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SARPY COUNTY
DISTRICT COURT

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NOTICE

Carol Kemer
CLERK DISTRICT COURT

TO: Sarpy County Clerk

Pursuant to Section 31-728 Nebraska Statutes, Notice is hereby given to inform you that a Petition has been filed on 8-10-04, 2004, for the formation of Sanitary and Improvement District No. 257 of Sarpy County, Nebraska, in the Clerk of the District Court's Office at Sarpy County, Nebraska.

This case has been designated as Docket C704, Number 150.

CLERK OF THE DISTRICT COURT
OF SARPY COUNTY, NEBRASKA

By *Carol Kemer*

Date August 10, 2004

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF)
)
SANITARY AND IMPROVEMENT)
DISTRICT NO. 257 OF SARPY)
COUNTY, NEBRASKA)

DOC. C704

PAGE

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CLERK DISTRICT COURT
Paul Henry

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DISTRICT COURT

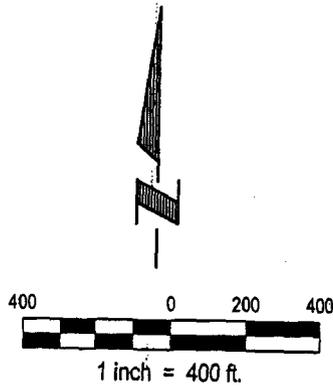
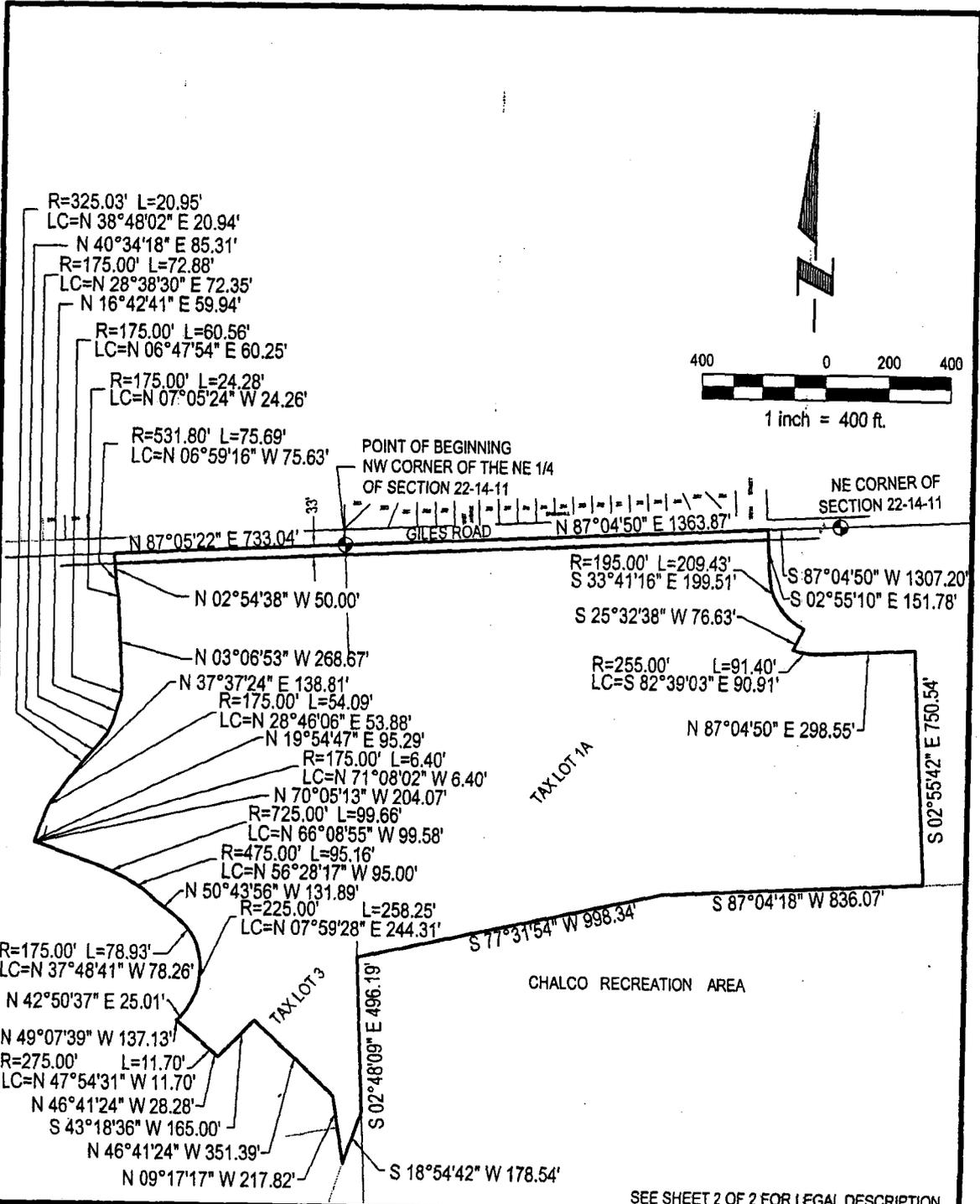
THIS MATTER coming on for hearing upon the duly executed Petition of the owner of all of the land included within said Sanitary and Improvement District No. 257 of Sarpy County, Nebraska, as more particularly described on Exhibit "A" attached hereto and by this reference made a part of this Decree, and upon the Articles of Association of said District duly executed by the owner of all of the land included within said District, and upon the evidence:

