

Planning Commission
Monday, November 13, 2023 6:00 PM
Columbus Community Building/Community Room
2500 14 Street
Columbus, NE 68601

The Mayor and City Council reserve the right to go into closed session as per Section 84-1410 of the Nebraska Revised Statutes. A current agenda is on file at City Hall, 2500 14 Street, Columbus, Nebraska. For more information, call 402-562-4224 or visit our website at www.columbusne.us.

{{Name: Agenda Item Name}}

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

NEBRASKA OPEN MEETINGS ACT

84-1407. Act, how cited.

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

Source: Laws 2004, LB 821, § 34.

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.

Source: Laws 1975, LB 325, § 1; Laws 1996, LB 900, § 1071; Laws 2004, LB 821, § 35.

Annotations

- Nebraska's public meetings laws do not apply to school board deliberations pertaining solely to disputed adjudicative facts. *McQuinn v. Douglas Cty. Sch. Dist. No. 66*, 259 Neb. 720, 612 N.W.2d 198 (2000).
- The primary purpose of the public meetings law is to ensure that public policy is formulated at open meetings. *Marks v. Judicial Nominating Comm.*, 236 Neb. 429, 461 N.W.2d 551 (1990).
- The public meetings law is broadly interpreted and liberally construed to obtain the objective of openness in favor of the public, and provisions permitting closed sessions must be narrowly and strictly construed. *Grein v. Board of Education of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Although a committee was a subcommittee of a natural resources district board, it was not subject to the Open Meetings Act because there was never a quorum of board members in attendance and the committee did not hold hearings, make policy, or take formal action on behalf of the board. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- A county board of equalization is a public body whose meetings shall be open to the public. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

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, (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, and (iii) the Judicial Resources Commission or subcommittees or subgroups of the commission;

(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.

Source: Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2; Laws 2021, LB83, § 11; Laws 2022, LB922, § 12.

Operative Date: July 21, 2022

Annotations

- A township is a political subdivision, and as such, a township board is subject to the provisions of the public meetings laws. *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- A county agricultural society is a public body to which the provisions of the Nebraska public meetings law are applicable. *Nixon v. Madison Co. Ag. Soc'y*, 217 Neb. 37, 348 N.W.2d 119 (1984).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of

having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).

- Although a committee was a subcommittee of a natural resources district board, it was not subject to the Open Meetings Act because there was never a quorum of board members in attendance and the committee did not hold hearings, make policy, or take formal action on behalf of the board. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- Although the Open Meetings Act does not define "subcommittee," a subcommittee is generally defined as a group within a committee to which the committee may refer business. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- The Open Meetings Act does not require policymakers to remain ignorant of the issues they must decide until the moment the public is invited to comment on a proposed policy. By excluding nonquorum subgroups from the definition of a public body, the Legislature has balanced the public's need to be heard on matters of public policy with a practical accommodation for a public body's need for information to conduct business. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- As an administrative agency of the county, a county board of equalization is a public body. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- The electors of a township at their annual meeting are a public body under the Open Meetings Act. *State ex rel. Newman v. Columbus Township Bd.*, 15 Neb. App. 656, 735 N.W.2d 399 (2007).
- The meeting at issue in this case was a "meeting" within the parameters of subsection (2) of this section because it involved the discussion of public business, the formation of tentative policy, or the taking of any action of the public power district. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).
- Informational sessions in which the governmental body hears reports are briefings. *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (1993).

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.

Source: Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; Laws 2004, LB 821, § 37; Laws 2004, LB 1179, § 1; Laws 2006, LB 898, § 1; Laws 2011, LB390, § 29; Laws 2012, LB995, § 17.

Annotations

- There is no absolute discovery privilege for communications that occur during a closed session. *State ex rel. Upper Republican NRD v. District Judges*, 273 Neb. 148, 728 N.W.2d 275 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- The public interest mentioned in this section is that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities. *Grein v. Board of Education*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Hearing in closed executive session was contrary to this section since there was no showing of necessity or reason under subdivision (1)(a), (b), or (c), but did not result in reversal of board decision. *Simonds v. Board of Examiners*, 213 Neb. 259, 329 N.W.2d 92 (1983).
- Negotiations for the purchase of land need not be conducted at an open meeting but the deliberations of a city council as to whether an offer to purchase real estate

should be made should take place in an open meeting. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).

- Public meeting law was not violated where the Board of Regents of the University of Nebraska voted to hold a closed session to consider the university president's resignation, and also discussed the appointment of an interim president during such session. *Meyer v. Board of Regents*, 1 Neb. App. 893, 510 N.W.2d 450 (1993).

84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual conferencing authorized; requirements; 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 website.

(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 website; 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; and

(xiii) A natural resources district.

(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 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 subsection (5) of section 84-1413.

(8) In addition to any other statutory authorization for virtual conferencing, any public body not listed in subdivision (2)(a) of this section may hold a meeting by virtual conferencing if:

(a) The purpose of the virtual meeting is to discuss items that are scheduled to be discussed or acted upon at a subsequent non-virtual open meeting of the public body;

(b) No action is taken by the public body at the virtual meeting; and

(c) The public body complies with subdivisions (2)(b)(i) and (2)(b)(ii) of this section.

Source: Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1; Laws 2013, LB510, § 1; Laws 2017, LB318, § 1; Laws 2019, LB212, § 5; Laws 2020, LB148, § 3; Laws 2021, LB83, § 12; Laws 2022, LB742, § 1; Laws 2022, LB908, § 1; Laws 2022, LB922, § 13.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB742, section 1, with LB908, section 1, and LB922, section 13, to reflect all amendments.

Note: Changes made by LB742 and LB908 became effective July 21, 2022. Changes made by LB922 became operative July 21, 2022.

Cross References

- **Intergovernmental Risk Management Act**, see section 44-4301.
- **Interlocal Cooperation Act**, see section 13-801.
- **Joint Public Agency Act**, see section 13-2501.

- **Municipal Cooperative Financing Act**, see section 18-2401.

Annotations

- Under subsection (1) of this section, the Legislature has imposed only two conditions on the public body's notification method of a public meeting: (1) It must give reasonable advance publicized notice of the time and place of each meeting and (2) it must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- An emergency is "(a)ny event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- An agenda which gives reasonable notice of the matters to be considered at a meeting of a city council complies with the requirements of this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- When notice is required, a notice of a special meeting of a city council posted in three public places at 10:00 p.m. on the day preceding the meeting is not reasonable advance publicized notice of a meeting as is required by this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Teacher waived right to object to lack of public notice in board of education employment hearing by voluntary participation in the hearing without objection. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- A county board of commissioners and a county board of equalization are not required to give separate notices when the notice states only the time and place that the boards meet and directs a citizen to where the agendas for each board can be found. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- A county board of equalization is a public body which is required to give advanced publicized notice of its meetings. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Notice of recessed and reconvened meetings must be given in the same fashion as the original meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- True notice of a meeting is not given by burying such in the minutes of a prior board proceeding. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- An agenda notice which merely stated "work order reports" was an inadequate notice under this section because it did not give interested persons knowledge that plans for a 345 kv transmission line through the district was going to be discussed and voted upon at the meeting. Inadequate agenda notice under this section meant there was a substantial violation of the public meeting laws; however, later actions by the board of directors cured the defects in notice, and such actions were in substantial compliance with the statute. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

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 instate 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.

Source: Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; Laws 2001, LB 250, § 2; Laws 2004, LB 821, § 39; Laws 2006, LB 898, § 3; Laws 2008, LB962, § 1; Laws 2021, LB83, § 13.

Annotations

- To preserve an objection that a public body failed to make documents available at a public meeting as required by subsection (8) of this section, a person who attends a public meeting must not only object to the violation, but must make that objection to the public body or to a member of the public body. *Stoetzel & Sons v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003).

84-1413. Meetings; minutes; roll call vote; secret ballot; when; agenda and minutes; required on website; 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 or kept as an electronic record and shall be 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 or keeping the minutes is absent due to a serious illness or emergency.

(6) 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 website the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the website at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the website 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 website for at least six months.

Source: Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; Laws 2005, LB 501, § 1; Laws 2009, LB361, § 3; Laws 2015, LB365, § 2; Laws 2016, LB876, § 1; Laws 2021, LB83, § 14; Laws 2022, LB742, § 2.

Effective Date: July 21, 2022

Annotations

- If a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before taking actions on questions or motions pending, that person waives his or her right to object at a later date. *Hauser v. Nebraska Police Stds. Adv. Council*, 264 Neb. 944, 653 N.W.2d 240 (2002).
- Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but to have the record show that a certain action was taken or thing done, which the original record fails to show. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943,

and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).

- There is no requirement that a public body make a record of where notice was published or posted. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

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.

Source: Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; Laws 2004, LB 821, § 40; Laws 2006, LB 898, § 4.

Annotations

- The Legislature has granted standing to a broad scope of its citizens for the very limited purpose of challenging meetings allegedly in violation of the Open Meetings Act, so that they may help police the public policy embodied by the act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010).

- Any citizen of the state may commence an action to declare a public body's action void. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- The reading of ordinances constitutes a formal action under subsection (1) of this section. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- Under the Public Meetings Act, a county lacks capacity to maintain an action to declare its official conduct "void" for noncompliance with the act. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).
- When a petitioner under this section is successful in the district court, that court may allow attorney fees. *Tracy Corp. II v. Nebraska Pub. Serv. Comm.*, 218 Neb. 900, 360 N.W.2d 485 (1984).
- Informal discussions between the Tax Commissioner and the State Board of Equalization in which instructions were clarified, with such clarification leading to the amendment of hearing notices, did not constitute a public meeting subject to the provisions of this section. *Box Butte County v. State Board of Equalization and Assessment*, 206 Neb. 696, 295 N.W.2d 670 (1980).
- The right to collaterally attack an order made in contravention of the Public Meeting Act must occur within a period of one year as is specifically provided by this section. *Witt v. School District No. 70*, 202 Neb. 63, 273 N.W.2d 669 (1979).
- Statutory change, requiring "publicized notice" for board of education employment hearings, occurring between dates meeting scheduled and conducted, held not to void proceedings. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. Once a meeting has been declared void pursuant to Nebraska's public meetings law, board members are prohibited from considering any information obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Actions by the board of directors were merely voidable under this section, and not void. Pursuant to subsection (3) of this section, the plaintiffs were awarded partial attorney fees because they were successful in having the court declare that the board of directors was in substantial violation of the statute, even though the plaintiffs did not get the relief requested of having the board's actions declared void. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

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Source: http://nebraskalegislature.gov/laws/display_html.php?begin_section=84-1407&end_section=84-1414

Date: July 2022

2. Minutes of October 9, 2023, meeting.

PLANNING COMMISSION
October 9, 2023

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14th Street, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on September 27, 2023, 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 Pillen announced that a copy of the Open Meetings Act is available at this meeting. Present were Mayor James Bulkley and members Steve Anderson, Colleen Bray, Robbin Cutsor, Tom Lange, Fernando Lopez, Jr., Josh Mueller, and Tom Pillen. Members Bob Elsasser and Melissa Goc were absent and excused. City staff members included City Attorney Gene Schumacher, City Engineer Rick Bogus, Chief Building and Code Inspector Andy Woehrer, Project Engineer Braden Labenz, and Assistant City Clerk Kelli Keyes. Council member Ron Schilling was also present.
2. **Minutes of September 11, 2023, meeting:** The minutes were approved as presented with a motion by Lopez and a second by Mueller. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent.
3. **Public Hearing - Application of Ronald Lambert for preliminary plat of Country Club Shores 6th Addition (south of 51st Street and 38th Avenue):** Tom Fehringer, attorney on behalf of the applicant, explained that the addition would include 15 residential lots; extension of water, sanitary sewer, paving, and storm sewer; and access off 33rd Avenue, a main arterial, at 53rd Street. No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Mueller. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent. A recommendation was made with a motion by Lopez and a second by Lange to approve the preliminary plat of Country Club Shores 6th Addition as it is amenable with the future land use and is in accordance with the Columbus Land Development Ordinance. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent.
4. **Public hearing - Application of Lance W. Lehr and Jinky Dela Cruz Pedroso for preliminary plat of Lehr 2nd Subdivision (east of E 29th Avenue and south of 23rd Street):** Clark Grant, attorney on behalf of the applicant, explained that the

subdivision would consist of three lots located in the southeast corner of 23rd Street and E 29th Avenue, Lot 3 would need separate water and sanitary sewer service lines, and there would be no access to Lot 1 from 23rd Street as U.S. Highway 30 is limited access controlled. No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Lopez. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent. A recommendation was made with a motion by Anderson and a second by Bray to approve the preliminary plat of Lehr 2nd Subdivision as it is amenable with the future land use and is in accordance with the Columbus Land Development Ordinance. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent.

5. **Public hearing - Application of Level Up Home Pros, Inc. for preliminary plat of Meadowlark Village 2nd Subdivision (south of 19th Street and west of railroad tracks at 45th Avenue).** Clark Grant, attorney on behalf of the applicant, explained that the subdivision would consist of two lots with an existing ingress/egress easement between to provide access to 19th Street. No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Lopez. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent. A recommendation was made with a motion by Lopez and a second by Lange to approve the preliminary plat of Meadowlark Village 2nd Subdivision as it is amenable with the future land use in accordance with the Columbus Land Development Ordinance. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent.
6. **Public hearing - Application of Level Up Home Pros, Inc. for final plat and development agreement of Meadowlark Village 2nd Subdivision (south of 19th Street and west of railroad tracks at 45th Avenue).** No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Mueller. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent. A recommendation was made with a motion by Anderson and a second by Bray to approve the final plat of Meadowlark Village 2nd Subdivision as it is consistent with the preliminary plat. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent.
7. **Public hearing - Application of Rback Enterprises, LLC for final plat and development agreement of Reeder Subdivision (7th Avenue north of Augustine Place).** Clark Grant, attorney on behalf of the applicant, explained that the subdivision would consist of 27 residential lots and one lot that would be a private street. No public testimony was heard. The public hearing closed with a motion by Lopez and a second by Mueller. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent. A recommendation was made with a motion by Mueller and a second by

Lange to approve the final plat of Reeder Subdivision as it is consistent with the preliminary plat. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent.

8. **Public hearing - Application of Rback Enterprises, LLC to rezone a tract of land located at 7th Avenue north of Augustine Place from "R-1" (Single-Family Residential) to "R-3" (Multiple-Family Residential) and amend the Future Land Use Map of the Comprehensive Plan.** No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Lopez. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent. A recommendation was made with a motion by Bray and a second by Anderson to approve the rezoning application of Rback Enterprises, LLC, and to amend the Future Land Use map accordingly as the proposed zoning is a good fit and is in conformance with the Columbus Land Development Ordinance. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent.
9. **Public hearing - Application of Werner Construction, LLC/Schultz Farms, Inc. for special use permit to allow resource extraction in an "RR" (Rural Residential District) zone at 7014 8th Street.** It was noted that a public hearing on this application was held before the Planning Commission on September 11, 2023, and the Planning Commission made a recommendation to approve the special use permit; however, due to the fact that an incorrect legal description was submitted and published, a new public hearing was required. Steve Mossman, attorney representing the applicant, and Terrence Wilhelms, Frank Kwapnioski, and Dan Hansen, Werner Construction, LLC, explained that the condemned property is conducive for resource extraction and most of the conditions have been met with the remaining to be completed before the project begins. In response to Justin Coffey, 25115 190 Street, Wilhelms confirmed the roads would be monitored for any damage caused by truck traffic. The public hearing closed with a motion by Bray and a second by Lange. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent. A recommendation was made with a motion by Bray and a second by Anderson to approve the special use permit as it is a good use for the property. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent.
10. **Public hearing - Application of Eduardo Torres Vasallo and Isairis Fiallo Rodriguez for special use permit to allow one dwelling unit density per 1,867 square foot of lot area in a "B-2" (General Commercial District) zone located at 1361 32nd Avenue.** Katherine E. Sharp, attorney on behalf of the applicant, explained the intent to bring the garage up to single-family dwelling codes. In response to Dr. Kimberly Oberg of Alternative Hearing, Sharp explained that additional parking would be incorporated into the building plans. The public hearing closed with a motion by Lopez and a second by Lange. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and

Elsasser were absent. The Planning Commission members had additional questions and the public hearing was reopened with a motion by Cutsor and a second by Bray. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent. Sharp explained that the proposed dwelling would be for grandparents of the applicants and she has not received any notices of opposition to the application. The public hearing closed with a motion by Anderson and a second by Mueller. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent. A recommendation was made with a motion by Lopez and a second by Lange to approve the special use permit as the area does not cause city staff any concerns with current zoning and proposed layout. Anderson, Bray, Cutsor, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". Goc and Elsasser were absent.

11. Building report for September 2023: The building report was presented.

12. Adjournment: The meeting adjourned at 6:46 p.m.

OFFICE OF THE CITY CLERK

: Kelli Keyes

- 3. Public hearing - Application of Zegar Investment Properties LLC for preliminary plat of Cuzzin's Corner 4th Addition (8th Street north of 10th Avenue). (Applicant has requested this public hearing be continued to December 11, 2023.)**

From: Leanne Ritter ACES <lr Ritter@acesne.com>

Sent: Wednesday, November 8, 2023 3:44 PM

To: Bogus, Richard <rick.bogus@columbusne.us>; Whiting, Renee <Renee.Whiting@columbusne.us>

Cc: John Zwingman ACES <jzwingman@acesne.com>

Subject: Cuzzin's Corner 4th

Please exclude the preliminary plat of Cuzzin's Corner 4th from the agenda for the November planning commission meeting. We will have it prepared and submitted for the December meeting.

If you have any questions, please don't hesitate to contact our office at 402-372-1923.

