

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF)
)
SANITARY AND IMPROVEMENT DISTRICT)
NO. 272 OF SARPY COUNTY, NEBRASKA)

DOC. C106

DECREE



This matter having come on for hearing upon the Petition filed on behalf of the owner having an interest in real property within the limits of proposed Sanitary and Improvement District No. 272 of Sarpy County, Nebraska, the boundaries to which are more particularly described in Exhibit A thereto attached and by this reference herein incorporated, together with Articles of Association executed by the owner, as more particularly described in Exhibit B attached to the Petition and by this reference herein incorporated, the Court, being fully advised in the premises and having considered the evidence, finds generally that the allegations of the Petition are true and that the prayer thereof should be granted and finds specifically:

1. That the owner of all of the real estate included within the limits of such district has duly authorized the execution of the Petition on its behalf and has duly executed and filed in the office of the Clerk of the Court Articles of Association as required by Section 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law; and that, there being no known or unknown owners of real property nor residents nor nonresidents of Nebraska who will be benefited by the formation of such district and who have not joined in its organization and the execution of such Articles of Association, issuance and service of summons, notice, or other process may and should be dispensed with as unnecessary;

2. That the Court has personal jurisdiction of the Petitioner in this matter and also jurisdiction of its subject matter pursuant to the provisions of Sections 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law;

3. That the formation and organization of such district is and will be conducive to the public convenience, health, and welfare of all of the present and future owners having an interest in real property within its limits and all residents or other occupants within its limits;

4. That no part of the real property within the limits of such district is located within the limits of any municipal corporation or used for industrial purposes; and

5. That the five persons designated in the Articles of Association as initial Trustees are suitable persons, are the designated representative Trustees of the owner of real property within the limits of such district, and may and should be declared to constitute the Board of Trustees of such district to serve until their successors are elected and qualified.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. That the Sanitary and Improvement District No. 272 of Sarpy County, Nebraska, having been duly formed and organized as provided by law, be, and it hereby is, declared to be a public corporation of Nebraska under the provisions of Sections 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law and under the Articles of Association and with the real property within its limits as in this Decree above-described and to be entitled to exercise all of the powers, privileges, and rights thereto granted by law;

2. That the five (5) Trustees nominated be, and they hereby are, approved, confirmed and declared to be and constitute the Board of Trustees of such district to serve until their successors are elected and qualified; and

3. That the Clerk of the Court be, and he hereby is, directed within twenty (20) days hereafter to transmit to the Secretary of State of Nebraska, for filing in the office thereof as provided by law, a certified copy of the record hereto relating and to provide, for filing in the office of the County Clerk of Sarpy County, Nebraska, together with a plat of the real property within the limits of said district, an additional certified copy of said record.

DATED: 1/13, 2006.

BY THE COURT:



District Judge

PREPARED AND SUBMITTED BY:

Dennis P. Hogan, III (#11876)
PANSING HOGAN ERNST & BACHMAN LLP
10250 Regency Circle, Suite 300
Omaha, NE 68114 (402) 397-5500
Attorneys for the Petitioners

SIGNED COPY

ARTICLES OF ASSOCIATION

OF

SANITARY AND IMPROVEMENT DISTRICT NO. 272
OF SARPY COUNTY, NEBRASKA

KNOW ALL MEN BY THESE PRESENTS: THAT, the undersigned, being the owner having an interest in real property within the limits thereof, hereby associates itself for the formation of a sanitary and improvement district under the provisions of Sections 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law and do hereby adopt these Articles of Association, to-wit:

ARTICLE I.

Name

The name of the District is "Sanitary and Improvement District No. 272 of Sarpy County, Nebraska."

ARTICLE II.

Existence

The existence of the District is perpetual.

ARTICLE III.