The Court finds:

1. That the owner of all of the real estate included within said District has executed and filed herein Articles of Association and the Petition with this Court as required by Sections 31-727 to 31-793 R.R.S., 1943, as amended.
2. That 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 Petition and therefore issuance of summons or process should be dispensed with.
3. That the formation of such District will be conducive to public health, convenience and welfare of present and future owners of all of said real estate included within said District.
4. That none of said real estate is located within any municipal corporation.
5. That the five Trustees nominated in said Articles of Association are suitable persons, are the designated representative Trustees of the owner 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 AS FOLLOWS:

1. Sanitary and Improvement District No. 257 of Sarpy County, Nebraska has been duly organized according to law and is hereby declared to be a public



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION


E&A CONSULTING GROUP, INC.
 ENGINEERS • PLANNERS • SURVEYORS
12001 O STREET OMAHA, NE 68137 PHONE: (402) 893-4700

Drawn by: EAS Chkd by: _____ Date: _____ Chkd by: _____ Date: _____
 Job No.: 2004045.01 Date: 07/15/2004 SHEET 1 OF 2

DISTRICT BOUNDARY
 S.I.D. NO. 257
 SARPY COUNTY, NEBRASKA

LEGAL DESCRIPTION

Part of Tax Lot 1A, a Tax Lot located in the NE1/4 of Section 22; and also together with part of Tax Lot 3, a Tax Lot located in the NW1/4 of said Section 22; all located in Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of said NE1/4 of Section 22, said point also being the Northeast corner of said Tax Lot 3, said point also being the Northwest corner of said Tax Lot 1A; thence N87°04'50"E (assumed bearing) along the North line of said NE1/4 of Section 22, said line also being the North line of said Tax Lot 1A, a distance of 1363.87 feet; thence S02°55'10"E, a distance of 151.78 feet; thence Southeasterly on a curve to the left with a radius of 195.00 feet a distance of 209.43 feet, said curve having a long chord which bears S33°41'16"E, a distance of 199.51 feet; thence S25°32'38"W, a distance of 76.63 feet; thence Easterly on a curve to the left with a radius of 255.00 feet a distance of 91.40 feet, said curve having a long chord which bears S 82°39'03"E, a distance of 90.91 feet; thence N87°04'50"E, a distance of 298.55 feet; thence S02°55'42"E, a distance of 750.54 feet to a point on the South line of said Tax Lot 1A, said point also being the Northerly line of the Chalco Recreation Area; thence S87°04'18" W along said South line of Tax Lot 1A, said line also being said Northerly line of the Chalco Recreation Area, a distance of 836.07 feet; thence S77°31'54"W along said South line of said Tax Lot 1A and the Westerly extension thereof, said line also being said Northerly line of the Chalco Recreation Area, a distance of 998.34 feet; thence S02°48'09"E along said Northerly line of the Chalco Recreation Area, a distance of 496.19 feet to a point on the Easterly line of said Tax Lot 3; thence S18°54'42"W along said Easterly line of Tax Lot 3, said line also being said Northerly line of the Chalco Recreation Area, a distance of 178.54 feet; thence N09°17'17"W, a distance of 217.82 feet; thence N46°41'24"W, a distance of 351.39 feet; thence S43°18'36"W, a distance of 165.00 feet; thence N46°41'24"W, a distance of 28.28 feet; thence Northwesterly on a curve to the left with a radius of 275.00 feet a distance of 11.70 feet, said curve having a long chord which bears N47°54'31"W, a distance of 11.70 feet; thence N49°07'39"W, a distance of 137.13 feet; thence N42°50'37"E, a distance of 25.01 feet; thence Northwesterly on a curve to the left with a radius of 225.00 feet a distance of 258.25 feet, said curve having a long chord which bears N07°59'28"E, a distance of 244.31 feet; thence Northwesterly on a curve to the left with a radius of 175.00 feet a distance of 78.93 feet, said curve having a long chord which bears N37°48'41"W, a distance of 78.26 feet; thence N50°43'56"W, a distance of 131.89 feet, thence Northwesterly on a curve to the left with a radius of 475.00 feet a distance of 95.16 feet, said curve having a long chord which bears N56°28'17"W, a distance of 95.00 feet; thence Northwesterly on a curve to the left with a radius of 725.00 feet a distance of 99.66 feet, said curve having a long chord which bears N 66°08'55" W, a distance of 99.58 feet; thence N70°05'13"W, a distance of 204.07 feet; thence Northwesterly on a curve to the right with a radius of 175.00 feet a distance of 6.40 feet, said curve having a long chord which bears N71°08'02"W, a distance of 6.40 feet; thence N19°54'47"E, a distance of 95.29 feet; thence Northeasterly on a curve to the right with a radius of 175.00 feet a distance of 54.09 feet, said curve having a long chord which bears N28°46'06"E, a distance of 53.88 feet; thence N37°37'24"E, a distance of 138.81 feet; thence Northeasterly on a curve to the right with a radius of 348.56 feet a distance of 20.95 feet, said curve having a long chord which bears N38°48'02"E, a distance of 20.94 feet; thence N40°34'18"E, a distance of 85.31 feet; thence Northeasterly on a curve to the left with a radius of 175.00 feet a distance of 72.88 feet, said curve having a long chord which bears N28°38'30"E, a distance of 72.35 feet; thence N16°42'41"E, a distance of 59.94 feet; thence Northerly on a curve to the left with a radius of 175.00 feet a distance of 60.56 feet, said curve having a long chord which bears N06°47'54"E, a distance of 60.25 feet; thence N03°06'53"W, a distance of 268.67 feet; thence Northerly on a curve to the left with a radius of 175.00 feet a distance of 24.28 feet, said curve having a long chord which bears N07°05'24"W, a distance of 24.26 feet; thence Northerly on a curve to the right with a radius of 531.80 feet a distance of 75.69 feet, said curve having a long chord which bears N 06°59'16" W, a distance of 75.63 feet; thence N 02°54'38" W, a distance of 50.00 feet to a point on the North line of said NW1/4 of Section 22, said point also being on the North line of said Tax Lot 3; thence N87°05'22"E along said North line of the NW1/4 of Section 22, said line also being said North line of Tax Lot 3, a distance of 733.04 feet to the point of beginning.

