located in said District, and should be declared to be the Board of Trustees of said District to serve until their successors are duly elected and qualified.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. Sanitary and Improvement District No. 246 of Sarpy County, Nebraska, has been duly organized according to law and is hereby declared to be a public corporation of the State of Nebraska under Sections 31-727 through 31-780 R.R.S., 1943, as amended; the real estate included in said District is as heretofore described herein.

2. The five trustees nominated in the Articles of Association of said District are hereby declared to be the Board of Trustees of said District to serve until their successors are duly elected and qualified.

3. Within twenty (20) days hereafter the Clerk of this Court shall transmit to the Secretary of State of Nebraska a certified copy of the record of these proceedings for filing therein as provided by law. A certified copy of the record of these proceedings, together with a plat of the real estate included in said District, shall also be filed in the office of the County Clerk wherein said land is located.

ENTERED this 19th day of August, 2003.

BY THE COURT:



District Judge

Prepared By:

James C. Cripe, #10830
Attorney At Law
1231 Golden Gate Drive
Papillion, Nebraska 68046
(402) 339-8059

SIGNED COPY

SANITARY AND IMPROVEMENT DISTRICT NO. 246
SARPY COUNTY, NEBRASKA
DISTRICT BOUNDARY

SURVEYOR'S CERTIFICATE

THE SOUTH 1/2 OF THE NE 1/4, AND THE NORTH 1/2 OF THE SE 1/4 LYING NORTH OF STATE HIGHWAY 370, ALL IN SECTION 36, T14N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, EXCEPT THOSE PARTS TAKEN FOR STREET RIGHT-OF-WAY, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF THE SOUTH 1/2 OF SAID NE 1/4; THENCE S00°07'39"W (ASSUMED BEARING) 50.00 FEET ON THE WEST LINE OF SAID NE 1/4 TO THE SOUTH LINE OF CEDARDALE ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING S00°07'39"W 1272.99 FEET ON THE WEST LINE OF SAID NE 1/4 TO THE SW CORNER THEREOF; THENCE S00°03'08"W 820.00 FEET ON THE WEST LINE OF SAID SE 1/4 TO THE NORTH LINE OF STATE HIGHWAY 370; THENCE N76°49'43"E 2339.44 FEET ON THE NORTH LINE OF STATE HIGHWAY 370; THENCE N79°35'46"E 270.63 FEET ON THE NORTH LINE OF STATE HIGHWAY 370; THENCE N09°59'45"E 240.48 FEET ON THE NORTH LINE OF STATE HIGHWAY 370 TO THE NORTH LINE OF SAID SE 1/4; THENCE NORTHERLY ON THE WEST LINE OF 60th STREET ON THE FOLLOWING DESCRIBED 7 COURSES; THENCE N00°01'58"E 408.00 FEET ON A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4; THENCE N78°58'27"E 17.32 FEET; THENCE N00°01'58"E 50.94 FEET ON A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4; THENCE S82°40'14"W 17.14 FEET; THENCE N00°01'58"E 215.87 FEET ON A LINE 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4; THENCE S89°58'02"E 17.00 FEET; THENCE N00°01'58"E 611.89 FEET ON A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NE 1/4; THENCE N89°55'31"W 266.37 FEET ON THE SOUTH LINE OF CEDARDALE ROAD AND ON A LINE 33.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID NE 1/4; THENCE S00°04'29"W 17.00 FEET ON THE SOUTH LINE OF CEDARDALE ROAD; THENCE N89°55'31"W 2333.59 FEET ON THE SOUTH LINE OF CEDARDALE ROAD AND ON A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH 1/2 OF SAID NE 1/4 TO THE POINT OF BEGINNING.