Limits

The limits of the District are described as follows:

That part of the Southwest Quarter of Section 24, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, described as follows:

Commencing at the northeast corner of said Southwest Quarter of Section 24;

Thence South 00°09'09" East (bearings referenced to the Final Plat of EAGLE CREST, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska) for 2351.25 feet along the east line of said Southwest Quarter of Section 24 to the north end of 66th Street and the north right of way line of Cornhusker Road (Old Nebraska Highway 208); Thence along said north right of way line for the following seven (7) courses:

- 1) Thence South 89°50'51" West for 50.00 feet;
 - 2) Thence South 00°09'09" East for 216.79 feet parallel with and 50.00 foot west of the east line of said Southeast Quarter of Section 24;
 - 3) Thence North 89°44'52" West for 415.00 feet;
 - 4) Thence South 89°12'46" West for 1452.83 feet;
 - 5) Thence North 89°57'58" West for 200.00 feet;
 - 6) Thence North 89°45'24" West for 237.01 feet parallel with and 56.87 foot north of the south line of said Southeast Quarter of Section 24;
 - 7) Thence North 89°40'37" West for 200.09 feet to the east right of way line of 72nd Street;
- Thence North 08°56'12" West for 92.97 feet along said east right of way line;

Carol Stemeny
CLERK DISTRICT COURT

2006 JAN 13 PM 12:53

SARPY COUNTY
DISTRICT COURT

Thence North 00°12'45" West for 299.98 feet along said east right of way line;
 Thence South 89°52'33" West for 60.00 feet to the west line of said Southwest Quarter of Section 24;
 Thence North 00°10'36" West for 496.48 feet along said west line of the Southwest Quarter of Section 24;
 Thence North 89°31'01" East for 59.84 feet to the east right of way line of 72nd Street;
 Thence along said east right of way line for the following five (5) courses:
 1) Thence North 00°00'02" West for 103.15 feet;
 2) Thence North 05°21'34" East for 100.65 feet;
 3) Thence North 00°09'53" West for 1200.30 feet;
 4) Thence North 08°17'44" East for 201.76 feet;
 5) Thence North 00°06'47" West for 101.24 feet to the north line of said Southwest Quarter of Section 24;
 Thence South 89°47'33" East for 2530.36 feet along said north line of the Southwest Quarter of Section 24 to the northeast corner thereof and to the Point of Beginning.
 Contains 152.226 acres including 0.376 acres of existing county roadway easement for 72nd Street.

ARTICLE IV.
Owner

The undersigned developer is the owner of property in said proposed District and its name and business address is set forth herein, as follows:

<u>NAME</u>	<u>ADDRESS</u>
Rogers Development, Inc.	8250 Grover Street Omaha, NE 68124

ARTICLE V.
Purposes and Powers

The purposes for which the District is organized are, in general, to acquire, build, improve, install, maintain, remove, renew, repair, replace, or otherwise conduct or operate electric service lines and conduits, a system of sanitary and storm sewers, a water system, a civil defense warning system, a system of sidewalks, public highways, roads, and streets, public waterways, docks or wharfs, and related appurtenances, dikes and levees for flood protection, and public parks, playgrounds and other recreational facilities, to contract with any one or more corporations, municipalities, or persons for electricity for illumination of public highways, roads, and streets, for gas, for police protection and security services, for water for fire protection and resale to or use by residents within the district, and for disposal of or use of facilities for disposal or refuse, sewage, or other wastes, to contract with other governmental authorities and subdivisions in accordance with the provisions of the Interlocal Cooperation Act (Sections 23-2001 to 23-2007, Reissue Revised Statutes of Nebraska, 1943) as now in effect or as may be hereafter amended, and to perform any one or more other functions now or hereafter permitted under the provisions of Section 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, or any other applicable provisions of law; and, for the effectuation of its purposes, the powers of the district include without limitation all powers now or hereafter granted to under said provisions and all other powers now or hereafter granted to public corporations under the law of Nebraska appropriate, convenient, or necessary to said purposes.