Said tract of land contains an area of 3,198,976 square feet or 73.438 acres, more or less.

Said tract of land contains 69,198 square feet or 1.589 acres, more or less of 33 foot wide Giles Road right-of-way.

SEE SHEET 1 OF 2 FOR DRAWING



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DISTRICT BOUNDARY
S.I.D. NO. 257
SARPY COUNTY, NEBRASKA

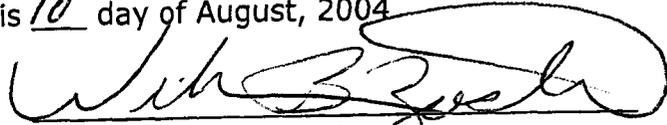
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| Drawn by: EAS | Chkd by: _____ Date: _____ | Chkd by: _____ Date: _____ |
| Job No.: 2004045.01 | Date: 07/15/2004 | SHEET 2 OF 2 |

corporation of the State of Nebraska under Sections 31-727 to 31-793 1943, as amended, that the real estate included in said District is as heretofore described herein.

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

3. That 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 herein as provided by law, and a certified copy of the record of those 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 and Decreed this 10th day of August, 2004


District Judge

8-10-04 2 COPIES FOR: ROBERT C. DOYLE. -
(NO ENVELOPE. -)

FILED
SARPY COUNTY
DISTRICT COURT

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Carol Hemer
Clerk

C704-1150

ARTICLES OF ASSOCIATION
OF
SANITARY AND IMPROVEMENT DISTRICT NO. 257
OF SARPY COUNTY, NEBRASKA

The undersigned, does hereby associate ourselves together for the purpose of forming a Sanitary and Improvement District under the provisions of Sections 31-727 to 31-793, inclusive, of the Reissued Revised Statutes of the State of Nebraska, 1943, as amended, and do hereby adopt the following Articles of Association.

ARTICLE I

The name of this District shall be Sanitary and Improvement District No. 257 of Sarpy County, Nebraska.

ARTICLE II

This District shall have perpetual existence.

ARTICLE III

The limits of this District and the area embraced therein shall be described on Exhibit "A" attached hereto and by this reference made a part hereof.

ARTICLE IV

The undersigned subscriber is the owner of property in said proposed District and has set out immediately opposite its name and business address.

ARTICLE V

The description of the land situated in the District owned by the undersigned is described on Exhibit "A" attached hereto.

ARTICLE VI

There are no owners of property within the District who have not joined in the execution of these Articles of Association nor are there any unknown owners of real estate embraced within the District.

ARTICLE VII

The purpose of this District shall be acquiring, installing, repairing, maintaining, renewing, operating and replacing electrical service lines and conduits, a sewer system, a water system, a system of sidewalks, public roads, streets and highways, to contract for fire protection and for resale to the residents of the District,

to contract for gas and electricity, to contract for street lighting for the public streets and highways within the District and to acquire, improve, and operate public parks, playgrounds and recreational facilities and to install and maintain a civil defense warning system. The District shall have all of the powers and authorities as are permitted by law, to achieve the purposes herein above set forth, including, but not in limitation of the foregoing, the power and authority to contract with corporations, utilities companies, or municipalities for water for fire protection and for resale to the residents of the District, and for electricity and gas, for street lighting of the public streets and highways within the District and for the disposal of sewage in the use of existing sewage improvement facilities and for the operation and maintenance of electrical service lines and conduits and to enter into contracts with other governmental authorities and subdivisions per the terms and powers granted by the "Interlocal Cooperation Act" of the State of Nebraska.

