

Planning Commission  
Monday, March 14, 2022 7:00 PM  
Council Chambers  
1369 25 Avenue  
Columbus, NE 68601

1. **Statement of Compliance with Open Meetings Act and roll call.**

# Open Meetings Act

## **Neb. Rev. Stat. § 84-1407. Act, how cited.**

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

## **Neb. Rev. Stat. § 84-1408. Declaration of intent; meetings open to public.**

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

## **Neb. Rev. Stat. § 84-1409. Terms, defined.**

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

## **Neb. Rev. Stat. § 84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.**

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such

individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the

members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

**Neb. Rev. Stat. § 84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual meetings authorized; emergency meeting without notice; appearance before public body.**

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such notice shall be published by:

(A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site; or

(B) Posting written notice in three conspicuous public places in such city or village. Such notice shall be posted in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the

meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority;

(xiii) A natural resources district; and

(xiv) The Judicial Resources Commission.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as

would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

(3) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in  
Open Meetings Act

number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (4) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsections (5) and (6) of section 84-1413.

**Neb. Rev. Stat. § 84-1412. Meetings of public body; rights of public; public body; powers and duties.**

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making virtual conferencing available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act; and

(f) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) Each public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at a meeting.

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

**Neb. Rev. Stat. § 84-1413. Meetings; minutes; roll call vote; secret ballot; when.**

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

(7) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public web site the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the web site at least twenty-four hours before the meeting of

the governing body. Minutes shall be placed on the web site at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public web site for at least six months.

**Neb. Rev. Stat. § 84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.**

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

**Neb. Rev. Stat. § 84-1415. Open Meetings Act; requirements; waiver; validity of action.**

No motion, resolution, rule, regulation, ordinance, or formal action made, adopted, passed, or taken at a meeting as defined in section 84-1409 of a public body as defined in such section shall be invalidated because such motion, resolution, rule, regulation, ordinance, or formal action was made, adopted, passed, or taken at a meeting or meetings on or after March 17, 2020, and on or before April 30, 2021, pursuant to a Governor's Executive Order which waived certain requirements of the Open Meetings Act.

2. **Minutes of February 14, 2022, meeting.**

PLANNING COMMISSION  
February 14, 2022

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on February 14, 2022, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on January 26, 2022, with a copy of the proof of publication being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor, members of the city council, and members of the planning commission of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

- 1. Statement of Compliance with Open Meetings Act and Roll Call:** Chair Lopez announced that a copy of the Open Meetings Act is available at this meeting. Present were Members Steve Anderson, Melissa Goc, Kim Hoefer, Fernando Lopez, Jr., Josh Mueller, and Tom Pillen. Members Colleen Bray, Bob Elsasser, and Tom Lange were absent and excused. City staff members included City Attorney Neal Valorz, City Administrator Tara Vasicek, City Engineer Rick Bogus, Community Development Director Dan Curtis, and Assistant City Clerk Robin Efta. Also present was City Council Member Ron Schilling.
- 2. Minutes of January 10, 2022, meeting:** The minutes were approved as presented with a motion by Mueller and a second by Goc. Anderson, Goc, Hoefer, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Elsasser, and Lange were absent.
- 3. Public hearing - Application of Scott Zegar for preliminary plat of S&S Homes Subdivision (southwest of intersection of 41 Street and 48 Avenue):** Leanne Ritter, Advanced Consulting Engineering Services, on behalf of the applicant, stated that the plan is to subdivide Lot 16 in Tallgrass Addition into four lots for single-family residences, all lots meet the current "R-1" zoning regulations, all utilities are already in place, and the back yard drainage for the storm sewer will tie into the existing storm sewer. Vasicek noted there is not enough space on each of the four lots to construct an accessory dwelling unit. No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Anderson. Anderson, Goc, Hoefer, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Elsasser, and Lange were absent. A recommendation was made with a motion by Mueller and a second by Goc to approve the preliminary plat of S&S Homes Subdivision as it is consistent and amenable with the adjacent land use consisting of residential development and is in accordance with the Unified Land Development Ordinance. Anderson, Goc, Hoefer, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Elsasser, and Lange were absent.
- 4. Public hearing - Application of Scott Zegar for final plat and development agreement of S&S Homes Subdivision (southwest of intersection of 41 Street and 48 Avenue):** Leanne Ritter, Advanced Consulting Engineering Services, on behalf of the applicant, noted that due to the straightforwardness of the plats, the preliminary and final plats are being presented at the same meeting. No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Mueller. Anderson, Goc, Hoefer, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Elsasser, and Lange were absent. A recommendation was made with a motion by Anderson and a second by Mueller to approve the final plat and development agreement of S&S Homes Subdivision

as it is consistent with the preliminary plat. Anderson, Goc, Hoefer, Lopez, Mueller, and Pillen voted “Aye” and none voted “Nay”. Bray, Elsasser, and Lange were absent.

5. **Public hearing - Application of Convergence, LLC for preliminary plat of Wishbones Addition (approximately northeast of intersection of Highway 81 and 63 Avenue):** John Zwingman, Advanced Consulting Engineering Services, on behalf of the applicant, stated that the plat consists of eight outlots to be developed on the property and as part of this addition, 63 Avenue road right-of-way will be dedicated to the city. He explained the developer’s responsibilities and plans for extension of the water and sanitary sewer lines, improvements on 63 Avenue, on-site storm water collection system, grading, retention ponds, electrical and gas utilities, and the creation of a berm on the east side in a fifty-foot buffer strip along the lot line as well as a berm on the east half of the north side of the property. He noted a traffic impact study is being conducted and it is anticipated that results from the study will be available prior to submission of the final plat. He further noted the developer intends to present the final plat, a request for “B-2” zoning, and a request for annexation to the March Planning Commission meeting. Zwingman pointed out that the barns for temporary housing of animals are part of the racing entity and fit under the “B-2” zoning, Caesars will be in charge of the racing facility and responsible for manure management, which will not be stored on site, and there have been no comments from any residents on the east side or objections from Charles Seedschlag, Meadow Ridge Properties, LLC. No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Anderson. Anderson, Goc, Hoefer, Lopez, Mueller, and Pillen voted “Aye” and none voted “Nay”. Bray, Elsasser, and Lange were absent. A recommendation was made with a motion by Anderson and a second by Pillen to approve the preliminary plat of Wishbones Addition as it is amenable with future land use along the highway frontage and the region and is in accordance with the Unified Land Development Ordinance. Anderson, Goc, Hoefer, Lopez, Mueller, and Pillen voted “Aye” and none voted “Nay”. Bray, Elsasser, and Lange were absent.

Lange arrived at 7:43 p.m.

6. **Public hearing - Redevelopment Plan for Convergence, LLC, Redevelopment Project (Redevelopment Area 10) located approximately northeast of intersection of Highway 81 and 63 Avenue:** Vasicek explained the redevelopment plan in detail on the proposed redevelopment project including the construction of entertainment and gaming facilities consisting of a horse track, casino, hotel, and related amenities. She noted that at the time of final platting and annexation, the redeveloper will be requesting rezoning of the property to “B-2” which includes “Commercial Recreation” and “Gaming Facilities” and that the “B-2” designation is appropriate for the horse racing track, stables, hotel, and casino facilities. Vasicek also noted that state statutes set a limit on the percentage of total land within the city limits that can be designated blighted and substandard and as this property will be annexed, the percentage will not be affected. Michael Sands, attorney at Baird Holm LLP and Tax Increment Financing (TIF) attorney for the City of Columbus, explained his role is to protect the city’s interest, make sure the plan is drafted in conformance with the statutes, and be an advocate for the city and said the commission’s role is to assess the plan for conformance with the comprehensive plan. Sands noted that economic development opportunities and development along the highway 81 corridor are objectives identified in the comprehensive plan along with guidance for the city to be reactive when special opportunities that are a good fit for the community arise. Tom Jackson, Convergence, LLC, explained the horse racing season in Columbus will be approximately two months. Dawson Brunswick, on behalf of the Columbus Area Chamber of Commerce, expressed support of the projects included in the redevelopment plan as

they will help promote Columbus. Andrew Willis, attorney at Cline Williams and representing the hotel developer of the project, expressed support and reiterated the fact that these projects are dependent on TIF financing. He pointed out that a hotel is an expected amenity of this entertainment area and should not cause any concerns with other hotels in the community as it will have a separate client base. No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Mueller. Anderson, Goc, Hoefler, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray and Elsasser were absent. A recommendation was made with a motion by Mueller and a second by Anderson to approve the Redevelopment Plan for Convergence, LLC, Redevelopment Project in Area 10, as the redevelopment plan conforms to the city's comprehensive plan and is based upon the foregoing and substantial evidence presented. Anderson, Goc, Hoefler, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray and Elsasser were absent.

7. **Building report for January 2022:** Curtis stated there is an \$11,000,000 remodel permit for Cargill and noted January is a slow month for new construction. The building report was approved as presented with a motion by Anderson and a second by Pillen. Anderson, Goc, Hoefler, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray and Elsasser were absent.
8. **Adjournment:** The meeting adjourned at 7:43 p.m.

OFFICE OF THE CITY CLERK  
: Robin Efta

- 3. Public hearing - Application of Ferguson Properties, Inc. for preliminary plat of Centennial Park 8th Addition (west of 3 Avenue and 2 Street).**

**NOTICE OF HEARING  
TO ALL PARTIES IN INTEREST AND CITIZENS OF  
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, March 14, 2022, at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska, on the preliminary plat of Centennial Park 8th Addition, a tract of land located in the SE 1/4 of the NE 1/4, Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at a point on the east line 441.26 feet north of the southeast corner of the NE 1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, and assuming the east line of said NE 1/4 to have a bearing of S 00°00'10" E, said point of beginning being the southeast corner of Centennial Park 7th Addition to the City of Columbus; thence S 00°00'10" E, on the east line of said NE 1/4, a distance of 307.70 feet; thence N 89°49'03" W, a distance of 699.19 feet; thence N 00°04'15" W, a distance of 49.79 feet; thence N 89°42'25" W, a distance of 180.14 feet; thence S 00°05'19" E, a distance of 84.66 feet, more or less, to the northeast corner of Lot 1, Block B, Glenwood Estates Second Addition to the City of Columbus; thence S 89°59'53" W, on the north line of said Glenwood Estates Second Addition, a distance of 300.21 feet, more or less, to the northwest corner of Lot 1, Block B, Glenwood Estates Second Addition, said point also being the southeast corner of Lot 2, Block A, Kallweit Second Addition to the City of Columbus; thence N 00°01'20" E, on the east line of said Kallweit Second Addition, a distance of 170.17 feet, more or less, to the northeast corner of Lot 1, Block A, Kallweit Second Addition, said point being on the south line of Lot 1, Centennial School 2nd Addition to the City of Columbus; thence N 89°54'19" E, on the south line of Lot 1, Centennial School 2nd Addition, a distance of 9.83 feet, more or less, to the southeast corner of Lot 1, Centennial School 2nd Addition; thence N 00°22'55" W, on the east line of Centennial School 2nd Addition, a distance of 60.00 feet, more or less, to the northeast corner of Lot 1, Centennial School 2nd Addition, said point being on the south line of Lot 1, Block A, Centennial School Addition, to the City of Columbus; thence S 89°42'25" E, on the south line of Lot 1, Block A, Centennial School Addition, a distance of 410.59 feet, more or less, to the southeast corner of said Lot 1, Block A, Centennial School Addition; thence N 00°02'07" W, on the east line of said Lot 1, Block A, Centennial School Addition, a distance of 103.65 feet, more or less, to the southwest corner of Lot 1, Centennial School 3rd Addition, to the City of Columbus; thence S 89°55'07" E, on the south line of said Lot 1, Centennial School 3rd Addition, a distance of 60.00 feet, more or less, to the southeast corner of said Lot 1, Centennial School 3rd Addition; thence N 00°05'14" W, on the east line of said Lot 1, Centennial School 3rd Addition, a distance of 10.00 feet, more or less, to the southwest corner of Lot 1, Block B, Centennial Park 7th Addition to the City of Columbus; thence S 89°49'03" E, on the south line of said Centennial Park 7th Addition, a distance of 699.46 feet, more or less, to the point of beginning, containing 7.25 acres, more or less (west of 3 Avenue and 2 Street) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA  
Janelle Kline, City Clerk

Publish: 03:03:22  
Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

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**DATE:** March 9, 2022  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Centennial Park 8<sup>th</sup> Addition – Preliminary Plat

**RECOMMENDATION:**

I recommend the approval of the preliminary plat of Centennial Park 8<sup>th</sup> Addition as it is amenable with the future land use and is in accordance with the Unified Land Development Ordinance.

**DISCUSSION:**

The addition consists of 20 residential lots, connecting the utility and street system of 2<sup>nd</sup> Street and 5<sup>th</sup> and 6<sup>th</sup> Avenues on the west and provide for a T-intersection at 3<sup>rd</sup> Avenue on the east. The addition will be voluntarily annexed with the platting process.

The storm water treatment will be part of the City's downstream system upon which an agreement will be obtained from the developer.

**FISCAL IMPACT:**

Minor costs for associated street and utility main extensions.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Daniel Curtis

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

**MAJOR APPLICATION  
FOR SUBDIVISION OR ADDITION**  
**PRELIMINARY PLAT / FINAL**  
(CIRCLE ONE)

DATE: February 17, 2022

NAME OF SUBDIVISION: Centennial Park 8<sup>th</sup> Addition

NAME OF PROPERTY OWNER: Ferguson Properties, Inc.

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Lynn Birkel, Gilmore & Associates, Inc.

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 2670 33<sup>rd</sup> Avenue, Columbus, NE 68601

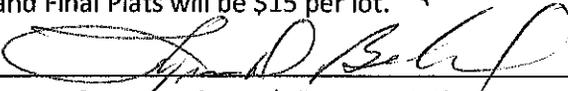
PHONE NUMBER: (402) 564-2807

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: lbirkel@gilmore-engineering.com

NUMBER OF LOTS IN SUBDIVISION: 20

ADDRESS OF SUBDIVISION: West of 3<sup>rd</sup> Avenue & 2<sup>nd</sup> Street

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.

