

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION PRELIMINARY PLAT – OLIVO ESTATES II

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 1997), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 1997), the powers of the County as a body are exercised by the County Board of Commissioners (County Board); and,

WHEREAS, the County Board has the authority to adopt a Subdivision Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-374 (Reissue 1997); and,

WHEREAS, said Subdivision Regulation requires the County Board to approve applications for a preliminary plat; and

WHEREAS, the applicant, Shawn M. Schmidt has applied for approval of a preliminary plat of a subdivision to be known as Olivo Estates II on the following described property, to wit:

Government Lot 4 located in the NW ¼ of Section 27 Township 13 Range 12 of the 6th P.M. Sarpy County, Nebraska.

WHEREAS, Rebecca Horner, Planning Director has reviewed the application for a preliminary plat of a subdivision to be known as Olivo Estates II for compliance with the Comprehensive Development Plan, the Zoning Regulations and the Subdivision Regulations; and

WHEREAS, the Planning Director has made a recommendation of approval as noted in Exhibit A, attached hereto and incorporated by reference, which Exhibit A includes the Planning Director report and the aerial map of the subject property; and

WHEREAS, Exhibit B is attached hereto and incorporated by reference and includes a copy of the preliminary plat of the subdivision to be known as Olivo Estates II.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF

COMMISSIONERS THAT this County Board makes the following findings of fact:

- I. A public hearing regarding the approval of the preliminary plat was held on April 15, 2009 before the Sarpy County Planning Commission. The Planning Commission provided their recommendation to the County Board.
- II. A public hearing regarding the approval of the preliminary plat was held by this County Board.
- III. Notice of each of the public hearings described above was published at least once in the ten (10) day period immediately prior to each respective public hearing.
- IV. Rebecca Horner, Planning Director has recommended approval of the preliminary plat.
- V. The proposed preliminary plat of a subdivision to be known as Olivo Estates II is in conformity with the Zoning Regulation, the Subdivision Regulation and the Sarpy County Comprehensive Plan;

BE IT FURTHER RESOLVED THAT the preliminary plat of a subdivision to be known as Olivo Estates II, as described in the attached Exhibit B is hereby approved.

Dated this 16th day of June 2009.

Moved by Rich Jansen seconded by Pat Thomas, that
the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Richard Jansen
Pat Thomas
Tom Jones
Tom Richards
Patrick J. Thomas

none

none

ABSTAIN:

none



Debra J. Vonghtalery

Approved as to form:

Mark O. B.
County Attorney

EXHIBIT 'A'

Sarpy County Board of Commissioners Report
June 16, 2009

Subject	Type	By
Preliminary Plat for Olivo Estates II is a request to approve a preliminary plat on Government Lot 4 located in the NW ¼ of Section 27 Township 13 Range 12 of the 6 th P.M. Sarpy County, Nebraska, generally located at 96 th Street and Mitchell Road.	Resolution and public hearing	Rebecca Horner, Planning Director

This is a request for approval of a Preliminary Plat in conjunction with the Olivo Estates II Change of Zone and Final Plat for three acreage lots which range in size from 5.87 acres to 19.72 acres.

- Comprehensive Plan

- The Comprehensive Plan shows the area as Estate Residential. (Figure 5.1)
- The area is designated as within the Platteview South development district which projects large-lot estates and acreage development. Some area may remain in open and agricultural uses. Urban wastewater services are unlikely to be extended into this area. Community and individual systems are acceptable to serve large lot, estate and acreage development. Special environmental review is required of individual and community wastewater systems because of proximity to the Platte River and presence of hydric soils. (Table 4.3)
- 96th Street is classified as a local road. (Figure 6.1)

- Preliminary Plat Subdivision Regulations

- Proposed Lots 1 and 3 are shown to take access to 96th Street through right of way. A public access easement is shown to extend east from 96th Street to provide access to Lot 2. The internal access road is proposed as gravel.
- The county maintenance and improvement of 96th Street ends north of the proposed plat. The County Surveyor indicated the county has no plans to extend 96th Street improvement beyond the current location. The County Surveyor requested the 96th Street portion to be a dedicated right of way and the applicant revised the plat to dedicate right of way, as requested, for 96th Street to provide future access to the south. The improvement of 96th Street within this plat would only be necessary in the event that the property to the south is developed and would be a subdivision road improvement by the developer.
- The lots are proposed to be served with septic systems. The plat includes documentation from D&K Excavating relative to the percolation and hydric soils. The report indicates the area is acceptable for septic systems. The proposed septic location was approved in concept by the Chief Building Inspector, who is responsible for reviewing and inspecting septic requests.
- Drinking water is proposed to be provided by an existing adjacent well system.
- A subdivision agreement addressed installation and maintenance of the public access easement. A subdivision agreement was approved by the Planning Department and County Attorney and signed by the subdivider.
- The preliminary plat notes the post-construction storm water management practices. This note is included on the Final Plat drawing which will be recorded with the Register of Deeds. The Natural Resources District indicated that providing the note on the Final Plat drawing satisfies the post construction storm water management plan requirement in the regulations.
- The Natural Resources District has no objections to the plat since revisions addressed all previous comments.
- The County Surveyor has no objections to the plat since revisions addressed all previous comments.
- The applicant made necessary revisions after the Planning Commission hearing, including revisions that were recommended by staff to the Planning Commission but not made part of the Planning Commission motion, and staff supports the approval of the plat as proposed.