ARTICLE VIII

The undersigned, being the owner of real estate within the District is willing to obligate itself to pay the tax or taxes which may be levied against all of the property in the District and special assessments against the real property benefitted which may be assessed against them, to pay the expenses that may be necessary to install a sewer, or water system, or both a sewer and water system, the cost of contracting for water for fire protection and resale to the residents of the District, the cost of grading, changing grade, paving, repairing, graveling, regravelling, widening or narrowing sidewalks and roads, resurfacing or relaying existing paving, or otherwise improving any public roads, streets, or highways within the District and the cost of electricity for street lighting for the public streets and highways within the District, and the cost of installing gas and electric service lines and conduits, the cost of acquiring, improving and operating public parks, playgrounds and recreational facilities, and the cost of installing and maintaining a civil defense warning system, as provided by law and all other costs and expenses incurred by the District as provided by law.

ARTICLE IX

The powers of this District shall be all powers granted by Sections 31-727 to 31-793 R.R.S. Neb. 1943, as amended, and all powers granted to corporations by the laws of the State of Nebraska and all amendments thereto.

ARTICLE X

The following named persons are proposed as designated representative Trustees to serve on behalf of the Boyer Young Equities V, L.L.C., a Nebraska limited liability company, owner of the property within the District and as described on Exhibit "A" attached hereto, as a Board of Trustees of the District until their successors are elected and qualified:

James M. Ecker
Neil L. Smith
Rick Geiler
Cheryl McKenzie
Mike Freestone

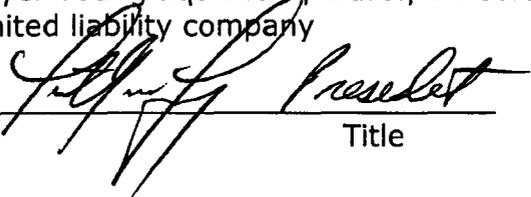
All of the foregoing Trustees will serve as the designated representatives of the Boyer Young Equities V, L.L.C., property owner within the District.

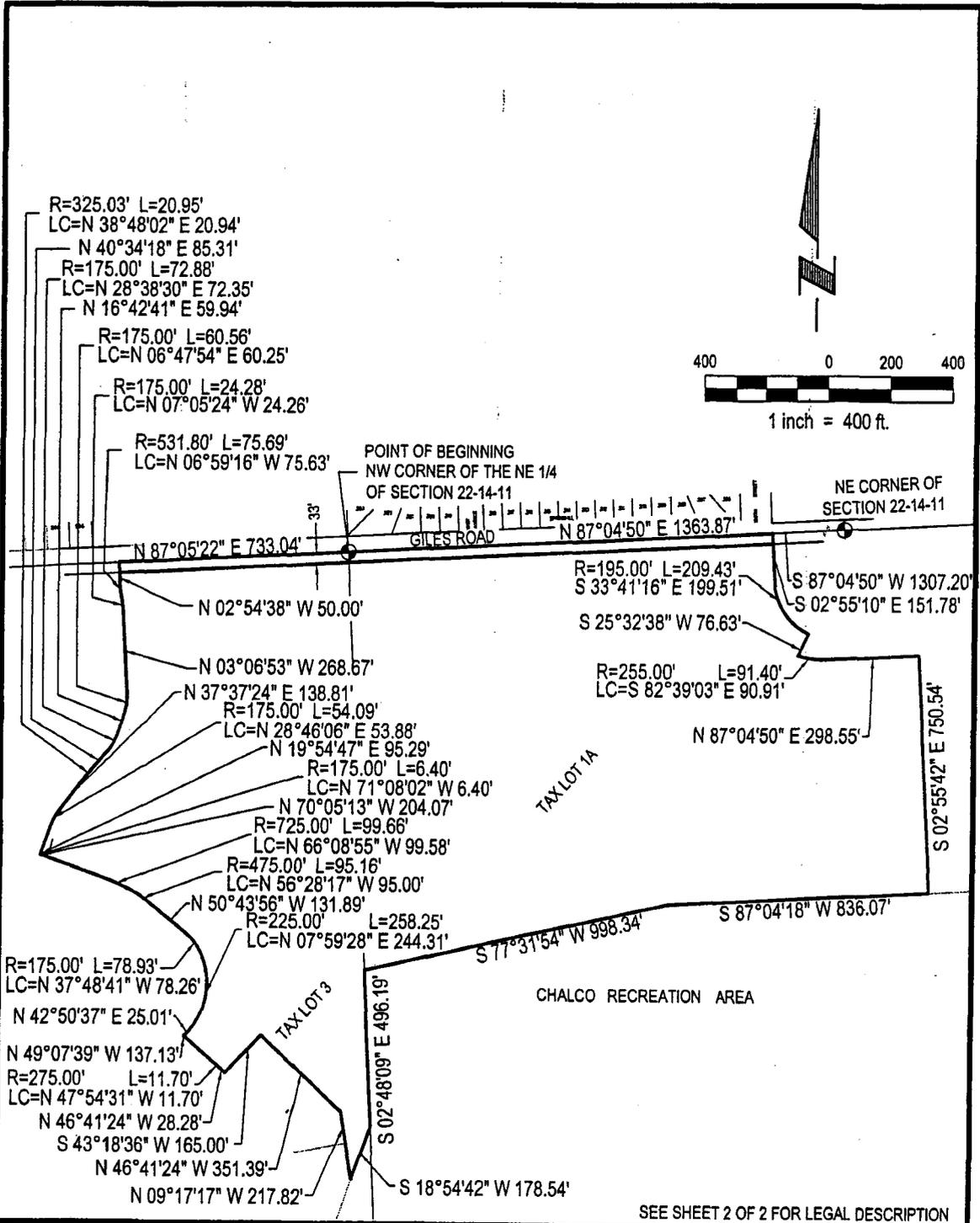
IN WITNESS WHEREOF, the undersigned, the owner of real estate embraced within said District has executed these Articles of Association this 6th day of August, 2004.