Sincerely,

Leanne R. Ritter



**ADVANCED CONSULTING
ENGINEERING SERVICES**

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

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, NE, will be held on Monday, November 13, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Cuzzin's Corner 4th Addition, a tract of land located in Lot 1, Cuzzin's Corner 2nd Subdivision to the City of Columbus, Platte County, Nebraska and a tract of land located in the Southeast 1/4 of the Southwest 1/4 of Section 20, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of Lot 1, Cuzzin's Corner 3rd Subdivision to the City of Columbus, Platte County, Nebraska; thence N 89°19'47" E on the North line of said Lot 1, 289.27 feet to the Northeast corner of said Lot 1; thence S 01°31'27" E on the East line of said Lot 1, 200.03 feet to the Southeast corner of said Lot 1, said corner also being the Northwest corner of Lot 1, Cuzzin's Corner 2nd Subdivision; thence S 01°27'32" E on the West line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 125.60 feet; thence N 89°18'33" E, 117.01 feet; thence S 01°33'30" E on the West line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 149.47 feet to the Southwest corner of said Lot 1, Cuzzin's Corner 2nd Subdivision; thence N 89°17'30" E on the South line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 249.41 feet to the Southeast corner of said Lot 1, Cuzzin's Corner 2nd Subdivision; thence N 01°36'21" W on the East line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 275.50 feet to the Northeast corner of said Lot 1, Cuzzin's Corner 2nd Subdivision; thence N 01°29'41" W, 413.86 feet; thence S 88°40'00" W, 651.15 feet to a point of the East Right-of-Way Line of 12th Avenue; thence S 00°20'59" E on said East Right-of-Way line, 206.91 feet to the Point of Beginning, containing 6.75 acres, more or less (8th St north of 10th Ave) and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 11:02:23
Two Affidavits of Publication

- 4. Public hearing - Application of Meadow Ridge Properties LLC for preliminary plat of Meadow Ridge Eleventh Addition (49th Avenue and 42nd/43rd Street). (Applicant has requested this public hearing be continued to December 11, 2023.)**

From: Leanne Ritter ACES <lritter@acesne.com>

Sent: Wednesday, November 8, 2023 3:43 PM

To: Bogus, Richard <rick.bogus@columbusne.us>; Whiting, Renee <Renee.Whiting@columbusne.us>

Cc: John Zwingman ACES <jzwingman@acesne.com>

Subject: Meadow Ridge 11

Please exclude the preliminary plat of Meadow Ridge 11 from the agenda for the November planning commission meeting. We will have it prepared and submitted for the December meeting.

If you have any questions, please don't hesitate to contact our office at 402-372-1923.

Sincerely,

Leanne R. Ritter



**ADVANCED CONSULTING
ENGINEERING SERVICES**

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

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, NE, will be held on Monday, November 13, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Meadow Ridge Eleventh Addition, a tract of land located in the Northeast 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of Meadow Ridge Office Park Addition to the City of Columbus, Platte County, Nebraska; thence S 88°05'45" W on the North line of the South 15 acres of the Northwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, 440.00 feet; thence S 02°13'45" E, 175.00 feet; thence N 88°05'45" E, 48.97 feet; thence S 02°13'45" E, 227.02 feet; thence S 88°07'09" W, 30.00 feet; thence S 02°15'10" E, 175.00 feet; thence N 88°07'09" E, 440.00 feet to the Southwest corner of Lot 2, Harry Potter Subdivision to the City of Columbus, Platte County, Nebraska; thence N 02°15'10" W, 139.89 feet to the Northwest corner of said Lot 2; thence S 88°18'38" W on the South line of Lot 2, Block B of said Meadow Ridge Office Park Addition, 18.98 feet to the Southwest corner of said Lot 2, Block B; thence N 02°13'45" W on the West line of said Meadow Ridge Office Park Addition, 437.23 feet to the Point of Beginning, containing 5.56 acres, more or less (49th Ave and 42nd/43rd St) and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 11:02:23
Two Affidavits of Publication

5. Public hearing - Application of Ronald Lambert for final plat and development agreement of Country Club Shores 6th Addition (south of 51st Street and 38th 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, NE, will be held on Monday, November 13, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Country Club Shores 6th Subdivision, a tract of land located in the West 1/2 of the Northeast 1/4 of Section 12, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at the Southeast corner of Lot 1, Block D of Country Club Shores 5th Subdivision, Platte County, Nebraska; thence S 88°19'37" W on the south line of said Lot 1, 120.00 feet to the Point of Beginning; thence S 01°32'31" W, 818.00 feet; thence N 88°27'29" E, 234.34 feet; thence N 07°21'03" W, 58.82 feet; thence N 88°27'29" E, 184.09 feet; thence N 04°20'34" W, 761.36 feet; thence S 88°19'37" W on the South line of said Country Club Shores 5th Subdivision, 375.29 feet to the Point of Beginning, containing 7.18 acres, more or less (south of 51 St and 38 Ave) 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 subdivision as above described should be included within the corporate limits of the city 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, NE
Janelle Kline, City Clerk

Publish: 11:02:23
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: November 8, 2023
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Country Club Shores 6th Addition - Final Plat

RECOMMENDATION:

I recommend the approval of the final plat of Country Club Shores 6th Addition as it is consistent with the Preliminary Plat. The Preliminary Plat was approved by the Planning Commission on October 9th, 2023, and City Council on October 16th, 2023.

DISCUSSION:

The addition consists of 15 residential lots, extension of water, sanitary sewer, paving and storm sewer. The post-construction storm water treatment as designed by the consultant is the lake. The subdivision ingress/egress from an arterial/collector road is 53rd Street to 33rd Avenue.

The current Country Club Shore subdivisions ingress/egress to 33rd Avenue (arterial) is from 53rd Street and has 61 residential lots with the addition of 15 lots from this subdivision for a total of 74 lots. For comparability purposes, Christopher Cove subdivisions has 144 residential lots with one ingress/egress to an arterial roadway; Whitetail Lake subdivision has 104; and Wagner Lake/Stires Lake subdivisions has about 389 lots. The City has not experienced any major issues from these subdivisions accessing the respective arterial/collector roadway.

The developer has provided a proposed layout of the remaining property owned to the west and south of this addition. The developer has indicated the plan is to next develop the property to the south which would provide a connection from all the existing and proposed lots using 48th Street to connect to 33rd Avenue (arterial).

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Woschae

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

COUNTRY CLUB SHORE 6TH ADDITION



FUTURE BUILD OUT



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

DATE: August 31, 2023

NAME OF SUBDIVISION: Country Club Shores 6th Subdivision

NAME OF PROPERTY OWNER: Ronald Lambert

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Ronald Lambert

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 5297 48th Ave, Columbus, NE 68601

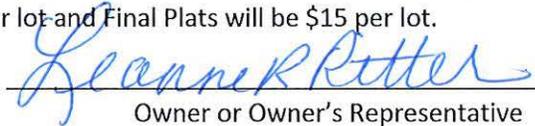
PHONE NUMBER: 402-563-4730

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: debbuggi33@yahoo.com

NUMBER OF LOTS IN SUBDIVISION: 15

ADDRESS OF SUBDIVISION: south of 51st Street & 38th Avenue, Columbus, NE

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

Gene G. Schumacher – gschum@1492law.com

Jason D. Mielak (NSBA #21049)
Fehringer & Mielak, LLP
P. O. Box 400
Columbus, NE 68602-0400

DEED OF DEDICATION

KNOWN ALL MEN BY THESE PRESENTS:

WHEREAS, C. Ronald Lambert and Charlotte K. Lambert, husband and wife, the proprietor and owner of the following described real estate located in a tract of land located in the West 1/2 of the Northeast 1/4 of Section 12, T17N, R1W of the 6th P.M., Platte County, more particularly described as follows:

Commencing at the Southeast corner of Lot 1, Block D of Country Club Shores 5th Subdivision, Platte County, Nebraska; thence S 88°19'37" W on the south line of said Lot 1, 120.00 feet to the Point of Beginning; thence S 01°32'31" W, 818.00 feet; thence N 88°27'29" E, 234.34 feet; thence N 07°21'03" W, 58.82 feet; thence N 88°27'29" E, 184.09 feet; thence N 04°20'34" W, 761.36 feet; thence S 88°19'37" W on the South line of said Country Club Shores 5th Subdivision, 375.29 feet to the Point of Beginning, containing 7.18 acres, more or less,

has caused the above described real estate to be laid out into lots, blocks, streets, and avenues with appropriate utility and drainage easements under the name of Country Club Shores 6th Addition to the City of Columbus, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing lots, streets, avenues, and easements belonging to said Addition, a plat of which bearing the date of May 30, 2023, and certified by Terry L. Schulz, RLS #550, is attached hereto.

Said owner hereby dedicates the streets, avenues and easement areas set out and described on said plat to the use and benefit of the public, together with a perpetual easement for the installation of public utilities and maintenance thereof over and across the lots as set out in said plat and therein designated as easements, including all utility easements and drainage easements.

Said owner and dedicator covenant and agree with the City of Columbus to construct, at owner's own expense, and in accordance with the specifications acceptable to the City Water and Sanitary Sewer Department and deliver the same to the City of Columbus, Nebraska, without cost to it the necessary water and sewer mains to adequately serve such platted area, and to pave the streets and avenues, and to deliver the same to the City without cost to it.

IN WITNESS WHEREOF, this instrument has been signed on November ____, 2023.



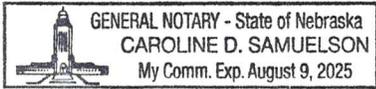
C. Ronald Lambert



Charlotte K. Lambert

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

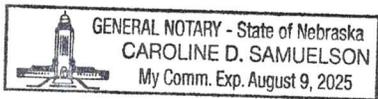
On this 6th day of November, 2023, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared C. Ronald Lambert, personally known to be the identical person described in and whose name is affixed to the foregoing instrument and acknowledge the said instrument to be his voluntary act and deed.



Caroline D. Samuelson
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 6th day of November, 2023, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared Charlotte K. Lambert, personally known to be the identical person described in and whose name is affixed to the foregoing instrument and acknowledge the said instrument to be her voluntary act and deed.



Caroline D. Samuelson
Notary Public

Master Form last revised 9/21/2023

Please return to:

Jason D. Mielak, Fehringer & Mielak, LLP, 3919 25th St., Columbus, NE 68602-0400
jason.mielak@fmflaw.com

COUNTRY CLUB SHORES 6TH ADDITION
DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered on ____ day of November, 2023, by and between C. Ronald Lambert and Charlotte K. Lambert, husband and wife, (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 Country Club Shores 6th 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 sanitary sewers, water, and storm sewers to be constructed within, the Area to be Developed, to the 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, 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 7.18 acres of property.

"Street intersections" shall be construed to mean the areas shown in the city policy for the same adopted by Resolution R96-78, which by this reference is made a part hereof.

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 and trails in accordance with City standards. The Subdivider shall be

responsible for the design, financing and construction of said public infrastructure improvements as detailed herein.

B. Concrete paving of internal streets, dedicated per plat (Exhibit "A"), all of said paving to be thirty-three (33) feet in width and six (6) inches thick, and shall be constructed according to City standards. The entire cost of paving and storm sewer system improvements except for intersections shall be paid by the Subdivider, with exception of intersection pavement and pavement in excess of thirty-three (33) feet in width and six (6) inches in thickness. In such case, the oversized cost shall be paid for by the City, subject to final approval of plans and specifications by the City.

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 easement areas, per plat (Exhibit "A"), the same to be located on a sanitary sewer plan prepared by a Nebraska Licensed Civil Engineer. The entire cost of sanitary sewer system improvements shall be paid by the Subdivider, with exception of sanitary sewer mains located in a dedicated right-of-way or easement area that are greater than eight (8) inches. In such case, the cost over 8-inches shall be paid for by the City subject to the final approval of the plans and specifications by the City.

D. The storm water sewer system, including, but not limited to: mains, inlets, manholes, and related appurtenances shall be constructed according to City standards within dedicated street right-of-way and easement areas, per plat (Exhibit "A") to be located on storm water system plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider shall 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, with exception of storm sewer mains in a dedicated right-of-way or easement area that are greater than 12-inches. In such case, the cost over 12-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

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 easement areas per plat (Exhibit "A") on a water plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider shall 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, with exception of water mains located in a dedicated right-of-way or easement area that are greater than six (6) inches. In such case, the cost over 6-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

F. Natural gas distribution mains, if any, shall be located within a dedicated street right-of-way or easement areas dedicated per plat (Exhibit "A"), 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.

G. Subdivider shall 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.

H. Subdivider will arrange for street lighting for public streets dedicated per plat (Exhibit "A") to be provided by Loup Power District at Subdivider's cost and at no cost to the City.

I. Subdivider shall install the concrete sidewalk four feet wide and four inches thick 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.

J. 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 Advanced Consulting Engineering Services 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. Subdivider agrees to obtain a Nebraska Department of Environmental Quality, 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.

K. Subdivider shall provide copies of all required Federal and State permits to City prior to work on or in those respective 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.

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, except that sidewalks directly in front of houses (if residential) or businesses (if commercial) shall be constructed before the Occupancy Certificate is issued or within four (4) years after the signing of this Development Agreement, whichever comes first. An extension of this time period may be requested by the Subdivider and if said request receives a favorable recommendation of Planning Commission and approval by the City Council the deadline will be extended pursuant to the new deadline set by the City Council.

SECTION VII

This Agreement shall run with the land and shall be binding upon and insure to the benefit of all parties hereto, their successors and assigns, including all future lot owners of the Area to be Developed.

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

SUBDIVIDER

C. Ronald Lambert and Charlotte K. Lambert, husband and wife,

By *C. Ronald Lambert*
C. Ronald Lambert

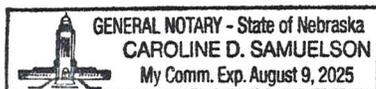
By *Charlotte K. Lambert*
Charlotte K. Lambert

Dated this 6th day of November, 2023.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 6th day of November, 2023, before me a Notary Public, duly commissioned and qualified in and for said County, appeared C. Ronald Lambert, 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.

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



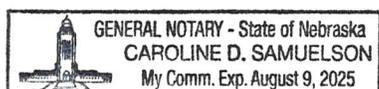
Caroline D. Samuelson
Notary Public

(My commission expires: _____)

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 6th day of November, 2023, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Charlotte K. Lambert, 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 her voluntary act and deed.

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



Caroline D. Samuelson
Notary Public

(My commission expires: _____)

COUNTRY CLUB SHORES 6TH ADDITION

A Subdivision of Part of the West 1/2 of the Northeast 1/4 of Section 12, T17N, R1W of the 6th P.M., Platte County, Nebraska.

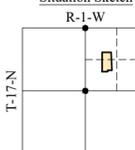


Drawn By: LRR
Date: July 31, 2023
Project Number: S-071-159
Scale: 1" = 60'



SCALE IN FEET

Situation Sketch



SECTION 12

Platte County, Nebraska

LEGEND

- 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 (BLG) Bruce L. Gilmore, LS#96, dated April 29, 1980 & April 25, 1995. (EMB) Eric M. Breuer, LS#586, dated October 21, 2009. (Dd) Warranty Deed Book 209, Page 571. (BDB) Brian D. Benek, LS#536, dated July 15, 2010.
- C Calculated Distance

DEVELOPER:

Ron Lambert
5297 48th Avenue
Columbus, NE 68601
Phone: 402-563-4730

ENGINEER:

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

SURVEYOR:

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

This survey was prepared at the request of Ron Lambert, Columbus, Nebraska.

FIELD NOTES

A) Northwest Corner, Northeast 1/4, Section 12, T17N, R1W: Found 3/4" Iron Bar. 4.17' South to Nail & Disc on East side of Corner Fence Post. 2.95' SW to "X"-Nails in Northwest Face of Power Pole. 56.00' North to Nail in Brace Post on Fence North-South. West side of Carsonite Post.

B) Southwest Corner, Northeast 1/4, Section 12, T17N, R1W: Found 5/8" Rebar with Cap (BDB). 100.79' SW to Mag-Nail with Washer in Concrete Joint between Highway and Shoulder. 78.47' SSW to Mag-Nail with Washer in Concrete Joint between Highway and Shoulder. 73.54' South to Mag-Nail in Concrete Joint between Highway and Shoulder. 87.55' SE to Mag-Nail with Washer in Concrete Joint between Highway and Shoulder.

LEGAL DESCRIPTION

A tract of land located in the West 1/2 of the Northeast 1/4 of Section 12, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

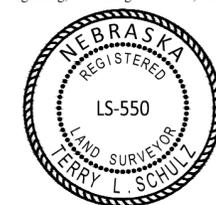
Commencing at the Southeast corner of Lot 1, Block D of Country Club Shores 5th Subdivision, Platte County, Nebraska; thence S 88°19'37" W on the south line of said Lot 1, 120.00 feet to the Point of Beginning; thence S 01°32'31" W, 818.00 feet; thence N 88°27'29" E, 234.34 feet; thence N 07°21'03" W, 58.82 feet; thence N 88°27'29" E, 184.09 feet; thence N 04°20'34" W, 761.36 feet; thence S 88°19'37" W on the South line of said Country Club Shores 5th Subdivision, 375.29 feet to the Point of Beginning, containing 7.18 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 May 30, 2023; also that all dimensions are in feet and are correct to the best of my knowledge and belief.

Terry L. Schulz, State of Nebraska, LS #550

Date



DEDICATION

We, C. Ronald Lambert and Charlotte K. Lambert, owners of the described property, COUNTRY CLUB SHORES 6TH 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 COUNTRY CLUB SHORES 6TH ADDITION of part of the Northeast 1/4 of Section 12, T17N, R1W of the 6th P.M., Platte County, Nebraska.

C. Ronald Lambert

Charlotte K. Lambert

STATE OF NEBRASKA) ss
COUNTY OF PLATTE)

On this _____ day of _____, 2023, before me, the undersigned, a Notary Public, duly

commissioned and qualified in and for said County and State, appeared C. Ronald Lambert and Charlotte K. Lambert, 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 COUNTRY CLUB SHORES 6TH ADDITION to the City of Columbus, Nebraska is

approved by the Columbus Public Schools on this _____ day of _____, 2023.

School Superintendent

COLUMBUS, NEBRASKA PLANNING COMMISSION

This Final Plat of COUNTRY CLUB SHORES 6TH ADDITION to the City of Columbus, Nebraska is

approved by the Planning Commission on this _____ day of _____, 2023.