  
\_\_\_\_\_  
Owner or Owner's Representative

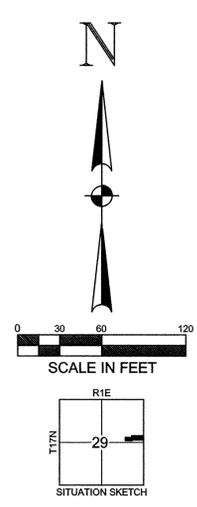
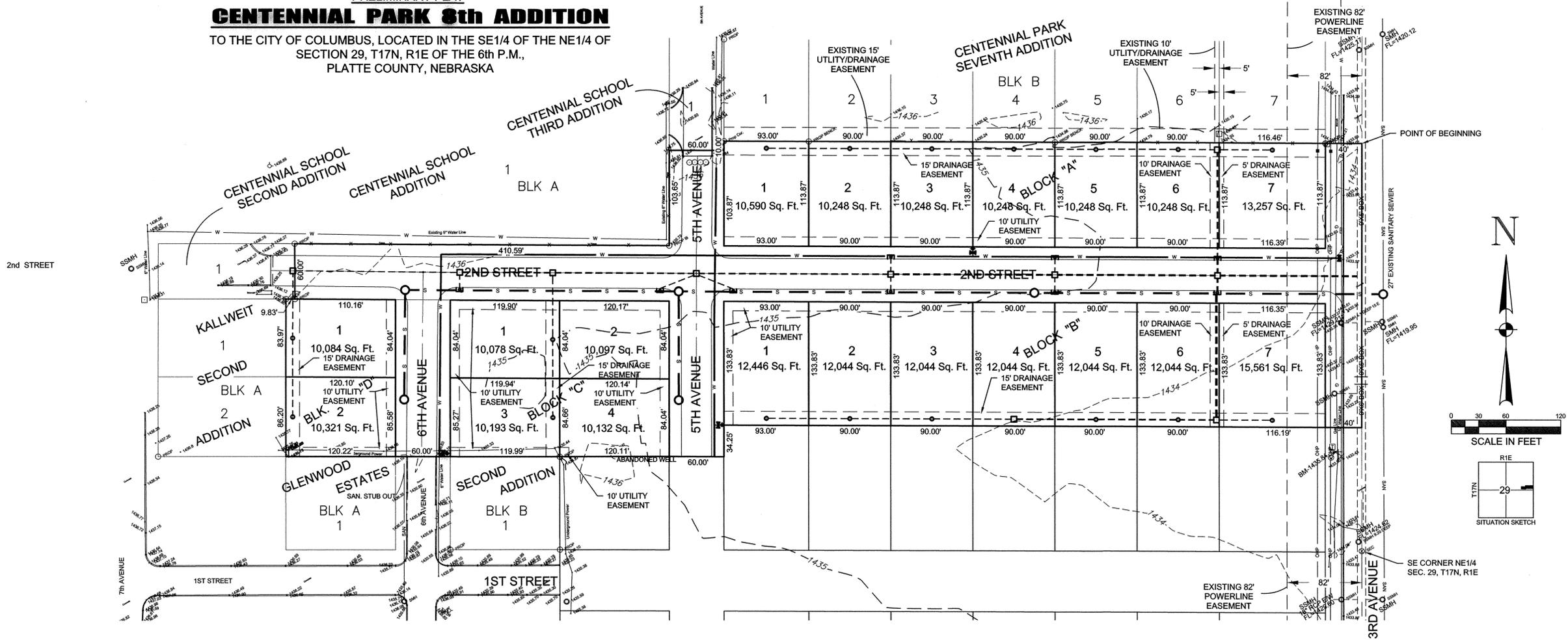
Clark Grant  
Attorney / Legal Counsel for Applicant

Development Agreement submitted on: \_\_\_\_\_

City Attorney  
Neal Valorz – [nvalorz@1492law.com](mailto:nvalorz@1492law.com)  
Gene G. Schumacher – [gschum@1492law.com](mailto:gschum@1492law.com)

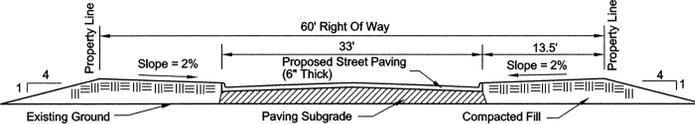
**PRELIMINARY PLAT**  
**CENTENNIAL PARK 8th ADDITION**

TO THE CITY OF COLUMBUS, LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 29, T17N, R1E OF THE 6th P.M.,  
 PLATTE COUNTY, NEBRASKA



**LEGEND**

- Proposed 6" PVC DR18 Water Main  W
- Proposed 8" Sanitary Sewer Main  S
- Proposed Storm Sewer Main  S
- Proposed Drainage
- Proposed Sanitary Sewer Manhole
- Proposed Water Valve
- Proposed Fire Hydrant
- Proposed Junction Box
- Proposed Open Throat Inlet
- Proposed Area Inlet
- Proposed Top Of Integral Curb Elevation
- Proposed Finished Earthwork Elevation

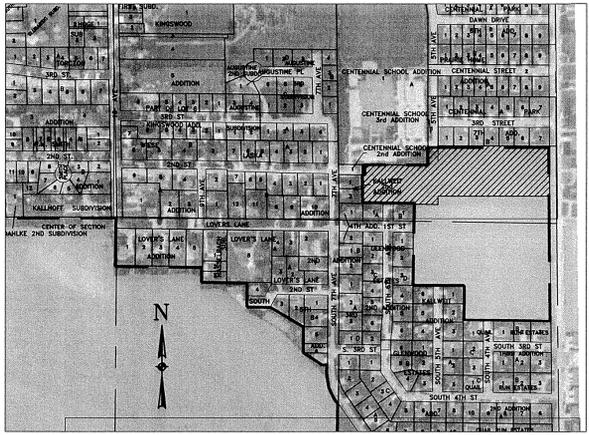


**TYPICAL STREET EMBANKMENT CROSS SECTION**  
 NTS

**LEGAL DESCRIPTION**

A tract of land located in the SE 1/4 of the NE 1/4, Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at a point on the east line 441.26 feet north of the southeast corner of the NE 1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, and assuming the east line of said NE 1/4 to have a bearing of S 00°00'10" E, said point of beginning being the southeast corner of Centennial Park 7th Addition to the City of Columbus; thence S 00°00'10" E, on the east line of said NE 1/4, a distance of 307.70 feet; thence N 89°49'03" W, a distance of 699.19 feet; thence S 00°04'15" E, a distance of 34.25 feet; thence N 89°54'13" W, a distance of 180.11 feet; more or less, to the northeast corner of Lot 1, Block B, Glenwood Estates Second Addition to the City of Columbus; thence S 89°59'53" W, on the north line of said Glenwood Estates Second Addition, a distance of 300.21 feet, more or less, to the northwest corner of Lot 1, Block A, Glenwood Estates Second Addition, said point also being the southeast corner of Lot 2, Block A, Kallweit Second Addition to the City of Columbus; thence N 00°01'20" E, on the east line of said Kallweit Second Addition, a distance of 170.17 feet, more or less, to the northeast corner of Lot 1, Block A, Kallweit Second Addition, said point being on the south line of Lot 1, Centennial School 2nd Addition to the City of Columbus; thence N 89°54'19" E, on the south line of Lot 1, Centennial School 2nd Addition, a distance of 9.83 feet, more or less, to the southeast corner of Lot 1, Centennial School 2nd Addition; thence N 00°22'55" W, on the east line of Centennial School 2nd Addition, a distance of 60.00 feet, more or less, to the northeast corner of Lot 1, Centennial School 2nd Addition, said point being on the south line of Lot 1, Block A, Centennial School Addition, to the City of Columbus; thence S 89°42'25" E, on the south line of Lot 1, Block A, Centennial School Addition, a distance of 410.59 feet, more or less, to the southeast corner of said Lot 1, Block A, Centennial School Addition; thence N 00°02'07" W, on the east line of said Lot 1, Block A, Centennial School Addition, a distance of 103.65 feet, more or less, to the southwest corner of Lot 1, Centennial School 3rd Addition, to the City of Columbus; thence S 89°55'07" E, on the south line of said Lot 1, Centennial School 3rd Addition, a distance of 60.00 feet, more or less, to the southeast corner of said Lot 1, Centennial School 3rd Addition; thence N 00°05'14" W, on the east line of said Lot 1, Centennial School 3rd Addition, a distance of 10.00 feet, more or less, to the southwest corner of Lot 1, Block B, Centennial Park 7th Addition to the City of Columbus; thence S 89°49'03" E, on the south line of said Centennial Park 7th Addition, a distance of 699.46 feet, more or less, to the point of beginning, containing 7.59 acres, more or less.



**KEY MAP**  
 1"=500'

ELEVATIONS SHOWN ARE NAVD88 DATUM

**CITY COUNCIL APPROVAL**

This preliminary plat of CENTENNIAL PARK 8th ADDITION to the City of Columbus, Nebraska, approved by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Mayor \_\_\_\_\_ City Clerk \_\_\_\_\_

**PLANNING COMMISSION**

This preliminary plat of CENTENNIAL PARK 8th ADDITION to the City of Columbus, Nebraska, approved by the Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Chairman \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, Lynn D. Birkel, a Registered Land Surveyor of the State of Nebraska, hereby certify that this Preliminary Plat of CENTENNIAL PARK 8th ADDITION was made under my direction.

Signed this 14<sup>th</sup> day of FEBRUARY 2022.

Lynn D. Birkel, Nebraska L.S. #497  
 Gilmore & Associates, Inc.



EXISTING ZONING: R-1  
 PROPOSED ZONING: R-1

**OWNER/DEVELOPER:**  
 Ferguson Properties, Inc.  
 480-320-0202  
 3154 18th Ave, Suite 9, Columbus, NE, 68601  
 wferguson7@gmail.com

**SURVEYOR/ENGINEER**  
 Lynn D. Birkel, RLS #497  
 David B. Gilmore, E-6180  
 Gilmore & Associates  
 2670 33rd Avenue, Columbus, NE, 68601  
 (402)-564-2807  
 lbirkel@gilmore-engineering.com  
 davidg@gilmore-engineering.com

**CENTENNIAL PARK 8th ADDITION**  
 LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SEC. 29  
 T17N R1E OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA

PRELIMINARY PLAT

DRN BY: ORK  
 DATE: 02/14/2022  
 SCALE: AS SHOWN  
 PROJ.: 211.866  
 F.B.:  
 SHEET: 1 of 1

**GILMORE & ASSOCIATES INC.**  
 Engineers-Surveyors

Phone: (402) 564-2807  
 Fax: (402) 564-2807  
 Box 855, 2070 33rd Ave.  
 Columbus, Nebraska 68602-0855

REVISIONS

4. **Public hearing - Application of Ferguson Properties, Inc. for preliminary plat of Park Place 10th Addition (west of 48 Avenue and 43 Street).**

**NOTICE OF HEARING  
TO ALL PARTIES IN INTEREST AND CITIZENS OF  
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, March 14, 2022, at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska, on the preliminary plat of Park Place 10th Addition, a tract of land located in the SW 1/4 of the NW 1/4 of Section 13, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at the southwest corner of the NW 1/4 of Section 13, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence N 00°03'40" W, on an assumed bearing on the west line of said NW 1/4, a distance of 580.41 feet to the point of beginning; thence S 89°56'06" E, on the north line of Park Place 8th Addition, a distance of 843.64 feet, to the northeast corner of Lot 1, Block B, Park Place 8th Addition; thence S 00°02'53" E, on the east line of said Lot 1, Block B, Park Place 8th Addition, a distance of 3.92 feet, to the northwest corner of Lot 5, Block B, Park Place 7th Addition; thence S 89°55'14" E, on the north line of said Lot 5, a distance of 33.80 feet, to the southwest corner of Lot 5, Block A, Parkplace 9th Addition; thence N 00°02'27" E, on the west line of Parkplace 9th Addition, a distance of 283.93 feet, to the northwest corner of Lot 5, Block B, Parkplace 9th Addition; thence N 89°56'06" W, a distance of 877.95 feet, to a point on the west line of the NW 1/4 of said Section 13; thence S 00°03'40" E, on said west line of the NW 1/4, a distance of 280.00 feet, to the point of beginning, said tract of land containing 5.64 acres, more or less (west of 48 Avenue and 43 Street) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA  
Janelle Kline, City Clerk

Publish: 03:03:22  
Two Affidavits of Publication

**MEMORANDUM**

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**DATE:** March 9, 2022  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Park Place 10<sup>th</sup> Addition – Preliminary Plat

**RECOMMENDATION:**

I recommend the approval of the preliminary plat of Park Place 10<sup>th</sup> Addition as it is amenable with the future land use and is in accordance with the Unified Land Development Ordinance.

**DISCUSSION:**

The addition consists of 20 residential lots, connecting the utility and road of 33<sup>rd</sup> Street to 48<sup>th</sup> Avenue. The addition will be voluntarily annexed with the platting process.

The storm water treatment is part of the existing Park Place regional facility located along 48<sup>th</sup> Avenue.

**FISCAL IMPACT:**

Minor costs for associated street and utility main extensions.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: *Daniel Curtis*

\_\_\_\_\_

**SIGNATURE:**

By: *Richard J. Bogus*

\_\_\_\_\_

Approved By: *[Signature]*

\_\_\_\_\_

**MAJOR APPLICATION  
FOR SUBDIVISION OR ADDITION  
PRELIMINARY PLAT / FINAL**

(CIRCLE ONE)

DATE: February 17, 2022

NAME OF SUBDIVISION: Park Place 10<sup>th</sup> Addition

NAME OF PROPERTY OWNER: Ferguson Properties, Inc.

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Lynn Birkel, Gilmore & Associates, Inc.

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 2670 33<sup>rd</sup> Avenue, Columbus, NE 68601

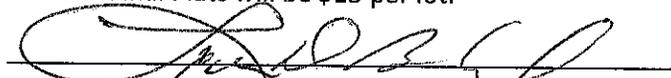
PHONE NUMBER: (402) 564-2807

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: lbirkel@gilmore-engineering.com

NUMBER OF LOTS IN SUBDIVISION: 20

ADDRESS OF SUBDIVISION: East of 48<sup>th</sup> Avenue and 33<sup>rd</sup> Street

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.