| NAME | ADDRESS |
|-------------------------------------------------------------------------|-------------------------------------------|
| Boyer Young Equities V, L.L.C., a Nebraska limited liability company | 9805 Giles Road, La Vista, Nebraska 68128 |

Boyer Young Equities V, L.L.C., a Nebraska
limited liability company

By


Title



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION


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DISTRICT BOUNDARY
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Drawn by: EAS Chkd by: _____ Date: _____ Chkd by: _____ Date: _____
 Job No.: 2004045.01 Date: 07/15/2004 SHEET 1 OF 2

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Exhibit "A"

LEGAL DESCRIPTION

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Beginning at the Northwest corner of said NE1/4 of Section 22, said point also being the Northeast corner of said Tax Lot 3, said point also being the Northwest corner of said Tax Lot 1A; thence N87°04'50"E (assumed bearing) along the North line of said NE1/4 of Section 22, said line also being the North line of said Tax Lot 1A, a distance of 1363.67 feet; thence S02°55'10"E, a distance of 151.78 feet; thence Southeasterly on a curve to the left with a radius of 195.00 feet a distance of 209.43 feet, said curve having a long chord which bears S33°41'16"E, a distance of 199.51 feet; thence S25°32'38"W, a distance of 76.63 feet; thence Easterly on a curve to the left with a radius of 255.00 feet a distance of 91.40 feet, said curve having a long chord which bears S 82°39'03"E, a distance of 90.91 feet; thence N87°04'50"E, a distance of 298.55 feet; thence S02°55'42"E, a distance of 750.54 feet to a point on the South line of said Tax Lot 1A, said point also being the Northerly line of the Chalco Recreation Area; thence S87°04'18" W along said South line of Tax Lot 1A, said line also being said Northerly line of the Chalco Recreation Area, a distance of 836.07 feet; thence S77°31'54"W along said South line of said Tax Lot 1A and the Westerly extension thereof, said line also being said Northerly line of the Chalco Recreation Area, a distance of 998.34 feet; thence S02°48'09"E along said Northerly line of the Chalco Recreation Area, a distance of 496.19 feet to a point on the Easterly line of said Tax Lot 3; thence S18°54'42"W along said Easterly line of Tax Lot 3, said line also being said Northerly line of the Chalco Recreation Area, a distance of 178.54 feet; thence N09°17'17"W, a distance of 217.82 feet; thence N46°41'24"W, a distance of 351.39 feet; thence S43°18'36"W, a distance of 165.00 feet; thence N46°41'24"W, a distance of 28.28 feet; thence Northwesterly on a curve to the left with a radius of 275.00 feet a distance of 11.70 feet, said curve having a long chord which bears N47°54'31"W, a distance of 11.70 feet; thence N49°07'39"W, a distance of 137.13 feet; thence N42°50'37"E, a distance of 25.01 feet; thence Northwesterly on a curve to the left with a radius of 225.00 feet a distance of 258.25 feet, said curve having a long chord which bears N07°59'28"E, a distance of 244.31 feet; thence Northwesterly on a curve to the left with a radius of 175.00 feet a distance of 78.93 feet, said curve having a long chord which bears N37°48'41"W, a distance of 78.26 feet; thence N50°43'56"W, a distance of 131.89 feet, thence Northwesterly on a curve to the left with a radius of 475.00 feet a distance of 95.16 feet, said curve having a long chord which bears N56°28'17"W, a distance of 95.00 feet; thence Northwesterly on a curve to the left with a radius of 725.00 feet a distance of 99.66 feet, said curve having a long chord which bears N 66°08'55" W, a distance of 99.58 feet; thence N70°05'13"W, a distance of 204.07 feet; thence Northwesterly on a curve to the right with a radius of 175.00 feet a distance of 6.40 feet, said curve having a long chord which bears N71°08'02"W, a distance of 6.40 feet; thence N19°54'47"E, a distance of 95.29 feet; thence Northeasterly on a curve to the right with a radius of 175.00 feet a distance of 54.09 feet, said curve having a long chord which bears N28°46'06"E, a distance of 53.88 feet; thence N37°37'24"E, a distance of 138.81 feet; thence Northeasterly on a curve to the right with a radius of 348.56 feet a distance of 20.95 feet, said curve having a long chord which bears N38°48'02"E, a distance of 20.94 feet; thence N40°34'18"E, a distance of 85.31 feet; thence Northeasterly on a curve to the left with a radius of 175.00 feet a distance of 72.88 feet, said curve having a long chord which bears N28°38'30"E, a distance of 72.35 feet; thence N16°42'41"E, a distance of 59.94 feet; thence Northerly on a curve to the left with a radius of 175.00 feet a distance of 60.56 feet, said curve having a long chord which bears N06°47'54"E, a distance of 60.25 feet; thence N03°06'53"W, a distance of 268.67 feet; thence Northerly on a curve to the left with a radius of 175.00 feet a distance of 24.28 feet, said curve having a long chord which bears N07°05'24"W, a distance of 24.26 feet; thence Northerly on a curve to the right with a radius of 531.80 feet a distance of 75.69 feet, said curve having a long chord which bears N 06°59'16" W, a distance of 75.63 feet; thence N 02°54'38" W, a distance of 50.00 feet to a point on the North line of said NW1/4 of Section 22, said point also being on the North line of said Tax Lot 3; thence N87°05'22"E along said North line of the NW1/4 of Section 22, said line also being said North line of Tax Lot 3, a distance of 733.04 feet to the point of beginning.