- The proposed plat meets the preliminary plat requirements and meets the minimum design standards for Preliminary Plats set forth in the Subdivision Regulations.
- Zoning Regulations
 - The request meets the minimum standards for the AGR, Agricultural Residential zoning and is in conformance with the Zoning Regulations.
- Planning Commission Action
 - On April 15, 2009, the Planning Commission voted 5-4 in favor of the Preliminary Plat.
 - *Whitfield moved, seconded by Stuart to approve the Preliminary Plat as submitted by the applicant as it conforms with the comprehensive plan and zoning regulations of Sarpy County. Ayes – Gonzalez, Stuart, Wear, Wees, Whitfield. Nays: Bliss, Gross, Marquardt, Torczon. Abstain – none. Absent – Dunbar and Fenster. Motion Carried.*
- Recommendation
 - For the above stated reasons, I recommend approval to the Preliminary Plat due to compatibility with the Comprehensive Development Plan, Zoning and Subdivision Regulations.

Respectfully submitted by:

Rebecca Horner
Planning Director

AMERICAN PHOTOGRAPHIC COMPANY, INC. 10000 W. BROADWAY, DENVER, CO 80231
Aerial photography was taken on 10/15/1998. The photograph was processed on 11/10/1998.
The photograph was processed using the following processing parameters: Contrast: 1.00, Gamma: 1.00, Gain: 1.00, Offset: 0.00, Rotation: 0.00, Scale: 1.00, Threshold: 0.00, Type: 1.00, White: 0.00

99th St

Change of Zone
AG to AGR

96th St

Shawn Schmidt
Olivo Estates II

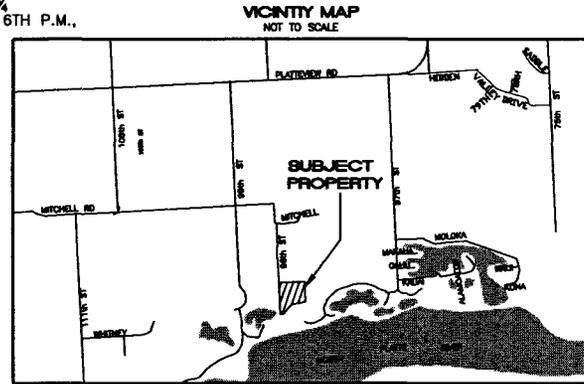
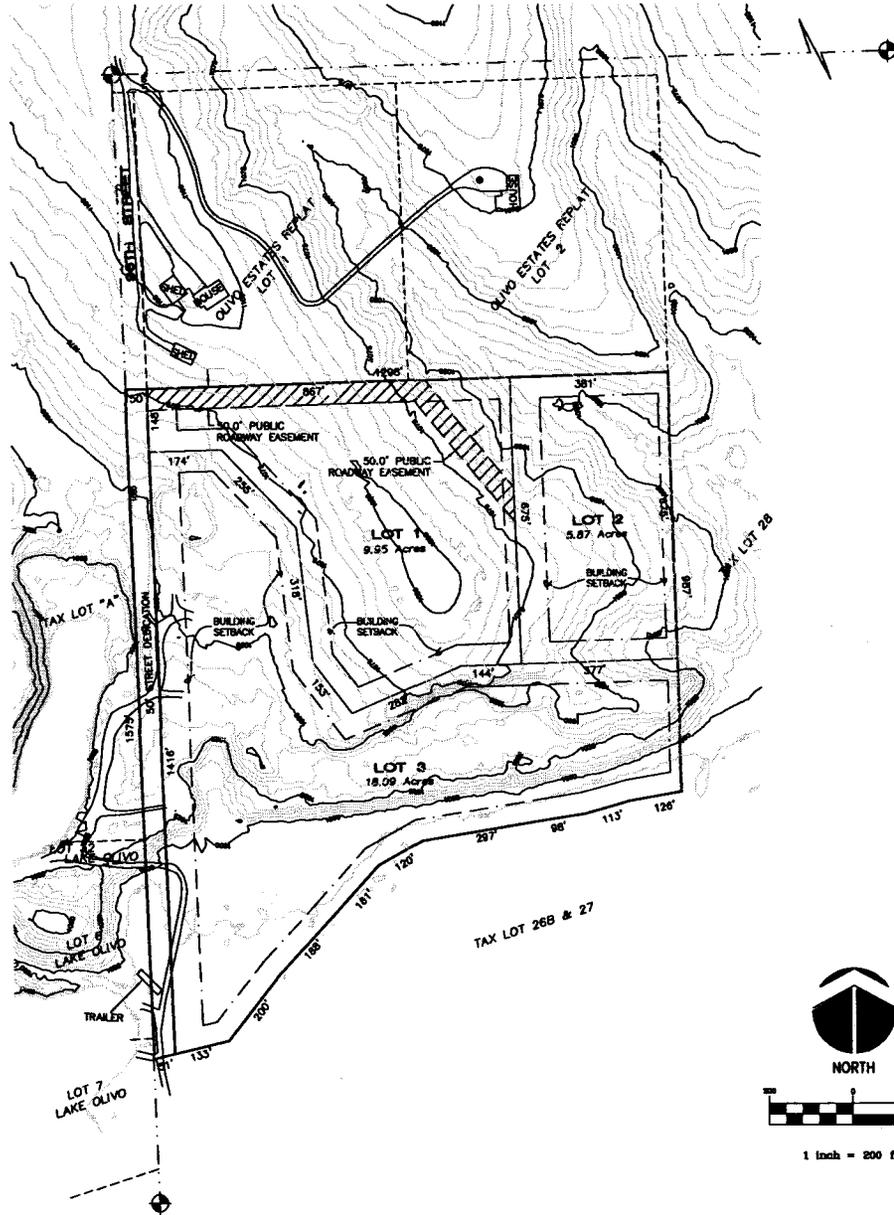
0 100 200 400 600 800 1,000



'A-2'