ARTICLE VI.
Liabilities of Owners

The undersigned, being the owner of real estate within the District, is willing to obligate itself to pay the tax or taxes hereafter levied against such property and the special assessment or assessments against real property benefited hereafter assessed against them and also to pay the expenses necessary for installing a sewer, or water system, or both a sewer and water system, the cost of water for fire protection, 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, the cost of constructing public waterways, docks or wharfs, and related appurtenances, the cost of constructing or contracting for the construction of dikes and levees for flood protection for the District, the cost of contracting for water for fire protection and for resale to residents of the District, the cost of contracting for police protection and security services, and the cost of electricity for street lighting for the public streets and highways within the district, the cost of civil defense warning system, the cost of installing gas and electric service lines and conduits, the cost of acquiring, improving and operating public parks, playgrounds, and recreation facilities, and, where permitted by this section, the cost of contracting for building, acquiring, improving, and operating public parks, playgrounds, and recreational facilities, as provided by the law of Nebraska.

ARTICLE VII.
Board of Trustees

The following named persons are proposed as designated representative Trustees to serve on behalf of Rogers Development, Inc., 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:

Michael F. Rogers
Joseph P. Rogers
John C. Rogers
Walter J. Slobotski
Betsy A. Rogers

ARTICLE VIII.
Adoption and Amendment

These Articles of Association take effect from and after their execution by the undersigned and the determination by the District Court of Sarpy County, Nebraska, of the District to be a public corporation of Nebraska; and thereafter the Board of Trustees has authority from time to time, with or without approval of the District Court of Sarpy County, Nebraska, as provided by the law of Nebraska, to alter, amend, or revoke all or any part of these Articles of Association.

IN WITNESS WHEREOF, the undersigned has executed these Articles of Association on January 12, 2006.