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DISTRICT BOUNDARY

S.I.D. NO. 257

SARPY COUNTY, NEBRASKA

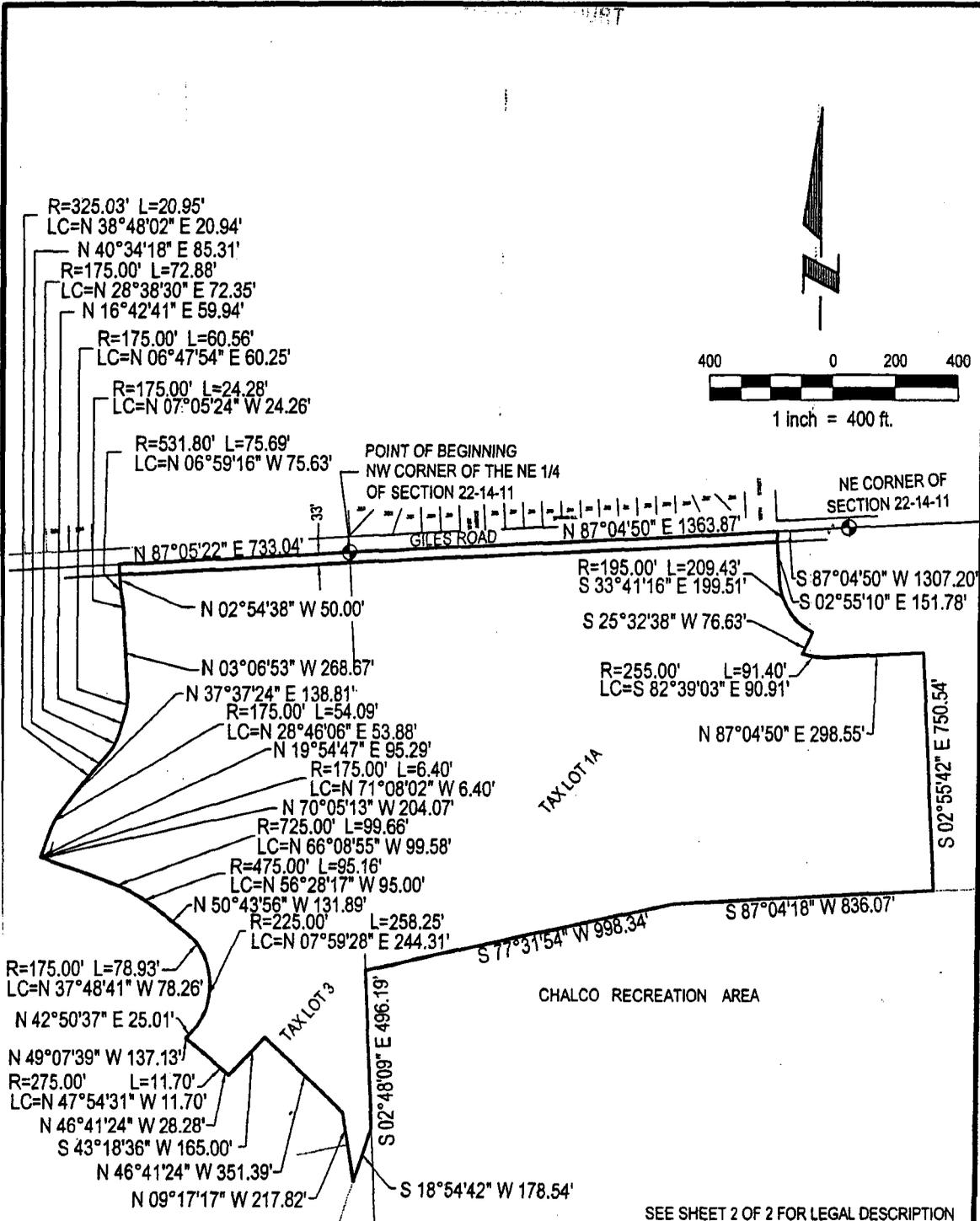
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Carol Kerner
CLERK



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

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12201 O STREET, OMAHA, NE 68137 PHONE: (402) 895-1700

DISTRICT BOUNDARY
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Drawn by: EAS Chkd by: Date: Chkd by: Date:
Job No: 2004045.01 Date: 07/15/2004 SHEET 1 OF 2

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Said tract of land contains an area of 3,198,976 square feet or 73.438 acres, more or less.