Chairman

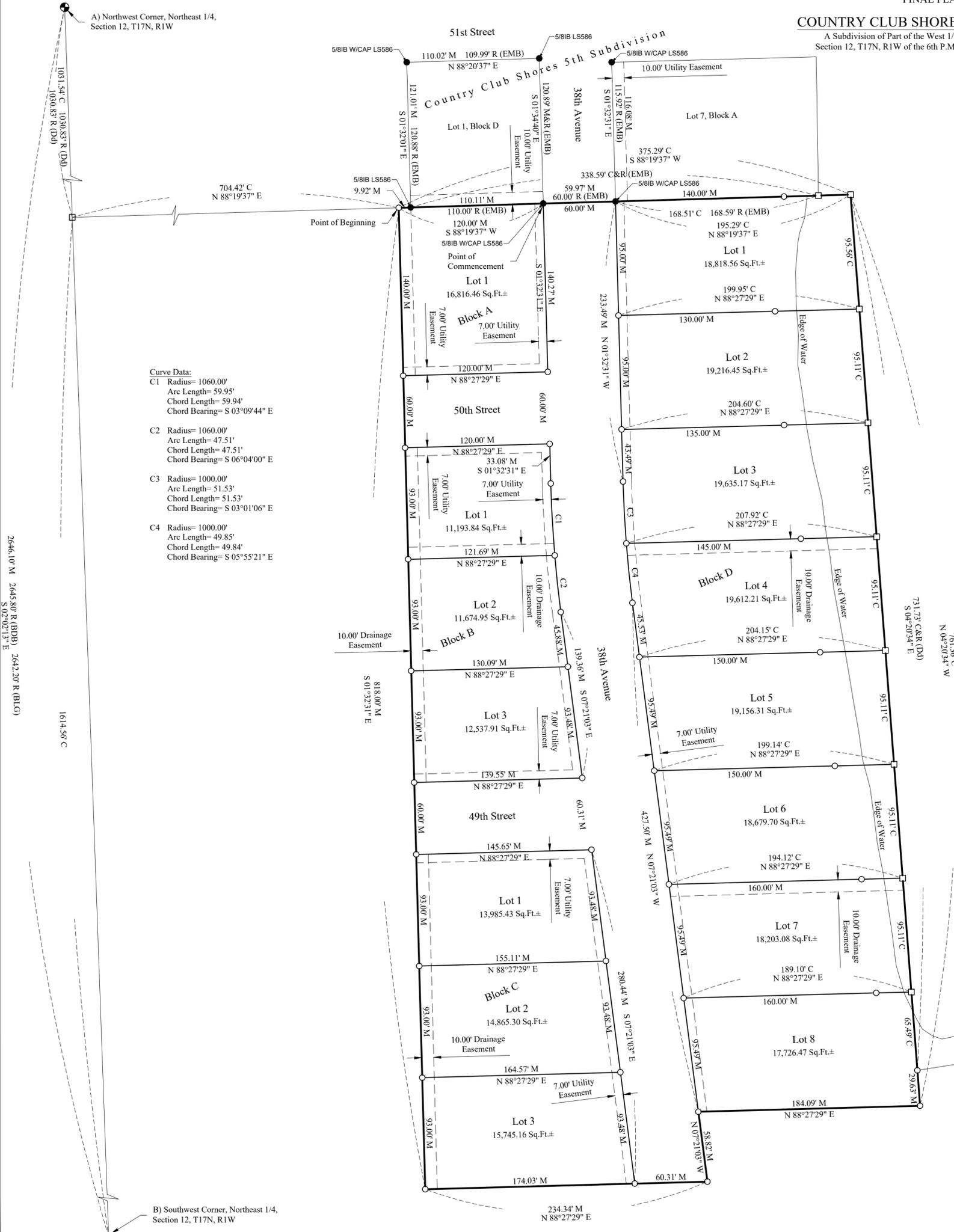
COLUMBUS, NEBRASKA CITY COUNCIL

This Final Plat of COUNTRY CLUB SHORES 6TH ADDITION to the City of Columbus, Nebraska is

approved by the City Council on this _____ day of _____, 2023.

Mayor

City Clerk



- Curve Data:
- C1 Radius= 1060.00'
Arc Length= 59.95'
Chord Length= 59.94'
Chord Bearing= S 03°09'44" E
 - C2 Radius= 1060.00'
Arc Length= 47.51'
Chord Length= 47.51'
Chord Bearing= S 06°04'00" E
 - C3 Radius= 1000.00'
Arc Length= 51.53'
Chord Length= 51.53'
Chord Bearing= S 03°01'06" E
 - C4 Radius= 1000.00'
Arc Length= 49.85'
Chord Length= 49.84'
Chord Bearing= S 05°55'21" E

2646.10' M 2645.80' R (BDB) 2642.20' R (BLG)

1614.56' C

B) Southwest Corner, Northeast 1/4, Section 12, T17N, R1W

234.34' M N 88°27'29" E

Please share with council members and Planning commissioners.

I am writing this letter as I am unable to attend this upcoming meeting on Nov 13th concerning the expansion of Country Club Shores. From what we were told at our association meeting, Ron Lambert is planning on developing south on 38th street and add around 18 lots. Well I am all for development, my concern is safety.

If this would be contacted to 48th street, that would be great, and would give a second entrance to take the load off of having all traffics c with only one option.

The entrance on 53rd street and 33rd avenue right now has 70 homes/townhouses. On average there are mostly two adults per unit. If you just look at each one leaving and coming back that's 280 vehicles each day going through that intersection. While there are a feel with only one driver there are also teenagers to offset that number. This is on the low end as there are many who come home for lunch or pickup and drop off children, plus practice. Not to mention all the traffic in an out for deliveries, mail, or people driving in and out. Now you are being asked to approve another 18=another 36 trips, 72 more times someone goes through one outlet.

So here is the safety part to consider. Should this entrance be block due to a snow storm, other storms, or accident, and medical emergency or fire and rescue had to get in there would be no way to get to anyone of the 90 units(once complete). Plus with the new construction all the additional big equipment coming in an out each day. We are getting a lot of young families with children and construction adds another risk. Since the long term plan is to connect the roads I would really hope the council would weigh the risk and request the addition includes another entrance.

On a separate note we have now been in city limits for 3 years and 33rd Ave for a half mile has no shoulder or sidewalks. They just scrapped the sides at a 45 degree angle. This leaves kids walking to school or bike riders and walkers at risk. I have seen so many close calls, are we waiting for an injury or worse till we decide to add what was promised us when we were annexed? Should this happen it is on the city and liability would be easy to prove.

Sincerely,

Frank Steffensmeier
Country Club Shores
3322 53rd Street

5.A. Public hearing - Determine whether Country Club Shores 6th Addition should be included within corporate city limits.

6. Public hearing - Application of Lance W. Lehr and Jinky Dela Cruz Pedroso for final plat and development agreement of Lehr 2nd Subdivision (east of E 29th Avenue and south of 23rd 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, NE, will be held on Monday, November 13, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Lehr 2nd Subdivision, Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, And a tract of land located in the NW1/4 of the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: commencing at the Northwest corner of said Section 23; thence Easterly on the North line of said Section, a distance of 40 ft. to a point; thence Southerly on a line 40 ft. East of and parallel to the West line of said Section, a distance of 60 ft. to the point of beginning; thence Easterly on a straight line 60 ft. South of and parallel to the North line of said Section, a distance of 503.7 ft. to a point; thence Southerly on a straight line, a distance of 818.7 ft. to a point; thence Westerly on a straight line that is parallel to the North line of said Section, a distance of 504.55 ft. to a point that is 40 ft. East of and parallel to the West line of said Section; thence Northerly on a line 40 ft. East of and parallel to the West line of said Section, a distance of 818.7 ft. to the point of beginning, all in Block 3, Canal Industrial Park, as shown on survey in Plat Book 11, Page 2, of the Platte County Register of Deeds, Nebraska; except a tract of land located in Block 3, Canal Industrial Park, located in the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: referring to the Northwest Corner of said NW1/4; thence Southerly a distance of 60.00 ft. along the West line of said quarter section; thence Easterly deflecting 90°37' left, a distance of 33.00 ft. to the point of beginning; thence Easterly deflecting 00°00', a distance of 510.70 ft. along the Southerly existing highway right-of-way line; thence Southerly deflecting 90°30' right, a distance of 65.00 ft.; thence Westerly deflecting 89°30' right, a distance of 510.83 ft.; thence Northerly deflecting 90°37' right, a distance of 65.00 ft. along the Easterly existing county road right-of-way line to the point of beginning; except Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska; except a tract of land located in part of Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision and in part of Block 3, Canal Industrial Park Subdivision, all being located in the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County Nebraska, more particularly described as follows: referring to the Northwest Corner of said Section 23; thence Southerly a distance of 125.00 ft. along the West line of the NW1/4 of said Section 23; thence Easterly deflecting 90°38'01" left, a distance of 40.00 ft. to a point on the Easterly East 29th Avenue Right-of-Way line, said point also being on the South Right-of-Way line of Highway 30, said point also being the Northwest corner of said Lot 1, said point also being the point of beginning; thence Easterly deflecting 0°00'00", a distance of 30.00 ft. along the South Right-of-Way line of Highway 30, said line also being the North line of said Lot 1; thence Southerly deflecting 90°37'58" right, a distance of 607.45 ft.; thence Easterly deflecting 74°48'40" left, a distance of 60.25 ft.; thence Easterly deflecting 15°11'20" left, a distance of 73.85 ft.; thence southerly

deflecting 90°00'00" right, a distance of 129.02 ft. to a point on the South line of the property owned by the grantor; thence Westerly deflecting 89°22'01" right, a distance of 162.01 ft. along the South line of said property to a point on the Easterly East 29th Avenue Right-of-Way line; thence Northerly deflecting 90°37'59" right, a distance of 753.72 ft. along said right-of-Way line to the point of beginning (east of E 29 Ave and south of 23 St) and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 11:02:23
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: November 8, 2023
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Lehr 2nd Subdivision - Final Plat

RECOMMENDATION:

I recommend the approval of the final plat of Lehr 2nd Subdivision as it is consistent with the Preliminary Plat. The Preliminary Plat was approved by the Planning Commission on October 9th, 2023, and City Council on October 16th, 2023.

DISCUSSION:

The subdivision consists of creating 3 lots including a replat of Lot 1, Lehr Subdivision and part of Block 3, Canal Industrial Park Subdivision, located in the southeast corner of 23rd Street and East 29th Avenue. Lot 3 will need its separate water and sanitary sewer service line. Access to East 29th Avenue will be per the NDOT agreement for the viaduct project. No access of Lot 1 to 23rd Street, as US Hwy 30 is limited access controlled.

FISCAL IMPACT:

None

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrea J. Wischra

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

LEHR 2ND SUBDIVISION



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

DATE: _____

NAME OF SUBDIVISION: _____

NAME OF PROPERTY OWNER: _____

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: _____

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: _____

PHONE NUMBER: _____

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

ADDRESS OF SUBDIVISION: _____

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

Gene G. Schumacher – gschum@1492law.com

MAJOR SUBDIVISIONS – PRELIMINARY & FINAL PLATS

UNIFIED LAND DEVELOPMENT ORDINANCE

3-4 Major Subdivisions

a. Applicability

The Major Subdivision procedures apply to all subdivisions which are not approved or eligible for approval under the Administrative or Minor Subdivision procedures.

b. Stages in the Approval Process

The approval process for Major Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage. The preliminary plat stage and final plat stage may occur concurrently.

c. Pre-Application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Administrative Official and representatives of the Planning Commission regarding general requirements and issues relating to the proposed subdivision.
 1. Pre-application meetings will be held on the second Wednesday morning following the first Monday of each month. Applicants must make a written request for a pre-application meeting prior to the first Wednesday following the first Monday of each month.
2. Three days prior to the pre-application meeting, the applicant shall submit an approved electronic format concept plan. The concept plan shall include:
 - (a) An aerial location map showing the relationship of the proposed subdivision to existing and proposed streets, public facilities, special flood hazard areas, waters of the US, wetlands, airport runway protection zones (if applicable) and any other features or areas which may affect the development.
 - (b) A schematic plan illustrating the proposed layout of streets, lots, blocks, public utilities, stormwater treatment facilities and other features and their relationship to existing and proposed site topography for the total proposed development area.
3. Within ten working days of the pre-application meeting, the Administrative Official shall inform the applicant of the consistency of the concept plan with the objectives and policies of the city's Comprehensive Development and Long Range Transportation Plan and Unified Land Development Ordinance.

MAJOR SUBDIVISIONS – PRELIMINARY & FINAL PLATS UNIFIED LAND DEVELOPMENT ORDINANCE

4. The pre-application meeting does not require a formal application or payment of a fee.

d. Preliminary Plat Application

1. Application Requirements

After the pre-application meeting, the applicant shall prepare and submit an application for preliminary plat approval. The application for preliminary plat approval shall be submitted electronically through the City's website application submittal platform. The application shall consist of a form established by the Engineering Department; the supporting documents required for Major Subdivisions in Table 3-1; a commitment to enter into a subdivision agreement set forth in paragraph 2 hereinafter; a Certificate of Title prepared by a State of Nebraska Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status; and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the next available Planning Commission Agenda.

2. Draft Development Agreement

The preliminary plat application shall include a draft of a development agreement provided by the Administrative Official following a format established by the Engineering Department. The development agreement establishes the mutual responsibilities of City and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the maximum amount of bonded indebtedness to be incurred if public improvements are financed through an Improvement District as provided in State Law.

3. Preliminary Plat Review Procedure

- (a) After submission of a complete application for a preliminary plat, the Administrative Official and staff shall review the application. As part of the review, the developer will circulate the application to local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services. The Developer shall furnish the Administrative Official with proof that a copy of the preliminary plat was delivered to the affected school district and local utilities.
- (b) The applicant will be allowed time to provide additional information after staff review of the Preliminary Plat Application. Such additional information must be provided a minimum of 10 calendar days before the Planning Commission Meeting. Failure to provide the required additional information may result in the application being continued to a future meeting.

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(c) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

4. Planning Commission and City Council Action

(a) The Planning Commission, following at least ten days published notice, shall hold a public hearing on each Major Subdivision and, following such public hearing, shall take action on the application. The Planning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council.

(b) Following action by the Planning Commission, the Commission shall submit minutes summarizing the Commission's action to the City Council.

(c) The City Council, upon receipt of the recommendation of the Planning Commission, shall take action on the application.

(d) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:

(1)The general terms and conditions under which the plat was approved will not change.

(2) The applicant may submit for approval a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.

(3) The preliminary plat approval shall stay in force for a period of two years from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat.

(4) Phased Subdivisions: The final plat may be submitted in phases. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision if indicated by the Developer at the time of submission and included in the initial phase Development Agreement, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

e. Final Plat Application Process

1. Application Requirements

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The applicant shall prepare and submit an application for final plat approval within two years of the preliminary plat approval unless an extension has been granted by the City Council. The application for final plat approval shall be submitted through the City's website application submittal platform. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the next available Planning Commission Agenda. In order to attempt for the final application to be considered the next month after the preliminary plat obtained approval, the application submittal shall be at least nineteen (19) calendar days before the Planning Commission meeting. Meeting this submittal deadline does not guarantee placement on the next Planning Commission Agenda as it is subject to receipt of all items. The application shall consist of a form established by the Engineering Department; the supporting documents required for Final Plat Approval of Major Subdivisions Table 3-1; a final subdivision agreement as required by paragraph 2 hereinafter; a final plat of all lots, blocks and parcels that are affected by the application prepared by a State of Nebraska Licensed Surveyor, and payment of a fee, the amount of which shall be determined by the City Council. Upon receipt of all items required for said application as set forth herein, the application shall be placed on the Planning Commission Agenda. The applicant shall notify the Board of Education of each school district in which the subdivision is located of the Planning Commission meeting at which such plat is to be considered and shall further submit a copy of the proposed final plat to the Board of Education at least ten days prior to such meeting. The developer shall furnish the Administrative Official with proof that a copy of the final plat was delivered.

2. Final Development Agreement

The Final Plat application shall include the Final Development Agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon with the action on the Final Plat. The developers attorney shall work with the City's attorney to obtain approval. Developer signature of the Final Development Agreement must be obtained and to the City no later than 6 calendar days prior to the Planning Commission meeting acting on the Final Plat.

3. Final Plat Review Procedures

- (a) After submission of a complete application for a final plat, the Administrative Official and staff shall review the application. This includes the mutual approval of the final development agreement between the developers attorney and city attorney, including the developers signature and notary, resolution and deed of dedication.
- (b) The applicant will be allowed time to provide additional information after staff review of the Final Plat Application. Such additional information must be provided 10 calendar days before the Planning Commission Meeting. Failure to provide the required additional information may result in the application being continued to a future meeting.
- (c) The Administrative Official shall submit a written recommendation for action to the Planning Commission.

4. Performance Bond

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The development agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternatively, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

5. Resolution and Deed of Dedication

The applicant shall be responsible for preparing and furnishing in proper form a Resolution approving said final plat for execution by the City, and if said Addition is being brought into the corporate limits of the City or includes any dedication of public right-of-way or easements, said applicant shall prepare and furnish in proper form a Deed of Dedication for said Addition, along with a Resolution accepting the same, for execution by the City.

6. Final Plat Approval

(a) The Planning Commission, following transmittal of the written recommendation of the Administrative Official, shall hold a public hearing to review the final plat for consistency with the approved preliminary plat and for compliance with the Unified Land Development Ordinance and other applicable local, state or federal statutes and regulations. Unless the Planning Commission agrees to recommend approval of said plat subject to contingencies, all deficiencies or contingencies or changes identified through the Preliminary Plat approval process are required to be made prior to the Planning Commission Meeting or need to be addressed in the Subdivision Agreement. If the final plat meets all requirements of the Unified Land Development Ordinance, has satisfied all requirements of the Engineering Department, has met the conditions, if any, upon which preliminary plat approval was based and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to recommend approval of the final plat. If the Planning Commission finds in its review that the submitted final plat is not substantially consistent with the preliminary plat, it shall take action to recommend approval or denial to the City Council.

(b) Following such public hearing, the Commission shall submit minutes on the final plat to the City Council. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing, the Planning Commission shall hold a separate public hearing for which at least ten days published notice must be given, on the inclusion of the addition within the corporate limits. Following such public hearing, the Planning Commission shall take action to recommend approval or denial thereof to the City Council.

(c) The City Council, following at least ten days published notice, shall hold a public hearing on each final plat and on the development agreement. Following such public hearing shall take final action by way of resolution on the application. Any contingencies, deficiencies or changes attached to the preliminary plat approval and/or requirements of the Engineering Department must be completed prior to the final plat

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approval. If said addition is adjoining or contiguous to the corporate limits, then following said public hearing on the final plat, if the final plat is approved, the City Council shall hold a separate public hearing for which at least ten days published notice has been given, on the inclusion of the addition within the corporate limits. Following such public hearing, the City Council shall take final action by way of resolution.