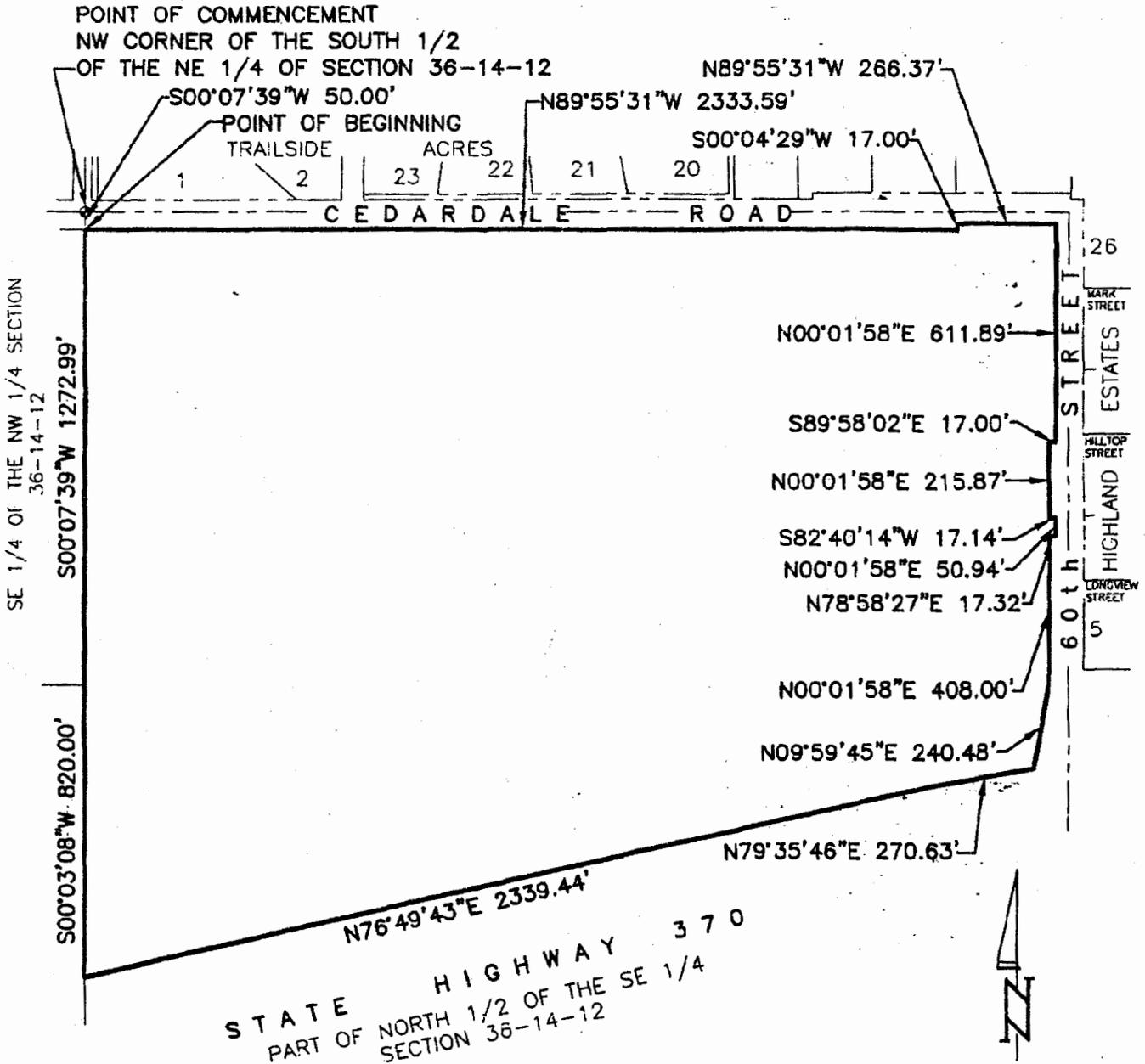
CONTAINING 106.43 ACRES MORE OR LESS.

SHEET 1 OF 2

TD2 FILE NO.: 431-104DB

DATE: JULY 29, 2003

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



SHEET 2 OF 2

KENDAL HOMES

TD2 FILE NO.: 431-104DB

DATE: JULY 29, 2003

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

COPY

FILED
SARPY COUNTY
DISTRICT COURT

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Carl Kerner
CLERK DISTRICT COURT

**ARTICLES OF ASSOCIATION
OF
SANITARY AND IMPROVEMENT DISTRICT NO. 246
OF
SARPY COUNTY, NEBRASKA**

We, the undersigned, do hereby associate ourselves together for the purpose of forming a Sanitary and Improvement District under the provisions of Sections 31-727 to 31-780, inclusive, of the Reissue Revised Statutes of Nebraska, 1943, as amended, and do hereby adopt the following Articles of Association:

ARTICLE FIRST

The name of this District shall be Sanitary and Improvement District No. 246 of Sarpy County, Nebraska.