  
\_\_\_\_\_  
Owner or Owner's Representative

Clark Grant  
Attorney / Legal Counsel for Applicant

Development Agreement submitted on: \_\_\_\_\_

City Attorney  
Neal Valorz – [nvalorz@1492law.com](mailto:nvalorz@1492law.com)  
Gene G. Schumacher – [gschum@1492law.com](mailto:gschum@1492law.com)

PRELIMINARY PLAT

**PARK PLACE 10th ADDITION**  
TO THE CITY OF COLUMBUS, LOCATED IN THE SW1/4 NW1/4  
OF SECTION 13, T17N, R1W OF THE 6th P.M.,  
PLATTE COUNTY, NEBRASKA

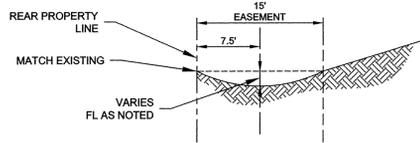
LEGEND

- Proposed 6" PVC DR18 Water Main
- Proposed 6" Sanitary Sewer Main
- Proposed Storm Sewer Main
- Proposed Drainage
- Proposed Sanitary Sewer Manhole
- Proposed Top of Integral Curb Elevation
- Proposed Finished Earthwork Elevation
- Proposed Water Valve
- Proposed Fire Hydrant
- Proposed 6" Open Throat Inlet
- Proposed Area Inlet
- Proposed Junction Box

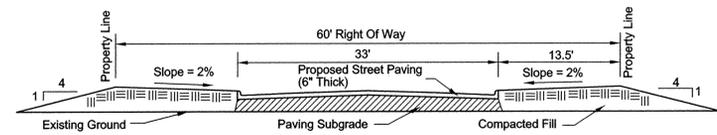
EXISTING ZONING: R-1  
PROPOSED ZONING: R-1

OWNER:  
FERGUSON PROPERTIES, INC.  
3154 18th AVENUE, SUITE 9  
COLUMBUS, NE 68601  
Ph: 480-320-0202  
Email: wbferguson7@gmail.com

SURVEYOR/ENGINEER:  
GILMORE & ASSOCIATES, INC.  
2670 33RD AVENUE  
P.O. Box 565  
COLUMBUS, NE 68601  
Ph: 402-564-2807  
Email: lbirkei@gilmore-engineering.com



TYPICAL REAR LOT DRAINAGE SWALE - BLOCK "A"  
NTS

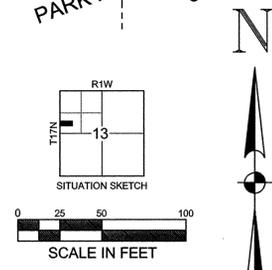
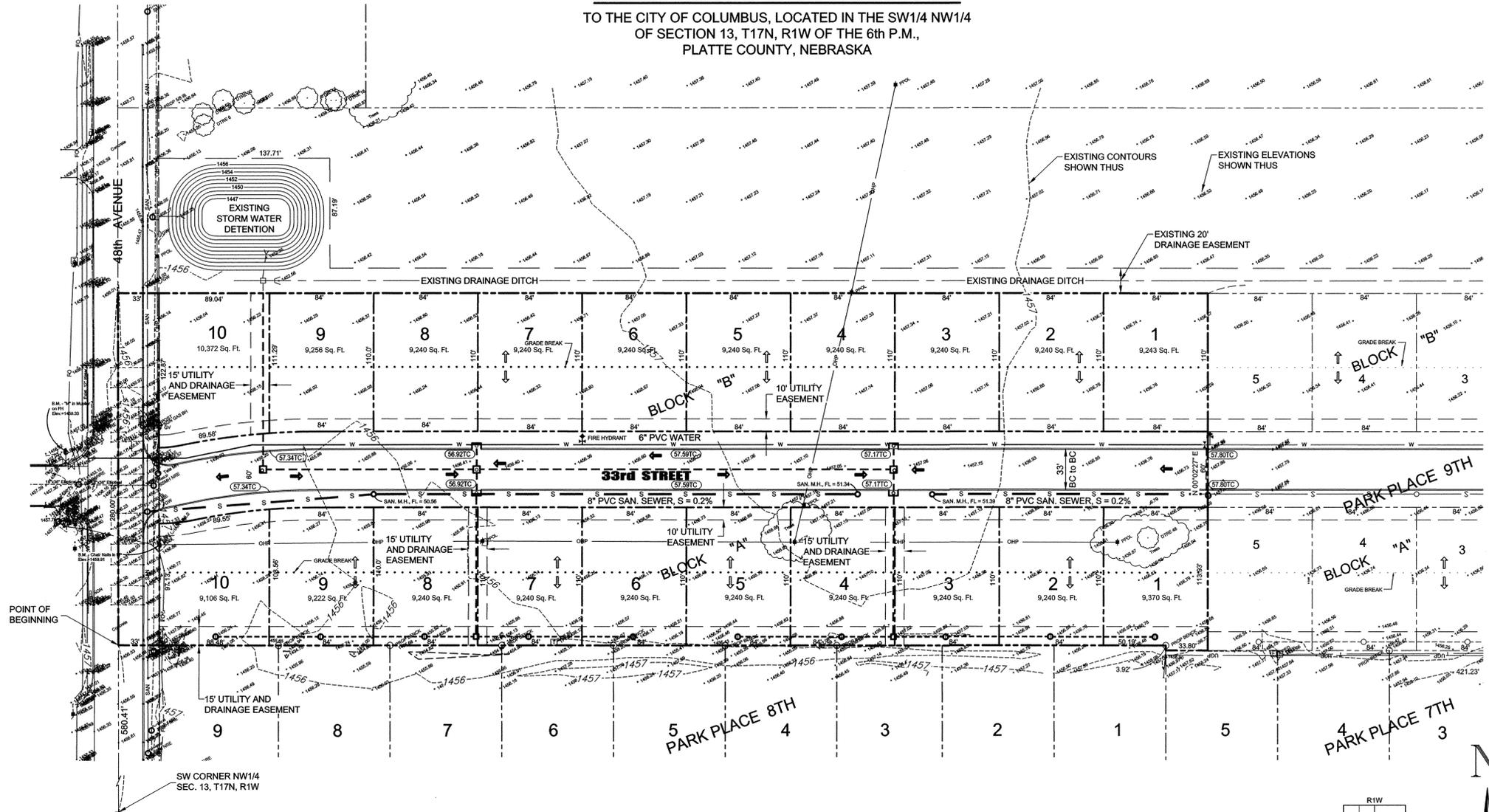


TYPICAL STREET EMBANKMENT CROSS SECTION  
NTS

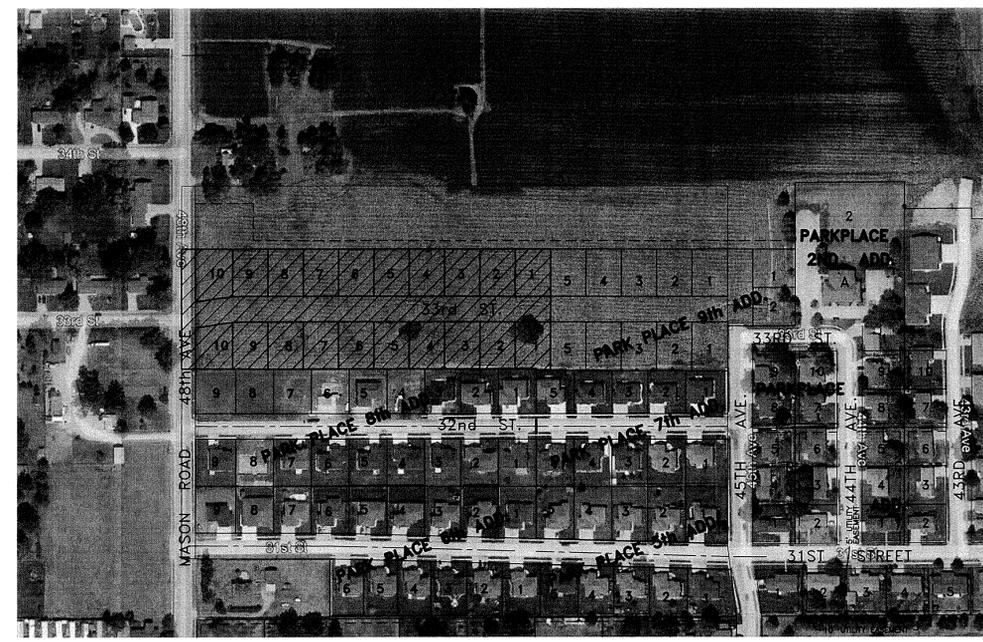
LEGAL DESCRIPTION

A tract of land located in the SW 1/4 of the NW 1/4 of Section 13, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of the NW 1/4 of Section 13, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence N 00°03'40" W, on an assumed bearing on the west line of said NW 1/4, a distance of 580.41 feet to the point of beginning; thence S 89°56'06" E, on the north line of Park Place 8th Addition, a distance of 843.64 feet, to the northeast corner of Lot 1, Block B, Park Place 8th Addition; thence S 00°02'53" E, on the east line of said Lot 1, Block B, Park Place 8th Addition, a distance of 3.92 feet, to the northwest corner of Lot 5, Block B, Park Place 7th Addition; thence S 89°55'14" E, on the north line of said Lot 5, a distance of 33.80 feet, to the southwest corner of Lot 5, Block A, Parkplace 9th Addition; thence N 00°02'27" E, on the west line of Parkplace 9th Addition, a distance of 283.93 feet, to the northwest corner of Lot 5, Block B, Parkplace 8th Addition; thence N 89°56'06" W, a distance of 877.95 feet, to a point on the west line of the NW 1/4 of said Section 13; thence S 00°03'40" E, on said west line of the NW 1/4, a distance of 280.00 feet to the point of beginning, said tract of land containing 5.64 acres, more or less.



ELEVATIONS SHOWN ARE NAVD88 DATUM



KEY MAP  
1" = 200'

CITY COUNCIL APPROVAL

This preliminary plat of PARK PLACE 10TH ADDITION to the City of Columbus, Nebraska, approved by the City Council this \_\_\_ day of \_\_\_, 2022.

Mayor \_\_\_\_\_ City Clerk \_\_\_\_\_

PLANNING COMMISSION

This preliminary plat of PARK PLACE 10TH ADDITION to the City of Columbus, Nebraska, approved by the Planning Commission this \_\_\_ day of \_\_\_, 2022.

Chairman \_\_\_\_\_

SURVEYOR'S CERTIFICATE

I, Lynn D. Birkei, a Registered Land Surveyor of the State of Nebraska, hereby certify that this Preliminary Plat of PARK PLACE 10th ADDITION was made under my direction.

Signed this 14th day of FEBRUARY, 2022

Lynn D. Birkei, Nebraska L.S. #497  
Gilmore & Associates, Inc.



DRN BY	RTK/LDB
DATE	02/14/2022
SCALE	AS SHOWN
PROJ.	211.878
F.B.	
SHEET	1 of 1

PARK PLACE 10th ADDITION  
COLUMBUS, NEBRASKA  
PRELIMINARY PLAT

GILMORE & ASSOCIATES, INC.  
Engineers-Surveyors

Diggers Hotline of Nebraska 1-800-331-5666

REVISIONS

5. **Public hearing - Application of Granville Custom Homes, LLC for preliminary plat of West Elks 2nd Subdivision (south of 68 Street and 56 Avenue Place), and request for waiver of subdivision regulations for cul-de-sac length as per the Unified Land Development Ordinance.**

**NOTICE OF HEARING  
TO ALL PARTIES IN INTEREST AND CITIZENS OF  
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, March 14, 2022, at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska, on the preliminary plat of West Elks 2nd Subdivision, a Tract of land located in the East 1/2 of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence S 90°00'00" W on the North line of said Northwest 1/4, 680.00 feet to the Point of Beginning; thence S 90°00'00" W on said North line, 564.00 feet; thence S 00°00'00" W and perpendicular to said North line, 1817.53 feet; thence N 89°51'02" E and parallel to the South line of said Northwest 1/4, 1243.96 feet to a point on the East line of said Southwest 1/4; thence N 00°00'01" W on said East line, 39.69 feet to the Southeast corner of the Corrected Survey of West Elks Replat, Platte County, Nebraska; thence S 90°00'00" W on the South line of said Corrected Survey of West Elks Replat, 566.27 feet to the Southwest corner of said Corrected Survey of West Elks Replat; thence N 00°00'00" E on the West line of said Corrected Survey of West Elks Replat and perpendicular to said North line, 1543.53 feet to a point of curvature on the South Right-of-Way line of 56th Avenue Place; thence Southwesterly on a 360.00 foot radius curve to the left on said Right-of-Way line, 45.94 feet of which said curve has a chord bearing of S 86°20'40" W, 45.91 feet to a point of tangency on said Right-of-Way line; thence S 90°00'00" W on said Right-of-Way line, 67.91 feet; thence N 00°00'00" W, 235.00 feet to the Point of Beginning, containing 28.16 acres, more or less (south of 68 Street and 56 Avenue Place) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA  
Janelle Kline, City Clerk

Publish: 03:03:22  
Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

---

---

**DATE:** March 9, 2022  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** West Elks 2<sup>nd</sup> Subdivision – Preliminary Plat

**RECOMMENDATION:**

I recommend the approval of the preliminary plat of West Elks 2<sup>nd</sup> Subdivision as it is amenable with the future land use and is in accordance with the Unified Land Development Ordinance with the waiver request on the length of the cul-de-sac road.

**DISCUSSION:**

The addition consists of 26 residential lots and 3 outlots. The street will require a waiver of cul-de-sac roadway length. The street right-of-way and easements will be dedicated to the public. The storm water treatment facility is within Outlot B.

The subdivision is within the City's extraterritorial jurisdiction but outside of the city annexation opportunity at this time.

**FISCAL IMPACT:**

No city utilities or roadways.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Daniel Curtis

**SIGNATURE:**

By: Richard J. Bogus

Approved By: 

**MAJOR APPLICATION  
FOR SUBDIVISION OR ADDITION  
**PRELIMINARY PLAT** / FINAL**

(CIRCLE ONE)

DATE: January 24, 2022

NAME OF SUBDIVISION: West Elks 2nd Subdivision

NAME OF PROPERTY OWNER: Granville Custom Homes, LLC

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Steven Ramaekers

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 4514 Howard Blvd, Columbus, NE 68601

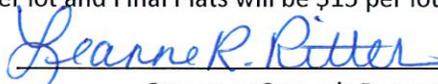
PHONE NUMBER: 402-276-3476

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: steven@granville-homes.com

NUMBER OF LOTS IN SUBDIVISION: 26 and 1 outlet

ADDRESS OF SUBDIVISION: Part of the E 1/2 of the NW 1/4 of S2, T17N, R1W

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.