(d) The City Council is further empowered to grant waivers of a section of the Subdivision Chapter after a waiver request has received a recommendation from the Planning Commission.

f. Filing the Final Plat

- a. Following City Council approval of a Final Plat that received a prior recommendation from the Planning Commission, the Chair of the Planning Commission and the Mayor of the City of Columbus shall sign the final plat which shall be a reproducible mylar of the subdivision plat.
 - b. Applicant shall provide an electronic version of the final plat in an approved electronic format within four calendar day of the City Council approval.
 - c. Applicant shall provide the City a complete signed original, reproducible final plat within fourteen (14) calendar days of City Council approval.
4. The subdivider must file the plat with the Platte County Register of Deeds along with all applicable covenants and other documents within 90 calendar days of the execution of the plat by the Chair of the Planning Commission and the Mayor in accordance with state statute.

Once Recorded Return Document To: Clark J. Grant, 1464 27th Avenue, Columbus, NE 68601
DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That **Lance W. Lehr and Jinky Dela Cruz Pedroso**, husband and wife, are the proprietors and owners of real estate of the following described real estate:

Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska;

And

A tract of land located in the NW1/4 of the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: commencing at the Northwest corner of said Section 23; thence Easterly on the North line of said Section, a distance of 40 ft. to a point; thence Southerly on a line 40 ft. East of and parallel to the West line of said Section, a distance of 60 ft. to the point of beginning; thence Easterly on a straight line 60 ft. South of and parallel to the North line of said Section, a distance of 503.7 ft. to a point; thence Southerly on a straight line, a distance of 818.7 ft. to a point; thence Westerly on a straight line that is parallel to the North line of said Section, a distance of 504.55 ft. to a point that is 40 ft. East of and parallel to the West line of said Section; thence Northerly on a line 40 ft. East of and parallel to the West line of said Section, a distance of 818.7 ft. to the point of beginning, all in Block 3, Canal Industrial Park, as shown on survey in Plat Book 11, Page 2, of the Platte County Register of Deeds, Nebraska.

Except a tract of land located in Block 3, Canal Industrial Park, located in the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: referring to the Northwest Corner of said NW1/4; thence Southerly a distance of 60.00 ft. along the West line of said quarter section; thence Easterly deflecting 90°37' left, a distance of 33.00 ft. to the point of beginning; thence Easterly deflecting 00°00', a distance of 510.70 ft. along the Southerly existing highway right-of-way line; thence Southerly deflecting 90°30' right, a distance of 65.00 ft.; thence Westerly deflecting 89°30' right, a distance of 510.83 ft.; thence Northerly deflecting 90°37' right, a distance of 65.00 ft. along the Easterly existing county road right-of-way line to the point of beginning.

Except Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska

Except

A tract of land located in part of Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision and in part of Block 3, Canal Industrial Park Subdivision, all being located in the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County Nebraska, more particularly described as follows: referring to the Northwest Corner of said Section 23; thence Southerly a distance of 125.00 ft. along the West line of the NW1/4 of said Section 23; thence Easterly deflecting 90°38'01" left, a distance of 40.00 ft. to a point on the Easterly East 29th Avenue Right-of-Way line, said point also being on the South Right-of-Way line of Highway 30, said point also being the Northwest corner of said Lot 1, said point also being the point of beginning; thence Easterly deflecting 0°00'00", a distance of 30.00 ft. along the South Right-of-Way line of Highway 30, said line

also being the North line of said Lot 1; thence Southerly deflecting 90°37'58" right, a distance of 607.45 ft.; thence Easterly deflecting 74°48'40" left, a distance of 60.25 ft.; thence Easterly deflecting 15°11'20" left, a distance of 73.85 ft.; thence southerly deflecting 90°00'00" right, a distance of 129.02 ft. to a point on the South line of the property owned by the grantor; thence Westerly deflecting 89°22'01" right, a distance of 162.01 ft. along the South line of said property to a point on the Easterly East 29th Avenue Right-of-Way line; thence Northerly deflecting 90°37'59" right, a distance of 753.72 ft. along said right-of-Way line to the point of beginning.

and have caused the above-described real estate to be laid out into lots and easement areas belonging to such Subdivision, under the name of Lehr 2nd Subdivision, in the NW1/4 of Section 23, T17N, R1E, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing the lots and easements belonging to such Addition, a plat of which bearing date of August 24, 2023, and certified by Thomas A. Tremel, registered land surveyor, is attached hereto.

Said owners hereby dedicate the streets, avenues and easement areas set out and described on said plat to the use and benefit of the public, together with a perpetual easement for the installation of public utilities and maintenance thereof over and across the lots as set out in said plat and therein designated as Easements.

Said owners and dedicators covenant and agree with the City of Columbus to lay, at their own expense, and in accordance with specifications acceptable to the City Water and Sanitary Sewer Department, and deliver the same to the City of Columbus, Nebraska, without cost to it the necessary water and sewer mains to adequately serve such platted area, and to pave the streets and avenues, and to deliver the same to the City without cost to it.

IN WITNESS WHEREOF, the Grantors named herein have executed these presents this 4 day of October, 2023.



Lance W. Lehr



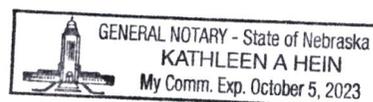
Jinky Dela Cruz Pedroso

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

On this 4 day of October, 2023, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared **Lance W. Lehr and Jinky Dela Cruz Pedroso**, husband and wife, to me personally known to be the identical persons described in and whose names are affixed to the foregoing instrument and acknowledged the said instrument to be their voluntary act and deed.



Notary Public



Please return to: Clark J. Grant 1464 27th Ave., Columbus, NE 68601

LEHR 2ND SUBDIVISION
DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 2023, by and between Lance W. Lehr and Jinky Dela Cruz Pedroso, husband and wife, (hereinafter referred to as "Subdividers") and the City of Columbus , a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City")

WITNESSETH

WHEREAS, Subdividers are the owners of the land included within the proposed plat attached hereto as Exhibit "A", commonly known as Lehr 2nd Subdivision, 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 Subdividers wish to connect the system of sanitary sewers, water, and storm sewers to be constructed within the Area to be Developed, to the sanitary sewer, water, and storm sewer systems 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, 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 of 7.75 acres of property.

“Street intersections” shall be construed to mean the areas shown in the city policy for the same adopted by Resolution R96-78, which by this reference is made a part hereof.

SECTION I

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

A. The Subdividers shall install water, sanitary and storm sewer systems and street improvements, including sidewalks and trails in accordance with city standards. The Subdividers shall be responsible for the design, financing and construction of said public infrastructure improvements as detailed herein.

B. Concrete paving of internal streets, dedicated per plat (Exhibit "A"), all of said paving to be thirty-three (33) feet in width and six (6) inches thick, and shall be constructed according to City standards. The entire cost of paving and storm sewer system improvements except for intersections shall be paid by the Subdividers, with exception of intersection pavement and pavement in excess of thirty-three (33) feet in width and six (6) inches in thickness. In such case, the oversized cost shall be paid for by the City, subject to final approval of plans and specifications by the City.

C. The sanitary sewer system, including, but not limited to: mains, manholes and related appurtenances shall be constructed according to City standards within street dedicated right-of-way and easement areas, per plat (Exhibit "A"), same to be located on sanitary sewer plan prepared by a Nebraska Licensed Civil Engineer. The entire cost of sanitary sewer system improvements shall be paid by the Subdivider, with exception of sanitary sewer mains located in a dedicated right-of-way or easement area that are greater than eight (8) inches. In such a case, the cost over 8-inches shall be paid for by the City subject to the final approval of the plans and specifications by the City.

D. The storm water sewer system, including, but not limited to: mains, inlets, manholes, and related appurtenances shall be constructed according to City standards within dedicated street right-of-way and easement areas, per plat (Exhibit "A") to be located on storm water system plan prepared by a Nebraska Licensed Civil Engineer. The Subdividers shall be responsible for the design, financing and construction of said storm sewer system improvements. The entire cost of storm sewer improvements shall be paid by the Subdividers, with exception of storm sewer mains located in a dedicated right-of-way or easement area that are greater than 12-inches. In such a case, the cost over 12-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

E. The water distribution system, including, but not limited to: mains, hydrants and valves shall be constructed according to City standards within dedicated right-of-way and easement areas per plat (Exhibit "A") on water plan prepared by a Nebraska Licensed Civil Engineer. The Subdividers shall be responsible for the design, financing and construction of said water distribution improvements. The entire cost of the water distribution improvements shall be

paid by the Subdividers, with the exception of water mains located in a dedicated right-of-way or easement area that are greater than six (6) inches. In such case, the cost over 6-inches shall be paid for by the City subject to the final approval of plans and specifications by the City.

F. Natural gas distribution mains, if any, shall be located within a dedicated street right-of-way dedicated per plat (Exhibit "A"), which Subdividers 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 Subdividers.

G. Subdividers shall 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 Subdividers.

H. Subdividers shall arrange for street lighting for public streets dedicated per plat (Exhibit "A") to be provided by Loup Power District at Subdivider's cost and at no cost to the City.

I. Subdividers shall install the concrete sidewalk four feet wide and four inches thick in accordance with the Americans 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 Subdividers fail to do so, the lot owner along with the Subdividers 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, Subdividers shall install the sidewalk for said lot(s) as part of the initial construction.

J. Grading for the Area to be Developed shall be completed by the Subdividers at the Subdividers' expense pursuant to the drainage plan elevations to be provided by Merlin Lindahl and submitted with the Final Plat. Post construction storm water management systems shall be installed and maintained and fully functional in accordance with the City of Columbus Code of Ordinances, Chapter 53, at Subdividers' expense. Subdividers agree to obtain a Nebraska Department of Environmental Quality, 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 Subdividers 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 Subdividers shall complete a small lot NOI and SWPPP.

K. Subdividers shall provide copies of all required Federal and State permits to City prior to work on or in those respective areas.

L. Subdividers agree to pay all costs necessary to extend sanitary sewer system, water system and storm sewer that will service the property.

M. Subdividers agree to complete and submit to the City a Floodplain Development Permit prior to any disturbance or work within the FEMA designated floodplain.

N. Access to East 29th Avenue will be from NDOT East 29th Avenue Viaduct Agreement. 23rd Street/US Hwy 30 is access controlled by NDOT.

SECTION II

Subdividers and City covenant and agree that the Subdividers 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.

SECTION III

A. Subject to the conditions and provisions hereinafter specified, the City hereby grants permission to the Subdividers 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 Subdividers' engineer and approved by the City.

B. Without prior written approval by the City, the Subdividers 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, in the extent possible.

SECTION V

Installation of entrance signs or related fixtures and any median landscaping and related fixtures, if any, shall be paid for by the Subdividers. 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 Subdividers' expense, within 30 days of final plat approval.

SECTION VI

The Subdividers shall install all public improvements within a time period of two (2) years after the signing of this Development Agreement, except that sidewalks directly in front of houses (if residential) or businesses (if commercial) shall be constructed before the Occupancy Certificate is issued or within four (4) years after the signing of this Development Agreement, whichever comes first. An extension of this time period may be requested by the Subdividers and if said request receives a favorable recommendation of Planning Commission and approval by the City Council the deadline will be extended pursuant to the new deadline set by the City Council.

SECTION VII

This Agreement shall run with the land and shall be binding upon and to insure to the benefit of all parties hereto, their successors and assigns, including all future lot owners of the Area to be Developed.

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

SUBDIVIDERS

Lance W. Lehr

Jinky Dela Cruz Pedroso

Dated this _____ day of October, 2023.

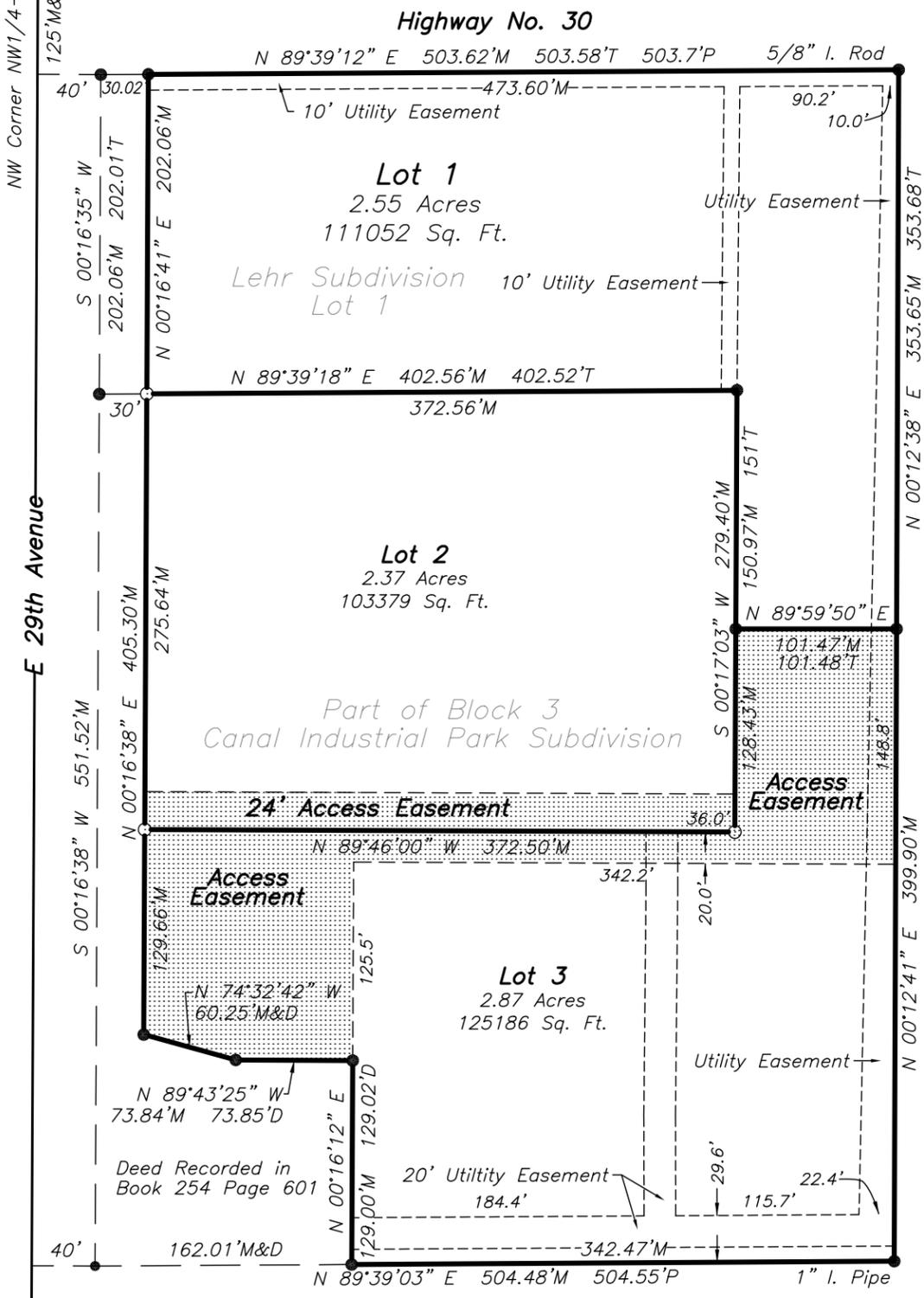
STATE OF NEBRASKA)
) ss:
COUNTY OF PLATTE)

On this _____ day of October, 2023, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Lance W. Lehr and Jinky Dela Cruz Pedroso, husband and wife, who are personally known by me to be the identical persons whose names are affixed to the Development Agreement, and acknowledged the execution thereof to be their voluntary act and deed.

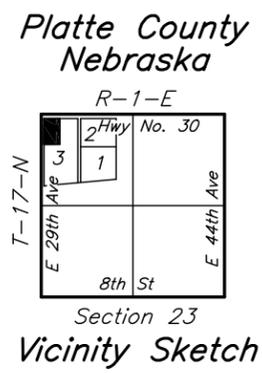
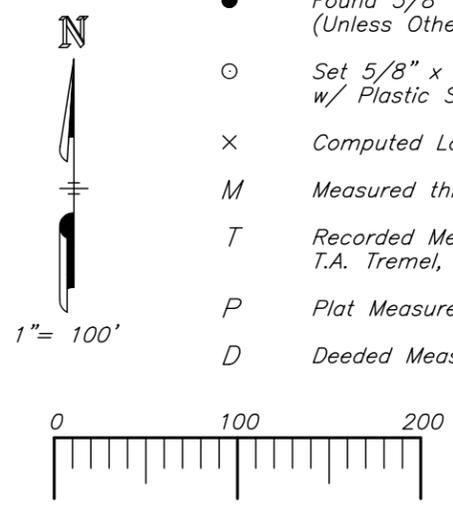
Witness my hand and Notarial Seal the day and year last above written.