ARTICLE SECOND

This District shall have perpetual existence.

ARTICLE THIRD

The limits of this District and the area embraced therein shall be as described in Exhibit "A", which is attached hereto and incorporated herein by reference.

ARTICLE FOURTH

The undersigned subscribers are the owners of all of the land in said proposed District. The names, respective places of residence, and descriptions of the several tracts of land situated in the District owned by all of those joining in the formation and organization of the District are as follows:

Name and Residence

Legal Description

TITAN SPRINGS, L.L.C.
1230 Royal Drive
Papillion, Nebraska 68046

See Exhibit "B"

Kenneth L. Stahl
803 Western Hills Drive
Papillion, Nebraska 68046

See Exhibit "C"

Eleanor R. Stahl
803 Western Hills Drive
Papillion, Nebraska 68046

See Exhibit "C"

Robert Mohr
309 Remington
Papillion, Nebraska 68046

See Exhibit "C"

Debra L. Mohr
309 Remington
Papillion, Nebraska 68046

See Exhibit "C"

Lana L. Schmidt
507 Corral Street
Papillion, Nebraska 68046

See Exhibit "C"

ARTICLE FIFTH

There are no known or unknown owners of real property who will be benefited by the District and who have not joined in its organization or who are nonresidents of Nebraska.

ARTICLE SIXTH

The purposes of the District shall be to acquire, install, repair, maintain, renew, reconstruct, and replace a sanitary and storm sewer system, disposal plants, a water system, a system of sidewalks, public roads, streets, highways, public waterways, docks or wharfs and related appurtenances; to provide for collection and disposal of drainage, waste, and sewage in a satisfactory manner; to install an emergency management warning system; to contract for water for fire protection and for resale to residents of the District, to contract for police protection and security services, and to contract for gas and for electricity for street lighting for the public streets and highways with the District; to construct electric service lines and conduits, and gas mains, or to contract for the installation and operation thereof; to acquire, build, improve and

operate, or, where permitted by law, to contract with other sanitary and improvement districts to acquire, build, improve, and operate public parks, playgrounds and recreational facilities for the joint use of the residents of the contracting districts; and to construct and to contract for the construction of dikes and levees for flood protection for the District. In lieu of establishing its own water system, the District may contract with any utilities district, municipality or corporation for the installation of a water system and to provide water service for fire protection and for use of the residents of the District. The District may contract with the city or county within whose zoning jurisdiction it is located for intersection and traffic control improvements, which improvements serve or benefit the district and which may be within or without the corporate boundaries of the district and for any of the purposes for which it is formed. The District may also enter into agreements with other public agencies in order to accomplish the purposes of, and pursuant to, the provisions of the Nebraska Interlocal Cooperation Act; and do any and all other activities or functions allowed by the Reissued Revised Statutes of Nebraska as the same may be amended from time to time.

ARTICLE SEVENTH

The undersigned subscribers and owners of real estate so forming this District for such purposes, are willing and obligate themselves to pay the tax or taxes which may be levied against all the property in the District and special assessments against the real property benefited which may be assessed against them, to pay the expenses that may be necessary to install a sewer system or water system, or both, within the district, as provided by law; to pay the expenses that may be necessary to construct a system of sidewalks; and to pay the expenses that may be necessary for obtaining water for fire protection and for resale to residents of the District, and the cost of grading, changing grade, paving, repairing, graveling, regravelling, widening or narrowing sidewalks and roads, resurfacing or relaying existing pavement, or otherwise improving any public roads, streets or highways within the District, including protecting existing sidewalks, streets, highways, and roads from floods or erosion which has moved within fifteen feet from the edge of such sidewalks, streets, highways, or roads, regardless or whether such flooding or erosion is of natural or artificial origin; the costs of constructing or contracting for the construction of dikes and levees for flood protection for the District, public waterways, docks or wharfs and related appurtenances; the cost of gas and electricity for street lighting for the public streets and highways within the District; the cost of collection and disposal of drainage, waste and sewage or contracting for collection and disposal of same; the cost of constructing and installing an emergency management warning system, gas mains and electric service lines and conduits; the cost of contracting for fire protection, police protection and security services; the cost of acquiring, improving, and operating public parks, playgrounds and recreational facilities, as provided by law; the costs of intersection and traffic control improvements, which improvements serve or benefit the district and which may be within or without the corporate boundaries of the district; the cost or expenses incurred pursuant to any agreement under the Nebraska Interlocal Cooperation Act; and the cost to do all other things incidental thereto and connected therewith which are not forbidden by the laws of the State of Nebraska or by these Articles of Association, all as provided by law.