OLIVO ESTATES II

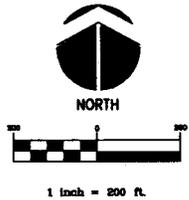
A SUBDIVISION OF PART OF GOVERNMENT LOT 4, NW¼ SECTION 27, TOWNSHIP 13 NORTH, RANGE 12 EAST, OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. LOTS 1 THRU 3



OWNER / DEVELOPER:
CITY WIDE INVESTMENT GROUP INC.
9701 MITCHELL ROAD
PAPILLON, NE 68046

EXISTING ZONING: AG-FF
PROPOSED ZONING: LOT 1 THRU 3 - AGR
SETBACK REQUIREMENTS:
FRONT YARD - 70 FEET
REAR YARD - 25 FEET
SIDE YARD - 20 FEET
MAXIMUM BUILDING HEIGHT - 45 FEET

OLIVO ESTATES II IS A THREE LOT ACREAGE SUBDIVISION WHICH WILL BE ACCESSED BY THE EXISTING 96TH STREET RIGHT-OF-WAY CONNECTING TO THE SUBDIVISION'S NORTHERLY BOUNDARY. THE ACCESS THEN WILL BE BY A PUBLIC ROADWAY EASEMENT TO ACCOMMODATE PRIVATE DRIVES SERVING THE INDIVIDUAL LOTS. THE INDIVIDUAL HOMESITES SHALL HAVE UNDERGROUND POWER AND TELEPHONE SERVICE. EACH DWELLING WILL HAVE A STATE APPROVED WELL AND SEPTIC SYSTEM.



Post-Construction Storm Water Management Plan (PCSWMP)

- Rain gardens or similar Low Impact Development (LID) Best Management Practices (BMP) shall be installed adjacent to each single family residential building and out building. These LID BMP shall be designed and sized to adequately provide water quality control of the first one-half inch of runoff from the new rooftops and pavement adjacent to the buildings.
- New driveways/access roads installed to serve the new buildings shall be designed to incorporate grassed swales, vegetated bioswales or similar LID BMP. These LID BMP shall be designed and sized to adequately provide water quality control of the first one-half inch of runoff from the new driveways/access roads and adjacent disturbed areas.
- Overall site development shall be designed with low impact development in mind and provide for disturbing the minimum area required for installation of the new improvements. Existing vegetative buffers shall be left in place wherever possible.
- Structural post-construction BMP shall be inspected and maintained as required to keep the facility in working condition. Maintenance agreements binding the owner(s) of the properties, and all subsequent owner(s), will be recorded with the Register of Deeds. Such agreements shall provide for maintenance of the BMP and for access to the BMP for inspection by Sarpy County to ensure that the facility is maintained in proper working conditions to meet design standards.
- The maintenance agreements shall also provide that after notice by Sarpy County for owner(s) to provide maintenance of the BMP, satisfactory correction are not made by the owner(s) within a reasonable amount of time (30 days maximum), Sarpy County may perform all necessary maintenance work and the owner(s) shall be assessed the cost of the work and any lawful penalties.

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SURVEYED-MAJ
DRAWN-PFB
CHECKED-WAF
DATE 08/28/08

**OLIVO ESTATES II
PRELIMINARY PLAT**

HILL-FARRELL ASSOCIATES, INC.
Architects • Engineers • Surveyors
1820 Hillcrest Drive, Suite F, Bellevue, NE 68005 (402) 291-6100



PROJECT NO.
08-122
SHEET NO.
1 OF 1

EXHIBIT 'B'

ADDITIONAL INFORMATION

SARPY COUNTY BOARD OF COMMISSIONERS

JUNE 16, 2009

PRELIMINARY PLAT

OLIVO ESTATES II

**SARPY COUNTY
PLANNING COMMISSION
STAFF REPORT
APRIL 15, 2009
CHANGE OF ZONE FROM AG TO AGR
PRELIMINARY & FINAL PLAT – OLIVO ESTATES II
CZ 09-0003, PP 09-0001 & FP 09-0001**

I. GENERAL INFORMATION

A. APPLICANT:

Shawn M. Schmidt
812 Tipperary Drive
Papillion, NE 68046

B. PROPERTY OWNER:

City Wide Investment Group Inc.

C. LOCATION:

96th & Mitchell, south of Platteview Road.

D. LEGAL DESCRIPTION:

Government Lot 4 located in the NW ¼ of Section 27 Township 13 Range 12 of the 6th P.M. Sarpy County, Nebraska.

E. REQUESTED ACTION:

- To approve a change of zone from AG to AGR.
- To approve a preliminary plat and final plat to be known as Olivo Estates II.

F. EXISTING ZONING AND LAND USE:

Undeveloped, AG, Agricultural.

G. SIZE OF SITE:

35.19 acres, more or less.

II. BACKGROUND INFORMATION

A. COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan shows the area as Estate Residential. (Figure 5.1)

The area is designated as within the Platteview South development district which projects large-lot estates and acreage development. Some area may remain in open and agricultural uses. Urban wastewater services are unlikely to be extended into this area. Community and individual systems are acceptable to serve large lot, estate and acreage development. Special environmental review is required of individual and community wastewater systems because of proximity to the Platte River and presence of hydric soils. (Table 4.3)

96th Street is classified as a local road. (Figure 6.1)

B. EXISTING CONDITION OF SITE: Undeveloped.

C. GENERAL VICINITY AND LAND USE: Large lot residential to the north, undeveloped open space to the east, west and south.

D. RELEVANT CASE HISTORY: Olivo Estates Replat and change of zone to AGD, Agricultural Development District was approved north of the proposed plat.

E. APPLICABLE REGULATIONS:

Zoning Regulations, Subdivision Regulations and Comprehensive Plan.