Notary Public

FINAL PLAT – LEHR 2ND SUBDIVISION, A MAJOR SUBDIVISION OF LOT 1, LEHR SUBDIVISION AND PART OF BLOCK 3, CANAL INDUSTRIAL PARK SUBDIVISION, ALL IN THE NW1/4 OF SECTION 23, T17N, R1E, PLATTE COUNTY, NEBRASKA



- Legend-**
- Found 5/8" Rebar w/PSC (Unless Otherwise Noted)
 - Set 5/8" x 24" Rebar w/ Plastic Survey Cap
 - × Computed Location
 - M Measured this Survey
 - T Recorded Measurement T.A. Tremel, L.S. #455
 - P Plat Measurement
 - D Deeded Measurement



Owner: Lance Lehr
W 312 Morton Road
Columbus, NE 68601
(402)270-8000

Engineer: Merlin Lindahl
9271 18th Street
Columbus, NE 68601
(402)910-6609

Surveyor: Thomas A. Tremel
Tremel Surveying, Inc.
1 Driftwood Drive
Columbus, NE 68601
(402)276-3690

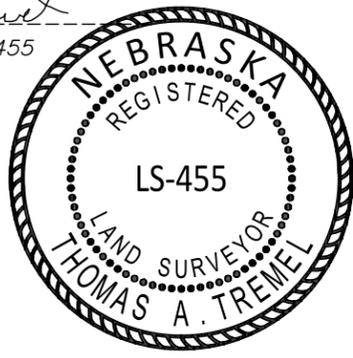
Deed Descriptions:
Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska **And Also:** A tract of land located in the NW1/4 of the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: commencing at the Northwest corner of said Section 23; thence Easterly on the North line of said Section, a distance of 40 ft. to a point; thence Southerly on a line 40 ft. East of and parallel to the West line of said Section, a distance of 60 ft. to the point of beginning; thence Easterly on a straight line 60 ft. South of and parallel to the North line of said Section, a distance of 503.7 ft. to a point; thence Southerly on a straight line, a distance of 818.7 ft. to a point; thence Westerly on a straight line that is parallel to the North line of said Section, a distance of 504.55 ft. to a point that is 40 ft. East of and parallel to the West line of said Section; thence Northerly on a line 40 ft. East of and parallel to the

West line of said Section, a distance of 818.7 ft. to the point of beginning, all in Block 3, Canal Industrial Park, as shown on survey in Plat Book 11, Page 2, of the Platte County Register of Deeds, Nebraska. **Excepting** the North 65 ft. thereof **And Further Excepting** Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska. **And Further Excepting from the Above Described Tracts:** A tract of land located in part of Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision and in part of Block 3, Canal Industrial Park Subdivision, all being located in the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County Nebraska, more particularly described as follows: referring to the Northwest Corner of said Section 23; thence Southerly a distance of 125.00 ft. along the West line of the NW1/4 of said Section 23; thence Easterly deflecting 90°38'01" left, a distance of 40.00 ft. to a point on the Easterly East 29th Avenue Right-of-Way line, said point also being on the South Right-of-Way line of Highway 30, said point also being the Northwest corner of said Lot 1, said point also being the point of beginning; thence Easterly deflecting 0°00'00", a distance of 30.00 ft. along the South Right-of-Way line of Highway 30, said line also being the North line of said Lot 1; thence Southerly deflecting 90°37'58" right, a distance of 607.45 ft.; thence Easterly deflecting 74°48'40" left, a distance of 60.25 ft.; thence Easterly deflecting 15°11'20" left, a distance of 73.85 ft.; thence southerly deflecting 90°00'00" right, a distance of 129.02 ft. to a point on the South line of the property owned by the grantor; thence Westerly deflecting 89°22'01" right, a distance of 162.01 ft. along the South line of said property to a point on the Easterly East 29th Avenue Right-of-Way line; thence Northerly deflecting 90°37'59" right, a distance of 753.72 ft. along said right-of-Way line to the point of beginning as recorded in Deed Book 254, Page 601 in the Platte County Register of Deeds Office. The above described tract of land contains 7.79 acres more or less.

Surveyor's Statement:

I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this subdivision was surveyed as per state law under my direct supervision and is correct to the best of my knowledge and belief.

Thomas A. Tremel
Thomas A. Tremel, L.S. #455
September 29, 2023



School Board:

This Final Plat of Lehr 2nd Subdivision, a Major Subdivision of Lot 1, Lehr Subdivision and in the NW1/4 of the NW1/4 of Section 23, T17N, R1E, Platte County, Nebraska, was approved by Lakeview School District

on _____ Day of _____, 2023.

Secretary

President

Planning Commission:

This Final Plat of Lehr 2nd Subdivision, a Major Subdivision of Lot 1, Lehr Subdivision and in the NW1/4 of the NW1/4 of Section 23, T17N, R1E, Platte County, Nebraska, was approved by the Planning Commission

on _____ Day of _____, 2023.

Chairman

City Council:

This Final Plat of Lehr 2nd Subdivision, a Major Subdivision of Lot 1, Lehr Subdivision and in the NW1/4 of the NW1/4 of Section 23, T17N, R1E, Platte County, Nebraska, was approved by

Resolution _____ by the City Council

on _____ Day of _____, 2023.

Mayor

City Clerk

FINAL PLAT – LEHR 2ND SUBDIVISION

**LOT 1, LEHR SUB. & PART BLOCK 3
CANAL INDUSTRIAL PARK SUB., NW1/4
NW1/4, S23T17NR1E, PLATTE COUNTY, NE**

TMT DRAWN	TMT SURVEYED	09/20/2023 DATE
--------------	-----------------	--------------------



No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922

7. Public hearing - Thiele 5th Addition (northeast corner of 23rd Street and east of 11 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, NE, will be held on Monday, November 13, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on Thiele 5th Addition, a tract of land located in the E1/2 of the NW1/4 of the SE1/4 and in part of the W1/2 of the E1/2 of the SE1/4 of Section 16, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows; beginning at the Northeast Corner of said E1/2 NW1/4 SE1/4; thence S 00°02'46" E, 664.91 ft. on the East line of said E1/2 NW1/4 SE1/4; thence N 89°49'56" E, 592.43 ft. to the Northwest corner of Lot 1, Thiele 4th Subdivision; thence S 00°11'46" E, 238.75 ft. on the West line of said Thiele 4th Subdivision to the Northwest corner of Lot 8, Block 2, Thiele 2nd Subdivision; thence S 00°09'05" E, 807.42 ft. on the West line of said Thiele 2nd Subdivision to the Northwest corner of Lot 5, Block 2, Thiele 3rd Subdivision; thence S 00°10'51" E, 475.26 ft. on the West line of said Thiele 3rd Subdivision to the Southwest corner of Lot 1, Block 2 of said Thiele 3rd Subdivision; thence S 00°11'26" E, 413.28 ft. to the North Right-of-Way line of U.S. Highway No. 30; thence S 89°51'23" W, 552.77 ft. on the North Right-of-Way line of said U.S. Highway No. 30 to the East Right-of-Way line of East 11th Avenue; thence Northerly for the next eight courses on the East right-of-way line of said avenue: 1) N 00°03'23" W, 110.33 ft., 2) N 01°34'52" W, 123.41 ft., 3) N 38°42'05" E, 47.89 ft., 4) N 87°04'02" E, 5.19 ft., 5) N 00°14'05" W, 65.66 ft., 6) N 89°53'04" W, 6.79 ft., 7) N 45°01'52" W, 50.83 ft., 8) N 00°02'04" W, 896.61 ft.; thence S 89°50'49" W, 699.49 ft. on the South line of said E1/2 NW1/4 SE1/4 to the Southwest corner thereof; thence N 00°00'01" W, 1329.84 ft. on the West line of said E1/2 NW1/4 SE1/4 to the Northwest corner thereof; thence N 89°50'54" E, 665.42 ft. on the North line of said E1/2 NW1/4 SE1/4 to the point of beginning, containing 45.62 acres more or less (NE corner of 23rd St and E 11 Ave) 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 city council will hold a separate public hearing as to whether said addition as above described should be included within the corporate limits of the city 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, NE
Janelle Kline, City Clerk

Publish: 11:03:23
Two Affidavits of Publication

The City of **Columbus**

MEMORANDUM

DATE: November 8, 2023
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Thiele 5th Addition – Minor Plat and Deed of Dedication

RECOMMENDATION:

I recommend the approval of the Minor Plat, Resolution and Deed of Dedication of Thiele 5th Addition.

DISCUSSION:

Thiele 5th Addition is a minor plat, but requires the dedication of an easement and the lots are contiguous to the corporate limits and will be brought into the City. Therefore, a recommendation is required by the Planning Commission and approval by the City Council. The lots are being voluntarily annexed into the corporate limits as part of the approval of the minor plat. The minor plat will be approved and signed administratively upon approval.

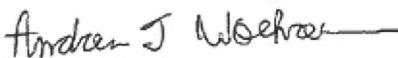
The Development Agreement includes a requirement that prior to developing lots which required public roadway extensions, a Major Subdivision is required to dedicate required right-of-way, additional easements, and related items.

FISCAL IMPACT:

None.

ALTERNATIVE:

Do not approve.

CONCURRENCE: 

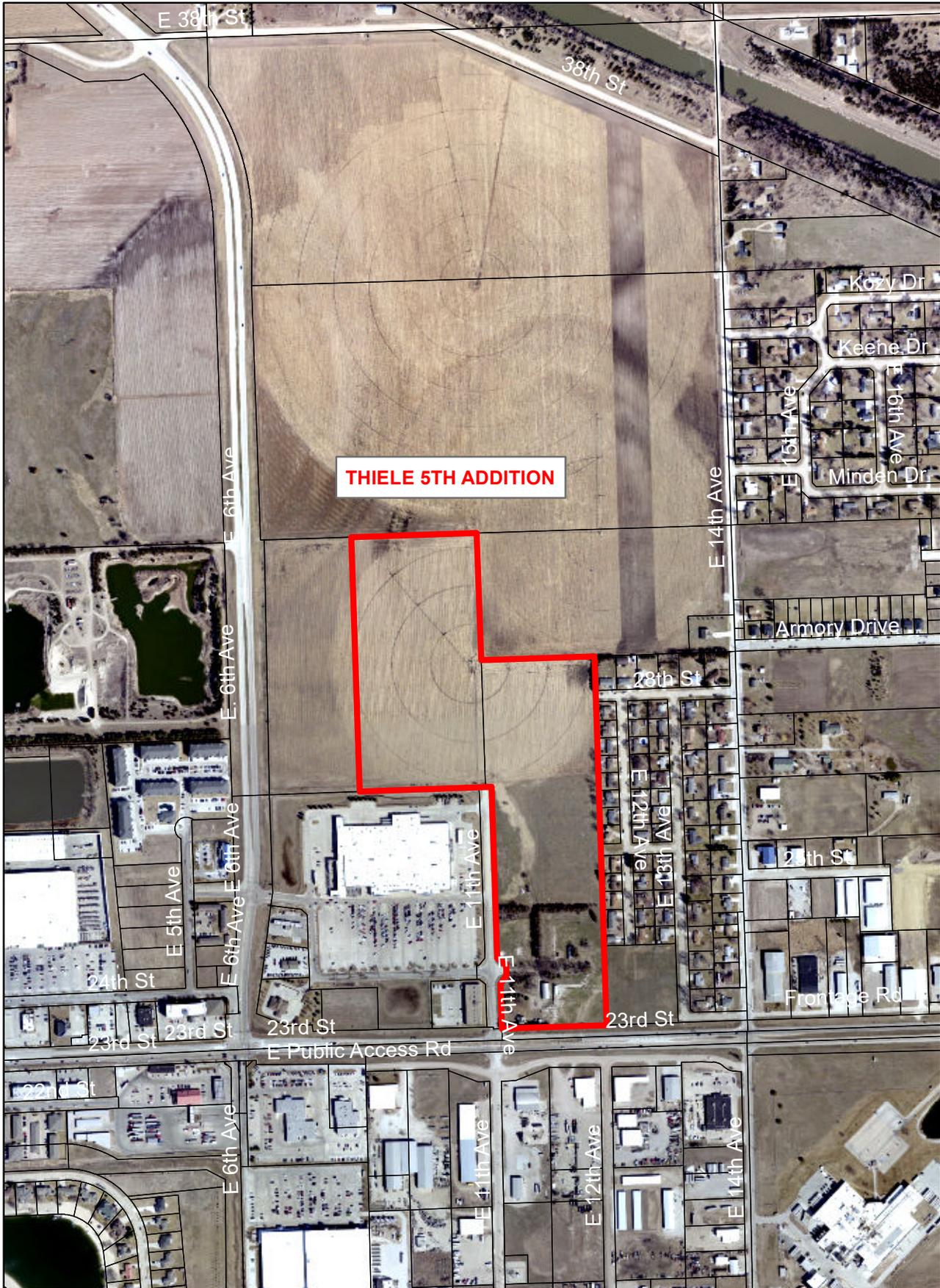
By: _____

SIGNATURE:

By:  _____

Approved By:  _____

THIELE 5TH ADDITION



MINOR APPLICATION FOR SUBDIVISION OR ADDITION

DATE: _____

NAME OF SUBDIVISION: _____

NAME OF PROPERTY OWNER: _____

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: _____

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: _____

PHONE NUMBER: _____

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

ADDRESS OF SUBDIVISION: _____

I hereby apply for a Minor Subdivision and have paid the \$300.00 application fee

I hereby state that: The subdivision adjusts the lot lines of two or more lots without creating additional lots; or creates no more than four lots from any single parcel, tract, or lot.

1. The subdivision is served by existing utilities and does not require the extension of streets, utilities, or public improvements.
2. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertains to the lots, and each lot is developable according to the site development regulations of the zoning ordinance.
3. No part of the parcel has been the subject of a previous Minor Subdivision or Minor Subdivision approval.



Owner or Owner's Representative

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

MINOR SUBDIVISION - UNIFIED LAND DEVELOPMENT ORDINANCE

3-3 Minor Subdivisions

a. Scope

The Minor Subdivision procedure may be used when a proposed subdivision meets all of the following conditions:

1. The subdivision adjusts the lot lines of two or more lots without creating additional lots; or creates no more than four lots from any single parcel, tract, block or lot. Minor subdivisions outside of City Limits, but adjacent to will be required to voluntarily annex.
2. The subdivision is served by existing utilities and does not require the creation or extension of streets, utilities, or public improvements and no new dedication of public right of way or easements is involved.
3. Each lot resulting from the subdivision procedure will conform fully to all requirements of the zoning district that pertain to the lots; and each lot is developable according to the site development regulations of the Unified Land Development ordinance as evidenced by a site plan prepared by a licensed surveyor.
4. No part of the parcel, tract, block or lot has been the subject of a previous Administrative Subdivision or Minor Subdivision approval. Once an administrative or minor subdivision has been approved, neither the original nor the resulting parcel(s), tract(s), block(s) or lot(s) are eligible for future administrative or minor subdivision.

b. Application and Approval Procedure

An application for a Minor Subdivision may be approved under the following procedure:

1. The applicant submits an application on a form established by the Engineering Department and includes the supporting documents required for Minor Subdivisions in Table 3-1. These documents shall include a plat of all lots and parcels that are affected by the action, prepared by a State of Nebraska Licensed Surveyor and a Certificate of Title prepared by a Licensed Registered Abstractor verifying the ownership of said property, all lienholders and real estate tax payment status.
2. Following submission, the Administrative Official shall review each application according to the following criteria within fourteen (14) working days:
 - (a) Compliance with the conditions for contained in Section 3-3(a) above.
 - (b) Consistency with the Comprehensive Development Plan of the City of Columbus.

MINOR SUBDIVISION - UNIFIED LAND DEVELOPMENT ORDINANCE

- (c) Potential adverse environmental effects or effects on neighboring properties.
 - (d) Completed Development Agreement.
3. Following such review, the Administrative Official may approve the Minor Subdivision. Such approval shall be denoted by signed certificate of approval. The signed plat must be filed by the Developer with the Platte County Register of Deeds. If the approved plat is not filed within 90 days of the approval by the Developer, such approval shall be null and void
 4. The Administrative Official retains the right to disapprove or not act on the Minor Subdivision application. In the event of such action, the application may proceed through the Major Subdivision process.
 5. The Administrative Official shall keep a complete and accurate record of all Minor Subdivision approvals.
 6. Following approval of the Minor Subdivision, it shall be the duty of the applicant's surveyor/engineer to provide the City with a hard copy and an electronic file in the format required by the City, of the newly formed Minor Subdivision, including the Platte County Register of Deeds signed and stamped recording information

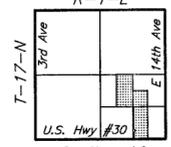
Thiele 5th Addition to the City of Columbus, A Minor Subdivision

Located in the E1/2 NW1/4 SE1/4 and Part of the W1/2 E1/2 SE1/4
Section 16, T17N, R1E, Platte County, Nebraska

-Legend-

- Found Monument
- Set 5/8" x 24" Rebar w/ Plastic Survey Cap
- × Computed Location
- M Measured this Survey
- T Recorded Measurement T.A. Tremel, L.S. #455
- P Plat Measurement General Land Office

Platte County
Nebraska



Vicinity Sketch



Notes:

- 1) All bearings are referenced to the Platte County Projection.
- 2) This property is shown on FIRM Map, No. 31141C0330E Effective Date: 04/19/2010 Located in Zone X Community: City of Columbus Number: 315272
- 3) Zoning: RR

Owner:

The Estate of Leo E. Thiele
c/o Terrace Thiele and Thomas Thiele
51595 848 Road
Clearwater, Nebraska 68726

Surveyor:

Thomas A. Tremel
Tremel Surveying Inc.
1 Driftwood Drive
Columbus, NE 68601
Phone: 402.276.3690

Field Notes:

- A) Northeast Corner E1/2 NW1/4 SE1/4, Section 16, T17N, R1E - found 3/4" iron pipe 12" deep as recorded by T.A. Tremel, L.S. #455, July 7, 2021.
Ties: 14.56' SW to top center of metal brace post
13.18' South to top center of metal brace post
18.87' South to "X" nails in top of brace post
On range of fence South
10.80' South to range of fence West
- B) Southwest Corner SW1/4 NE1/4 SE1/4 - found 5/8" rebar with plastic cap as recorded by T.A. Tremel, L.S. #455, July 7, 2021.
Ties: 0.50' West to sign post
21.57' North to "X" nails in top of fence post
25.58' WSW to top of fire hydrant
23.64' ESE to SW corner of telephone pedestal
On centerline of East 11th Avenue South
- C) Found 5/8" Rebar w/plastic cap
D) Found 1" Iron Pipe
E) 5/8" Iron Rod
F) Found 7/8" Rebar
G) Found 5/8" Iron Rod w/plastic cap
H) Found 3/4" Iron Pipe w/plastic cap

Description:

A tract of land located in the E1/2 of the NW1/4 of the SE1/4 and in part of the W1/2 of the E1/2 of the SE1/4 of Section 16, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows; beginning at the Northeast Corner of said E1/2 NW1/4 SE1/4; thence S 00°02'46" E, 664.91 ft. on the East line of said E1/2 NW1/4 SE1/4; thence N 89°49'56" E, 592.43 ft. to the Northwest corner of Lot 1, Thiele 4th Subdivision; thence S 00°11'46" E, 238.75 ft. on the West line of said Thiele 4th Subdivision to the Northwest corner of Lot 8, Block 2, Thiele 2nd Subdivision; thence S 00°09'05" E, 807.42 ft. on the West line of said Thiele 2nd Subdivision to the Northwest corner of Lot 5, Block 2, Thiele 3rd Subdivision; thence S 00°10'51" E, 475.26 ft. on the West line of said Thiele 3rd Subdivision to the Southwest corner of Lot 1, Block 2 of said Thiele 3rd Subdivision; thence S 00°11'26" E, 413.28 ft. to the North Right-of-Way line of U.S. Highway No. 30; thence S 89°51'23" W, 552.77 ft. on the North Right-of-Way line of said U.S. Highway No. 30 to the East Right-of-Way line of East 11th Avenue; thence Northerly for the next eight courses on the East right-of-way line of said avenue: 1) N 00°03'23" W, 110.33 ft., 2) N 01°34'52" W, 123.41 ft., 3) N 38°42'05" E, 47.89 ft., 4) N 87°04'02" E, 5.19 ft., 5) N 00°14'05" W, 65.66 ft., 6) N 89°53'04" W, 6.79 ft., 7) N 45°01'52" W, 50.83 ft., 8) N 00°02'04" W, 896.61 ft.; thence S 89°50'49" W, 699.49 ft. on the South line of said E1/2 NW1/4 SE1/4 to the Southwest corner thereof; thence N 00°00'01" W, 1329.84 ft. on the West line of said E1/2 NW1/4 SE1/4 to the Northwest corner thereof; thence N 89°50'54" E, 665.42 ft. on the North line of said E1/2 NW1/4 SE1/4 to the point of beginning, containing 45.62 acres more or less.