Owner or Owner's Representative

Steven Ramaekers

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: \_\_\_\_\_

City Attorney

Neal Valorz – [nvalorz@1492law.com](mailto:nvalorz@1492law.com)

Gene G. Schumacher – [gschum@1492law.com](mailto:gschum@1492law.com)

Addendum to Subdivision Application for West Elks 2<sup>nd</sup> Subdivision  
Waiver Request

Developer requests a waiver of the cul-de-sac length restriction for this development.

The design of West Elks 2<sup>nd</sup> as the second prong of a wishbone design was understood in 2012 when the street design and grading plan of West Elks was approved.

*Steven Ramaekers*

Steven Ramaekers

Granville Custom Homes, Inc.

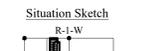
PRELIMINARY PLAT  
**WEST ELKS 2nd SUBDIVISION**  
 A Subdivision of Part of the East 1/2 of the Northwest 1/4 of Section 2, T17N, R1W  
 of the 6th P.M., Platte County, Nebraska.



Drawn By: LRR  
 Date: December 15, 2021  
 Scale: 1"=100'  
 Project Number: S-071-128



- Section Corner Found
- Property Corner Found
- Property Corner Set (5/8" x 24" I.B. w/Cap)
- Calculated Point
- M Measured Distance
- R Recorded Distance
- C Calculated Distance



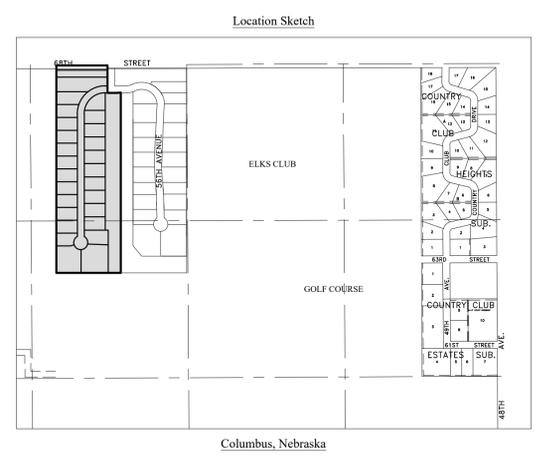
SECTION 2  
 Platte County, Nebraska

**DEVELOPER:**  
 Steven Ramaekers  
 Granville Custom Homes, Inc.  
 4514 Howard Blvd.  
 Columbus, NE 68601

**ENGINEER:**  
 John A. Zwingman  
 Advanced Consulting Engineering Services  
 133 W. Washington Street  
 West Point, NE 68788  
 Phone: 402-372-1923

**SURVEYOR:**  
 Terry L. Schulz  
 Advanced Consulting Engineering Services, Inc.  
 133 W. Washington Street  
 West Point, NE 68788  
 Phone: 402-372-1923

**Zoning:**  
 Existing Zone: RR - Rural Residential  
 Proposed Zone: R1 - Single Family Residential



- 20' Front and Street Side Setbacks
- 7' Interior Side Setbacks
- 25' Rear Setbacks

**FIELD NOTES**

- A) Northwest Corner, Section 2, T17N, R1W: Found 1" Iron Pipe. 47.18' NE to Nail in Corner Fence Post. 47.20' NW to Nail in Power Pole. 48.45' SW to Nail and Disc in Corner Fence Post. 56.91' SW to Nail on Top of Fence Post.
- B) Northeast Corner, Northwest 1/4, Section 2, T17N, R1W: Found 1" Iron Pipe. 32.85' North to "X" Nails in Power Pole. 32.78' South to 1" Iron Pipe on North Side of 18" Tree. 76.54' NE to Nail and Disc in Power Pole.
- C) West 1/4 Corner, Section 2, T17N, R1W: Found 1-1/2" Iron Pipe. 36.35' WSW to 5/8" Iron Bar Witness. 43.24' NW to Nail & Disc in Power Pole. 32.94' East to 5/8" Rebar with Cap, LS#455.
- D) Center of Section 2, T17N, R1W: Set 5/8"x24" Iron Bar with Cap, LS#550. Corner falls on SW side of Corner Fence Post. 10.91' South to Nail in Fence Post. 8.64' North to Nail in Fence Post. 19.17' North to Nail in Fence Post.
- E) East 1/4 Corner, Section 2, T17N, R1W: Found Mag Spike with Washer in Asphalt as Recorded by Thomas A. Tremel, LS#455, dated July 27, 2011. 33.88' East to "X" Nails in Power Pole. 32.91' West to "X" Nails in Stub Power Pole. 33.06' West to 5/8" Rebar with Cap, LS#473. 53.45' NE to Drill Hole in Top Center of Concrete Headwall. On Centerline of 48th Avenue (North-South).
- F) South 1/4 Corner, Section 2, T17N, R1W: Found Iron Shaft "n" + 4 feet deep. 88.36' WSW to Nail & Disc in Power Pole. 32.95' South to 5/8" Rebar with Cap, LS#455. 21.40' SSW to Mag-Nail in Top of CMP, South end. 22.57' NNW to Mag-Nail in Top of CMP, North end. Corner is 11.5' East to North-South CMP Culvert.

**LEGAL DESCRIPTION**  
 A Tract of land located in the East 1/2 of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence S 90°00'00" W on the North line of said Northwest 1/4, 680.00 feet to the Point of Beginning; thence S 90°00'00" W on said North line, 564.00 feet; thence S 00°00'00" W and perpendicular to said North line, 1817.53 feet; thence N 89°51'02" E and parallel to the South line of said Northwest 1/4, 1243.96 feet to a point on the East line of said Northwest 1/4; thence N 00°00'01" W on said East line, 39.69 feet to the Southeast corner of the Corrected Survey of West Elks Replat, Platte County, Nebraska; thence S 90°00'00" W on the South line of said Corrected Survey of West Elks Replat, 566.27 feet to the Southwest corner of said Corrected Survey of West Elks Replat; thence N 00°00'00" E on the West line of said Corrected Survey of West Elks Replat and perpendicular to said North line, 1543.53 feet to a point of tangency on the South Right-of-Way line of 56th Avenue Place; thence Southwesterly on a 360.00 foot radius curve to the left on said Right-of-Way line, 45.94 feet of which said curve has a chord bearing of S 86°20'40" W, 45.91 feet to a point of tangency on said Right-of-Way line; thence S 90°00'00" W on said Right-of-Way line, 67.91 feet; thence N 00°00'00" W, 235.00 feet to the Point of Beginning, containing 28.16 acres, more or less.

**SURVEYOR'S CERTIFICATE**  
 I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on January 6, 2022; also that all dimensions are in feet and are correct to the best of my knowledge and belief.



Terry L. Schulz, State of Nebraska, R.L.S. #550 Date \_\_\_\_\_

**COLUMBUS, NEBRASKA PLANNING COMMISSION**  
 This Preliminary Plat of WEST ELKS 2ND SUBDIVISION to the City of Columbus, Nebraska  
 approved by the Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

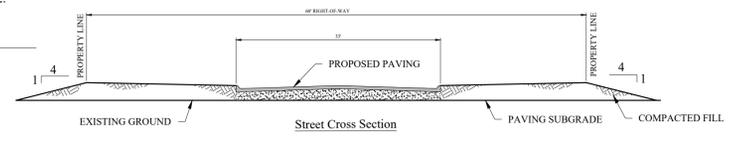
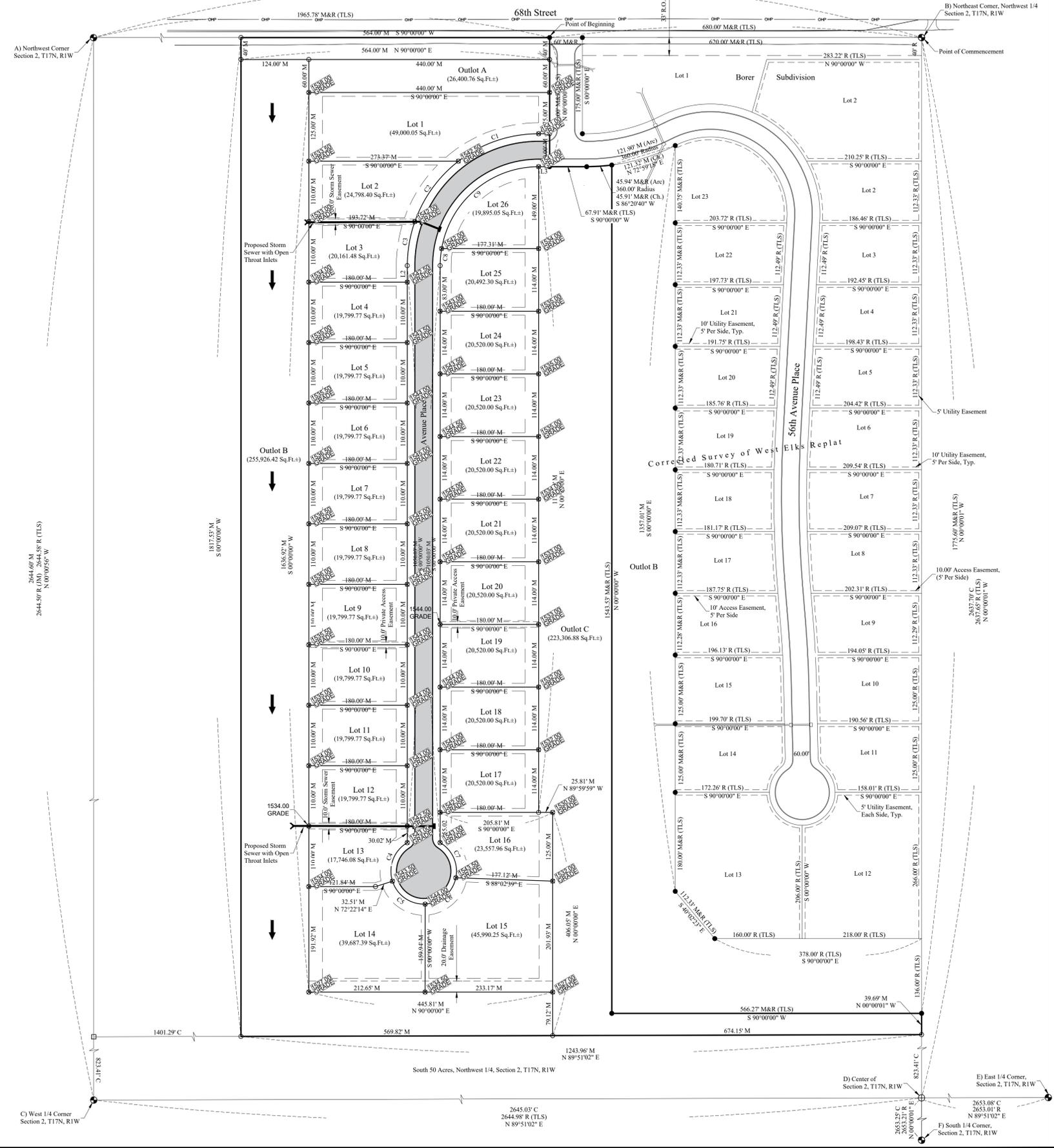
Chairman \_\_\_\_\_

**COLUMBUS, NEBRASKA CITY COUNCIL**  
 This Preliminary Plat of WEST ELKS 2ND SUBDIVISION to the City of Columbus, Nebraska  
 approved by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Mayor \_\_\_\_\_ City Clerk \_\_\_\_\_

**ADVANCED CONSULTING ENGINEERING SERVICES**  
 133 W. Washington St. • P.O. Box 218  
 West Point, NE 68788  
 Phone: (402) 372-1923

Curve Data	Line Data
C1 Radius= 240.00' Arc Length= 157.75' M Chord Length= 154.92' M N 71°10'13" E	L1 20.00' M N 90°00'00" W
C2 Radius= 240.00' Arc Length= 137.69' M Chord Length= 135.81' M N 35°54'20" E	L2 30.00' M S 00°00'01" W
C3 Radius= 240.00' Arc Length= 81.56' M Chord Length= 81.16' M N 09°44'08" E	L3 20.00' M S 90°00'00" E
C4 Radius= 60.00' Arc Length= 81.29' M Chord Length= 75.22' M S 21°11'08" W	
C5 Radius= 60.00' Arc Length= 78.43' M Chord Length= 73.00' M S 55°02'27" E	
C6 Radius= 60.00' Arc Length= 79.55' M Chord Length= 73.89' M N 49°27'24" E	
C7 Radius= 60.00' Arc Length= 74.88' M Chord Length= 70.12' M N 24°14'42" W	
C8 Radius= 180.00' Arc Length= 31.15' M Chord Length= 31.11' M N 04°57'30" E	
C9 Radius= 180.00' Arc Length= 251.59' M Chord Length= 231.60' M N 49°57'30" E	



C) West 1/4 Corner, Section 2, T17N, R1W  
 1401.29' C  
 569.82' M  
 2644.60' M (JND) 2644.98' R (TLS)  
 N 00°00'55" W

South 50 Acres, Northwest 1/4, Section 2, T17N, R1W  
 1243.96' M  
 N 89°51'02" E

D) Center of Section 2, T17N, R1W  
 833.41' C  
 2653.71' C  
 N 00°00'01" W

E) East 1/4 Corner, Section 2, T17N, R1W  
 2653.08' C  
 2653.01' R  
 N 89°51'02" E

F) South 1/4 Corner, Section 2, T17N, R1W  
 2653.71' C  
 N 00°00'01" W

6. **Public hearing - Application of Granville Custom Homes, Inc. and Paul and Bonita Ramaekers to rezone property located south of 68 Street and 56 Avenue Place from "RR" (Rural Residential District) to "R-1" (Single-Family Residential District) and amend the Future Land Use Map of the Comprehensive Plan accordingly.**

**NOTICE OF HEARING  
TO ALL PARTIES IN INTEREST AND CITIZENS OF  
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, March 14, 2022, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the application to rezone a Tract of land located in the East 1/2 of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence S 90°00'00" W on the North line of said Northwest 1/4, 680.00 feet to the Point of Beginning; thence S 90°00'00" W on said North line, 564.00 feet; thence S 00°00'00" W and perpendicular to said North line, 1817.53 feet; thence N 89°51'02" E and parallel to the South line of said Northwest 1/4, 1243.96 feet to a point on the East line of said Southwest 1/4; thence N 00°00'01" W on said East line, 39.69 feet to the Southeast corner of the Corrected Survey of West Elks Replat, Platte County, Nebraska; thence S 90°00'00" W on the South line of said Corrected Survey of West Elks Replat, 566.27 feet to the Southwest corner of said Corrected Survey of West Elks Replat; thence N 00°00'00" E on the West line of said Corrected Survey of West Elks Replat and perpendicular to said North line, 1543.53 feet to a point of curvature on the South Right-of-Way line of 56th Avenue Place; thence Southwesterly on a 360.00 foot radius curve to the left on said Right-of-Way line, 45.94 feet of which said curve has a chord bearing of S 86°20'40" W, 45.91 feet to a point of tangency on said Right-of-Way line; thence S 90°00'00" W on said Right-of-Way line, 67.91 feet; thence N 00°00'00" W, 235.00 feet to the Point of Beginning, containing 28.16 acres, more or less (south of 68 Street and 56 Avenue Place) from "RR" (Rural Residential District) to "R-1" (Single-Family Residential District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, Nebraska  
Janelle Kline, City Clerk

Publish: 03:03:22  
Two Affidavits of Publication

**CITY OF COLUMBUS  
MEMORANDUM**

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**DATE:** 03/09/2022  
**FROM:** Dan Curtis  
**TO:** City Administrator Tara Vasicek  
**RE:** Rezone from RR to R-1 for Housing Development

**RECOMMENDATION:**

I recommend approval of this rezoning from RR to R-1 and to amend the Future Land Use map accordingly.