Said tract of land contains 69,198 square feet or 1.589 acres, more or less of 33 foot wide Giles Road right-of-way.

SEE SHEET 1 OF 2 FOR DRAWING



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ENGINEERS • PLANNERS • SURVEYORS
12201 O STREET, OKAWA, NE 68137 PHONE: (402) 885-1700

DISTRICT BOUNDARY
S.I.D. NO. 257
SARPY COUNTY, NEBRASKA

Drawn by: EAS Chkd by: Date: Chkd by: Date:
Job No.: 2004045.01 Date: 07/15/2004 SHEET 2 OF 2

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF)
)
SANITARY AND IMPROVEMENT)
DISTRICT NO. 257 OF SARPY)
COUNTY, NEBRASKA)

DOC. C204 PAGE 150

PETITION

FILED
SARPY COUNTY
DISTRICT COURT
2004 AUG 10 PM 12:10
C. J. Kennedy
CLERK OF DISTRICT COURT

COMES NOW the undersigned Petitioner and alleges as follows:

I.

The undersigned is the owner of all of the real estate described on Exhibit "A" attached hereto and by this reference made a part of this petition.

II.

The undersigned petitioner has, on this date, filed with the Clerk of the District Court of Sarpy County, Nebraska duly executed Articles of Association forming the Sanitary and Improvement District described in the caption hereof, which District embraces the foregoing described real estate.

III.

Your petitioner alleges that all of the provisions of Section 31-727 to 31-793 R.R.S. Neb. 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 Sections 31-727 to 31-793, as amended, of the Revised Statutes of the State of Nebraska.

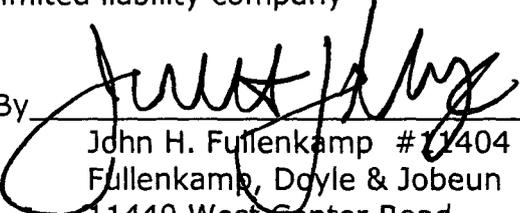
WHEREFORE, your petitioner prays:

1. That the Court find that all of the owners of the real estate described herein and embraced within said District have duly executed this petition.

2. That the court find and decree that the Sanitary and Improvement District described in the caption hereof, the same being Sanitary and Improvement District No. 257 of Sarpy County, Nebraska has been duly organized and constitutes a Sanitary and Improvement District under Sections 31-727 to 31-793 R.R.S., Neb. 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 6th day of August, 2004

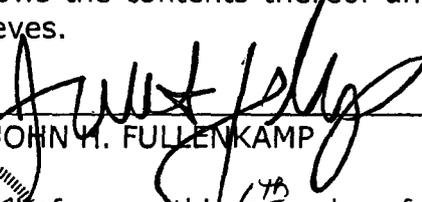
Boyer Young Equities V, L.L.C., a Nebraska
limited liability company

By 
John H. Fullenkamp #11404
Fullenkamp, Doyle & Jobeun
11440 West Center Road
Omaha, NE 68144

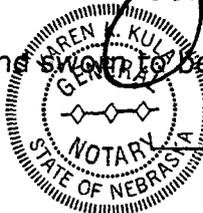
Its Attorney

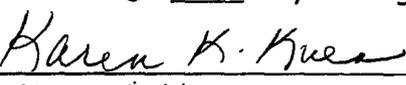
STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

JOHN H. FULLENKAMP, being first duly sworn upon oath, deposes and states that he is one of the duly authorized attorneys for the foregoing petitioner; that he has read the foregoing petition, knows the contents thereof and that the facts stated therein are true as he verily believes.

