

FILED
SARPY COUNTY
DISTRICT COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF 2013 APR 29 AM 11:20 DOC. C113 PAGE 646

SANITARY AND IMPROVEMENT DISTRICT NO. 294 OF SARPY COUNTY, NEBRASKA
CLERK DISTRICT COURT DECREE

THIS MATTER coming on for hearing upon the duly executed Petition of the owners of all of the land included within said Sanitary and Improvement District No. 294 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 owners of all of the land included within said District, and upon the evidence:

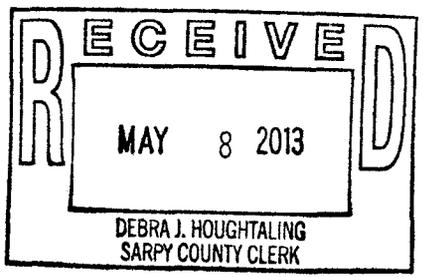
The Court finds:

1. That the owners of all of the real estate included within said District have 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 persons designated to serve as representatives of the 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:

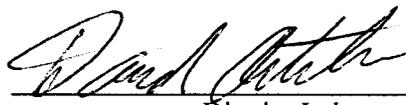
1. Sanitary and Improvement District No. 294 of Sarpy County, Nebraska has been duly organized according to law and is hereby declared to be a public corporation of the State of Nebraska under Sections 31-727 to 31-793 1943, as amended, that the real estate included in said District is as heretofore 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.

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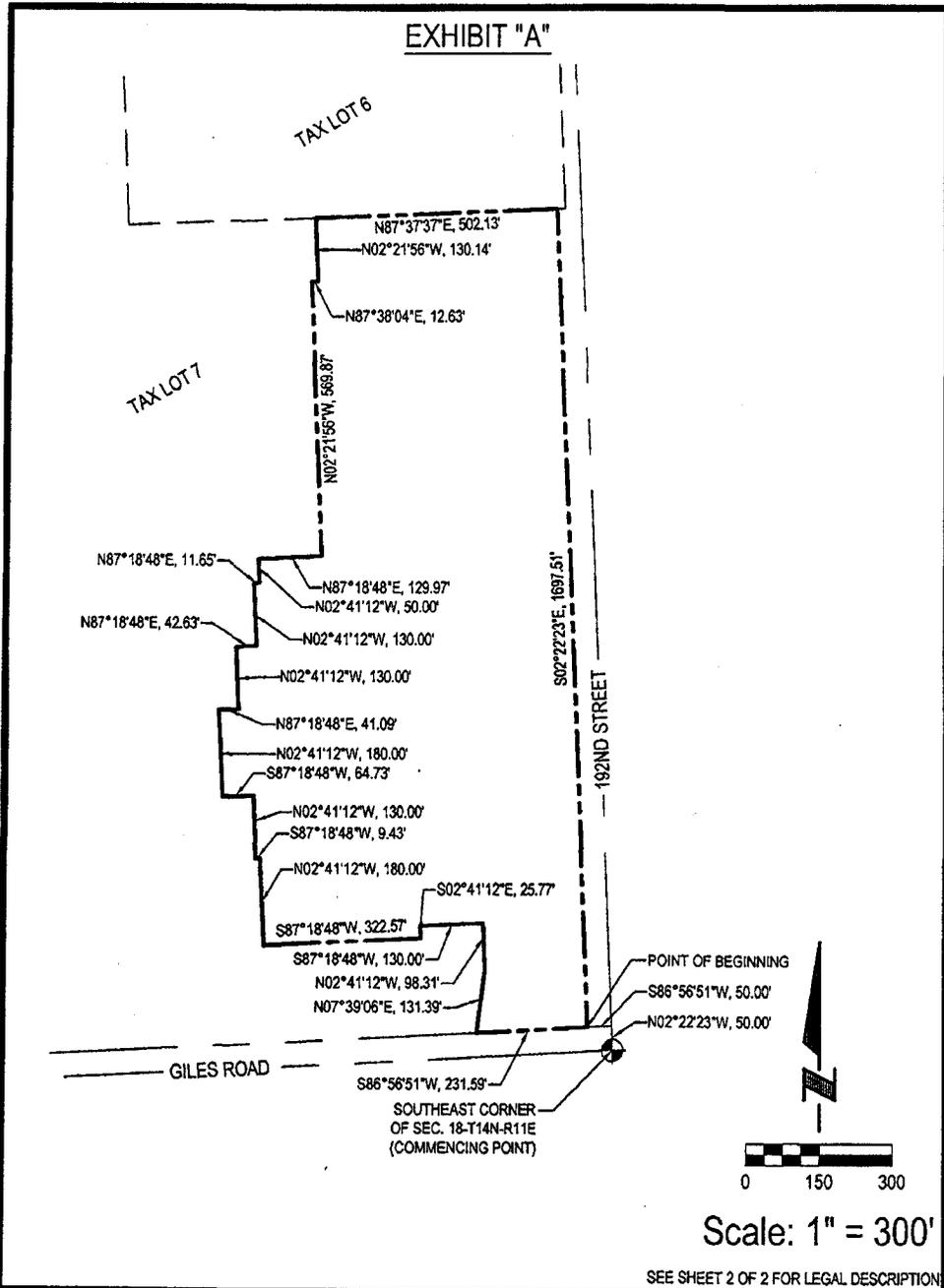
3. That within twenty (20) days hereafter the Clerk of this Court shall transmit to the Secretary of State of Nebraska a certified copy of the record of these proceedings for filing herein as provided by law, and a certified copy of the record of those proceedings together with a plat of the real estate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