ARTICLE EIGHTH

The powers of this District shall be all powers granted by Sections 31-727 to 31-780 R.R.S., 1943, as amended, and all powers granted to corporations by the laws of the State of Nebraska, as the same may be amended from time to time.

ARTICLE NINTH

The following named persons, all of whom are owners of real estate located in the proposed District, are proposed to serve as the Board of Trustees of the District until their successors are elected and qualified:

Kenneth L. Stahl
Eleanor R. Stahl
Robert Mohr
Debra L. Mohr
Lana L. Schmidt

IN WITNESS WHEREOF, the undersigned, all being owners of real estate embraced within said District, have executed these Articles of Association this ____ day of _____, 2003.

TITAN SPRINGS, L.L.C.

By: Robert W. Mohr
President - Robert w. Mohr

Robert W. Mohr
Robert W. Mohr

Kenneth L. Stahl
Kenneth L. Stahl

Debra L. Mohr
Debra L. Mohr

Eleanor R. Stahl
Eleanor R. Stahl

Lana L. Schmidt
Lana L. Schmidt

**SANITARY AND IMPROVEMENT DISTRICT NO. 246
SARPY COUNTY, NEBRASKA
DISTRICT BOUNDARY**

SURVEYOR'S CERTIFICATE

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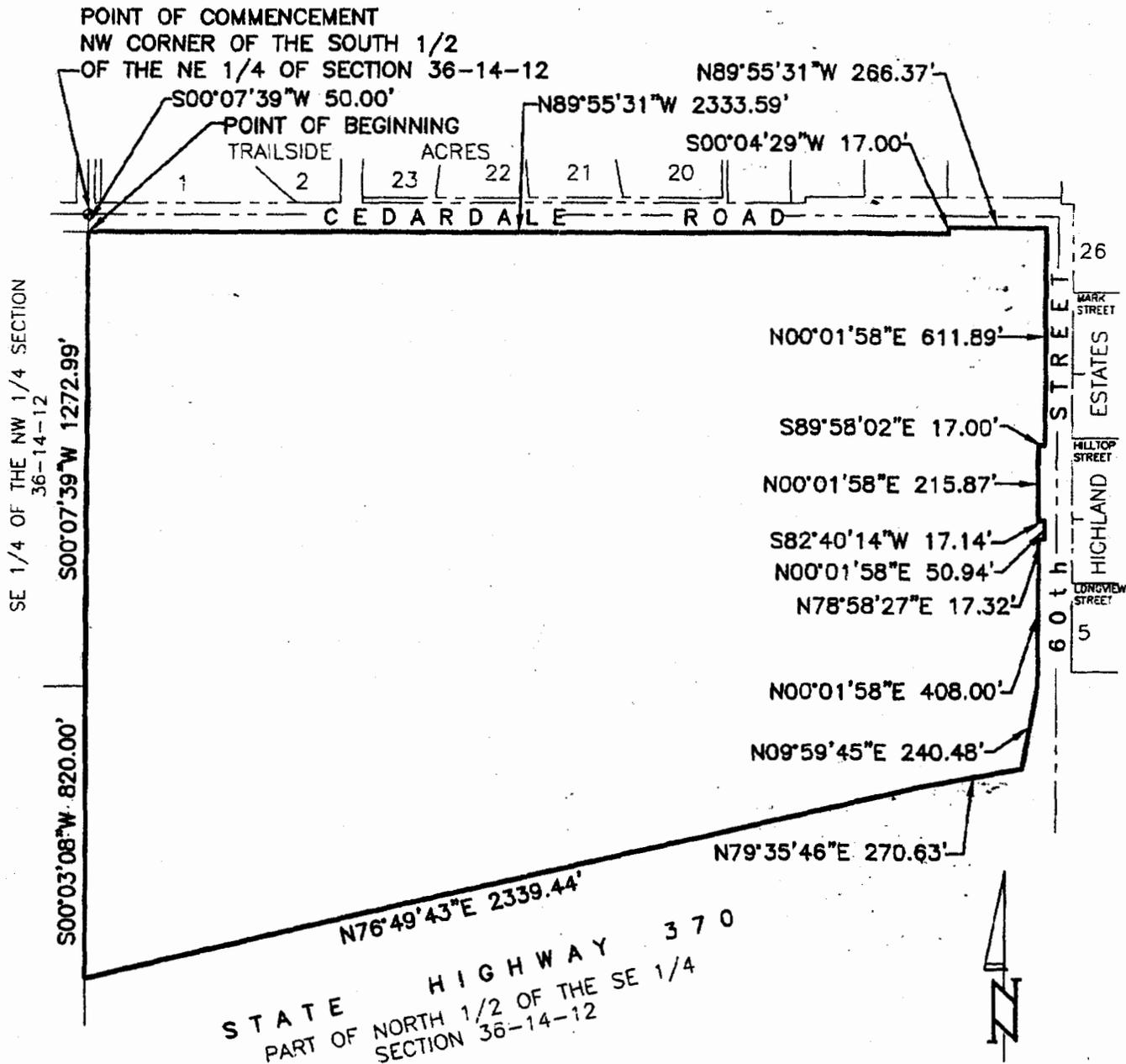
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SHEET 1 OF 2