**DISCUSSION:**

We have received an application to rezone this property from RR to R-1 for the construction of single-family homes. There is currently R-1 zoning to the east of this property and the continuation of the R-1 district is a good fit for the area and in conformance with the Unified Land Development ordinance.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Deny the Rezoning

**SIGNATURE:**

By: *Daniel Curtis*

Approved By: \_\_\_\_\_





# REZONING APPLICATION

An application for a rezoning may be filed with the Community Development Director's Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications WILL NOT be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Director's Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application will be held.

APPLICANT/PROPERTY OWNER NAME: \_\_\_\_\_

APPLICANT MAILING ADDRESS: \_\_\_\_\_

APPLICANT PHONE NUMBER: \_\_\_\_\_

APPLICANT EMAIL ADDRESS: \_\_\_\_\_

ATTORNEY/FIRM: \_\_\_\_\_

ATTORNEY PHONE NUMBER: \_\_\_\_\_

ATTORNEY E-MAIL ADDRESS: \_\_\_\_\_

ADDRESS OF PROPERTY TO BE REZONED: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY:

PRESENT ZONING CLASSIFICATION: \_\_\_\_\_

REQUESTED ZONING CLASSIFICATION: \_\_\_\_\_

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:

NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: (Include aerial image of proposed development on property and existing surrounding zoning classifications, any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use)

I hereby apply for a Rezoning Application and have paid the \$500 application fee.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Owner or Owner's Representative

WEST ELKS 2ND PROPOSED  
REZONE FROM RR TO R1

WEST ELKS  
EXISTING R1

68th Street

Cornfield



7. **Public hearing - Application of Convergence, LLC for final plat and development agreement of Wishbones Addition (northeast of intersection of Highway 81 and 63 Avenue).**

**NOTICE OF HEARING  
TO ALL PARTIES IN INTEREST AND CITIZENS OF  
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, March 14, 2022, at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska, on the final plat and development agreement of Wishbones Addition, a tract of land located in the South 1/2 of the Southwest 1/4 of Section 11 and the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of the South 1/2 of the Southwest 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence N 88°16'56" E on the North line of said South 1/2, 2686.91 feet to the Northeast corner of said South 1/2; thence S 02°12'00" E on the East line of said South 1/2, 1319.48 feet to the Northeast corner of the North 1/2 of the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County; thence S 01°58'03" E on the East line of said North 1/2, 1323.86 feet to the Southeast corner of said North 1/2; thence S 01°58'10" E on the East line of the South 1/2 of said Northwest 1/4, 870.43 feet to a point on the Northeasterly Right-of-Way line of U.S. Highway #81; thence N 51°05'52" W on said Northeasterly Right-of-Way line, 1410.68 feet; thence N 53°33'46" W on said Northeasterly Right-of-Way line, 1076.94 feet; thence N 53°07'56" W on said Northeasterly Right-of-Way line, 893.35 feet; thence N 03°33'13" W, 57.47 feet to a point on the North line of the North 1/2 of said Northwest 1/4; thence N 88°23'10" E on said North line, 502.67 feet; thence N 02°10'36" W, 551.36 feet; thence S 87°47'43" W, 503.36 feet; thence S 02°15'06" E, 413.60 feet to a point on said Northeasterly Right-of-Way line; thence N 66°02'54" W on said Northeasterly Right-of-Way line, 86.96 feet to a point on the West line of the South 1/2 of said Southwest 1/4; thence N 02°14'06" W on the West line of said South 1/2, 1145.18 feet to the Point of Beginning, containing 140.83 acres, more or less (approximately northeast of intersection of Highway 81 and 63 Avenue) and at said time and place you may appear and be heard.

In addition, you are hereby notified that at the same time and place, the Planning Commission will hold a separate public hearing as to whether said Addition as above described should be included within the corporate limits of the City of Columbus and become a part of said municipality for all purposes whatsoever, and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA  
Janelle Kline, City Clerk

Publish: 03:03:22  
Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

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**DATE:** March 9, 2022  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Wishbones Addition – Final Plat

**RECOMMENDATION:**

I recommend the approval of the final plat of Wishbones Addition as it is consistent with the preliminary plat. The preliminary plat was recommended for approval by the Planning Commission on February 14, 2022, and approved by the City Council on February 22, 2022.

**DISCUSSION:**

The addition consists of 8 outlots (A-H) for the purpose of constructing a casino, hotel, horse race track, roadways, and supporting amenities. Adjacent 63<sup>rd</sup> Avenue will be dedicated to the public and on-site stormwater treatment facilities and extension of public utilities are in compliance. Dedicated landscape easements are along the east and north property lines of outlot "E".

The addition voluntary annexation is part of this agenda.

**FISCAL IMPACT:**

Minor costs for associated street and utility main extensions.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Daniel Curtis

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

**MAJOR APPLICATION  
FOR SUBDIVISION OR ADDITION  
PRELIMINARY PLAT / FINAL**  
(CIRCLE ONE)

DATE: January 25, 2022

NAME OF SUBDIVISION: Wishbones Addition

NAME OF PROPERTY OWNER: Convergence, LLC

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Tom Jackson

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 27901 Woodside Dr, Columbus, NE 68601

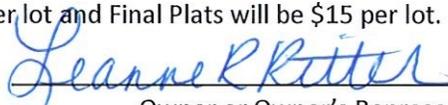
PHONE NUMBER: 402-276-3479

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: tjjack.son@outlook.com

NUMBER OF LOTS IN SUBDIVISION: 9 out lots

ADDRESS OF SUBDIVISION: Part of the S 1/2 of the SW 1/4 of S11 & the NW 1/4 of S14, T17N, R1W

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.



Owner or Owner's Representative

\_\_\_\_\_  
Attorney / Legal Counsel for Applicant

Development Agreement submitted on: \_\_\_\_\_

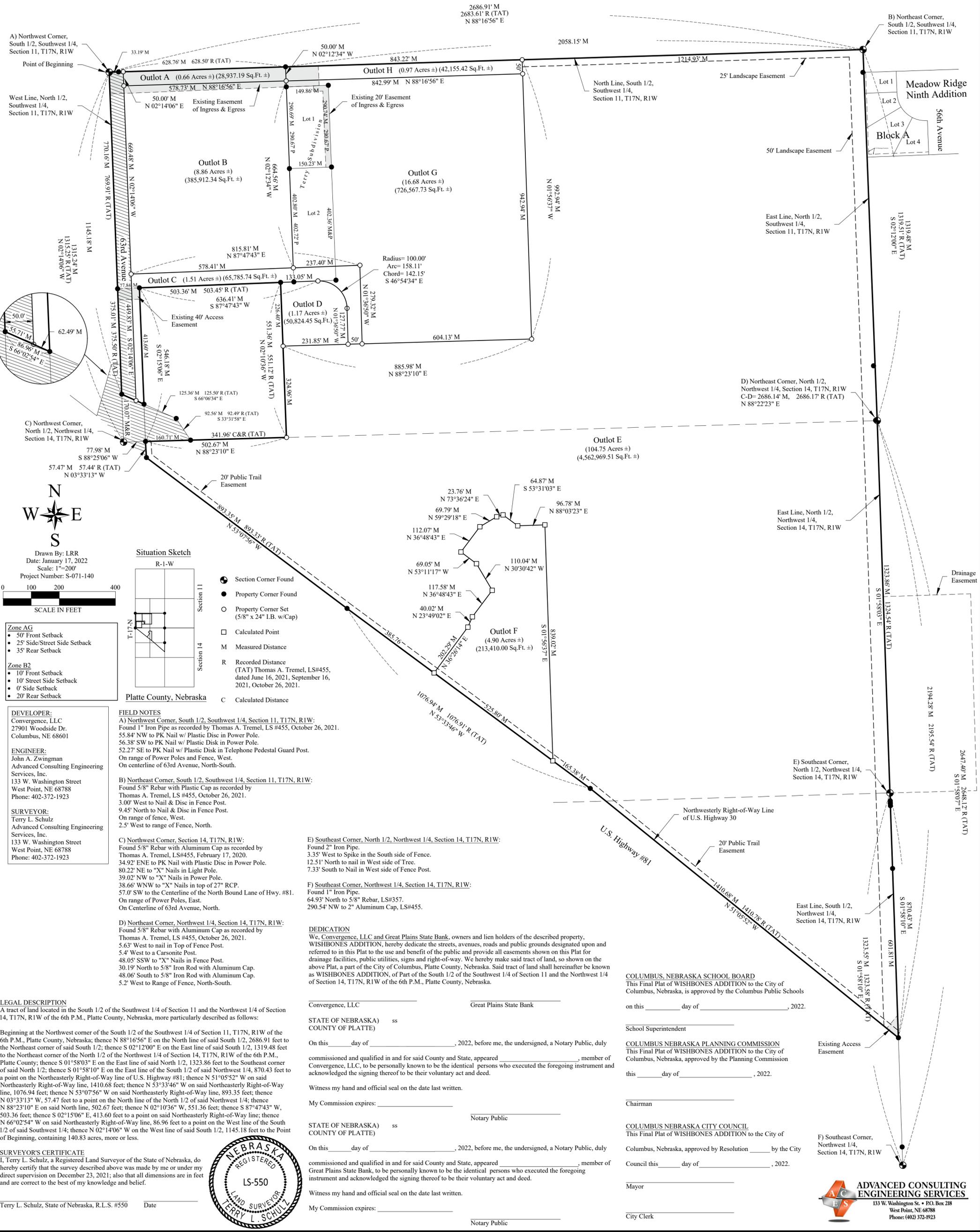
City Attorney

Neal Valorz – [nvalorz@1492law.com](mailto:nvalorz@1492law.com)

Gene G. Schumacher – [gschum@1492law.com](mailto:gschum@1492law.com)

WISHBONES ADDITION

A Subdivision of Part of the South 1/2 of the Southwest 1/4 of Section 11 and Part of the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska.



A) Northwest Corner, South 1/2, Southwest 1/4, Section 11, T17N, R1W

B) Northeast Corner, South 1/2, Southwest 1/4, Section 11, T17N, R1W

West Line, North 1/2, Southwest 1/4, Section 11, T17N, R1W

North Line, South 1/2, Southwest 1/4, Section 11, T17N, R1W

East Line, North 1/2, Southwest 1/4, Section 11, T17N, R1W

C) Northwest Corner, North 1/2, Northwest 1/4, Section 14, T17N, R1W

D) Northeast Corner, North 1/2, Northwest 1/4, Section 14, T17N, R1W

East Line, North 1/2, Northwest 1/4, Section 14, T17N, R1W

E) Southeast Corner, North 1/2, Northwest 1/4, Section 14, T17N, R1W

East Line, South 1/2, Northwest 1/4, Section 14, T17N, R1W

F) Southeast Corner, Northwest 1/4, Section 14, T17N, R1W



Drawn By: LRR Date: January 17, 2022 Scale: 1"=200' Project Number: S-071-140

SCALE IN FEET

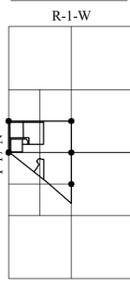
- Zone AG: 50' Front Setback, 25' Side/Street Side Setback, 35' Rear Setback. Zone B2: 10' Front Setback, 10' Street Side Setback, 0' Side Setback, 20' Rear Setback.

DEVELOPER: Convergence, LLC 27901 Woodside Dr. Columbus, NE 68601

ENGINEER: John A. Zwingman Advanced Consulting Engineering Services, Inc. 133 W. Washington Street West Point, NE 68788 Phone: 402-372-1923

SURVEYOR: Terry L. Schulz Advanced Consulting Engineering Services, Inc. 133 W. Washington Street West Point, NE 68788 Phone: 402-372-1923

Situation Sketch



Platte County, Nebraska

FIELD NOTES

A) Northwest Corner, South 1/2, Southwest 1/4, Section 11, T17N, R1W: Found 1" Iron Pipe as recorded by Thomas A. Tremel, LS #455, October 26, 2021. 55.84' NW to PK Nail w/ Plastic Disc in Power Pole. 56.38' SW to PK Nail w/ Plastic Disc in Power Pole. 52.27' SE to PK Nail w/ Plastic Disc in Telephone Pedestal Guard Post. On range of Power Poles and Fence, West. On centerline of 63rd Avenue, North-South.

E) Southeast Corner, North 1/2, Northwest 1/4, Section 14, T17N, R1W: Found 2" Iron Pipe. 3.35' West to Spike in the South side of Fence. 12.51' North to nail in West side of Tree. 7.33' South to Nail in West side of Fence Post.

F) Southeast Corner, Northwest 1/4, Section 14, T17N, R1W: Found 1" Iron Pipe. 64.93' North to 5/8" Rebar, LS#357. 290.54' NW to 2" Aluminum Cap, LS#455.

DEDICATION We, Convergence, LLC and Great Plains State Bank, owners and lien holders of the described property, WISHBONES ADDITION, hereby dedicate the streets, avenues, roads and public grounds designated upon and referred to in this Plat to the use and benefit of the public and provide all easements shown on this Plat for drainage facilities, public utilities, signs and right-of-way. We hereby make said tract of land, so shown on the above Plat, a part of the City of Columbus, Platte County, Nebraska. Said tract of land shall hereinafter be known as WISHBONES ADDITION, of Part of the South 1/2 of the Southwest 1/4 of Section 11 and the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska.