Entered and Decreed this 29th day of April, 2013.



District Judge

EXHIBIT "A"



Scale: 1" = 300'

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

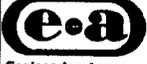
 Engineering Answers	E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services <small>330 North 117th Street Omaha, NE 68154 Phone: 402.985.4700</small>			DISTRICT BOUNDARY SANITARY & IMPROVEMENT DISTRICT NO. 294	
	Drawn by: JRS Job No.: P2010.083.002	Chkd by:	Scale: 1" = 300'	Date: 02/20/2013	SARPY COUNTY, NEBRASKA

EXHIBIT "A"

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN TAX LOT 7, LOCATED IN PART OF THE SE1/4 OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE N02°22'23"W (ASSUMED BEARING) ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 50.00 FEET; THENCE S86°56'51"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S86°56'51"W, A DISTANCE OF 231.59 FEET; THENCE N07°39'06"E, A DISTANCE OF 131.39 FEET; THENCE N02°41'12"W, A DISTANCE OF 98.31 FEET; THENCE S87°18'48"W, A DISTANCE 130.00 FEET; THENCE S02°41'12"E, A DISTANCE OF 25.77 FEET; THENCE S87°18'48"W, A DISTANCE OF 322.57 FEET; THENCE N02°41'12"W, A DISTANCE 180.00 FEET; THENCE S87°18'48"W, A DISTANCE 9.43 FEET; THENCE N02°41'12"W, A DISTANCE 130.00 FEET; THENCE S87°18'48"W, A DISTANCE 64.73 FEET; THENCE N02°41'12"W, A DISTANCE 180.00 FEET; THENCE N87°18'48"E, A DISTANCE 41.09 FEET; THENCE N02°41'12"W, A DISTANCE 130.00 FEET; THENCE N87°18'48"E, A DISTANCE OF 42.63 FEET; THENCE N02°41'12"W, A DISTANCE 130.00 FEET; THENCE N87°18'48"E, A DISTANCE 11.65 FEET; THENCE N02°41'12"W, A DISTANCE 50.00 FEET; THENCE N87°18'48"E, A DISTANCE OF 129.97 FEET; THENCE N02°21'56"W, A DISTANCE 569.87 FEET; THENCE N87°38'04"E, A DISTANCE OF 12.63 FEET; THENCE N02°21'56"W, A DISTANCE OF 130.14 FEET TO A POINT ALONG THE SOUTH LINE OF TAX LOT 6, A TAX LOT LOCATED IN SAID SE1/4 OF SECTION 18; THENCE N87°37'37"E ALONG SAID SOUTH LINE OF TAX LOT 6, A DISTANCE OF 502.13 FEET; THENCE S02°22'23"E, A DISTANCE OF 1697.51 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 945,747 SQUARE FEET OR 21.711 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR DRAWING



Engineering Answers

E & A CONSULTING GROUP, INC.

Engineering • Planning • Environmental & Field Services
330 North 117th Street, Omaha, NE 68154 Phone: 402.895.4700

Drawn by: JRS Chkd by: Scale: N/A Date: 02/20/2013
Job No.: P2010.083.002

DISTRICT BOUNDARY

**SANITARY &
IMPROVEMENT**

DISTRICT NO. 294

SARPY COUNTY, NEBRASKA

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NOTICE

TO: County Clerk of Sarpy County, Nebraska
City Clerk of City of Gretna, Nebraska

Pursuant to Section 31-728 Nebraska Statutes, Notice is hereby given to inform you that a Petition has been filed on April 25, 2013, for the formation of Sanitary and Improvement District No. 294 of Sarpy County, Nebraska, in the Clerk of the District Court's Office at Sarpy County, Nebraska.