ROGERS DEVELOPMENT, INC., a Nebraska
corporation (Developer),

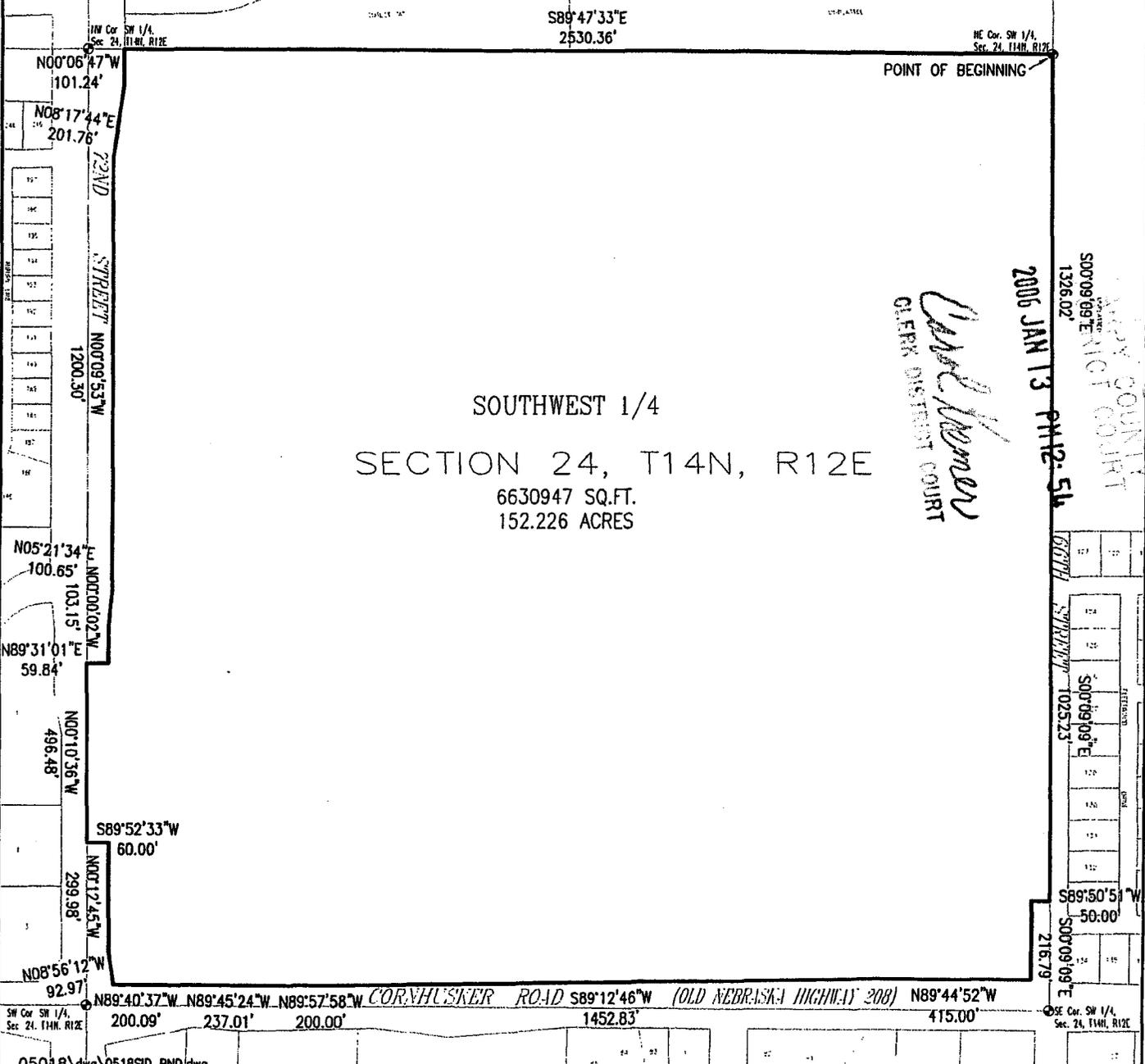
By 
Michael F. Rogers, President

05018

SID BOUNDARY LEGAL DESCRIPTION

That part of the Southwest Quarter of Section 24, Township 14 North, Range 12 East of the
6th P.M., Sarpy County, Nebraska, described as follows:
SEE ATTACHED SHEET FOR COMPLETE LEGAL DESCRIPTION

200 0 200 400



05018.dwg \0518SID BND.dwg
Book 05018 Page _____ Date October 21, 2005 Dwn.By JHVD Job Number 05018.01 / 003



Lamp, Ryneason & Associates, Inc.

WWW.LRA-INC.COM

14710 West Dodge Road, Suite 100
Omaha, Nebraska 68154-2027

(Ph) 402.496.2498
(Fax) 402.496.2730

LEGAL DESCRIPTION

SID BOUNDARY

That part of the Southwest Quarter of Section 24, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, described as follows:

Commencing at the northeast corner of said Southwest Quarter of Section 24;

Thence South 00°09'09" East (bearings referenced to the Final Plat of EAGLE CREST, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska) for 2351.25 feet along the east line of said Southwest Quarter of Section 24 to the north end of 66th Street and the north right of way line of Cornhusker Road (Old Nebraska Highway 208);

Thence along said north right of way line for the following seven (7) courses:

- 1) Thence South 89°50'51" West for 50.00 feet;
- 2) Thence South 00°09'09" East for 216.79 feet parallel with and 50.00 foot west of the east line of said Southeast Quarter of Section 24;
- 3) Thence North 89°44'52" West for 415.00 feet;
- 4) Thence South 89°12'46" West for 1452.83 feet;
- 5) Thence North 89°57'58" West for 200.00 feet;
- 6) Thence North 89°45'24" West for 237.01 feet parallel with and 56.87 foot north of the south line of said Southeast Quarter of Section 24;
- 7) Thence North 89°40'37" West for 200.09 feet to the east right of way line of 72nd Street;
Thence North 08°56'12" West for 92.97 feet along said east right of way line;
Thence North 00°12'45" West for 299.98 feet along said east right of way line;
Thence South 89°52'33" West for 60.00 feet to the west line of said Southwest Quarter of Section 24;

Thence North 00°10'36" West for 496.48 feet along said west line of the Southwest Quarter of Section 24;

Thence North 89°31'01" East for 59.84 feet to the east right of way line of 72nd Street;

Thence along said east right of way line for the following five (5) courses:

- 1) Thence North 00°00'02" West for 103.15 feet;
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Thence South 89°47'33" East for 2530.36 feet along said north line of the Southwest Quarter of Section 24 to the northeast corner thereof and to the Point of Beginning.