Convergence, LLC ss Great Plains State Bank COUNTY OF PLATTE) On this day of 2022, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared member of Convergence, LLC, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed. Witness my hand and official seal on the date last written. My Commission expires: Notary Public STATE OF NEBRASKA) ss COUNTY OF PLATTE) On this day of 2022, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared member of Great Plains State Bank, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed. Witness my hand and official seal on the date last written. My Commission expires: Notary Public

COLUMBUS, NEBRASKA SCHOOL BOARD This Final Plat of WISHBONES ADDITION to the City of Columbus, Nebraska, is approved by the Columbus Public Schools on this day of 2022. School Superintendent

COLUMBUS NEBRASKA PLANNING COMMISSION This Final Plat of WISHBONES ADDITION to the City of Columbus, Nebraska, approved by the Planning Commission this day of 2022. Chairman

COLUMBUS NEBRASKA CITY COUNCIL This Final Plat of WISHBONES ADDITION to the City of Columbus, Nebraska, approved by Resolution by the City Council this day of 2022. Mayor City Clerk

LEGAL DESCRIPTION A tract of land located in the South 1/2 of the Southwest 1/4 of Section 11 and the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of the South 1/2 of the Southwest 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence N 88°16'56" E on the North line of said South 1/2, 2686.91 feet to the Northeast corner of said South 1/2; thence S 02°12'00" E on the East line of said South 1/2, 1319.48 feet to the Northeast corner of the North 1/2 of the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County; thence S 01°58'03" E on the East line of the South 1/2 of said Northwest 1/4, 870.43 feet to a point on the Northeastly Right-of-Way line of U.S. Highway #81; thence N 51°05'52" W on said Northeastly Right-of-Way line, 1410.68 feet; thence N 53°33'46" W on said Northeastly Right-of-Way line, 1076.94 feet; thence N 53°07'56" W on said Northeastly Right-of-Way line, 893.35 feet; thence N 03°33'13" W, 57.47 feet to a point on the North line of the North 1/2 of said Northwest 1/4; thence N 88°23'10" E on said North line, 502.67 feet; thence N 02°10'36" W, 551.36 feet; thence S 87°47'43" W, 503.36 feet; thence S 02°15'06" E, 413.60 feet to a point on said Northeastly Right-of-Way line; thence N 66°02'54" W on said Northeastly Right-of-Way line, 86.96 feet to a point on the West line of the South 1/2 of said Southwest 1/4; thence N 02°14'06" W on the West line of said South 1/2, 1145.18 feet to the Point of Beginning, containing 140.83 acres, more or less.

SURVEYOR'S CERTIFICATE I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on December 23, 2021; also that all dimensions are in feet and are correct to the best of my knowledge and belief.



Terry L. Schulz, State of Nebraska, R.L.S. #550 Date



Please return to:  
Christopher M Bikus  
1650 Farnam Street  
Omaha, NE 68102-2186  
chris.bikus@kutarock.com

**WISHBONES ADDITION  
DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made and entered on 14th day of March, 2022, by and between CONVERGENCE, L.L.C. (hereinafter referred to as "Subdivider") and the CITY OF COLUMBUS, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City").

**WITNESSETH**

WHEREAS, Subdivider is the owner of the land included within the proposed plat attached hereto as Exhibit "A", commonly known as Outlots A through H, Wishbones Subdivision, a proposed Addition to the City of Columbus, Platte County, Nebraska, (hereinafter referred to as the "Area to be Developed") within the City's zoning and platting jurisdiction; and,

WHEREAS, the CITY requires public improvements in the Area to be Developed; and,

WHEREAS, the Subdivider wishes to connect the system of roadways, sanitary sewers, water, and storm sewers to be constructed within the Area to be Developed to the roadways, sanitary sewer, water, and storm sewer system of the City.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

For the purpose of this Development Agreement, the following words and phrases shall have the following meanings:

The "cost" or "entire cost" of a type of improvement shall be deemed to include all construction costs, study fees, engineering fees, attorneys' fees, testing expenses, publication costs; financing costs and miscellaneous costs.

"Property benefited" shall mean property within the Area to be Developed (Exhibit "A"), which will comprise 139.59 acres of property.

**SECTION I**

Subdivider and City covenant that the following public improvements shall be installed and provided by Subdivider as set forth herein, at Subdivider's expense, subject to the exceptions and clarifications detailed herein:

A. The Subdivider shall install water, sanitary and storm sewer systems and street improvements, including sidewalks, trails, traffic calming features, and traffic signalization and advanced notification in accordance with city standards and future road and utility plans. The Subdivider shall be responsible for the design, financing and construction of said public infrastructure improvements as detailed herein.

B. Concrete paving of 63<sup>rd</sup> Avenue, dedicated per plat (Exhibit "A"), to be forty one (41) feet in width, a minimum of nine (9) inch thick doweled concrete, and a minimum of four (4) inch aggregate subgrade with subsurface drainage system, and shall be constructed according to city standards. If the design engineer reasonably determines that thicker concrete, subgrade, or additional doweling are required, then Subdivider shall build to such specifications. The entire cost of paving improvements shall be paid by the Subdivider. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

C. The sanitary sewer system, including, but not limited to: mains, manholes and related appurtenances shall be constructed according to City standards within dedicated street right-of-way and easements, areas per plat (Exhibit "A"), the same to be located on a sanitary sewer plan prepared by a Nebraska Licensed Professional Civil Engineer. The entire cost of sanitary sewer system improvements shall be paid by the Subdivider. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

D. The storm water sewer system, including, but not limited to: mains, inlets, manholes, and related appurtenances shall be constructed according to City standards in dedicated street right-of-way and easement areas, per plat (Exhibit "A") to be located on a storm water system plan prepared by a Nebraska Licensed Professional Civil Engineer. The Subdivider will be responsible for the design, financing and construction of said storm sewer system improvements. The entire cost of storm sewer system improvements shall be paid by the Subdivider. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

E. The water distribution system, including, but not limited to: mains, hydrants and valves shall be constructed according to City standards within a dedicated right-of-way and easements areas per plat (Exhibit "A") on a water plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider will be responsible for the design, financing and construction of said water distribution improvements. The entire cost of the water distribution system and improvements shall be paid by the Subdivider. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

F. The Subdivider shall provide a regional traffic and signalization warrant study by a Nebraska Professional Engineer who commonly does these types of studies respecting the following intersections: US Highway 81 and Lost Creek Parkway, US Highway 81 and 48<sup>th</sup> Avenue, US Highway 81 and 51st Avenue, US Highway 81 and 63<sup>rd</sup> Avenue, Lost Creek Highway and 48<sup>th</sup> Avenue and Lost Creek Highway and 63<sup>rd</sup> Avenue. Subdivider shall provide the study to the City and Nebraska Department of Transportation for review and approval and comply therewith.

G. Traffic calming features and improvements, including, but not limited to: roundabouts as determined by the study or otherwise required or agreed upon with the City shall be constructed according to City standards within dedicated right-of-way per plat (Exhibit "A") on a plat prepared by a Nebraska Licensed Civil Engineer. The Subdivider will be responsible for the design, financing and construction of said traffic calming improvements. The entire cost of the traffic calming improvements shall be paid by the Subdivider. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

H. Traffic signalization features and improvements in the traffic study boundary, including, but not limited to: traffic signals, advanced signal warning systems, advanced radar detection, and pedestrian crossing signalization as determined by the study or otherwise required or agreed upon with the City shall be constructed according to City standards within dedicated right-of-way per plat (Exhibit

"A") on a plat prepared by a Nebraska Licensed Civil Engineer. The Subdivider will be responsible for the design, financing and construction of said traffic signalization improvements. The entire cost of the traffic signalization improvements shall be paid by the Subdivider. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

I. Landscaping, screening, and other aesthetics features as required in the City's Unified Land Development Ordinance or otherwise agreed upon with the City, shall be constructed, provided, and paid for by the Subdivider. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

J. Natural gas distribution mains, if any, shall be located within a dedicated street right-of-way or easement areas dedicated per plat (Exhibit "A") or by separate instrument, which Subdivider shall arrange to be installed by the local gas franchisee. Any additional cost participation required by the local gas franchisee for the installation of gas mains, if any, shall be borne by the Subdivider. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

K. Subdivider will arrange for underground electrical service to each buildable lot within the Area to be Developed to be provided by Loup Power District at no cost to the City. If any relocation or adjusting of existing electrical mains are required, the costs shall be borne by the Subdivider. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

L. Subdivider will arrange for street lighting for adjacent public streets including those dedicated per plat (Exhibit "A") to be provided by Loup Power District at Subdivider's cost and at no cost to the City. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

M. Subdivider shall install the concrete sidewalk at a minimum of four feet wide and a minimum of four inches thick, or at the thickness required to meet pavement design of driveway, access ingress and egress, or other determined areas, in accordance with the American's with Disability Act and per City Code on each lot within the Area to be Developed or shall contract with the builder to construct the same at the time each lot is developed. If Subdivider fails to do so, the lot owner along with the Subdivider shall be responsible for installing the sidewalk. If any lot remains a common area lot or is located adjacent to a designated arterial or collector, Subdivider shall install the sidewalk for said lot(s) as part of the initial construction.

N. Grading for the Area to be Developed shall be completed by the Subdivider at Subdivider's expense pursuant to the drainage and grading plan elevations to be provided by JOHN ZWINGMAN, ADVANCED CONSULTING ENGINEERING SERVICES, PO BOX 218, WEST POINT, NE. 68788 and submitted with the Final Plat. Post construction storm water management systems shall be installed, maintained, and fully functional in accordance with the City of Columbus Code of Ordinances, Chapter 53, at Subdivider's expense. Expenses determined to be eligible for tax increment financing or other funding may assist in payment.

O. Subdivider agrees to obtain a Nebraska Department of Environmental and Energy, National Pollutant Discharge Elimination System, Construction Storm Water Notice of Intent (NOI), including the Storm Water Pollution Prevention Plan (SWPPP), prior to disturbing more than one acre. The Subdivider shall provide a copy of the NOI and SWPPP, name and contact information of the certified person/firm providing the inspections to the City as part of the City's Municipal Storm Sewer Separation System requirements. If less than one acre is disturbed, the Subdivider shall complete a small lot NOI SWPPP.

P. Subdivider shall obtain the Nebraska Department of Transportation permit(s), and provide a copy to the City, for any and all work within the State right-of-way, prior to any removals or work in said right-of-way.

Q. Subdivider agrees to not object to the potential creation of a possible improvement district(s), if any, for those benefiting the property and/or development.

R. Subdivider agrees if, in the future, the Federal Emergency Management Agency (FEMA), determines that any portion of the Subdivider's property is deemed to be in a floodplain on a future Flood Insurance Rate Map (FIRM), at the Subdivider's expense, provides the City a Floodplain Development Permit. In addition any and all eligible property which meets the FEMA requirements, that at the Subdivider expense, remove said area(s) from the FIRM by a Letter of Map Revision by Fill or other applicable methods through FEMA. Subdivider shall provide a post Elevation Certificate to the City for all areas.

## SECTION II

Subdivider and City covenant and agree that the Subdivider will abide by and incorporate into all of its construction contracts the provisions required by the regulations of the City pertaining to construction of public improvements, and testing procedures therefor, except as otherwise provided in this Development Agreement. The City represents that the City Code does not require public bidding of any work to be undertaken by Subdivider pursuant to this Agreement.

## SECTION III

A. Subject to the conditions and provisions hereinafter specified, the City hereby grants permission to the Subdivider to connect its sewer system to the sewer system of the City in such manner and at such place or places designated on plans submitted by the Subdivider's engineer and approved by the City.

B. Without prior written approval by the City, the Subdivider shall not permit any sewer lines or sewers outside the present boundaries of the Area to be Developed to connect to the sewer or sewer lines of the Area to be Developed, any sewers of the City, any outfall sewer of the City, or any sewage treatment plant of the City. The City shall have exclusive control over connections to its sewers whether inside or outside the boundaries of the Area to be Developed.

C. At all times, all sewage from and through said Area to be Developed into the City sewer system shall be in conformity with the ordinances, regulations, and conditions applicable to sewers and sewage within the City as now existing and as from time to time may be amended.

D. Before any connection from any premises to the sewer system of the Area to be Developed may be made, a permit shall be obtained for said premises, and its connection from the City, it being expressly understood that the City reserves the right to collect all connection charges and fees as required by city ordinances or rules now or hereafter in force; all such connections shall comply with minimum standards prescribed by the City.

E. Notwithstanding any other provisions of this Development Agreement, City retains the right to disconnect the sewer of any industry, or other sewer user within the Area to be Developed, which is discharging into the sewer system in violation of any applicable ordinance, statute, rule or regulations.

SECTION IV

All buildings built in the Area to be Developed shall be constructed in compliance with the most recent City of Columbus Building Requirements at the time of application for the building permits, to the extent possible.

SECTION V

Installation of entrance signs or related fixtures and any median landscaping and related fixtures, if any, shall be paid by the Subdivider. Plans for such proposed improvements that are to be located in public right-of-way and a proposed maintenance agreement for the improvements must be submitted to the City for review and approval prior to the installation of improvements.

No separate administrative entity or joint venture, among the parties, is deemed created by virtue of the Development Agreement.

The administration of this Development Agreement shall be through the offices of the undersigned officers for their respective entities.

This Development Agreement shall be binding upon parties, their respective successors and assigns.

This Development Agreement replaces and declares void any prior agreements or resolutions regarding the development of the Area to be Developed.

This Development Agreement shall be recorded at the Platte County Register of Deeds office, at the Subdivider's expense, within 30 days of final plat approval.

SECTION VI

The Subdivider shall install all public improvements within a time period of two (2) years after the signing of this Development Agreement. An extension of this time period may be requested by the Subdivider and if said request receives a recommendation of Planning Commission and favorable approval by the City Council the deadline will be extended pursuant to the new deadline set by the City Council.

IN WITNESS WHEREOF, we the executing parties, by ourselves or our respective duly authorized agents, hereby enter into this Development Agreement:

ATTEST:

CITY OF COLUMBUS

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Date

APPROVED AS TO FORM

\_\_\_\_\_  
CITY ATTORNEY

STATE OF NEBRASKA        )  
                                          ) ss.  
COUNTY OF PLATTE )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public, duly commissioned and qualified in and for said County, appeared \_\_\_\_\_, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

Witness my hand and Notarial Seal the day and year last above written.