This case has been designated as Docket 0113 Page No. 046

CLERK OF THE DISTRICT COURT
OF SARPY COUNTY, NEBRASKA

By: *Paul Whitney* *Deputy*
Date: *4-29-2013*

FILED
SARPY COUNTY
DISTRICT COURT
2013 AP 25 PM 1:55
Paul Whitney
CLERK DISTRICT COURT



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**ARTICLES OF ASSOCIATION
OF
SANITARY AND IMPROVEMENT DISTRICT NO. 294
OF SARPY COUNTY, NEBRASKA**

FILED
SARPY COUNTY
DISTRICT COURT

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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 31-793, 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. 294 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 subscribers are the owners of all of the property in said proposed District and each of the undersigned has set out immediately opposite their respective names their several places of residence or business addresses.

ARTICLE V

The description of the several tracts of land situated in the District owned by the undersigned subscribers is hereinafter set out opposite the name of each undersigned.

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



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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 owners and all owners of real estate within the District are willing and obligate themselves 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 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

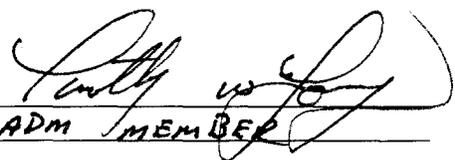
The following named persons are proposed as Trustees to serve as a Board of Trustees of the District until their successors are elected and qualified:

Mark Boyer
Timothy Young
Kristina Philbin
Jerry Standerford
Denny VanMoorlegem

All of the foregoing Trustees are persons designated to serve as representatives of Boyer Young Equities XIV, LLC, the sole owner of the real estate located within the District.

IN WITNESS WHEREOF, the undersigned, all being owners of real estate embraced within said District have executed these Articles of Association effective this 22nd day of April, 2013.

BOYER YOUNG EQUITIES XIV, LLC, a
Nebraska limited liability company,

By: 

Its: ADM MEMBER

IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

IN THE MATTER OF)
)
SANITARY AND IMPROVEMENT)
)
DISTRICT NO. 294 OF SARPY)
)
COUNTY, NEBRASKA)

DOC. CI 13 PAGE 440

PETITION

COMES NOW the undersigned Petitioners and allege as follows:

I.

The undersigned are the owners 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 petitioners have, 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 petitioners allege that all of the provisions of Section 31-727 to 31-793 R.R.S. Neb. 2012, 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 R.R. S., as amended, of the Revised Statutes of the State of Nebraska.

WHEREFORE, your petitioners pray:

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.