III. ANALYSIS AND DEVELOPMENT ALTERNATIVES

STAFF COMMENTS:

A. REQUEST: This is a request to approve a change of zone, preliminary plat and final plat.

B. LAND USE/COMPREHENSIVE PLAN: The Comprehensive Plan indicates the area as Estates Residential.

C. GENERAL:

1. **Change of Zone:** The requested zoning of AGR, Agricultural Residential is in conformance with the land use designation of Estates Residential and the development district designation of large lot residential.
2. **Preliminary and Final Plat:**
 - a. The applicant proposes to divide Government Lot 4 into three lots which range in size from 5.87 acres to 19.72 acres.
 - b. The county maintenance and improvement of 96th Street ends north of the proposed plat. The County Surveyor indicated the county has no plans to extend 96th Street improvement beyond the current location. The 96th Street right of way was dedicated along the entire length of Olivo Estates to the northern edge of the proposed plat.
 - c. Proposed Lots 1 and 3 are shown to take access to 96th Street through a shared access easement which is shown to extend east to provide access to Lot 2. Staff believes this ingress/egress easement needs to be a dedicated street right of way or public access easement (not a common access, limited to the lot owners in the proposed plat) and extend to the eastern edge of Lot 2 in order to provide access to future development to the east which may include additional large lot residential. The County Surveyor indicated he would like the 96th Street portion to be a dedicated right of way. The Comprehensive Development Plan allows for additional large lot acreage development to the east, which will need access to a

street. The area to the south is shown as Greenway in the Comprehensive Plan and should not have additional development pressure.

- d. The plats included documentation from D&K Excavating relative to the percolation and hydric soils. The proposed septic location needs to be noted on the plat along with the percolation test results so they may be forwarded to the Building Department for septic review. This needs to be provided prior to scheduling the plat to the County Board.
- e. The report from D&K Excavating indicated no ground water found at 10' drill. The applicant should provide documentation of available groundwater for the lots.
- f. Roads need to include a description of proposed surfacing and street sub-structure.
- g. A subdivision agreement is required and will be provided to the applicant for review.
- h. The preliminary plat notes the post-construction storm water management practices. This note needs to be included on the Final Plat drawing which will be recorded with the Register of Deeds. The Natural Resources District indicated that providing the note on the Final Plat drawing satisfies the post construction storm water management plan requirement in the regulations.

IV. RECOMMENDATION: Approval provided staff comments are resolved prior to scheduling the plat to the County Board.

V. COPIES OF REPORT TO:

Applicant
Public upon request

VI. ATTACHMENTS:

Application
Site Plan
Aerial

Report prepared by:

Rebecca Horner, Planning Director



SARPY COUNTY PLANNING

• 1210 GOLDEN GATE DRIVE PAPIILLION, NE 68046
• PHONE: 402-593-1555 • FAX: 402-593-1558 • E-MAIL: PLANNING@SARPY.COM

MAR 4 2009

SARPY COUNTY
PLANNING DEPARTMENT

CHANGE OF ZONE APPLICATION

In order for your application to be considered **COMPLETE**, please answer all applicable questions and provide the following:

1. Submit complete Change of Zone Application
2. Submit Non-Refundable Fee of \$ _____ made payable to Sarpy County Treasurer
3. Copy of Deed on file with Register of Deeds (showing applicant as owner)
4. 25 full size site plan drawings (folded)
5. 1 reduced size sit plan drawing (8.5 x 11)
6. Detailed operational plans

PLANNING STAFF USE ONLY:

PP 09-0001
FP 09-0001

APPLICATION NO.: C2 09-0003

DATE RECEIVED: 3/4/09

CP DESIGNATION: Estate Residential

ZONING DESIGNATION: AG-FD

FEE: \$600.00 RECEIPT NO. 6240

RECEIVED BY: MA

NOTES:

\$200.00 for Change of Zone
\$200.00 for Preliminary Plat
\$200.00 for Final Plat

APPLICANT INFORMATION:

CHECK BOX IF TEXT AMENDMENT APPLICATION

NAME: Shawn M. Schmidt

E-MAIL: redsharkracing@hotmail.com

ADDRESS: 812 Tipperary Dr.
Papillion, NE 68046

CITY/STATE/ZIP: _____

MAILING (IF DIFFERENT)
ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: (402)650-1291

FAX: (402)399-0707

PROPERTY OWNER INFORMATION: (If multiple owners, attach separate sheet)

Please check box if attaching separate sheet with owner information.

NAME: City Wide Investment Group Inc.

E-MAIL: pyrojoe913@yahoo.com

ADDRESS: 9701 Mitchell Road

CITY/STATE/ZIP: Papillion, NE 68046

MAILING (IF DIFFERENT)
ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____

FAX: _____

ENGINEER INFORMATION:

NAME: Hill-Farrell Associates, Inc.

E-MAIL: dhill@hillfarrell.com

ADDRESS: 1820 Hillcrest Dr., Suite F

CITY/STATE/ZIP: Bellevue, NE 68005

MAILING (IF DIFFERENT)
ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: (402)291-6100

FAX: (402)293-8322

PROJECT DESCRIPTION: (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses of business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets if necessary.) **PLEASE NOTE:** A detailed project description is essential to the reviewing process of this request.

Volivo Estates II

35 acres parcel located 1/2 mile South of 96th Street and Mitchell Road. This project is South of several previously developed acreage parcels containing single family dwellings. Property is on hilltop overlooking Platte River Valle, is approximately 75% tree covered with remaining tillable farm ground. Properties to be accessed by private driveways extending Southerly from 96th Street. Individual wells and septics shall be utilized. Great care shall be given to preserve as many trees as practical.

PROJECT SITE INFORMATION: Complete each section in its entirety. If a question is not applicable to your project, please indicate this to show that each question has been carefully considered.