Contains 152.226 acres including 0.376 acres of existing county roadway easement for 72nd Street.

FILED
SARPY COUNTY
DISTRICT COURT
IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

2006 JAN 13 PM 12: 53

DOC. CTB 6

NO. SD

IN THE MATTER OF

SANITARY AND IMPROVEMENT DISTRICT
NO. 272 OF SARPY COUNTY, NEBRASKA
DISTRICT COURT

PETITION

Comes now Petitioner and states:

1. The undersigned is the owner of all the real estate more particularly described as set out in Exhibit A hereto attached; and no part of such real property is located within the limits of any municipal corporation or used for industrial purposes.

2. The undersigned has this date filed in the office of the Clerk of the District Court of Sarpy County, Nebraska, Articles of Association heretofore duly made and signed by them for the formation and organization of the proposed district more particularly described as set out in Exhibit B hereto attached.

3. All of the provisions of Sections 31-727 to 31-793, Reissued Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law have been completely and fully complied with; and the proposed district should be declared to be a sanitary and improvement district under such Sections.

WHEREFORE, Petitioners pray:

1. That the Court find that the owner of the real property described in Exhibit A and embraced within the limits of proposed Sanitary and Improvement District No. 272 of Sarpy County, Nebraska, has executed proper Articles of Association for its formation and organization described in Exhibit B and has caused this Petition to be filed on its behalf; and

2. That the Court further find, declare, and decree that Sanitary and Improvement District No. 272 of Sarpy County, Nebraska, has been duly and lawfully formed and organized as a public corporation of Nebraska and constitutes a sanitary and improvement district under Sections 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, entitled to exercise all powers, privileges, and rights thereto granted by law and that the persons designated as Trustees by its Articles

of Association constitute its initial Board of Trustees to serve until their successors are elected and qualified.

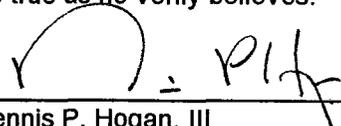
DATED: January 12, 2006.

ROGERS DEVELOPMENT, INC., a Nebraska corporation (Developer), Petitioner

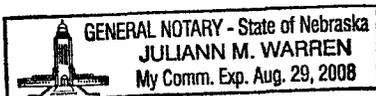
By 
Dennis P. Hogan, III (#11876)
PANSING HOGAN ERNST & BACHMAN LLP
10250 Regency Circle, Suite 300
Omaha, NE 68114 (402) 397-5500

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Dennis P. Hogan, III, being first duly sworn, on his oath deposes and says that he is one of the attorneys for Petitioner, ROGERS DEVELOPMENT, INC., a Nebraska corporation (Developer); that he is duly authorized to file the foregoing Petition on behalf of the Petitioner; that he has read and knows its contents; and that the statements therein made are true as he verily believes.


Dennis P. Hogan, III

SUBSCRIBED AND SWORN to before me this 12th day of January, 2006.