TD2 FILE NO.: 431-104DB

DATE: JULY 29, 2003

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860



SHEET 2 OF 2

TD2 FILE NO.: 431-104DB

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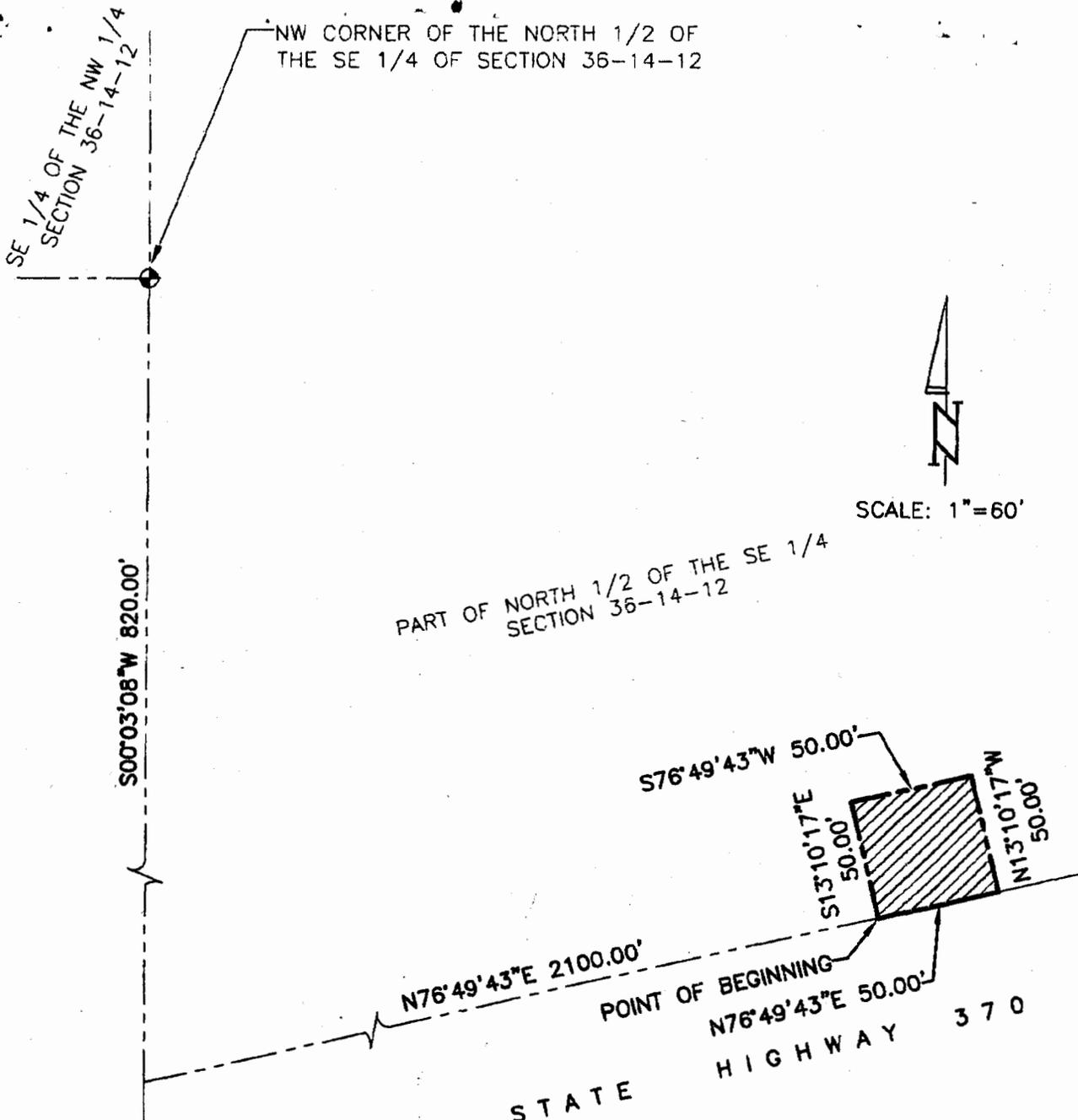
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CONTAINING 106.43 ACRES MORE OR LESS.