\_\_\_\_\_  
Notary Public

(My commission expires: \_\_\_\_\_)

SUBDIVIDER

CONVERGENCE, L.L.C.

By [Signature]

Name: Tom Jackson

Title: CEO/President

Dated this 14th day of March, 2022.

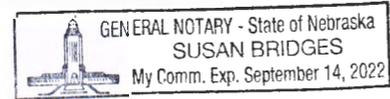
STATE OF NEBRASKA     )  
                                          ) ss.  
COUNTY OF PLATTE     )

On this 14th day of March, 2022, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Thomas J. Jackson, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer of said corporation.

Witness my hand and Notarial Seal the day and year last above written.

[Signature]  
Notary Public

(My commission expires: 9-14-22)



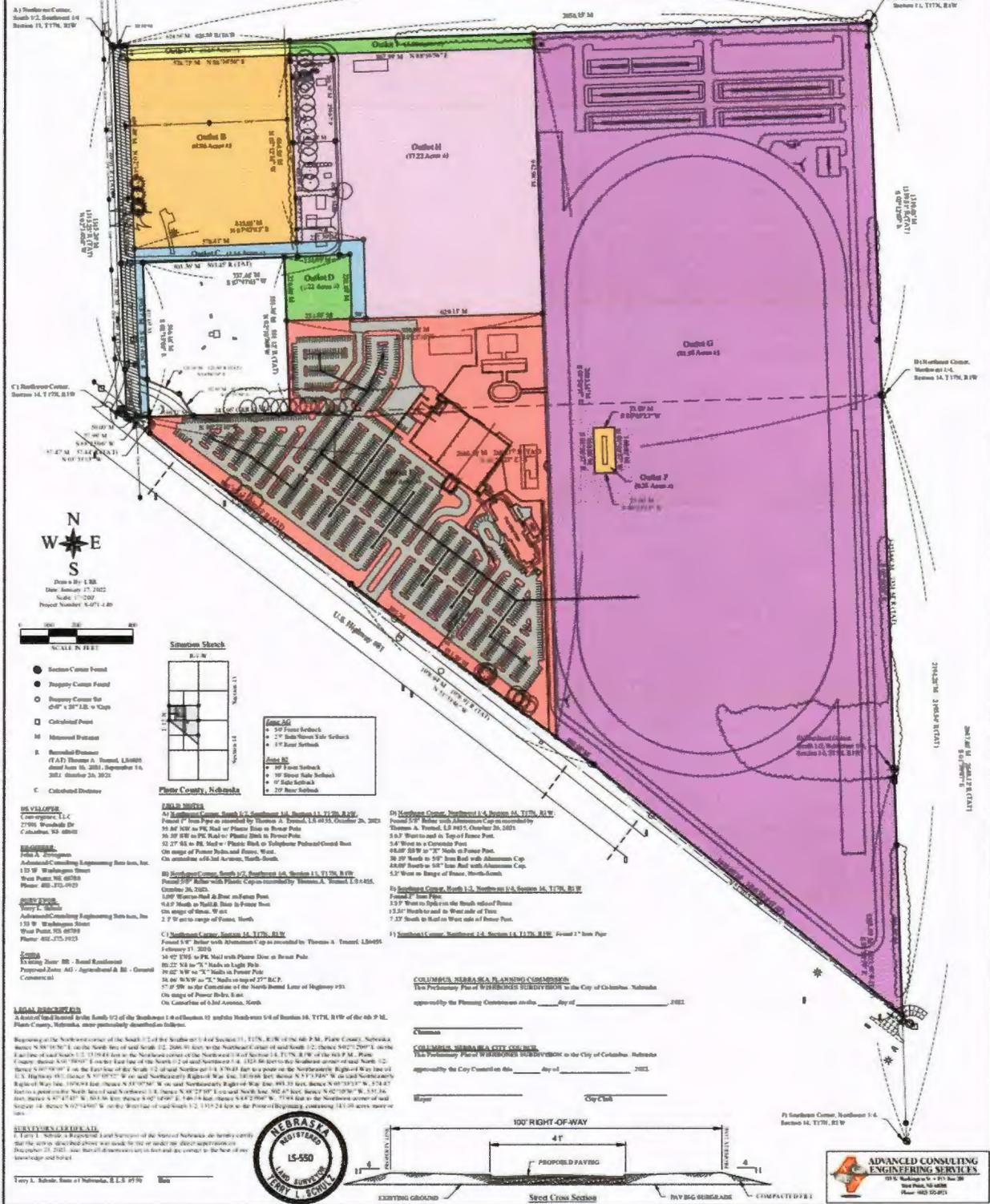
**EXHIBIT A**  
**PRELIMINARY PLAT**  
[See following one (1) page.]

**WISHBONES SUBDIVISION**

A Subdivision of Part of the South 1/2 of the Southwest 1/4 of Section 11 and the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska.

PRELIMINARY PLAN

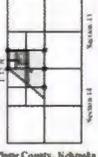
Submitted to  
202.641 (1) (1) (1)  
8/27/2021



Date: 8/27/2021  
User: January 27, 2022  
Scale: 1" = 200'  
Project Number: 4890-1-00



**Site Plan Sketch**



- Legend:**
  - Section Corner Found
  - Property Corner Found
  - Boundary Corner Set
  - Calculated Point
  - Measured Distance
  - Distorted Distance (F.A.D.)
  - Calculated Distance

**DEVELOPER**  
Covington, LLC  
27500 Woodbury Dr  
Columbia, MO 65202

**ENGINEER**  
Terry L. Schell  
Advanced Consulting Engineering Services, Inc.  
133 W. Washington Street  
West Point, MO 65086  
Phone: 660-375-9929

**OWNER**  
Terry L. Schell  
Advanced Consulting Engineering Services, Inc.  
133 W. Washington Street  
West Point, MO 65086  
Phone: 660-375-9929

**PLAT**  
K. M. Ziegler, Inc. - Based Real Estate  
Proposed Zone: AG - Agricultural & B - General Commercial

**PLAT NOTES**

1) Northwest Corner, South 1/2, Southwest 1/4, Section 14, T17N, R1W. Found 1" Iron Pipe as recorded by Thomas A. Truett, L.S. 6533, October 26, 2021. 58.86' NW to P.C. Stake in Power Pole. 39.62' NW to P.C. Stake in Power Pole. 52.27' NE to P.C. Stake in Plastic Stake in Power Pole. On center of Power Pole and fence, West. On center of 66" Road, North-South.

2) Northwest Corner, South 1/2, Southwest 1/4, Section 11, T17N, R1W. Found 1" Iron Pipe with Aluminum Cap as recorded by Thomas A. Truett, L.S. 6455, October 26, 2021. 18.00' SW to P.C. Stake in Power Pole. 42.82' South to P.C. Stake in Power Pole. On center of fence, West. 2.7' W to center of Fence, North.

3) Northwest Corner, Section 14, T17N, R1W. Found 1" Iron Pipe as recorded by Thomas A. Truett, L.S. 6505, February 27, 2020. 34.92' SW to P.C. Stake in Power Pole. 80.22' NE to P.C. Stake in Light Pole. 39.62' NW to P.C. Stake in Power Pole. 24.66' NW to P.C. Stake on top of 2" P.C.P. 57.59' SW to the Concrete of the North Bound Lane of Highway 931. On center of Power Pole, East. On Centerline of 66" Road, North.

4) Northwest Corner, Northwest 1/4, Section 14, T17N, R1W. Found 1" Iron Pipe as recorded by Thomas A. Truett, L.S. 6505, February 27, 2020. 18.00' SW to P.C. Stake in Power Pole. 39.62' NW to P.C. Stake in Power Pole. 52.27' NE to P.C. Stake in Plastic Stake in Power Pole. On center of Power Pole and fence, West. On center of 66" Road, North-South.

5) Northwest Corner, South 1/2, North 1/2, Section 14, T17N, R1W. Found 1" Iron Pipe. 3.37' West to Stake on the South side of Fence. 13.31' South to and to West side of Fence. 7.37' South to East to West side of Fence.

6) Northwest Corner, Northwest 1/4, Section 14, T17N, R1W. Found 1" Iron Pipe.

**PLAT NOTES**

7) Northwest Corner, Northwest 1/4, Section 14, T17N, R1W. Found 1" Iron Pipe as recorded by Thomas A. Truett, L.S. 6505, February 27, 2020. 18.00' SW to P.C. Stake in Power Pole. 39.62' NW to P.C. Stake in Power Pole. 52.27' NE to P.C. Stake in Plastic Stake in Power Pole. On center of Power Pole and fence, West. On center of 66" Road, North-South.

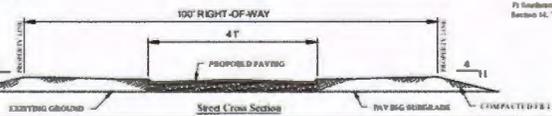
8) Northwest Corner, South 1/2, North 1/2, Section 14, T17N, R1W. Found 1" Iron Pipe. 3.37' West to Stake on the South side of Fence. 13.31' South to and to West side of Fence. 7.37' South to East to West side of Fence.

9) Northwest Corner, Northwest 1/4, Section 14, T17N, R1W. Found 1" Iron Pipe.

COLUMBIAN, NEBRASKA PLANNING COMMISSION  
The Preliminary Plan of WISHBONES SUBDIVISION to the City of Columbia, Nebraska, approved by the Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

COLUMBIAN, NEBRASKA CITY COUNCIL  
The Preliminary Plan of WISHBONES SUBDIVISION to the City of Columbia, Nebraska, approved by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

City Clerk



**ADVANCED CONSULTING ENGINEERING SERVICES**  
133 W. Washington St. • P.O. Box 28  
West Point, MO 65086  
Phone: 660-375-9929

7.A. Public hearing - Determine whether Wishbones Addition should be included within corporate city limits.

8. **Public hearing - Application of Convergence, LLC to rezone property located northeast of the intersection of Highway 81 and 63 Avenue from "RR" (Rural Residential District) to "B-2" (General Commercial District) and amend the Future Land Use Map of the Comprehensive Plan accordingly.**

**NOTICE OF HEARING  
TO ALL PARTIES IN INTEREST AND CITIZENS OF  
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, March 14, 2022, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on the application to rezone a tract of land located in the South 1/2 of the Southwest 1/4 of Section 11 and the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of the South 1/2 of the Southwest 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence N 88°16'56" E on the North line of said South 1/2, 2686.91 feet to the Northeast corner of said South 1/2; thence S 02°12'00" E on the East line of said South 1/2, 1319.48 feet to the Northeast corner of the North 1/2 of the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County; thence S 01°58'03" E on the East line of said North 1/2, 1323.86 feet to the Southeast corner of said North 1/2; thence S 01°58'10" E on the East line of the South 1/2 of said Northwest 1/4, 870.43 feet to a point on the Northeasterly Right-of-Way line of U.S. Highway #81; thence N 51°05'52" W on said Northeasterly Right-of-Way line, 1410.68 feet; thence N 53°33'46" W on said Northeasterly Right-of-Way line, 1076.94 feet; thence N 53°07'56" W on said Northeasterly Right-of-Way line, 893.35 feet; thence N 03°33'13" W, 57.47 feet to a point on the North line of the North 1/2 of said Northwest 1/4; thence N 88°23'10" E on said North line, 502.67 feet; thence N 02°10'36" W, 551.36 feet; thence S 87°47'43" W, 503.36 feet; thence S 02°15'06" E, 413.60 feet to a point on said Northeasterly Right-of-Way line; thence N 66°02'54" W on said Northeasterly Right-of-Way line, 86.96 feet to a point on the West line of the South 1/2 of said Southwest 1/4; thence N 02°14'06" W on the West line of said South 1/2, 1145.18 feet to the Point of Beginning, containing 140.83 acres, more or less (approximately northeast of the intersection of Highway 81 and 63 Avenue) from "RR" (Rural Residential District) to "B-2" (General Commercial District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to the extent it is inconsistent with the requested zoning change, to reflect said change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, Nebraska  
Janelle Kline, City Clerk

Publish: 03:03:22  
Two Affidavits of Publication

CITY OF COLUMBUS  
**MEMORANDUM**

---

**DATE:** 03/09/2022  
**FROM:** Dan Curtis  
**TO:** City Administrator Tara Vasicek  
**RE:** Rezone from RR to B-2 (Northeast Intersection of HWY 81 and 63<sup>rd</sup> Ave)

**RECOMMENDATION:**

I recommend approval of this rezoning from RR to B-2 and to amend the Future Land Use map on the portion of the property not designated General Commercial accordingly. I believe B-2 zoning is a good use of the property considering it abuts HWY 81 and recommend approval.