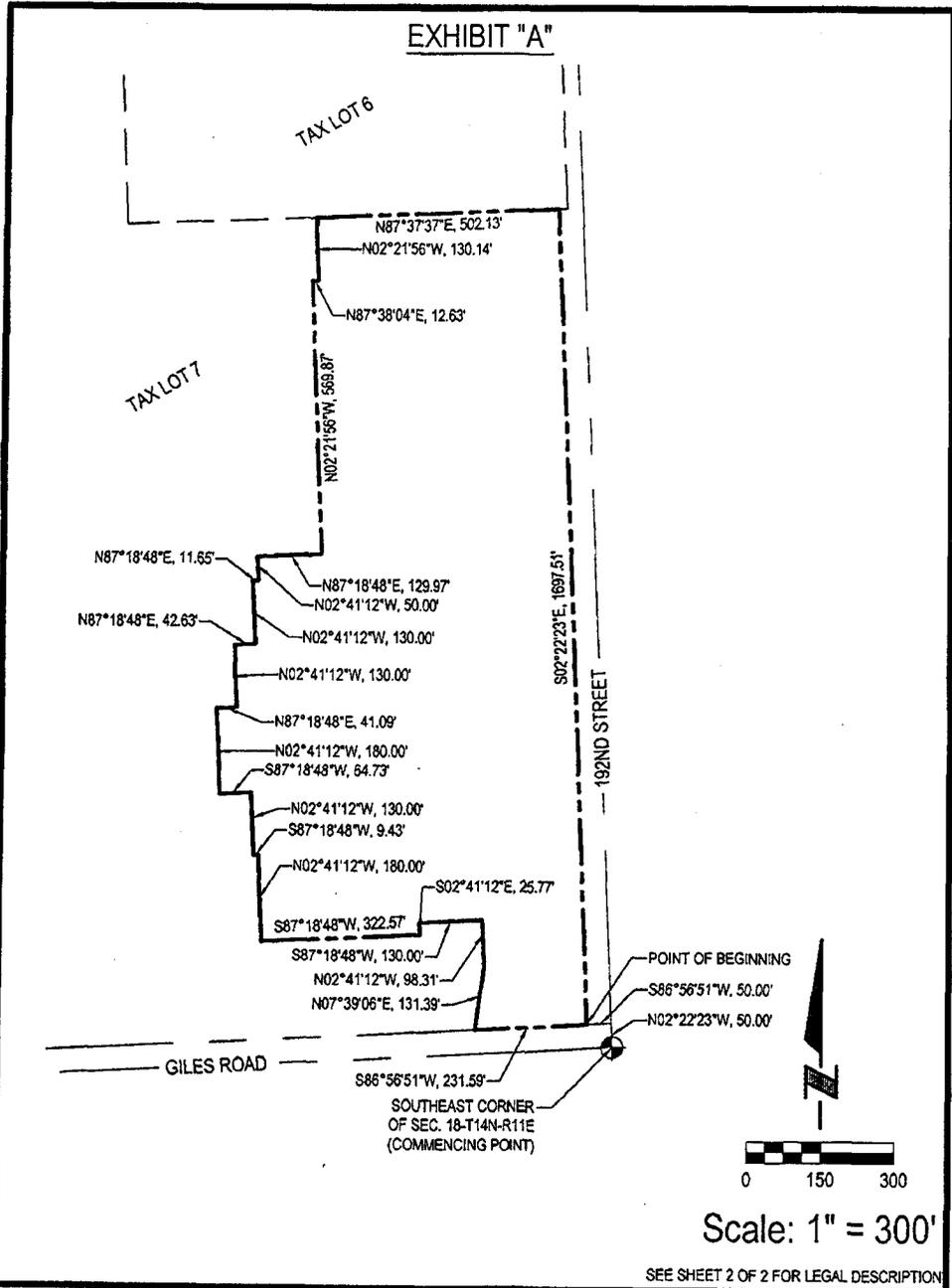
2. That the court find and decree that the Sanitary and Improvement District described in the caption hereof, the same being Sanitary and Improvement District No. 294 of Sarpy County, Nebraska has been duly organized and constitutes a Sanitary and Improvement District under Sections 31-727 to 31-793 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.

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FILED
SARPY COUNTY
DISTRICT COURT
2013 AP 25 PM 1:47
Carol Korman
CLERK DISTRICT COURT



	E & A CONSULTING GROUP, INC.			DISTRICT BOUNDARY SANITARY & IMPROVEMENT DISTRICT NO. 294 SARPY COUNTY, NEBRASKA
	Engineering • Planning • Environmental & Field Services 330 North 117th Street Omaha, NE 68154 Phone: 402.695.4700			
jeffs	2/22/2013 1:55:54 PM	K:\Projects\2010\083\p02\Survey\Exhibit\SID BOUNDARY-000.dwg	Drawn by: JRS Chkd by: Scale: 1" = 300' Date: 02/20/2013 Job No.: P2010.083.002	SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

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330 North 117th Street, Omaha, NE 68154 Phone: 402.895.4700

Drawn by: JRS | Chkd by: | Scale: N/A | Date: 02/20/2013
Job No.: P2010.083.002

**DISTRICT BOUNDARY
SANITARY &
IMPROVEMENT
DISTRICT NO. 294**

SARPY COUNTY, NEBRASKA

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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:

DECREE DATED APRIL 29, 2013; NOTICE DATED APRIL 25, 2013; ARTICLES OF ASSOCIATION OF SANITARY AND IMPROVEMENT DISTRICT NO. 294 OF SARPY COUNTY, NEBRASKA DATED APRIL 25, 2013; PETITION DATED APRIL 25, 2013 entered in a cause in said court wherein:

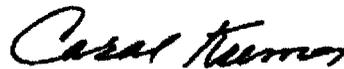
IN THE MATTER OF SANITARY AND IMPROVEMENT DISTRICT NO. 294
SARPY COUNTY, NEBRASKA, Plaintiff

and:

_____, Defendant

Case ID CI 13 646, 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 29th day of April, A.D. 2013.



CAROL KREMER
CLERK OF THE DISTRICT COURT