TITAN SPRINGS Property less that portion deeded to the Trustees described on Exhibit "C"

EXHIBIT "B"



SCALE: 1"=60'

LEGAL DESCRIPTION - TRUSTEES PARCEL

THAT PART OF THE NORTH 1/2 OF THE SE 1/4 OF SECTION 36, T14N, R12E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SE 1/4; THENCE S00°03'08"W (ASSUMED BEARING) 820.00 FEET ON THE WEST LINE OF SAID SE 1/4 TO THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 370; THENCE N76°49'43"E 2100.00 FEET ON THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 370 TO THE POINT OF BEGINNING; THENCE CONTINUING N76°49'43"E 50.00 FEET ON THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 370; THENCE N13°10'17"W 50.00 FEET; THENCE S76°49'43"W 50.00 FEET; THENCE S13°10'17"E 50.00 FEET TO THE POINT OF BEGINNING.

TD2 FILE NO.: 431-104-TP

DATE: JULY 29, 2003

THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

COPY

FILED
SARPY COUNTY
DISTRICT COURT

2003 AUG 18 PM 12:24

Carl Jensen
CLERK DISTRICT COURT

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF SANITARY AND)	DOC. <i>CT03</i> NO. <i>1132</i>
)	
IMPROVEMENT DISTRICT NO. 246)	PETITION FOR DECLARATION
)	OF FORMATION OF SANITARY
OF SARPY COUNTY, NEBRASKA)	AND IMPROVEMENT DISTRICT

COME NOW the petitioners and allege as follows:

I.

Petitioners are the owners of all of the real estate described in Exhibit "A" which is attached hereto and incorporated herein.

II.

Petitioners have, on this date, filed with the Clerk of the District Court of said County duly executed Articles of Association forming Sanitary and Improvement District 246 of Sarpy County, Nebraska, which District embraces all said real estate described in Exhibit "A".

III.

Petitioners allege that all of the provisions of Sections 31-727 through 31-762, Reissue Revised Statutes of Nebraska, 1943, as amended, have been fully complied with and that said District should be found and decreed to be a Sanitary and Improvement District under said Sections of the Revised Statutes of Nebraska.