ASSESSOR'S PARCEL NUMBER: 010382380

ADDITIONAL PARCEL NUMBERS _____

LEGAL DESCRIPTION: (Describe property to wit:)

Government Lot 4, Section 27-13-12

GENERAL PROPERTY LOCATION: 96th Mitchell Road

ACRES: 35

CURRENT ZONING: AG

REQUESTED ZONING: AGR

ADDITIONAL INFORMATION: Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. Attach extra sheets if necessary.

PLEASE NOTE THE FOLLOWING PROCEDURES:

1. The Planning Commission will hold a public hearing and make a recommendation to the County Board.
2. County Board will hold a public hearing and make a final decision on the Change of Zone.
3. All necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the Change of Zone applicant or the property owner.

I, the undersigned, understand a sign will be posted on my property and will remain until the public hearing process at the Planning Commission and County Board is complete. I further understand the Change of Zone process as stated above and I authorize County Staff to enter the property for inspection related to the specific request during this process.

[Signature]
Owner Signature (or authorized agent)

2-26-09
Date

[Signature]
Owner Signature (or authorized agent)

Date

SARPY COUNTY Planning and Building Department

Application for Zoning and/or Platting

INSTRUCTIONS: Please see detailed instructions on completing this form.

<p>APPLICATION FOR: (Pursuant to Section <u>11</u> of the Sarpy County Zoning Ordinances and/or Section _____ of the Subdivision Regulations)</p> <p> <input checked="" type="checkbox"/> Change of Zone from <input checked="" type="checkbox"/> Preliminary Plat: _____ <input checked="" type="checkbox"/> Final Plat: _____ <input type="checkbox"/> Other: _____ </p> <p>Legal Description (describe property to wit):</p> <hr/> <p>Government Lot 4 Section 27-13-12 Sarpy County, NE</p>	<p>Property Owner or Business Name:</p> <p>City Wide Investment Group, Inc.</p> <p>Address: _____ City, St, Zip: _____ Phone: _____</p> <hr/> <p>Developer's Name:</p> <p>City Wide Investment Group, Inc.</p> <p><u>Same</u></p> <p>Address: _____ City, St, Zip: _____ Phone: _____</p>
<p>General Property Location:</p> <p>96th Mitchell Road</p>	<p>Engineer's Name:</p> <p>Address: _____ City, St, Zip: _____ Phone: _____</p> <hr/> <p>FEES: A non-refundable filing fee of \$ _____ is required upon submission of application to the Department of Planning and Building.</p>
<p><u>An application for a Change of Zone shall be accompanied by a certified copy of the Deed or other instrument on file in the office of the Register of Deeds.</u></p> <p><i>I/We, the undersigned, do hereby acknowledge that I/We do fully understand and agree to comply with the provisions of the above-stated section of the Sarpy County Zoning Ordinance and/or Subdivision Regulations:</i></p>	
<p>Signature of Owner or Legal Representative</p> <p><i>[Handwritten Signature]</i></p>	<p>DATE</p> <p><u>2-26-09</u></p>
<p>Signature of Owner or Legal Representative</p>	<p>DATE</p>
<p>REVIEWED BY: Sarpy County Attorney</p>	<p>DATE</p>
<p>SEE ATTACHED RESOLUTION FOR PLANNING COMMISSION RECOMMENDATION and COUNTY BOARD ACTION</p>	

Sarpy County, Nebraska



<i>Parcel ID Number</i>	010382380	<i>Neighborhood Code</i>	FRM
<i>Owner Name</i>	CITY WIDE INVESTMENT GROUP INC	<i>Property Type</i>	FARM
<i>Mailing Address</i>	9701 MITCHELL RD	<i>Improvements Value</i>	\$0
<i>City State</i>	PAPILLION NE	<i>Land Value</i>	\$13,092
<i>Zip Code</i>	68046-	<i>Total Value</i>	\$13,092
<i>Property Address</i>		<i>Tax District</i>	46008
<i>Legal Description</i>	GOV LOT 4 27-13-12 (35.39 AC) FAIRVIEW~		

Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 417 feet

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2001-30206

2001 SEP 19 P 1:10 P

Glenn J. Downing
REGISTEP OF DEEDS

NEBRASKA DOCUMENTARY
STAMP TAX
SEP 19 2001
\$ EX 5 BY MR

Counter M JW
Verify J
D.E. JW
Proof AK
Fee \$ 11.80
Ck Cash Chg
20285

R.R.
Please return to: Ryan N. Boe, 10306 Regency Parkway Drive, Omaha, NE 68114 (402)397-7300
SPACE ABOVE THIS LINE FOR RECORDER

QUITCLAIM DEED

CITY WIDE ROCK & EXCAVATING CO., a Nebraska corporation, GRANTOR, in consideration of One Dollar (\$1.00) and other valuable consideration received from GRANTEE, CITY WIDE INVESTMENTS GROUP, INC., a Nebraska corporation, quitclaims to GRANTEE the real estate situated in Sarpy County, Nebraska described in Exhibit A attached hereto (as defined in Neb. Rev. Stat. §76-201).

EXECUTED: September 11, 2001.

CITY WIDE ROCK & EXCAVATING CO., Grantor

By:

Joseph M. Olivo
Joseph M. Olivo, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on September 11, 2001, by Joseph M. Olivo, President of CITY WIDE ROCK & EXCAVATING CO., a Nebraska corporation, on behalf of the corporation.