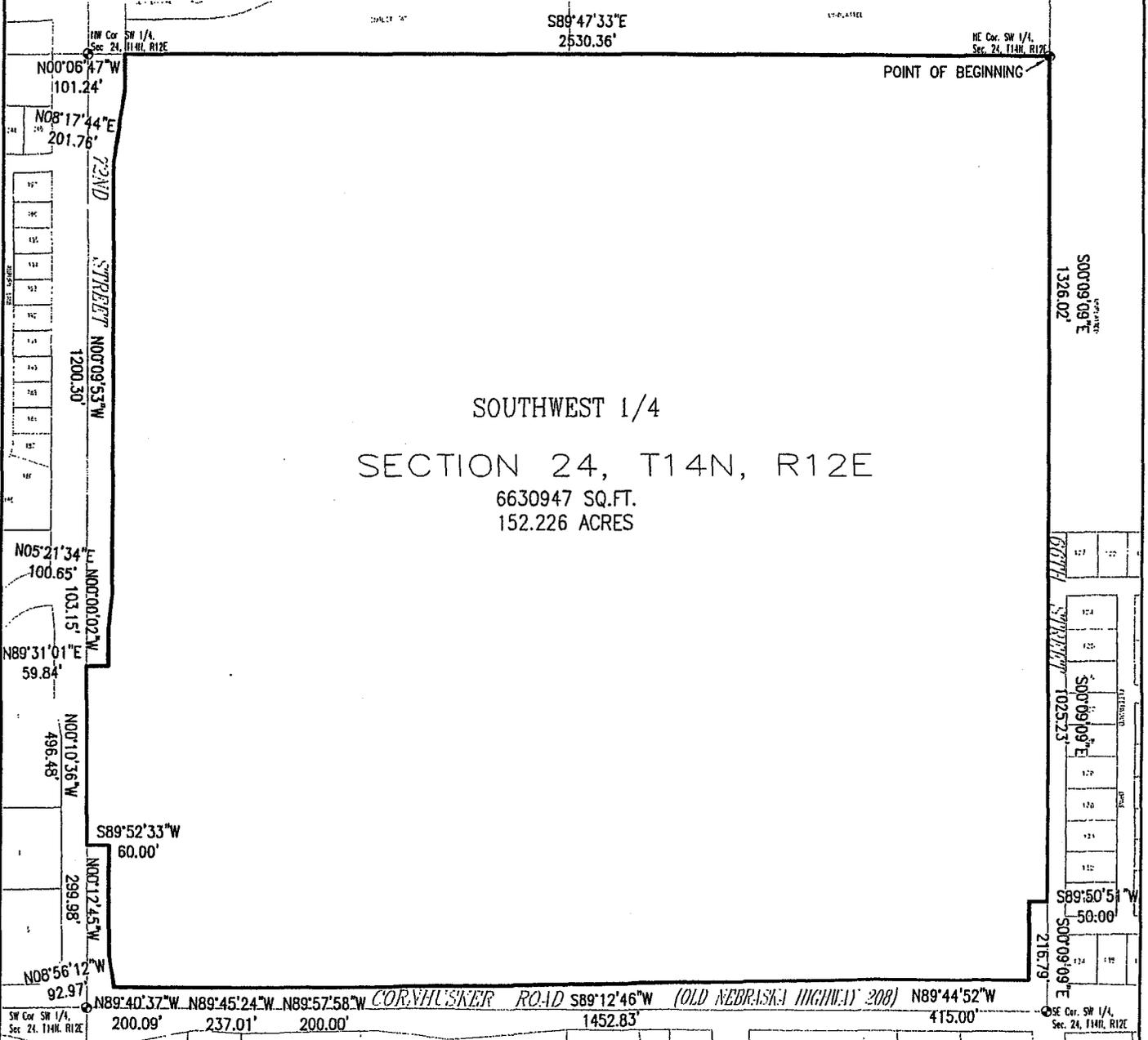

Notary Public

EXHIBIT A

**SID BOUNDARY
LEGAL DESCRIPTION**

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6th P.M., Sarpy County, Nebraska, described as follows:
SEE ATTACHED SHEET FOR COMPLETE LEGAL DESCRIPTION

200 0 200 400



SOUTHWEST 1/4
SECTION 24, T14N, R12E
6630947 SQ.FT.
152.226 ACRES

05018.dwg\0518SID BND.dwg

Book 05018 Page _____ Date October 21, 2005 Dwn.By JHVD Job Number 05018.01 / 003



Lamp, Rynearson & Associates, Inc.

WWW.LRA-INC.COM

14710 West Dodge Road, Suite 100
Omaha, Nebraska 68154-2027

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Contains 152.226 acres including 0.376 acres of existing county roadway easement for 72nd Street.