Surveyor's Statement:

I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this subdivision was surveyed as per state law under my direct supervision and is correct to the best of my knowledge and belief.

Thomas A. Tremel
Thomas A. Tremel, L.S. #455
April 28, 2023
Revised: September 22, 2023



City of Columbus Approval:

This Plat of Thiele 5th Addition, a Minor Subdivision to the City of Columbus, Platte County, Nebraska, approved by the City of Columbus.

this _____ day of _____

City Administrator

City Clerk

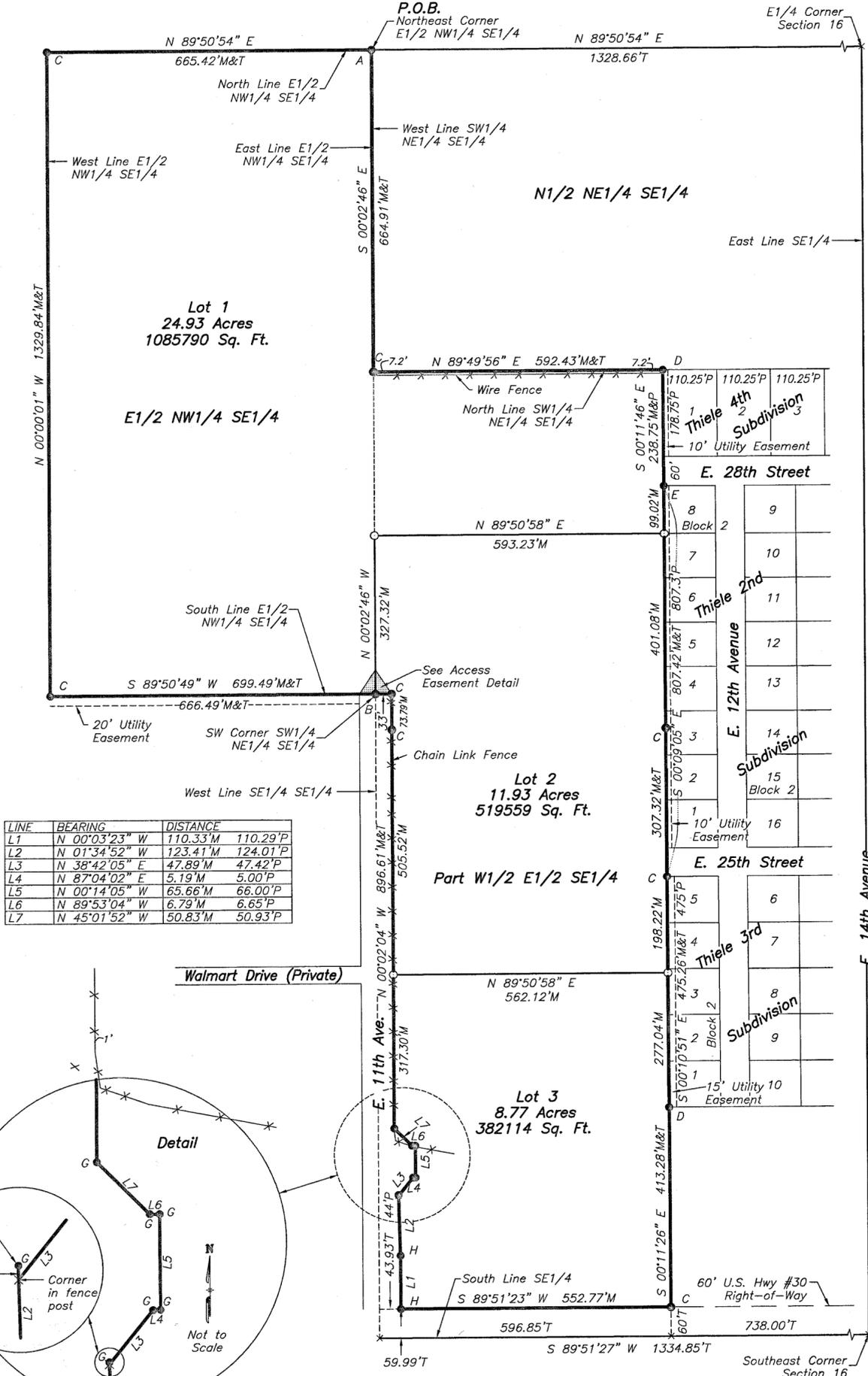
THIELE 5TH ADDITION, A MINOR SUBDIVISION

**E1/2 NW1/4 SE1/4 & PART
W1/2 E1/2 SE1/4 S16, T17N, R1E
PLATTE COUNTY, NEBRASKA**

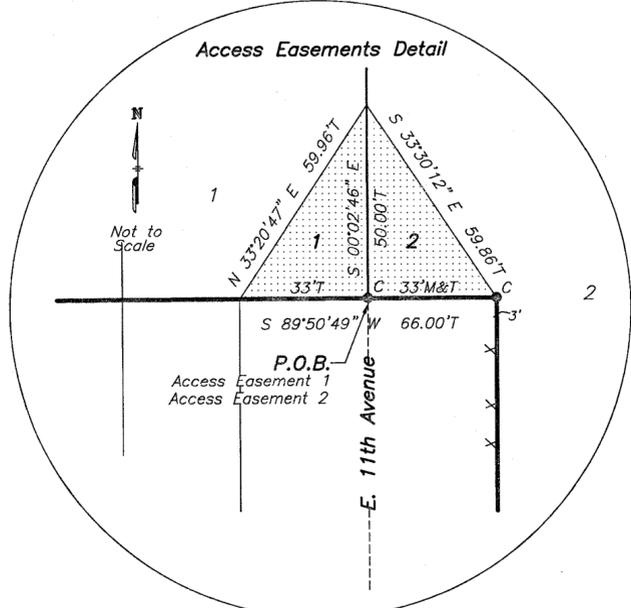
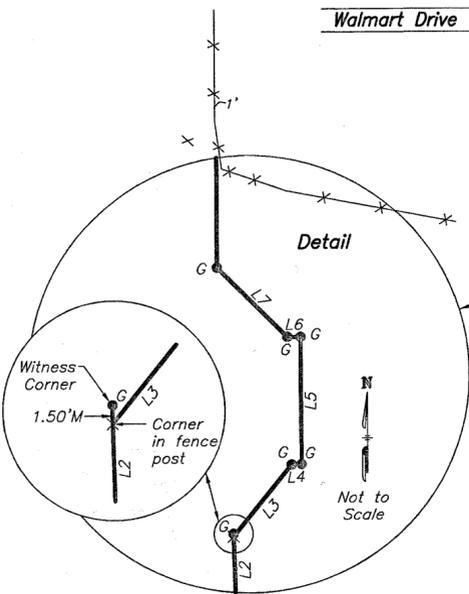


CJN CJN 04/24/2023
DRAWN SURVEYED DATE

No. 1 Driftwood Drive - Columbus, NE 68601
Phone (402) 563-4589 - Fax (402) 563-3922



LINE	BEARING	DISTANCE
L1	N 00°03'23" W	110.33'M 110.29'P
L2	N 01°34'52" W	123.41'M 124.01'P
L3	N 38°42'05" E	47.89'M 47.42'P
L4	N 87°04'02" E	5.19'M 5.00'P
L5	N 00°14'05" W	65.66'M 66.00'P
L6	N 89°53'04" W	6.79'M 6.65'P
L7	N 45°01'52" W	50.83'M 50.93'P



7.A. Public hearing - Determine whether Thiele 5th Addition should be included within corporate city limits.

8. Public hearing - Redevelopment Plan for Rback Enterprises Redevelopment Project (Redevelopment Area No. 8) located east of the intersection of 4th Street and 10th Avenue.

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

NOTICE IS HEREBY GIVEN that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, November 13, 2023, at 6 p.m., in the Community Building, Community Room, 2500 14 St, Columbus, NE, to consider and possibly take action on a redevelopment plan entitled: "Redevelopment Plan for the Rback Enterprises Redevelopment Project," for redevelopment pursuant to the Community Development Law, Nebraska Revised Statutes, sections 18-2101, et seq., within a portion of the blighted and substandard southeast area, approximately located to the east of the intersection of 4th Street and 10th Avenue, in Columbus, NE. A map of the proposed area to be redeveloped and the cost-benefit analysis for the redevelopment project set forth in the redevelopment plan is available for review at the office of the city clerk at 2500 14 Street, Columbus, NE, telephone number 402-562-4224, during regular business hours. At said time and place, all interested parties may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 10:26:23; 11:02:23
Two Affidavits of Publication



City Hall
2500 14th St.
Columbus, NE 68601
402-562-4232
columbusne.us

memorandum

DATE: November 8, 2023
TO: Tara Vasicek, City Administrator
FROM: Jean Van Iperen, Planning & Economic Development Coordinator
RE: Redevelopment Plan for RBack Enterprises Redevelopment Project

RECOMMENDATION:

Approval of the Redevelopment Plan for RBack Enterprises Redevelopment Project

DISCUSSION:

The redevelopment plan details a proposed redevelopment project including the construction of housing consisting of 28 lots of which 27 are residential. A detailed description of the project is located on page 3, section D of the plan.

In order for the area to be used for the planned purpose, substantial improvements are required including all public infrastructure on streets extensions of 9th Avenue/4th Street and 7th Avenue, extension of water and sewer systems to the project site including extension of City water down 9th Avenue from its current endpoint north of the project site, and grading to provide effective drainage throughout the area. All of these improvements are detailed beginning on page 5, Section F of the Plan. These improvements represent a substantial investment in public infrastructure that would otherwise be a significant tax payer and property owner expense. Over \$1,907,690 of public street, water and sewer improvements are required for the project. The full list of TIF eligible expenses is detailed in Exhibit D.

The redeveloper, City and legal counsel have ensured the plan is in conformance with the City's comprehensive plan. An in-depth review is provided in section C page 1-2. The final plat and development plan were approved by the Planning Commission and the City Council in October 2023.

It has been determined the cost-benefit analysis prepared in conjunction with the Plan and attached as Exhibit F sets forth the factors required under section 18-2113 of the Nebraska Revised Statutes and supports the City's adoption and approval of the Plan.

As the plan states, the impacts and opportunities related to the Redevelopment Project conform to the objectives and guidance stated in the Comprehensive Plan, and outweigh arguments against the project.

ALTERNATIVE:

Do not approve.

Signature:

By: *Jean Van Iperen*

Approved By: *[Signature]*

**REDEVELOPMENT PLAN FOR THE
RBACK ENTERPRISES REDEVELOPMENT PROJECT**

PREPARED OCTOBER, 2023

**BY THE COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF COLUMBUS, NEBRASKA**

A. Introduction

This Redevelopment Plan for the Rback Enterprises Redevelopment Project (this “Redevelopment Plan”), prepared by the Community Development Agency of the City of Columbus, Nebraska (the “Agency”), is a guide for redevelopment activities to remove or eliminate blight and substandard conditions within the City of Columbus, Nebraska (“City”). The Mayor and City Council of the City, recognizing that blighted and substandard conditions are a threat to the continued stability and vitality of the City, designated certain areas of the City to be blighted and substandard and in need of redevelopment pursuant to the requirements of the Nebraska Community Development Law, sections 18-2101 et seq., as amended (the "Act").

Prior to the preparation of this Redevelopment Plan, and in compliance with the Act, the Mayor and City Council designated a portion of the City as a blighted and substandard community redevelopment area, such area being commonly referred to as “Redevelopment Area 8” a/k/a the “Southeast Area” (referred to herein as the “Redevelopment Area”). This Redevelopment Plan sets forth a redevelopment project proposed by Rback Enterprises, LLC (“Redeveloper”), located within the Redevelopment Area to optimize the tax increment financing ("TIF") resources available to offset certain costs deemed eligible for reimbursement by TIF under the Act, and to remove existing and avoid future blighted and substandard conditions, all as further described herein. This Redevelopment Plan contemplates the phased construction of a residential subdivision consisting of single-family homes, townhomes, attached multi-family rental units, and storage units, together with such public improvements associated therewith, within the Redevelopment Area (such public and private improvements are collectively referred to herein as the "Redevelopment Project").

B. Redevelopment Area; Project Site; Existing Conditions

Exhibit "A", attached hereto and incorporated herein, sets forth the boundaries of the Redevelopment Area. Exhibit "A-1", attached hereto and incorporated herein, sets forth the boundaries and existing conditions of the area to be developed as part of the Redevelopment Project (the "Project Site"). The Project Site is located to the east of the intersection of 4th Street and 10th Avenue, in the City. The Project Site is completely engrossed within the blighted and substandard Redevelopment Area and is in need of redevelopment.

C. Conformance with the Comprehensive Plan

It is essential to the City’s comprehensive plan for development (the “Comprehensive Plan”) that dilapidated, inadequate, or deteriorating portions of the City conform to the current and future needs of the City as it continues to grow and expand. Exhibit "B", attached hereto and incorporated herein, shows a portion of the future use map (showing the Redevelopment Area

and surrounding areas) included within the City's Comprehensive Plan. The map does not set forth a specific designation for future use of the Project Site. However, the area is presently utilized and zoned for residential use, so it is assumed the continuation of such use is/was desired with respect to future development. Accordingly, the anticipated uses associated with the Redevelopment Project conform to the desired use of the Project Site set forth in the Comprehensive Plan.

The Comprehensive Plan further sets forth the following objectives:

- Encourage a variety of housing types and sizes to accommodate the needs of existing and prospective residents. This includes, but is not limited to college students, single professionals, families, empty nesters, seniors, and those of varying economic ability.
- Encourage an economically diverse population through a variety of affordable housing ownership opportunities suitable and attractive to people at different stages in their life.
- Expand the opportunities for homeownership, especially for moderate income households.
- Incent the construction of a variety of housing types such as co-housing, duplexes, rowhouses, mixed-use buildings, and single family detached housing with accessory dwelling units.
- Ensure an adequate supply of housing at a variety of prices and rents by promoting new home ownership opportunities, improvement of the existing housing stock, responsible rental property ownership, and the development of compatible infill housing.
- Increase the compatibility of multi-family residential housing with single family detached residential districts within Columbus.

The Redevelopment Project will assist in carrying out such objectives. Accordingly, the Redevelopment Project is in conformance with and furthers the objectives set forth in the City's Comprehensive Plan.

D. Redevelopment Project Overview

The Redevelopment Project consists of the phased construction of single-family homes, townhomes, attached multi-family rental units, and storage units. Redeveloper currently owns the Project Site. Accordingly, no public acquisition of the Project Site is anticipated. Additionally, no families will be displaced as a result of the Redevelopment Project. Exhibit "C", attached hereto and incorporated herein, sets forth the proposed site plan for the

Redevelopment Project (the “Site Plan”). The Site Plan is preliminary in nature and subject to change.

The Redevelopment Project will require infrastructure improvements and other public and private improvements which are not financially feasible to undertake at one time. Completing the Redevelopment Project in phases will allow Redeveloper to maximize the TIF resources available for public improvements, which will be necessary for the Redevelopment Project to succeed. Further, implementation of the Redevelopment Project in multiple phases will allow Redeveloper to construct the private improvements at a rate that the market can absorb and support, and to adapt subsequent phases of the Redevelopment Project to the changing needs of the City. The Agency and Redeveloper anticipate that Redeveloper will construct the Redevelopment Project in two phases, consisting of the following improvements:

“Phase One” is anticipated to consist of the construction of approximately 31 townhomes, 8 detached single-family residences, and 12 multi-family units (51 total residential units). Additionally, it is anticipated that Redeveloper will construct storage units as part of Phase One, consisting of approximately 9,300 square feet of storage space. The private improvements included as part of Phase One will occur on a portion of the Project Site, as depicted in the Site Plan (the “Phase One Area”). Notwithstanding the foregoing, the infrastructure improvements for the entire Redevelopment Project (i.e., both Phase One and Phase Two) will occur as part of Phase One. Such infrastructure improvements will include, without limitation, water line extension along 9th Ave.

“Phase Two” is anticipated to consist of the construction of approximately 12 townhomes and 9 detached single-family residences (21 total residential units). Phase Two will occur on a portion of the Project Site, as depicted in the Site Plan (the “Phase Two Area”).

With respect to the storage space/units constructed as part of Phase One, such units shall be rented to or utilized solely by the occupants of the adjacent multi-family units and/or townhomes (such that they constitute an ancillary residential use and not a commercial use). Under no circumstance shall the units be rented to, or utilized by, other third parties. The foregoing requirement shall be set forth in the “redevelopment contract” (as defined in the Act) entered into between Redeveloper and the Agency with respect to the Redevelopment Project, and the grant of TIF provided herein shall be conditioned upon Redeveloper’s (and its successors) compliance with the same.

Redeveloper and the City acknowledge that the exact nature of Phase Two, along with certain details associated therewith, is speculative at this time and may be subject to change

based upon market demand, cost variability, and other such extraneous factors that cannot be reasonably ascertained at this time. Accordingly, Redeveloper and the City anticipate that, once the exact scope of Phase Two is established, this Redevelopment Plan may be amended to update and incorporate certain details related thereto; and this Redevelopment Plan specifically contemplates and authorizes the same. Such changes/updates may be incorporated via an administrative amendment to this Redevelopment Plan, so long as the same does not constitute a substantial modification under Section 18-2115 of the Act. Provided the improvements constructed as part of Phase Two conform to the uses contemplated herein (i.e., single-family residences, townhomes, and multi-family units), modifications to the unit mix for Phase Two (from that provided above) shall not be considered a substantial modification of this Redevelopment Plan, unless otherwise determined as such in the discretion of the City.