GENERAL NOTARY-State of Nebraska
JULIE J. FELDHAUER
My Comm. Exp. Nov. 16, 2002

Julie Feldhacker
NOTARY PUBLIC

227755



30206



2001 - 307,06 A

EXHIBIT A

1. Government Lot 4, Section 27, Township 13, Range 12, Sarpy County, Nebraska; and
2. Tax Lot 13 and Tax Lot 26 in the SW 1/4 of the SE 1/4 together with all that part of the NE 1/4 of the SW 1/4 lying South of the center line of the county road, all in Section 32, T 14 N, R 13 E of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of the SW 1/4 of the SE 1/4 of Section 32, T 14 N, R 13 E, Sarpy County, Nebraska; thence S 86° 31' 29" E (assumed bearing) along the North line of said SW 1/4 of the SE 1/4 for 462.0 feet; thence S 23° 56' 01" E for 660.0 feet; thence S 65° 15' 52" W for 858.0 feet to the West line of said SW 1/4 of the SE 1/4 a the point 330.52 feet North of the Southwest corner of said SW 1/4 of the SE 1/4; thence N 24° 51' 17" W for 1227.34 feet to the North line of the SE 1/4 of the SW 1/4 at a point 525.24 feet West of the Northeast corner of said SE 1/4 of the SW 1/4; thence N 86° 26' 07" W along said North line of the SE 1/4 of the SW 1/4 for 791.16 feet to the Southwest corner of the NE 1/4 of the SW 1/4; thence N 03° 48' 13" E along the West line of said NE 1/4 of the SW 1/4 for 659.53 feet to the center line of the existing county road; thence S 78° 45' 17" E along said center line of county road, 1104.45 feet; thence S 60° 10' 24" E along said center of county road for 235.35 feet; thence S 66° 36' 57" E along said center of county road for 3.64 feet to the East line of the NE 1/4 of the SW 1/4; thence S 02° 54' 44" W along said East line of the NE 1/4 of the SW 1/4 for 406.57 feet to the point of beginning all in Section 32, T 14 N, R 13 E, Sarpy County, Nebraska.



D & K EXCAVATING, INC.

19388 S 204th Street
Gretna, Nebraska 68028
402-253-8310
402-253-2871 FAX

February 25, 2009

Shawn Schmidt
812 Tipperary Dr.
Papillion, NE 68046

RE: Percolation Test
Property Address: Olivo Estates II, Government portion lot 4, NW ¼, Section 27,
Township 13N, Range 12 E, Lot 1 Sarpy County, NE.

Enclosed are the results of the percolation test for evaluation of soil absorption potential for the above referenced address. This site appears suitable for the construction of a soil absorption system.

A percolation test was done South of the area where the house is believed to be going. The average minutes per inch for all three holes was 9 MPI. A hole was dug to a depth of 10 ft and no ground water was found.

Sincerely,



D & K Excavating, Inc.
Joseph Zakrzewski
C-1152



SARPY COUNTY
 PLANNING DEPARTMENT
 1210 Golden Gate Drive
 Papillion, NE 68046
 PH: 402-593-1555
 Fax: 402-593-1558

REBECCA HORNER, DIRECTOR
 MICHELLE ALFARO, PLANNING ASSISTANT
 E-MAIL: planning@sarpy.com

March 20, 2009 RESUBMITTED PLAN REVIEW

ORGANIZATION	REVIEW REQUIRED	ORGANIZATION	REVIEW REQUIRED	ORGANIZATION	REVIEW REQUIRED
County Admin – Mark Wayne	X	County Fiscal Admin- Brian Hanson	X	County Attorney – Nicole O’Keefe	X
Sarpy County Surveyor – Tom Lynam	X	Sarpy County GIS - Eric Herbert - Nikki Lampe	X	Papio-Missouri – NRD - Amanda Grint - Lori Laster	X
OPPD – Steve Fanslaw	X	Sarpy County Sherriff – Jeff Davis	X	MUD – Kevin Gullach	X
City of Papillion – Mark Stursma	X	City of La Vista – Marcus Baker	X	City of Gretna – Donna Lynam	X
City of Springfield – Kathleen Fauver	X	City of Bellevue – Chris Shewchuk	X	Fire District – City of Papillion	X
School District – South Sarpy	X	File	X		

PROJECT DESCRIPTION: APPLICATION FOR CHANGE OF ZONE, PRELIMINARY AND FINAL PLAT – SHAWN SCHMIDT, requests a change of zone from AG (Agricultural) to AGR (Agricultural Residential). The applicant is requesting a Preliminary and Final Plat to be known as Olivo Estates II a subdivision of part of government lot 4, NW ¼ Section 27, Township 13, Range 12 East of the 6th P.M. Sarpy County Nebraska, Lots 1 thru 3.

Please provide any comments or recommendations you may have to the Sarpy County Planning Department no later than **Friday May 29, 2009**. You may submit comments using the following:

Mail:
 Rebecca Horner, Director
 Sarpy County Planning Dept.
 1210 Golden Gate Drive
 Papillion, NE 68046

Fax:
 (402) 593-1558

E-MAIL: (Environmentally Friendly!)
planning@sarpy.com

If you have any questions or concerns, please contact Michelle Alfaro at (402) 593-1555.

NO COMMENTS

COMMENTS (SEE ATTACHED)

 Signature

 Signature

March 17, 2009

Rebecca Horner, Director
Sarpy County Planning Department
Papillion, NE 68046



RE: Olivo Estates II Change of Zone, Preliminary Plat, and Final Plat Application Review

Dear Ms. Horner:

The District has reviewed the Change of Zone, Preliminary Plat, and Final Plat application for the Olivo Estates II project located southeast of 96th Street and Mitchell Road in Sarpy County, Nebraska, dated February 26, 2009 and offers the following comments:

- Currently there are no plans for development on these lots. At such time as development is planned, the design and location of the selected stormwater best management practices (BMPs) must be submitted.
- A portion of this site is located within the Zone AE floodplain of the Platte River. Any construction in this area will require a floodplain development permit.