ARTICLES OF ASSOCIATION
OF
SANITARY AND IMPROVEMENT DISTRICT NO. 272
OF SARPY COUNTY, NEBRASKA

KNOW ALL MEN BY THESE PRESENTS: THAT, the undersigned, being the owner having an interest in real property within the limits thereof, hereby associates itself for the formation of a sanitary and improvement district under the provisions of Sections 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, and all other applicable provisions of law and do hereby adopt these Articles of Association, to-wit:

ARTICLE I.

Name

The name of the District is "Sanitary and Improvement District No. 272 of Sarpy County, Nebraska."

ARTICLE II.

Existence

The existence of the District is perpetual.

ARTICLE III.

Limits

The limits of the District are described as follows:

That part of the Southwest Quarter of Section 24, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, described as follows:

Commencing at the northeast corner of said Southwest Quarter of Section 24;

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 Contains 152.226 acres including 0.376 acres of existing county roadway easement for 72nd Street.

ARTICLE IV.
Owner

The undersigned developer is the owner of property in said proposed District and its name and business address is set forth herein, as follows:

<u>NAME</u>	<u>ADDRESS</u>
Rogers Development, Inc.	8250 Grover Street Omaha, NE 68124

ARTICLE V.
Purposes and Powers

The purposes for which the District is organized are, in general, to acquire, build, improve, install, maintain, remove, renew, repair, replace, or otherwise conduct or operate electric service lines and conduits, a system of sanitary and storm sewers, a water system, a civil defense warning system, a system of sidewalks, public highways, roads, and streets, public waterways, docks or wharfs, and related appurtenances, dikes and levees for flood protection, and public parks, playgrounds and other recreational facilities, to contract with any one or more corporations, municipalities, or persons for electricity for illumination of public highways, roads, and streets, for gas, for police protection and security services, for water for fire protection and resale to or use by residents within the district, and for disposal of or use of facilities for disposal or refuse, sewage, or other wastes, to contract with other governmental authorities and subdivisions in accordance with the provisions of the Interlocal Cooperation Act (Sections 23-2001 to 23-2007, Reissue Revised Statutes of Nebraska, 1943) as now in effect or as may be hereafter amended, and to perform any one or more other functions now or hereafter permitted under the provisions of Section 31-727 to 31-793, Reissue Revised Statutes of Nebraska, 1943, as amended, or any other applicable provisions of law; and, for the effectuation of its purposes, the powers of the district include without limitation all powers now or hereafter granted to under said provisions and all other powers now or hereafter granted to public corporations under the law of Nebraska appropriate, convenient, or necessary to said purposes.

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ARTICLE VII.
Board of Trustees

The following named persons are proposed as designated representative Trustees to serve on behalf of Rogers Development, Inc., 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:

Michael F. Rogers
Joseph P. Rogers
John C. Rogers
Walter J. Slobotski
Betsy A. Rogers

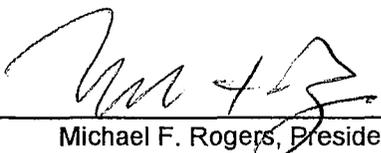
ARTICLE VIII.
Adoption and Amendment

These Articles of Association take effect from and after their execution by the undersigned and the determination by the District Court of Sarpy County, Nebraska, of the District to be a public corporation of Nebraska; and thereafter the Board of Trustees has authority from time to time, with or without approval of the District Court of Sarpy County, Nebraska, as provided by the law of Nebraska, to alter, amend, or revoke all or any part of these Articles of Association.

IN WITNESS WHEREOF, the undersigned has executed these Articles of Association on January 12, 2006.

ROGERS DEVELOPMENT, INC., a Nebraska
corporation (Developer),

By _____


Michael F. Rogers, President

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; PLAT; ARTICLES OF ASSOCIATION & DECREE.....
.....
entered in a cause in said court whereinIN THE MATTER OF SANITARY AND IMPROVEMENT
.....DISTRICT NO...272 OF SARPY COUNTY NEBRASKA.....
plaintiff and
.....
defendant, Docket ..CL06..... Page80....., 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, this17... day ofJanuary..... A.D. 20...06

Carol Kremer
CLERK

DEPUTY CLERK