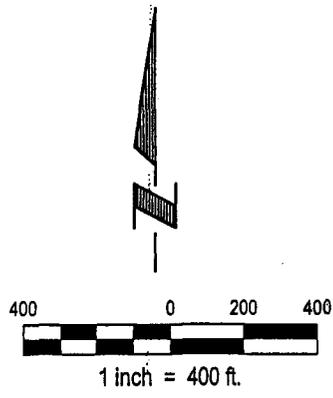
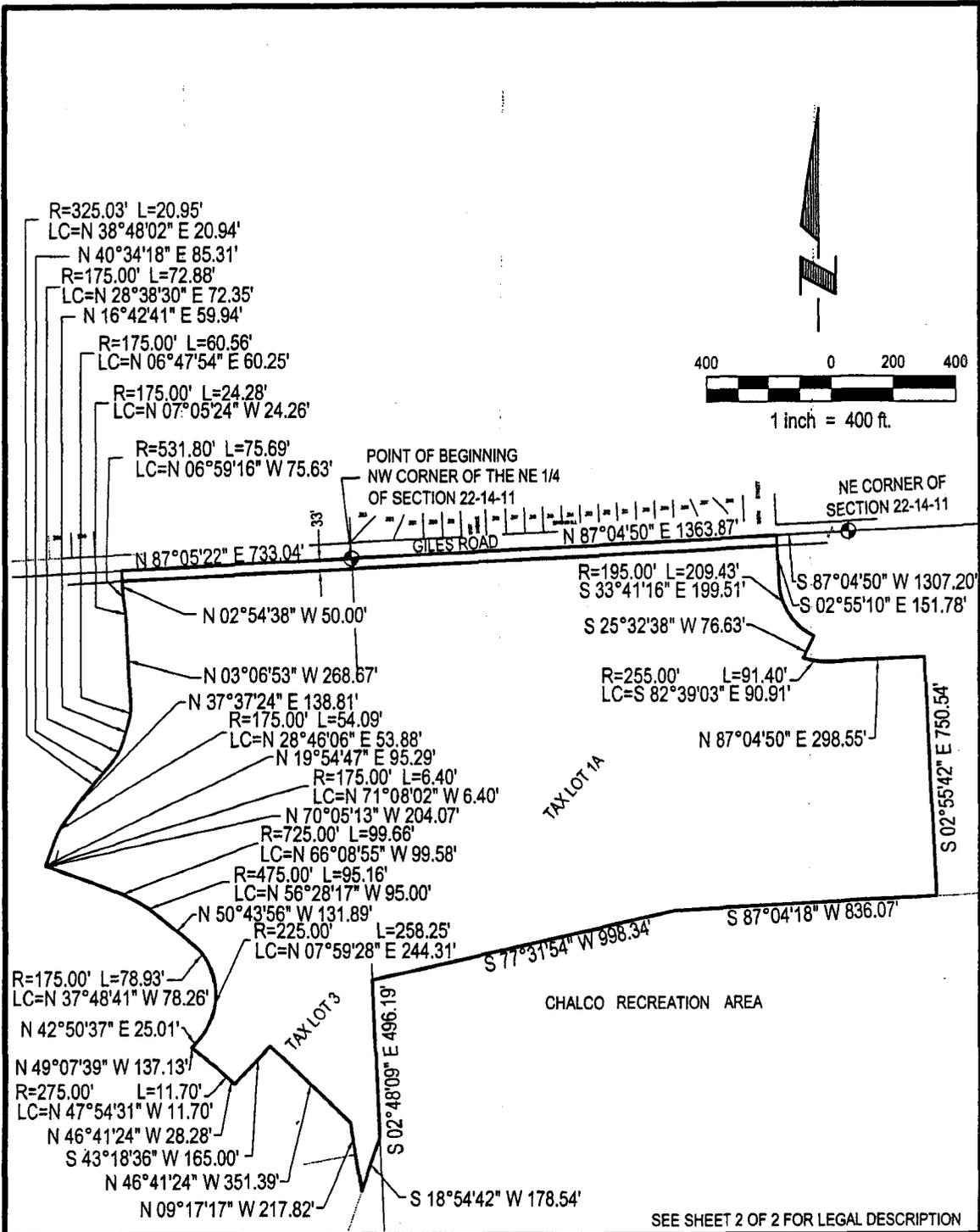

JOHN H. FULLENKAMP

SUBSCRIBED and sworn to before me this 6th day of August, 2004




Notary Public

MY COMMISSION EXPIRES:
JULY 26, 2005



SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION


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 ENGINEERS • PLANNERS • SURVEYORS
12001 G STREET OMAHA, NE 68137 PHONE: (402) 895-1700

DISTRICT BOUNDARY
 S.I.D. NO. 257
 SARPY COUNTY, NEBRASKA

Drawn by: EAS Chkd by: _____ Date: _____ Chkd by: _____ Date: _____

Job No.: 2004045.01 Date: 07/15/2004 SHEET 1 OF 2

LEGAL DESCRIPTION

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DISTRICT BOUNDARY
S.I.D. NO. 257
SARPY COUNTY, NEBRASKA

Drawn by: EAS Chkd by: Date: Chkd by: Date:
Job No.: 2004045.01 Date: 07/15/2004 SHEET 2 OF 2

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; ARTICLES OF ASSOCIATION; PLAT; DECREE & NOTICE.....
.....
entered in a cause in said court whereinIN THE MATTER OF SANITARY AND IMPROVEMENT.....
.....DISTRICT NO. 257 of SARPY COUNTY NEBRASKA.....
plaintiff and
.....
defendant....., Docket CI04..... Page1150....., 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, this11.... day ofAugust..... A.D. 2004.

Carol Kremer
CLERK

DEPUTY CLERK

8-16-04
game to

Assess. Jennifer

Surveyor - Judy
Election - Susan.

1st Two Paged