If you have any questions or concerns, please contact me at 444-6222 or at llaster@papionrd.org.

Sincerely,

Lori Ann Laster
Stormwater Management Engineer

Cc: Amanda Grint, PMRNRD

Z:\laster\My Documents\Permit-Zoning Reviews\Sarpy County\Reach 10-5\Olivo Estates II Prelim Plat.docx

Reach: 10-5

Michelle Alfaro

From: Mark Stursma [mstursma@papillion.org]
Sent: Monday, March 09, 2009 3:21 PM
To: Michelle Alfaro
Subject: FW: Zoning Review - Change of Zone, Preliminary and Final Plat 96th & Mitchell - Schmidt

See comments below.

Mark Stursma, AICP

Planning Director

City of Papillion
122 E Third Street
Papillion, NE 68046

(402) 597-2060

From: Kay Liang
Sent: Monday, March 09, 2009 2:50 PM
To: Mark Stursma
Subject: RE: Zoning Review - Change of Zone, Preliminary and Final Plat 96th & Mitchell - Schmidt

Mark,

I have the following comments for the proposed Olivo Estates II -

1. It is recommended that Lot 2 be provided with legal frontage instead of an access easement.
2. The lot configuration is generally acceptable for rural residential development other than access for Lot 2. However, if Lots 1 and 3 will be held under separate ownership, and if there are plans for further subdivision in the future, the current configuration would limit the development potential for Lot 1. If the property remains as rural residential, the effect is minimal.
3. If 96th Street is to be extended this far south in the future, the right of way should be dedicated with this plat.
4. The applicant's attention to tree preservation is commendable. I am curious as to what the future plan might be for Lot 3. If the property owner has the intention of preserving the natural state this property, is there any interest in setting up a conservation easement?

Chingyun (Kay) Liang, AICP
City Planner
City of Papillion Planning Department
122 E. 3rd Street
Papillion, NE 68046
(402) 827-2324

From: Mark Stursma
Sent: Wednesday, March 04, 2009 1:41 PM
To: Kay Liang
Subject: FW: Zoning Review - Change of Zone, Preliminary and Final Plat 96th & Mitchell - Schmidt

Kay,

I'd be interested in your thoughts on this.

Mark Stursma, AICP

Planning Director

City of Papillion
122 E Third Street
Papillion, NE 68046

(402) 597-2060

From: Michelle Alfaro [mailto:malfaro@sarpy.com]
Sent: Wednesday, March 04, 2009 12:01 PM
To: Mark Wayne; Brian Hanson; Nicole O'Keefe; Tom Lynam; Eric Herbert; Nikki Lampe; Grint, Amanda; Laster, Lori; Jeff Davis; Mark Stursma; 'MBaker@ci.la-vista.ne.us'; 'donna@cityofgretna.com'; 'kathleencityofspringfield@yahoo.com'; cshewchuk@bellevue.net; Bill Bowes; Michelle Alfaro; South Sarpy School District (cchevalier@esu3.org)
Subject: Zoning Review - Change of Zone, Preliminary and Final Plat 96th & Mitchell - Schmidt

Hello,

Please review the attached request and respond with any comments no later than **Monday March 16, 2009.**

Thank you,

Michelle Alfaro
Planning Assistant
Sarpy County Planning Department
1210 Golden Gate Drive,
Papillion, NE 68046
Office: 402-593-1555
Fax: 402-593-1558



Please don't print this e-mail unless it is necessary

Michelle Alfaro

From: Tom Lynam
Sent: Wednesday, May 20, 2009 10:11 AM
To: Michelle Alfaro
Subject: RE: RESUBMITTED Zoning Review - Olivo Estates II, Change of Zone, Pre-Plat and Final Plat

Michelle:

It looks good to me , I have no further comment.

Tom Lynam

From: Michelle Alfaro
Sent: Wednesday, May 20, 2009 9:33 AM
To: Michelle Alfaro; Mark Wayne; Brian Hanson; Nicole O'Keefe; Tom Lynam; Eric Herbert; Nikki Lampe; Grint, Amanda; Laster, Lori; Jeff Davis; Acers, Thomas; jeff_loll@mudnebr.com; Mark Stursma; 'MBaker@ci.la-vista.ne.us'; Donna Lynam; 'kathleencityofspringfield@yahoo.com'; Shewchuk, Chris; Bill Bowes; South Sarpy School District (cchevalier@esu3.org)
Subject: RE: RESUBMITTED Zoning Review - Olivo Estates II, Change of Zone, Pre-Plat and Final Plat

I apologize. The plans are now attached.

Sincerely,

Michelle Alfaro, Planning Assistant
Sarpy County Planning Department

 Please don't print this e-mail unless it is necessary

From: Michelle Alfaro
Sent: Wednesday, May 20, 2009 9:32 AM
To: Mark Wayne; Brian Hanson; Nicole O'Keefe; Tom Lynam; Eric Herbert; Nikki Lampe; Grint, Amanda; Laster, Lori; Jeff Davis; Acers, Thomas; jeff_loll@mudnebr.com; Mark Stursma; 'MBaker@ci.la-vista.ne.us'; Donna Lynam; 'kathleencityofspringfield@yahoo.com'; Shewchuk, Chris; Bill Bowes; South Sarpy School District (cchevalier@esu3.org)
Cc: Michelle Alfaro
Subject: RESUBMITTED Zoning Review - Olivo Estates II, Change of Zone, Pre-Plat and Final Plat

Please take a moment and review the resubmitted plans for the attached request and provide comments no later than Friday May 29, 2009.