WHEREFORE, your Petitioners pray:

1. That the Court find that all of the owners of the real estate described above and embrace within said District have duly executed Articles of Association forming such District and have caused this Petition to be executed.

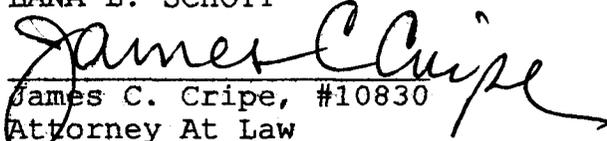
2. That the Court find and decree that Sanitary and Improvement District No. 246 of Sarpy County, Nebraska, has been duly organized and constitutes a Sanitary and Improvement

District under Sections 31-727 through 31-762, R.R.S., 1943, as amended, and is entitled, therefore, to all rights, powers, and privileges granted by law to such Districts, and that the five persons nominated as Trustees in the Articles of Association be declared to be the Board of Trustees of said District.

EXECUTED this _____ day of _____, 2002.

Petitioners:
TITAN SPRINGS, L.L.C.
KENNETH L. STAHL
ELEANOR R. STAHL
ROBERT MOHR
DEBRA L. MOHR
LANA L. SCHOTT

By:


James C. Cripe, #10830
Attorney At Law
1231 Golden Gate Drive
Papillion, Nebraska 68046
(402) 339-8059

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

James C. Cripe, being first duly sworn and upon oath, deposes and states that he is one of the duly authorized attorneys for the Petitioners, that he has read the Petition, knows the contents thereof and the facts stated therein are true as he verily believes.


James C. Cripe

Subscribed and Sworn to before me this _____ day of _____, 2003.

Notary

**SANITARY AND IMPROVEMENT DISTRICT NO. 246
SARPY COUNTY, NEBRASKA
DISTRICT BOUNDARY**

SURVEYOR'S CERTIFICATE

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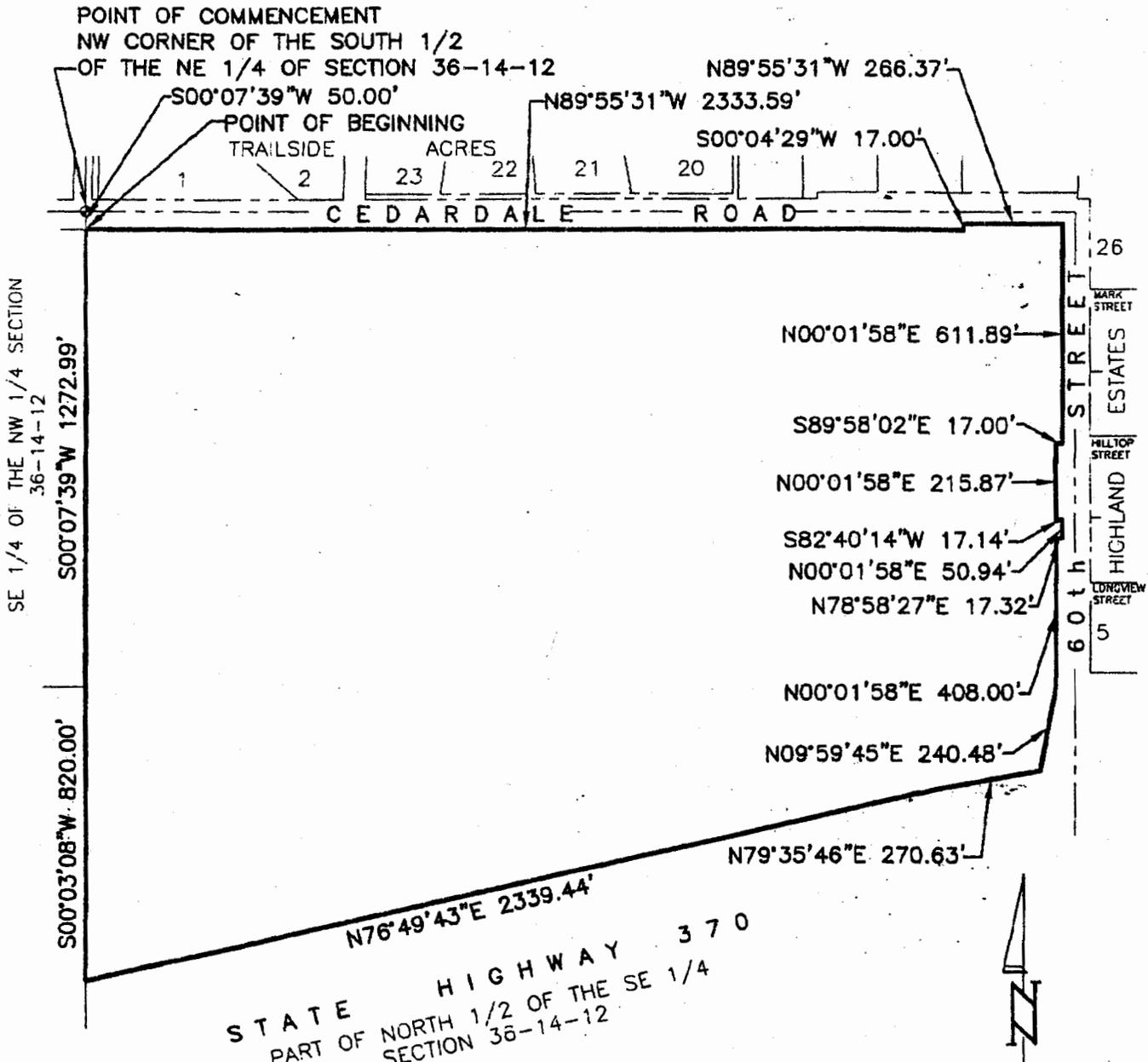
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SHEET 2 OF 2