As set forth in further detail under Paragraph H, below, it is anticipated that each phase may consist of multiple sub-phases based upon the rate at which Redeveloper constructs the private improvements. And while Redeveloper anticipates the Redevelopment Project will be constructed over the course of two phases, the Redevelopment Project requires flexibility and more or less phases, or sub-phases thereof, may be necessary as a result of market demand and other extraneous factors. Accordingly, this Redevelopment Plan contemplates and authorizes the reconfiguration of the phasing, as necessary, via an administrative amendment to this Redevelopment Plan, unless such changes constitute a substantial modification under Section 18-2115 of the Act.

E. Existing Conditions

1. Existing Land Use

The Project Site currently consists of approximately ten acres of vacant land. As part of the Redevelopment Project, Redeveloper demolished two unoccupied and dilapidated residences, along with a number of unused and dilapidated outbuildings.

2. Existing Zoning

The Project Site is currently zoned as R-1 (Single-Family Residential).

3. Existing Public Improvements

Access to the Project Site currently exists via a private drive from 10th Avenue. While limited infrastructure/utilities exist on the Project Site in relation to the prior residences thereon, the majority of Project Site is without paving, sewer, water, storm sewer, electrical service, public walks, and other necessary infrastructure.

F. Proposed Redevelopment

1. Public Improvements

The Redevelopment Project will require significant infrastructure improvements and other public improvements. These improvements will include, but are not limited to:

a. Public Access; Traffic Flow, Street Layouts and Street Grades

Access to the Project Site currently exists via a private drive from 10th Avenue. As shown on the Site Plan, Redeveloper intends to maintain the private drive, and construct public access via the extension of 9th Avenue/4th Street and 7th Avenue. The public improvements for the Redevelopment Project will address any traffic and street infrastructure concerns that would otherwise be created by the Redevelopment Project. All streets and other public infrastructure constructed by Redeveloper will be subject to review and approval by the City's engineer or other designee of the City.

b. Construction of Water and Sewer Improvements

Redeveloper will construct or extend water and sewer systems to provide appropriate service to the residences constructed on the Project Site; and the Project Site will be filled and graded to provide for effective surface water runoff. Without limiting the foregoing, Redeveloper will be required to extend City water down 9th Ave, from its current endpoint north of the Project Site.

c. Other Incidental Improvements

Currently, the Project Site is mostly undeveloped and will require grading to provide effective drainage throughout the area. The Project Site requires filling and grading to properly drain the ground water runoff and provide appropriate grading levels to erect the residences. Redeveloper also anticipates the construction of electric, gas and telecommunications utilities extending to the residences on the Project Site. The anticipated public improvements (and costs related to the public improvements) for the Redevelopment Project are listed in Exhibit "E", attached hereto and incorporated herein.

d. Additional Public Facilities or Utilities

Other than the construction or extension of the utilities and infrastructure detailed above, Redeveloper and the City anticipate that the existing public facilities and utilities can adequately meet the demands of the Redevelopment Project.

e. Property Acquisition, Demolition and Disposal

No public acquisition of private property or relocation of families or businesses is necessary to accomplish the Redevelopment Project.

f. Population Density

The Project Site is currently vacant. The Redevelopment Project is residential in nature, consisting of the development of approximately 43 townhomes, 17 single-family residences, and 12 multi-family rental units (approximately 72 residential units in total). As such, the Redevelopment Project will result in an increase in population density within the Project Site. Based upon census data related to household size, such density increase is estimated to be between 72 and 189 people.

g. Land Coverage

The Project Site currently consists of approximately ten acres of undeveloped land. The Redevelopment Project will consist of the construction of approximately 43 townhomes, 17 single-family residences, 12 multi-family rental units (approximately 72 residential units in total), along with approximately 9,300 square feet of storage space/units. The anticipated land coverage footprint for the Redevelopment Project is shown on the Site Plan. The Redevelopment Project is subject to and must comply with all applicable land coverage ratios required by the City.

h. Parking

The City's zoning ordinance requires two parking spaces per dwelling unit with respect to the single-family detached homes and townhomes. For multi-family units, the zoning ordinance requires two spaces for every unit with two bedrooms or more and 1.5 spaces for every one-bedroom unit. The Redevelopment Project is subject to and must comply with all such applicable parking requirements.

i. Zoning, Building Code and Ordinance

The Project Site is currently zoned as R-1 (Single-Family Residential). With respect to the single-family detached homes, an R-1 designation is appropriate and will remain as such on the associated lots. Redeveloper will rezone the remainder of the Project Site to a designation that permits the townhouse, multi-family and/or storage uses thereon. Redeveloper will be responsible for all such zoning, building code, or ordinance changes that are necessary for the Redevelopment Project.

2. Private Improvements

The private improvements constructed as part of the Redevelopment Project are anticipated to consist of approximately 43 townhomes, 17 single-family residences, 12 multi-family rental units, and approximately 9,300 square feet of storage space/units, in addition to the related facilities and improvements ancillary thereto. Redeveloper or other builders taking conveyance from Redeveloper will construct the private improvements. Paragraph H of this Redevelopment Plan details the anticipated construction schedule for the private improvements.

G. Project Costs

The estimated cost of the Redevelopment Project is \$18,500,337. A breakdown of the foregoing costs is attached hereto and incorporated herein as Exhibit "D". The figures set forth therein are only estimates based upon 2023 pricing, and are subject to change without further amendment of this Redevelopment Plan.

H. Implementation

Redeveloper is unable to undertake the construction in Phase One of the Redevelopment Project without some assurance that Redeveloper can undertake the additional phase(s). According to Redeveloper, it could not complete the initial public improvements for Phase One but-for the approval of the entire Redevelopment Project and, likewise, the subsequent phase(s) of the Redevelopment Project would not occur but-for these initial public improvements. Accordingly, this Redevelopment Plan contemplates that the costs and expenses of all the public improvements for the Redevelopment Project are eligible TIF uses for each phase of the Redevelopment Project (as allocated). As such, Redeveloper may apply the TIF Revenues (defined below) generated from each phase of the Redevelopment Project toward the payment of the eligible expenses of the entire Redevelopment Project, as necessary, and provided there is no duplication of costs between phases.

Redeveloper anticipates that each phase will be completed over the course of one to two years. Each phase may be comprised of multiple sub-phases, with the private improvements constructed in a given calendar year constituting a sub-phase of the applicable phase. Redeveloper intends to commence construction on Phase One following approval of this Redevelopment Plan, and complete the same by the end of 2025. Redeveloper intends to commence Phase Two as soon as Phase One is completed.

The anticipated start dates and completion dates for the phases are preliminary and subject to change based upon market conditions, availability of materials, workforce availability and other extraneous factors. More or less phases and/or sub-phases spanning more or less time than the anticipated dates listed above may be necessary as a result of such extraneous conditions or factors. Notwithstanding the foregoing, it is the understanding of the City, the Agency and Redeveloper that construction of the entire Redevelopment Project will be completed no later than December 31, 2030, and shall consist of no more than seven sub-phases.

Upon the completion of each phase and/or sub-phase, Redeveloper will notify the Agency of the same in writing on a form prescribed by the Agency. Such notice shall set forth the "effective date" (as defined in the Act) for the pertinent phase/sub-phase and must be submitted to the Agency on or before June 30 of the year in which taxes are to be divided for such phase/sub-phase.

I. Financing

The City and the Agency contemplate the use of TIF for the Redevelopment Project. Section 18-2147 of the Act authorizes the use of TIF. It provides that any ad valorem tax levied upon real property, or any portion thereof, in a redevelopment project shall be divided, for a period not to exceed fifteen years after the effective date for each phase or sub-phase, as applicable, as identified in the redevelopment contract, or amendment thereof, or in the resolution(s) of the authority authorizing the issuance of bonds pursuant to the Act, as follows:

- (a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body ("Base Tax Amount"); and
- (b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract or bond/note resolution, in the redevelopment project in excess of the Base Tax Amount, if any, (referred to herein as "TIF Revenues") shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in

connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

With respect to the Redevelopment Project, the actual base tax year and Base Tax Amount for each phase and/or sub-phase of the Redevelopment Project will be established via the notifications from Redeveloper to the Agency referenced in Paragraph H, above, as shall be further detailed in the redevelopment contract for the Redevelopment Project. The Agency and Redeveloper anticipate that the effective dates will be different for each phase and/or sub-phase, and therefore the increment period for each phase and/or sub-phase, will be different.

Notwithstanding any provision herein to the contrary, all tax revenues resulting from improvements constructed/installed after the commencement of the first portion of each phase and/or sub-phase shall only be divided and allocated over the applicable 15-year increment period or payment of the TIF Indebtedness, whichever occurs first.

1. Necessity of TIF

Redeveloper has represented and warranted to the City that it would not be economically feasible to develop the Redevelopment Project, and would not do so, without the assistance of TIF. In support thereof, Redeveloper stated the following in its TIF application submitted to the City:

“Without TIF, the proposed project is not financially feasible and will not proceed. The significant infrastructure cost needed to develop this site into buildable lots makes this cost-prohibitive without the use of TIF. Divided-out evenly, TIF will reduce the development cost of each unit by approximately \$34,500. That additional per unit cost would make the lots simply unaffordable: for rental units, the additional cost would increase rent significantly to recover the costs, which prices the units out of a reasonable target market for rentals; and for sales, the additional \$34,500 in lot cost will make the homes too expensive for the market. Therefore, without TIF, the Applicant cannot develop the property.”

The City and Agency concur with the foregoing representations of Redeveloper. The high construction costs and unfavorable rate environment that developers currently face, the total lack of infrastructure within the Project Site, and the added costs related thereto, contribute to the Project Site’s blighted and substandard condition and the infeasibility of its development without the assistance of TIF. Accordingly, the Redevelopment Project, as proposed herein, is not

economically viable without the assistance of TIF and Redeveloper would not construct the same without TIF.

2. Sources and Uses of Financing

Based upon the projections provided in Exhibit "E", attached hereto and incorporated herein, the Agency and Redeveloper contemplate issuance of one or more TIF bond(s) or note(s) (the "TIF Indebtedness"), in an aggregate principal amount not to exceed \$2,525,000. The TIF Indebtedness shall bear interest at a rate not to exceed 6.50% per annum. The final principal and interest amount comprising the TIF Indebtedness shall be determined by the Agency and set forth in the redevelopment contract or resolution authorizing the issuance of the TIF Indebtedness.

Redeveloper anticipates that the balance of the public and private costs of the Redevelopment Project exceeding the TIF Indebtedness will be financed by a mix of equity, traditional bank financing, and other economic development funding (Rural Workforce Housing). The above figures are only projections and are subject to change as a result of market conditions and other extraneous factors.

J. Cost-Benefit Analysis

A cost-benefit analysis for the Redevelopment Project is attached as Exhibit "F" and incorporated herein.

Exhibits:

- Exhibit A: Redevelopment Area and Existing Land Use
- Exhibit A-1: Project Site and Existing Land Use
- Exhibit B: Future Land Use Map
- Exhibit C: Site Plan and Future Land Use
- Exhibit D: Estimated Construction Cost of the Redevelopment Project
- Exhibit E: Sources and Uses of TIF
- Exhibit F: Cost-Benefit Analysis

EXHIBIT "A"

Redevelopment Area and Existing Land Use

Depiction of Redevelopment Area:

A 1 1

COLUMBUS NE
AREA #8



Exhibit "A"

Existing Conditions of Redevelopment Area and Surrounding Area:



Exhibit "A"

EXHIBIT "A-1"

Project Site and Existing Land Use

Legal Description:

Phase One Area:

PARCEL 1: That Part of Lot 4 of Kingswood Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows: Commencing at a point 264 feet South of the Northwest corner of the Southwest Quarter of the Northeast Quarter of Section 29, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, thence East 660 feet, thence South 132 feet, thence West 660 feet, thence North 132 feet to the place of beginning.

PARCEL 2: An undivided one-half interest in the following tract: Commencing at a point 3 chains and 44 feet South of the Northwest corner of the SW1/4 of the NE1/4 of said Section 29, thence South 22 feet, thence East 10 chains and 20 feet, thence North 22 feet, thence West 10 chains and 20 feet to the place of beginning, said land to be used for a roadway and for no other purpose; n/k/a Lot 3, Kingswood Addition. EXCEPT a portion of Lot 3, Kingswood Addition described as follows: A tract of land entirely within the SW1/4 of the NE1/4 of Section 29, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska and bounded by a line described as follows Commencing at a point on the West line of said SW1/4 of the NE1/4 and a distance of 242 feet South of the NW Corner of said SW1/4 of the NE1/4, proceed East on a line parallel with the North line of said SW1/4 of the NE1/4 a distance of 183 feet to a point; thence South on a line parallel with the West line of said SW1/4 of the NE1/4 a distance of 13 feet to a point; thence Westerly a distance of 183 feet to a point on the West line of said SW1/4 of the NE1/4 and a distance of 15 feet South of the point of beginning, thence proceed North along said West line a distance of 15 feet to the point of beginning, but excepting therefrom the West 33 feet of said parcel, the excepted part being a public road bordering on the West Side.

PARCEL 3: Commencing at the Northeast corner of the SW1/4 of the NE1/4, Section 29, Township 17 North, Range 1 East of the 6th P.M., running thence West 9 chains and 10'; thence South 3 chains and 44'; thence West 10 chains and 56'; thence South 22'; thence East 10 chains; thence South 1 chain; thence East 10 chains; thence North 5 chains to the place of beginning; EXCEPT An undivided one-half interest in the following tract: Commencing at a point 3 chains and 44 feet South of the Northwest corner of the SW1/4 of the NE1/4 of said Section 29, thence South 22 feet, thence East 10 chains and 20 feet, thence North 22 feet, thence West 10 chains and 20 feet to the place of beginning, said land to be used for a roadway and for no other purpose; n/k/a Lot 3, Kingswood Addition. EXCEPT a portion of Lot 3, Kingswood Addition described as follows: A tract of land entirely within the SW1/4 of the NE1/4 of Section 29, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska and bounded by a line described as follows Commencing at a point on the West line of said SW1/4 of the NE1/4 and a distance of 242 feet South of the NW Corner of said SW1/4 of the NE1/4, proceed East on a line parallel with the North line of said SW1/4 of the NE1/4 a distance of 183 feet to a point; thence South on a line parallel with the West line of said SW1/4 of the NE1/4 a distance of 13 feet to a point; thence Westerly a distance of 183 feet to a point on the West line of said SW1/4 of the NE1/4 and a distance of 15 feet South of the point of beginning, thence proceed North along said West line a distance of 15 feet to the point of beginning, but excepting therefrom the West 33 feet of said parcel, the excepted part being a public road bordering on the West Side.

Phase Two Area:

Lot 1 of Kingswood Addition to the City of Columbus, Platte County, Nebraska,
EXCLUDING the west 142.5'.

* In the event Redeveloper subdivides or replats the Project Site, the legal description(s) of such subdivided or replatted parcel(s) comprising the Project Site, upon final approval of the City with respect thereto, shall replace and supersede the above legal description.

Depiction and Current Condition (outlined in red):