PROJECT DESCRIPTION: APPLICATION FOR CHANGE OF ZONE, PRELIMINARY AND FINAL PLAT – SHAWN SCHMIDT, requests a change of zone from AG (Agricultural) to AGR (Agricultural Residential). The applicant is requesting a Preliminary and Final Plat to be known as Olivo Estates II a subdivision of part of government lot 4, NW ¼ Section 27, Township 13, Range 12 East of the 6th P.M. Sarpy County Nebraska, Lots 1 thru 3.

Thank you,

Michelle Alfaro, Planning Assistant
Sarpy County Planning Department
1210 Golden Gate Drive,
Papillion, NE 68046

AFFIDAVIT OF PUBLICATION

State of Nebraska}

ss.

County of Sarpy}

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, a legal newspaper with a bonafided circulation of 300 copies published in Bellevue, Papillion, Gretna and Springfield, Nebraska; and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice: that said publications are of general circulations: that the attached notice was published 1 times on:

Wednesday, April 1, 2009

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above knowledge.

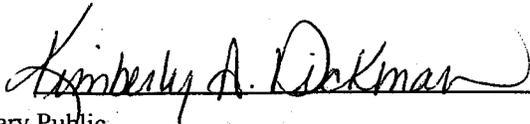


Shon Barenklau
Publisher

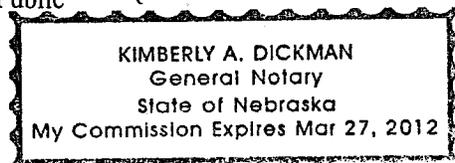
 Kirk Hoffman
Business Manager

Today's Date 03-31-2009

Signed in my presence and sworn to before me:



Notary Public



Printer's Fee \$ 29.10

Customer Number: 000947

Order Number: 11991118

NOTICE OF PUBLIC HEARING SARPY COUNTY PLANNING COMMISSION

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be held on Wednesday, April 15, 2009, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska, 370 Express, 11108 Sapp Bros Drive, requests approval of a Special Use Permit for retail alcohol sales on the following described property, to wit: Tax Lot 1, a tax lot in the SE 1/4 of Section 27, Township 14 and Range 11 of the 6th P.M. Sarpy County, Nebraska. (Hwy 370 & Sapp Bros Drive). Robert E. Bollish, 12760 S 234th Street, requests approval of a Special Use Permit for a private barn for animals on the following described property, to wit: Lot 2 Riverview Acres II and Lot 1 Riverview Acres, all located in the SW 1/4 of Section 3, Township 13 and Range 10 of the 6th P.M. Sarpy County, Nebraska (234th & Capehart Road). Donald W. Gray, 18201 S. 132nd Street, requests approval of a Special Use Permit for a residence and recreational vehicle sales and service on the following described property, to wit: Lot 15, Villa Springs, in the SW 1/4 of Section 31, Township 13 and Range 12 of the 6th P.M. Sarpy County, Nebraska (132nd & Buffalo Rd). Ray Anderson, 9501 S. 145th Street, requests approval of a Change of Zone from IL (Light Industrial) to BG (General Business) and a Special Use Permit for retail alcohol sales on the following described property, to wit: Lot 7 Lakeview South, in the SE 1/4 of Section 23, Township 14 and Range 11 of the 6th P.M. Sarpy County, Nebraska (I-80 & Hwy 50). Shawn M. Schmidt, 812 Tipperary Drive, requests approval of a Change of Zone from AG (Agricultural) to AGR (Agricultural Residential), a Preliminary and Final Plat to be known as Olivo Estates II located on the following described property, to wit: Government Lot 4, located in the NW 1/4 of Section 27, Township 13, Range 12 of the 6th P.M. Sarpy County, Nebraska (96th & Mitchell Road). Sarpy County requests a Text Amendment to Section 40, Signs, of the Sarpy County Zoning Regulations. 11991118: 4/1

AFFIDAVIT OF PUBLICATION

State of Nebraska}

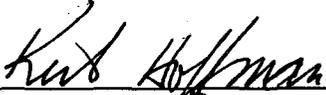
ss.

County of Sarpy}

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, a legal newspaper with a bonafided circulation of 300 copies published in Bellevue, Papillion, Gretna and Springfield, Nebraska; and said newspaper has been published for at least 52 consecutive weeks prior to publication of attached notice: that said publications are of general circulations: that the attached notice was published 1 times on:

Wednesday, June 3, 2009

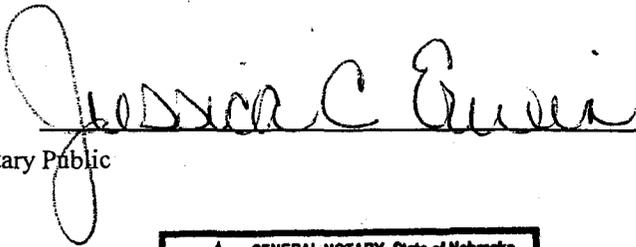
And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.



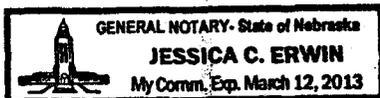
Shon Barenklau OR Kirk Hoffman
Publisher Business Manager

Today's Date 06-03-2009

Signed in my presence and sworn to before me:



Notary Public



Printer's Fee \$ 10.27

Customer Number: 000947

Order Number: 11996689

NOTICE OF PUBLIC HEARING SARPY COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be held on Tuesday, June 16, 2009, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska.

Shawn M. Schmidt, 812 Tipperary Drive, requests approval of a Change of Zone from AG (Agricultural) to AGR (Agricultural Residential), a Preliminary and Final Plat to be known as Olive Estates II located on the following described property, to wit: Government Lot 4 located in the NW 1/4 of Section 27, Township 18, Range 12 of the 6th P.M. Sarpy County, Nebraska. (96th & Mitchell Road)

Sarpy County Planning Department
11996689-6/3