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THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

STATE OF NEBRASKA, }
COUNTY OF SARPY, } ss.

I, Carol Kremer, Clerk of the District Court, in and for Sarpy County in the Second Judicial District of Nebraska, do hereby certify that the above and foregoing is a true copy of
PETITION FOR DECLARATION OF FORMATION OF SANITARY & IMPROVEMENT DIST. 246;.....
ARTICLES OF ASSOCIATION & DECREE
entered in a cause in said court wherein IN THE MATTER OF SANITARY AND IMPROVEMENT
DISTRICT NO. 246 OF SARPY COUNTY NEBRASKA
plaintiff and
.....
~~defendant~~....., Docket ..CI03..... Page 1132....., as the same appear fully upon the records of said Court now in my charge remaining as Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Papillion, this 19 day of August A.D. 20⁰³

CAROL KREMER

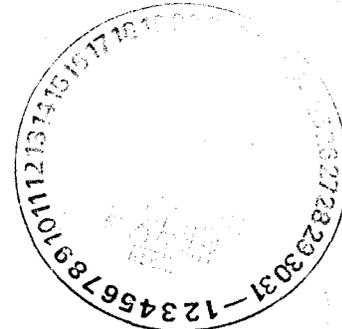
CLERK



DEPUTY CLERK

NEW SID
#246

~~May~~
Aug
20, 2003



TO: Register of Deeds
County Clerk ✓
Election Commissioner
Sheriff
County Planning Department
City of Papillion

NOTICE OF FORMATION OF
SID 246 OF SARPY COUNTY, NEBRASKA
(TITAN SPRINGS)

1. The District Number is SID 246.
2. The boundaries of the District are 60th Street to 66th Street, Cedardale to Highway 370. (See Attached)
3. The District was formed to develop Residential and Commercial Real Estate.
4. The District has the power to Levy an unlimited Property Tax to pay its debt and its expenses of operation and maintenance.
5. The District is required to levy special assessments on properties in the District to full extent of special benefits by reason of improvements installed.
6. The annual budget of the District is filed with the County Clerk, which budget shows the anticipated revenue and expenses, tax levy, and indebtedness.
7. The actual current tax levy amount of the district may be obtained from the County Clerk.
8. Copy of annual financial audit of the District is on file with the Clerk of the District and the Auditor of Public Accounts.

Dated this 20 day of August, 2003.

JAMES C. CRIFE, ATTORNEY
1231 Golden Gate Drive
Papillion, Nebraska 68046
(402) 339-8059