**DISCUSSION:**

We have received an application to rezone that portion of property contained within the legal description not currently zoned B-2 to B-2. Currently the property contains B-2 and RR zoning, if approved the proposed uses include a hotel, casino and race track.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Deny the Rezoning

**CONCURRENCE:**

**SIGNATURE:**

By: Daniel Curtis

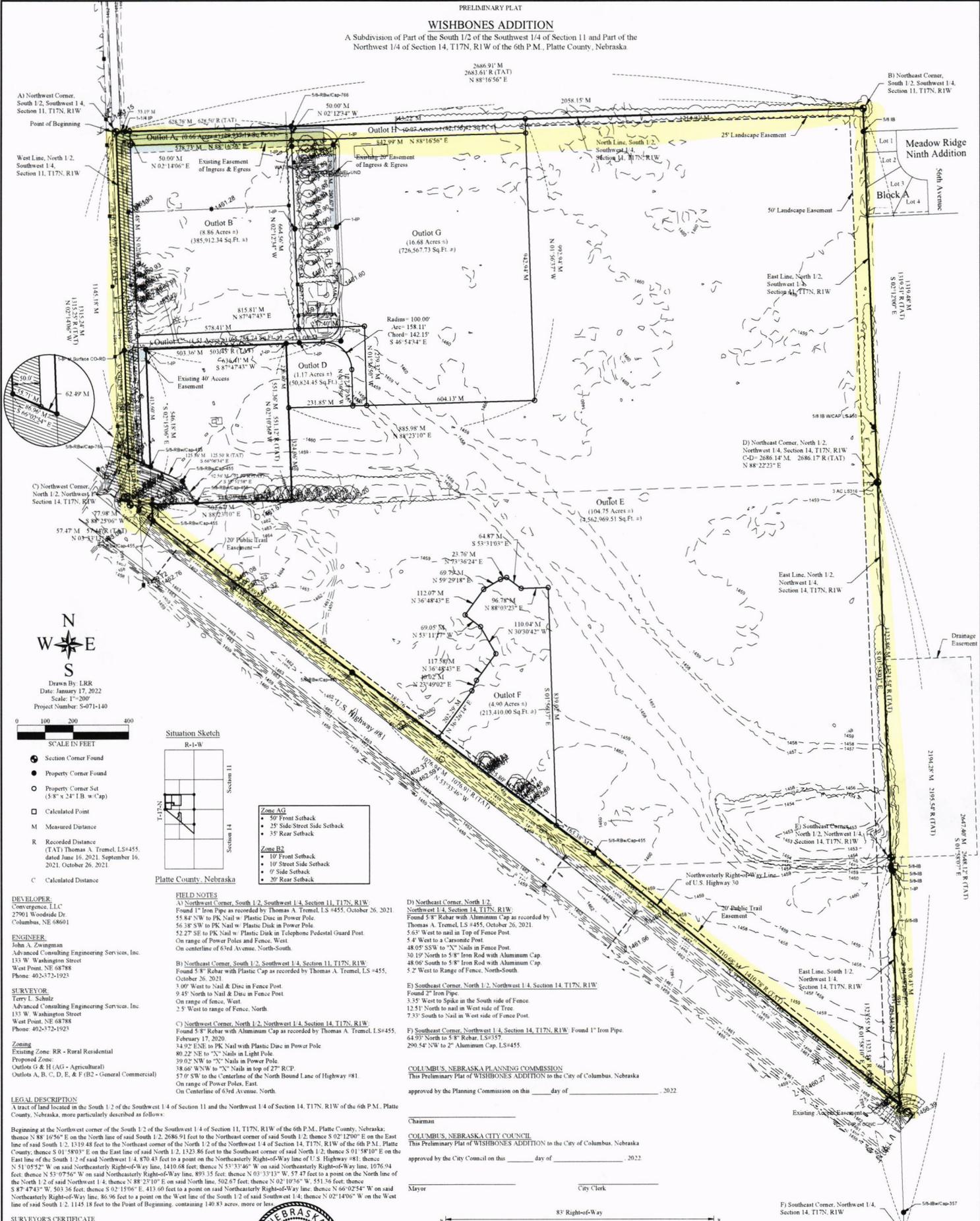
Approved By: \_\_\_\_\_



WISHBONES ADDITION

A Subdivision of Part of the South 1/2 of the Southwest 1/4 of Section 11 and Part of the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska

PRELIMINARY PLAT



Drawn By: LRR
Date: January 17, 2022
Scale: 1"=200'
Project Number: S-071-140

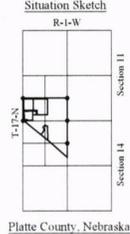


Table with 2 columns: Zone and Setback. Includes Zone A0 (50' Front, 25' Side, 35' Rear) and Zone B2 (10' Front, 10' Side, 20' Rear).

DEVELOPER: Convergence, LLC
ENGINEER: John A. Zwingham
SURVEYOR: Terry L. Schulz
Zoning: Existing Zone RR - Rural Residential
LEGAL DESCRIPTION: A tract of land located in the South 1/2 of the Southwest 1/4 of Section 11 and the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska...

D) Northeast Corner, North 1/2, Northwest 1/4, Section 14, T17N, R1W. Found 5" Rebar with Aluminum Cap as recorded by Thomas A. Tremel, LS #455, October 26, 2021.
E) Southeast Corner, North 1/2, Northwest 1/4, Section 14, T17N, R1W. Found 2" Iron Pipe.
F) Southeast Corner, Northwest 1/4, Section 14, T17N, R1W. Found 1" Iron Pipe.

COLUMBIA, NEBRASKA PLANNING COMMISSION
This Preliminary Plat of WISHBONES ADDITION to the City of Columbus, Nebraska approved by the Planning Commission on this day of ... 2022

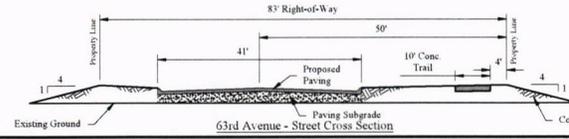
Chairman
COLUMBIA, NEBRASKA CITY COUNCIL
This Preliminary Plat of WISHBONES ADDITION to the City of Columbus, Nebraska approved by the City Council on this day of ... 2022

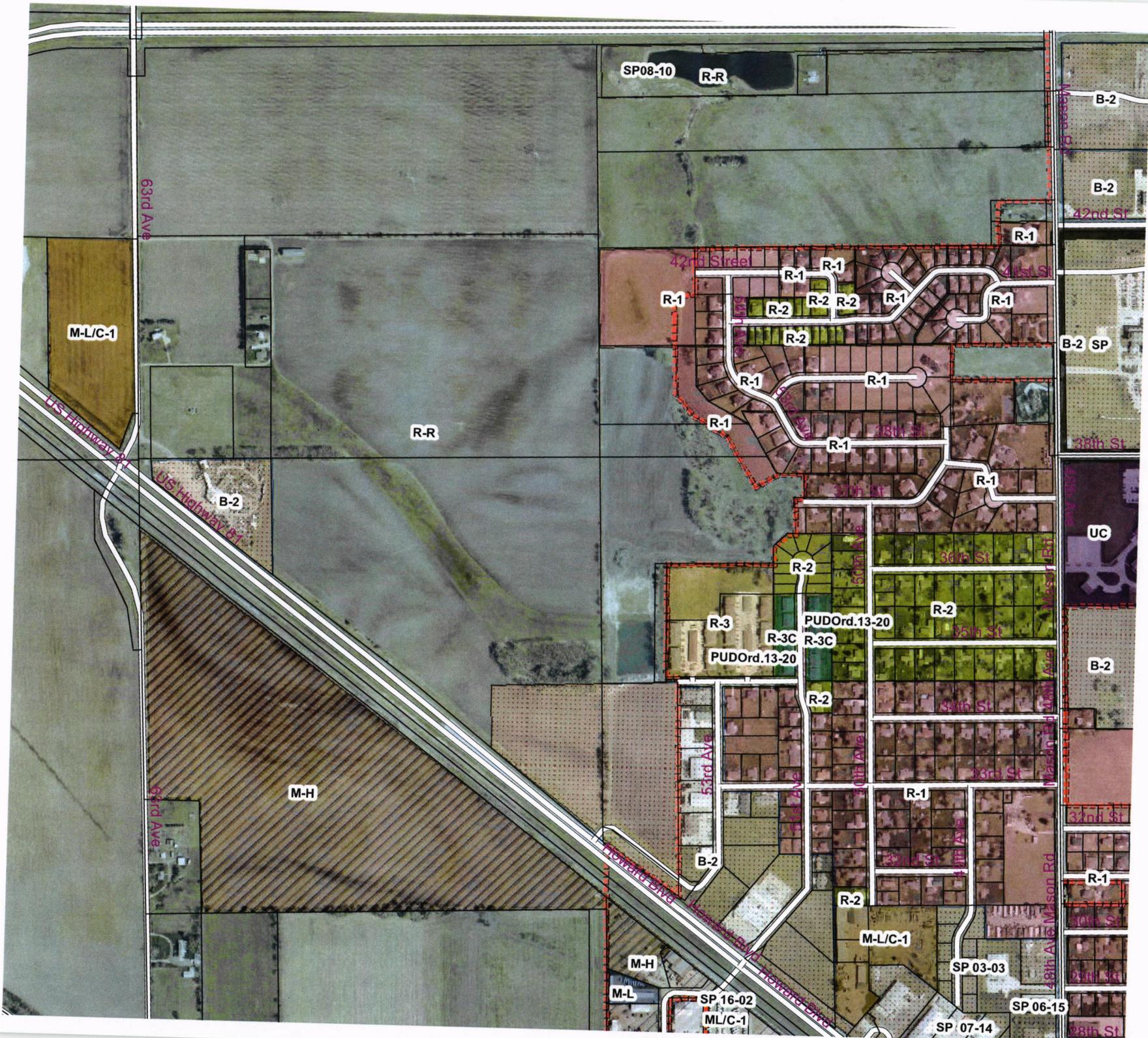
Mayor City Clerk

SURVEYOR'S CERTIFICATE
Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on December 23, 2021...



Terry L. Schulz, State of Nebraska, R.L.S. #550 Date





SP08-10 R-R

M-L/C-1

R-R

B-2

M-H

M-H

M-L

SP 16-02

ML/C-1

SP 03-03

SP 07-14

SP 06-15

UC

B-2

B-2 SP

B-2

B-2

42nd St

38th St

32nd St

30th St

28th St

42nd Street

38th St

36th St

35th St

34th St

33rd St

32nd St

30th St

28th St

53rd Ave

54th Ave

55th Ave

56th Ave

57th Ave

58th Ave

59th Ave

60th Ave

63rd Ave

US Highway 67

Howards Blvd

Mason Rd

Mason Rd

Mason Rd

# REZONING APPLICATION

An application for a rezoning may be filed with the Community Development Director's Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications WILL NOT be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Director's Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application will be held.

APPLICANT/PROPERTY OWNER NAME: Convergence, L.L.C.

APPLICANT MAILING ADDRESS: 27901 Woodside Drive, Columbus, NE 68601

APPLICANT PHONE NUMBER: 402-276-3479

APPLICANT EMAIL ADDRESS: tjack.son@outlook.com

ATTORNEY/FIRM: Christopher M. Bikus; Kutak Rock, LLP

ATTORNEY PHONE NUMBER: 402-231-8992

ATTORNEY E-MAIL ADDRESS: chris.bikus@kutakrock.com

ADDRESS OF PROPERTY TO BE REZONED: Northeast of the intersection of HWY 81 and 63rd Ave.

LEGAL DESCRIPTION OF PROPERTY:  
See attached Exhibit A.

PRESENT ZONING CLASSIFICATION: RR

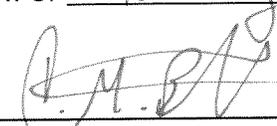
REQUESTED ZONING CLASSIFICATION: B-2

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:  
DEVELOPMENT OF A HORSE RACING TRACK, CASINO FACILITY AND HOTEL ON THE PROPERTY.

NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: (Include aerial image of proposed development on property and existing surrounding zoning classifications, any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use)  
GAMING AND RECREATIONAL FACILITIES. PLEASE SEE INFORMATION PROVIDED FOR PRELIMINARY AND FINAL PLAT OF PROPERTY.

I hereby apply for a Rezoning Application and have paid the \$500 application fee.

DATED THIS 23<sup>rd</sup> DAY OF February, 2022

  
\_\_\_\_\_  
Owner or Owner's Representative

## EXHIBIT A

A tract of land located in the South 1/2 of the Southwest 1/4 of Section 11 and the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of the South 1/2 of the Southwest 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence N 88°16'56" E on the North line of said South 1/2, 2686.91 feet to the Northeast corner of said South 1/2; thence S 02°12'00" E on the East line of said South 1/2, 1319.48 feet to the Northeast corner of the North 1/2 of the Northwest 1/4 of Section 14, T17N, R1W of the 6th P.M., Platte County; thence S 01°58'03" E on the East line of said North 1/2, 1323.86 feet to the Southeast corner of said North 1/2; thence S 01°58'10" E on the East line of the South 1/2 of said Northwest 1/4, 870.43 feet to a point on the Northeasterly Right-of-Way line of U.S. Highway #81; thence N 51°05'52" W on said Northeasterly Right-of-Way line, 1410.68 feet; thence N 53°33'46" W on said Northeasterly Right-of-Way line, 1076.94 feet; thence N 53°07'56" W on said Northeasterly Right-of-Way line, 893.35 feet; thence N 03°33'13" W, 57.47 feet to a point on the North line of the North 1/2 of said Northwest 1/4; thence N 88°23'10" E on said North line, 502.67 feet; thence N 02°10'36" W, 551.36 feet; thence S 87°47'43" W, 503.36 feet; thence S 02°15'06" E, 413.60 feet to a point on said Northeasterly Right-of-Way line; thence N 66°02'54" W on said Northeasterly Right-of-Way line, 86.96 feet to a point on the West line of the South 1/2 of said Southwest 1/4; thence N 02°14'06" W on the West line of said South 1/2, 1145.18 feet to the Point of Beginning, containing 140.83 acres, more or less.

9. **Building report for February 2022.**

**City of Columbus**  
**Building Department Monthly Report**

03/03/2022

	February 2022			February 2021		
	Count	Permit Fees	Value	Count	Permit Fees	Value
<b>Accessory Structure</b>	1	\$190.70	\$29400.00	0	\$0.00	\$0.00
<b>Com Addition</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Com Alteration</b>	1	\$708.13	\$150000.00	0	\$0.00	\$0.00
<b>Com New Construction</b>	1	\$474.38	\$80000.00	0	\$0.00	\$0.00
<b>Com Plumbing</b>	4	\$140.00	\$133500.00	0	\$0.00	\$0.00
<b>Commercial Const.</b>	0	\$0.00	\$0.00	6	\$4535.93	\$2012429.00
<b>Deck</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Demolition</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Fence</b>	3	\$86.50	\$8803.00	0	\$0.00	\$0.00
<b>Plumbing</b>	0	\$0.00	\$0.00	16	\$17.00	\$111200.00
<b>Res Addition</b>	2	\$454.42	\$73888.00	0	\$0.00	\$0.00
<b>Res Alteration</b>	3	\$854.45	\$182231.00	0	\$0.00	\$0.00
<b>Res New Construction</b>	7	\$6043.97	\$1745006.00	0	\$0.00	\$0.00
<b>Res Plumbing</b>	12	\$1034.00	\$154200.00	0	\$0.00	\$0.00
<b>Res Pool</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Residential Construction</b>	0	\$0.00	\$0.00	3	\$340.70	\$59000.00
<b>Signs</b>	2	\$72.00	\$8000.00	7	\$210.00	\$26700.00
<b>Sprinklers</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Water Softener</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>YEAR TOTAL</b>	<b>36</b>	<b>\$10058.55</b>	<b>\$2,565,028.00</b>	<b>32</b>	<b>\$5103.63</b>	<b>\$2,209,329.00</b>

Population: All Records  
 Permit.DateIssued Between 2/1/2021 12:00:00 AM  
 AND 2/28/2022 12:00:00 AM

**10. Adjournment.**