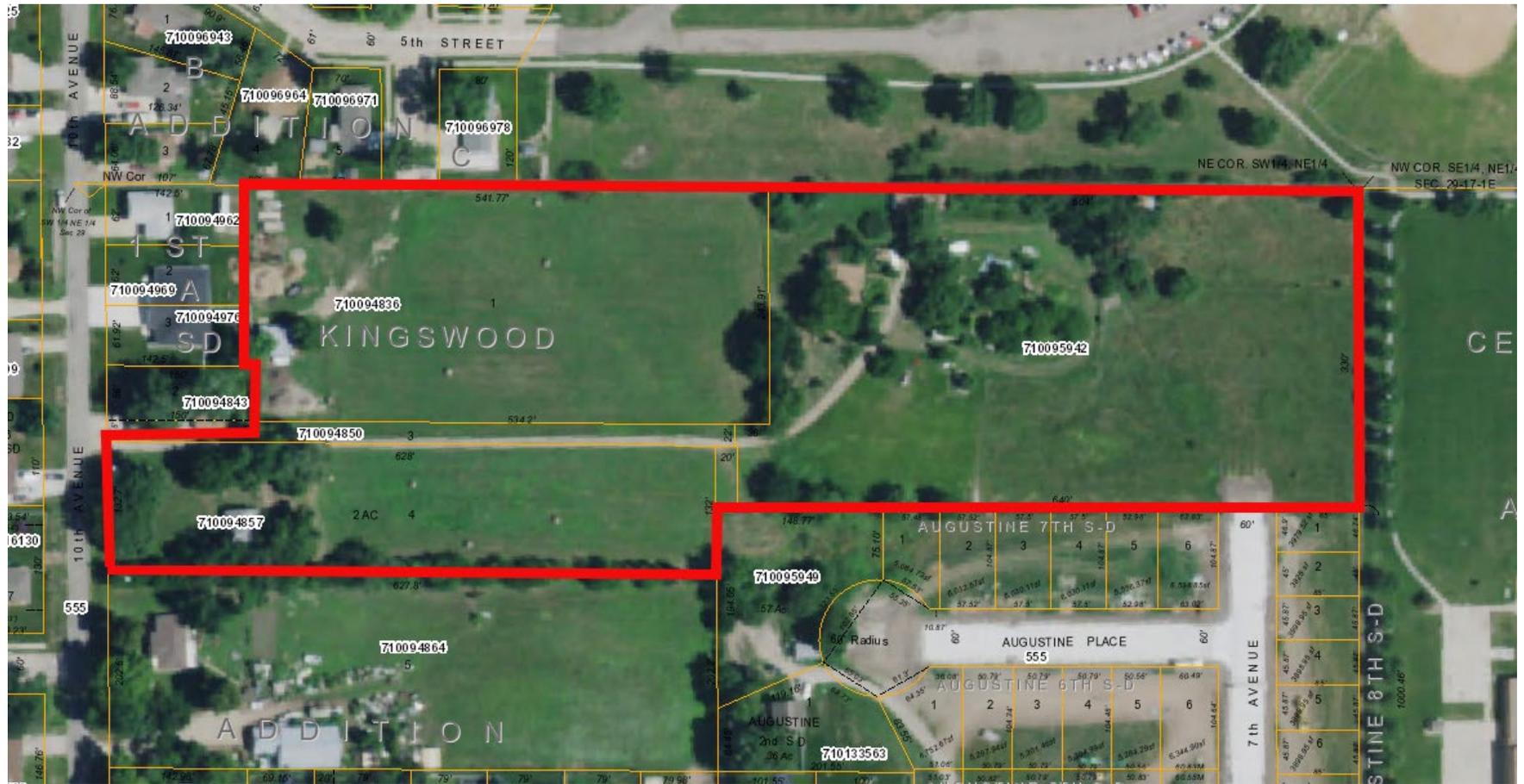
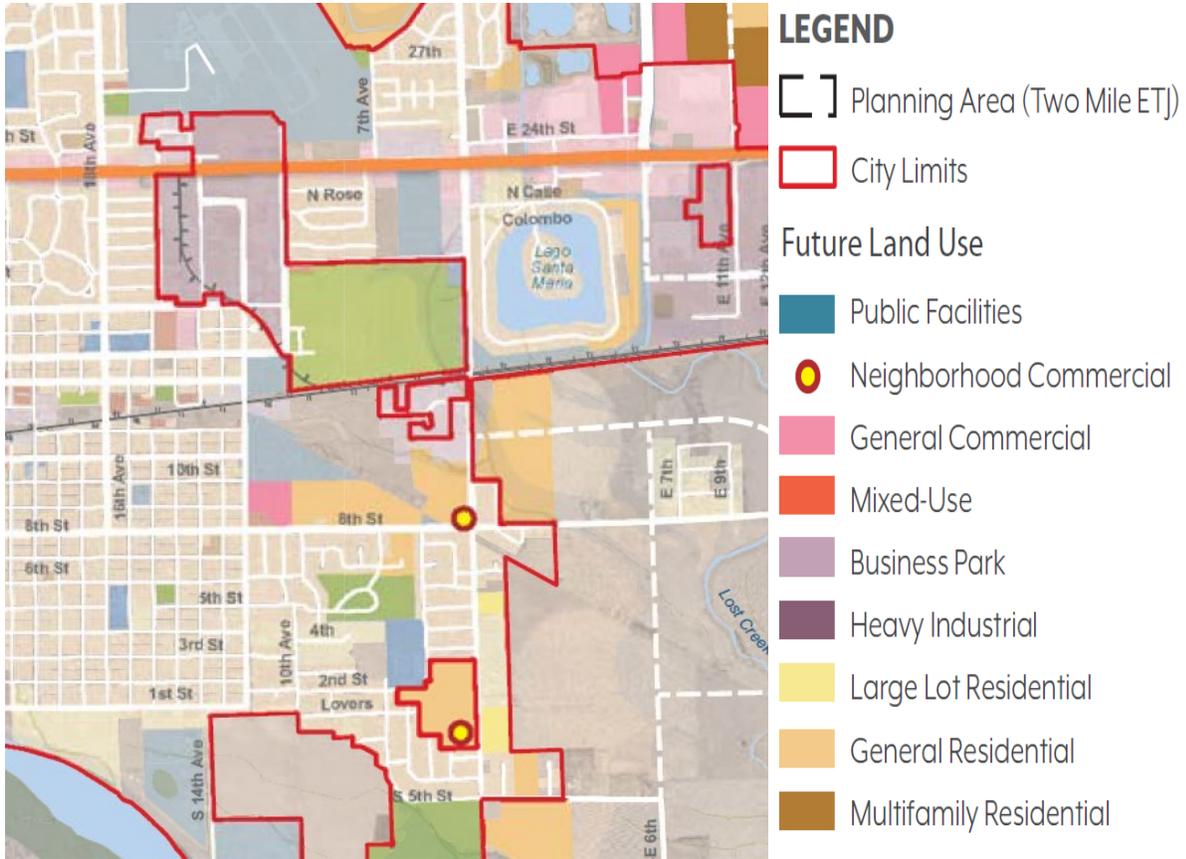


Exhibit "A-1"

EXHIBIT "B"

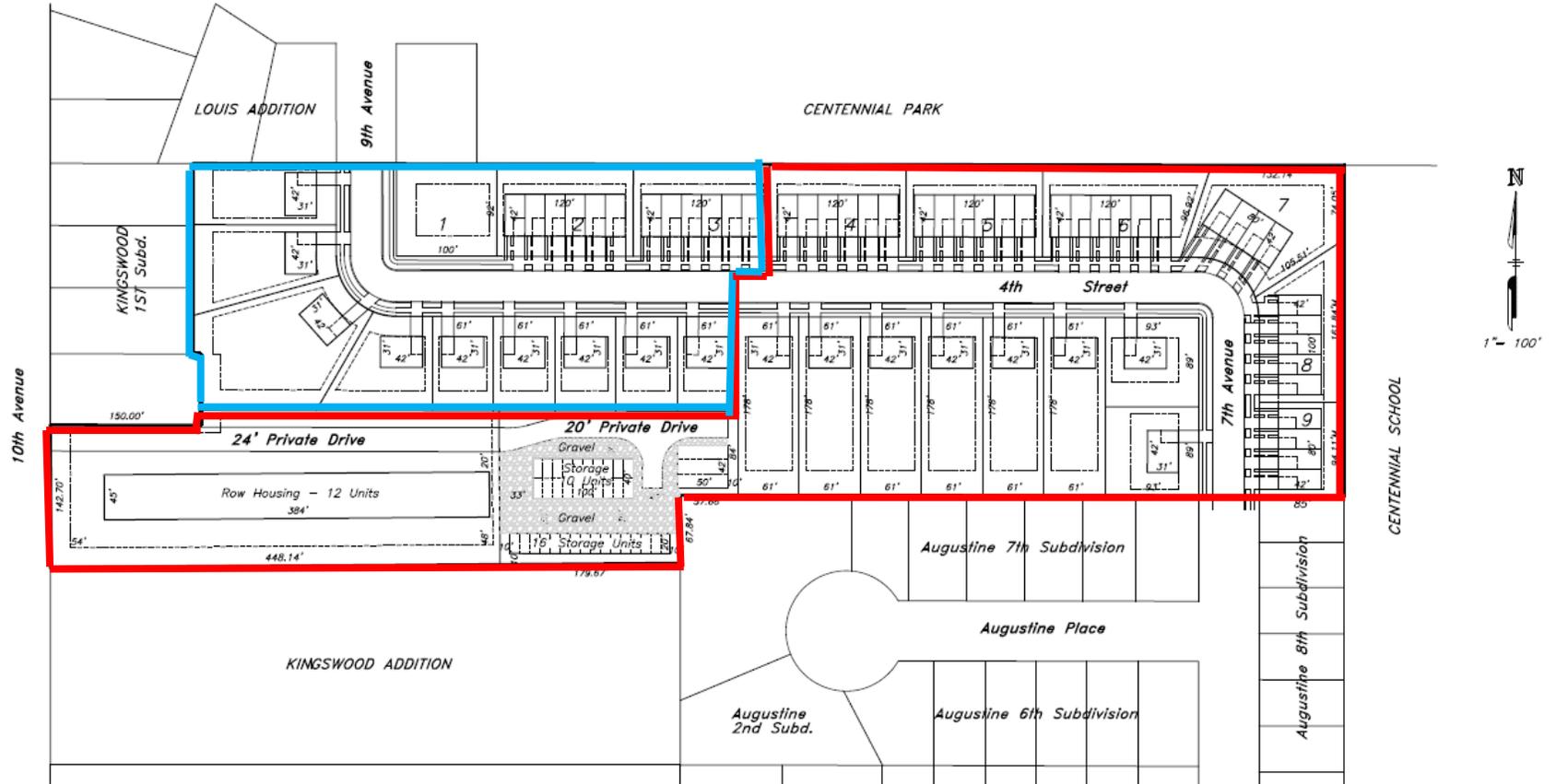
Future Land Use Map



* The Project Site is not designated for a particular future use.

EXHIBIT "C"

Site Plan and Future Land Use



- * The above is a preliminary site plan and is subject to change.
- ** The Phase One Area is outlined in red, and the Phase Two Area is outlined in blue.

EXHIBIT "D"

Estimate of Construction Costs

Land Acquisition	\$391,000
Demolition	\$115,500
Site Development & Infrastructure	\$1,907,690
Building Cost	\$15,746,647
Architectural and Engineering Fees	\$100,000
Legal Fees	\$25,000
Financing Costs	\$139,500
Contingencies	\$75,000
Total	\$18,500,337

- * The above figures are estimated values based on current pricing. These preliminary estimates are subject to change, as Redeveloper has no control over the change in cost of materials and services between the time of the approval of this Redevelopment Plan and commencement of construction.

EXHIBIT "E"

Sources and Uses of TIF

USES:*

Site Acquisition:	
Phase One	\$191,000
Phase Two	\$200,000
<hr/>	
Total site acquisition	\$391,000
Demolition or removal of existing:	
Buildings	\$38,500
Structures	\$27,500
Trees	\$49,500
<hr/>	
Total demolition	\$115,500
Infrastructure:	
General site preparation	\$93,500
Streets	\$343,035
Utilities – sanitary sewer, water	\$968,055
Utilities – electrical	\$300,300
Utilities – cable/internet	\$85,800
Sidewalks	\$77,000
9th Ave. Water Extension	\$40,000
<hr/>	
Total infrastructure	\$1,907,690
Professional Fees:	
City TIF fees	\$15,000
Architect, Eng., Legal	\$100,000
<hr/>	
Total Fees	\$115,000
TOTAL ESTIMATED TIF USES:	\$2,529,190

* The above "Uses" are preliminary estimates based on current pricing and are subject to change.

SOURCES:

General Assumptions: *

Base Value**:	\$247,040
Final Value***:	\$16,962,600
Tax Levy (2022):	1.889478
TIF Indebtedness:	NTE \$2,525,000
Interest Rate:	NTE 6.50%

* The above figures are based on assumed values and levy rates. Actual amounts and rates will vary from those assumptions, and it is understood that the actual TIF sources may vary materially from the projected amounts.

** The base value is comprised of the current assessed value of the four lots making up the Project Site.

*** The final value is the aggregate total of all anticipated private improvements, in accordance with the following valuation estimates: 43 townhomes at a future valuation of \$248,000 per unit; 17 single-family residences at a future valuation of \$278,000 per unit; 12 multi-family units at a future valuation of \$106,250 per unit; and the storage space at \$32 per square foot.

EXHIBIT "F"

Cost-Benefit Analysis (Pursuant to Neb. Rev. Stat. § 18-2113)

The cost-benefit analysis for the Redevelopment Project, as described in the attached Redevelopment Plan, which will utilize funds authorized by section 18-2147 of the Act, is provided below:

1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:

The taxes generated by the base value of the Project Site will continue to be allocated between the relevant taxing jurisdictions pursuant to the Act. Only the incremental taxes created by the Redevelopment Project will be captured to pay for the project's eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Redevelopment Project, the true tax shift of the Redevelopment Project is a positive shift in taxes after 15 years (with respect to each phase and/or sub-phase). However, for the purposes of illustrating the incremental taxes used for TIF, the estimated 15-year tax shift for the Redevelopment Project is set forth in Exhibit "E" of the Redevelopment Plan, and is adopted hereby.

Notes:

- 1. The projected TIF Revenues are based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2022 levy rate. There has been no accounting for incremental growth over the TIF period.*

2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the Redevelopment Project:

a. Public infrastructure improvements and impacts:

The Redevelopment Project requires considerable public infrastructure installation. The Project Site will require the construction of public streets and sidewalks, via the extension of 9th Avenue/4th Street and 7th Avenue, along with the construction and/or extension of utilities to serve the residences on the lot. The public improvements for the Redevelopment Project will address any traffic and street infrastructure concerns that would otherwise be created by the Redevelopment Project. The Project Site will be filled and graded to provide for effective

surface water runoff. Redeveloper will construct and/or extend such other necessary infrastructure and utilities serving the residences, including water, sewer, electrical, gas and telecommunications. The foregoing shall include, without limitation, the extension of City water down 9th Ave, from its current endpoint north of the Project Site. The Agency and Redeveloper do not anticipate that the Redevelopment Project will have a negative impact on now-existing City infrastructure.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Redevelopment Project should create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of TIF will defer receipt of a majority of new ad valorem real property taxes generated by the Redevelopment Project, the Redevelopment Project should generate immediate tax growth for the City. The new residences/residents will require and pay for City services. Additionally, the City will collect sales tax on a portion of the materials used for the Redevelopment Project. It is not anticipated that the Redevelopment Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

3. Impacts on employers and employees of firms locating or expanding within the boundaries of the Project Site:

The Redevelopment Project is residential in nature and will not result in new or expanded business within the boundaries of the Project Site. However, additional housing for the City's workforce is needed to both attract and retain employers and employees. Accordingly, it is anticipated that the Redevelopment Project will have a positive impact on such employers and employees.

4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the Project Site:

The construction of new housing resulting from the Redevelopment Project should attract new workforce talent to the City, as well as help retain the current workforce – benefitting both employees and employers throughout the City. Accordingly, the Redevelopment Project is anticipated to have a positive impact on surrounding employers and employees.

5. Impacts on student populations of school districts within the City:

The increase of population density within the Project Site may result in an increase in school-aged children within the related school districts. However, there is no indication that the schools within the district are unable to withstand an increase in enrollment proportionate to the

size of the Redevelopment Project. The school district will not receive taxes from the residences built during the time the increased taxes are utilized to pay the TIF Indebtedness. However, the school district has received state aid to education in the past. Part of the school aid formula involves assessed valuation in the school district. The valuation that generates the TIF payments is not included in the formula and does not count against the state aid that the school district would receive. Taxes on any increase in the base value of the land will benefit the school district. After the TIF indebtedness is paid, or at the end of the respective 15 years of division of taxes, whichever is sooner, the increased valuation from the residential construction will be available to the school district. As such, Redeveloper and the Agency do not anticipate a negative impact on school districts located within the boundaries of the area of the Redevelopment Project.

6. Other impacts determined by the Agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:

The Project Site is blighted and contains substandard conditions that are a detriment to the City as a whole. The Redevelopment Project will revitalize and occupy an underutilized and dilapidated area without negatively impacting the surrounding businesses, residents or straining the public infrastructure. There are no other material impacts determined by the Agency relevant to the consideration of the costs or benefits arising from the Redevelopment Project. As such, the costs of the Redevelopment Project are outweighed by its benefits.

2967286.4

9. **Public hearing - Application of 4J Capital 2 LLC for special use permit to allow one dwelling unit density per 1,276 square foot of site area in a "B-2" (General Commercial District) zone located on the west side of east 5th Avenue at 25th 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, November 13, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application for a Special Use Permit to allow one dwelling unit density per 1,276 square foot of site area on the following described real estate in a "B-2" (General Commercial District) zone: Lots 34 and 35, Block A, The Village First Addition, to the City of Columbus located in the SE 1/4 of the SW 1/4 of Section 16, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, containing 1.76 acres more or less (west side of E 5th Ave at 25 St) and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 11:02:23
Two Affidavits of Publication

SPECIAL USE PERMIT APPLICATION

An application for a Special Use Permit may be filed with the Community Development 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 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: 4J Capital 2, LLC, a Nebraska Limited Liability Company

APPLICANT MAILING ADDRESS: 2676 E 5th Avenue, Columbus, NE 68601

APPLICANT PHONE NUMBER: (402) 525-5757

APPLICANT EMAIL ADDRESS: jeff.heinrich@gmail.com

LEGAL REPRESENTATION FIRM/ATTORNEY: Cline Williams Wright Johnson & Oldfather, L.L.P.

ATTORNEY PHONE NUMBER: (402) 479-7151

ATTORNEY E-MAIL ADDRESS: awillis@clinewilliams.com

ADDRESS OF PROPERTY: west side of East 5th Avenue at 25th Street

LEGAL DESCRIPTION OF PROPERTY:
SEE ATTACHED

PRESENT ZONING CLASSIFICATION: B-2

DESCRIPTION OF THE REASON FOR THE SPECIAL USE PERMIT APPLICATION:

4J Capital 2 LLC is requesting a Special Use Permit to increase the development density to be similar to the density of the adjoining Flats on 5th development, which was also granted a special use permit. The new development is a total of 76,556 SF and 4J Capital 2 LLC is requesting to have a total of 60 units which brings our proposed ratio to 1,276 SF/unit.

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)
SEE ATTACHED

I hereby apply for a Special Use Permit and have paid the \$500 application fee.

DATED THIS 23 DAY OF OCTOBER, 23



Owner or Owner's Representative

**CITY OF COLUMBUS
MEMORANDUM**

DATE: November 1, 2023
FROM: Andy Woehrer, Chief Building & Code Official
TO: Tara Vasicek, City Administrator
RE: Special Use Permit to allow 1,276 square feet of Site Area per housing unit in a B-2 zoning district.

RECOMMENDATION:

I recommend approval of the Special Use permit.

DISCUSSION:

We have received an application for a Special Use Permit to allow 1,276 square feet of lot area per dwelling unit, without the Special Use Permit, 2,000 square feet per dwelling unit would be required. The reduction in total lot area does not cause us any concerns with the current B-2 zoning and proposed layout.

FISCAL IMPACT:

None

ALTERNATIVE:

Deny the Special Use Permit

SIGNATURE:

By: Andy J. Woehrer

Approved By: 

SPECIAL USE PERMIT APPLICATION

An application for a Special Use Permit may be filed with the Community Development 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 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: 4J Capital 2, LLC, a Nebraska Limited Liability Company

APPLICANT MAILING ADDRESS: 2676 E 5th Avenue, Columbus, NE 68601

APPLICANT PHONE NUMBER: (402) 525-5757

APPLICANT EMAIL ADDRESS: jeff.heinrich@gmail.com

LEGAL REPRESENTATION FIRM/ATTORNEY: Cline Williams Wright Johnson & Oldfather, L.L.P.

ATTORNEY PHONE NUMBER: (402) 479-7151

ATTORNEY E-MAIL ADDRESS: awillis@clinewilliams.com

ADDRESS OF PROPERTY: west side of East 5th Avenue at 25th Street

LEGAL DESCRIPTION OF PROPERTY:
SEE ATTACHED

PRESENT ZONING CLASSIFICATION: B-2

DESCRIPTION OF THE REASON FOR THE SPECIAL USE PERMIT APPLICATION:

4J Capital 2 LLC is requesting a Special Use Permit to increase the development density to be similar to the density of the adjoining Flats on 5th development, which was also granted a special use permit. The new development is a total of 76,556 SF and 4J Capital 2 LLC is requesting to have a total of 60 units which brings our proposed ratio to 1,276 SF/unit.

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)
SEE ATTACHED

I hereby apply for a Special Use Permit and have paid the \$500 application fee.

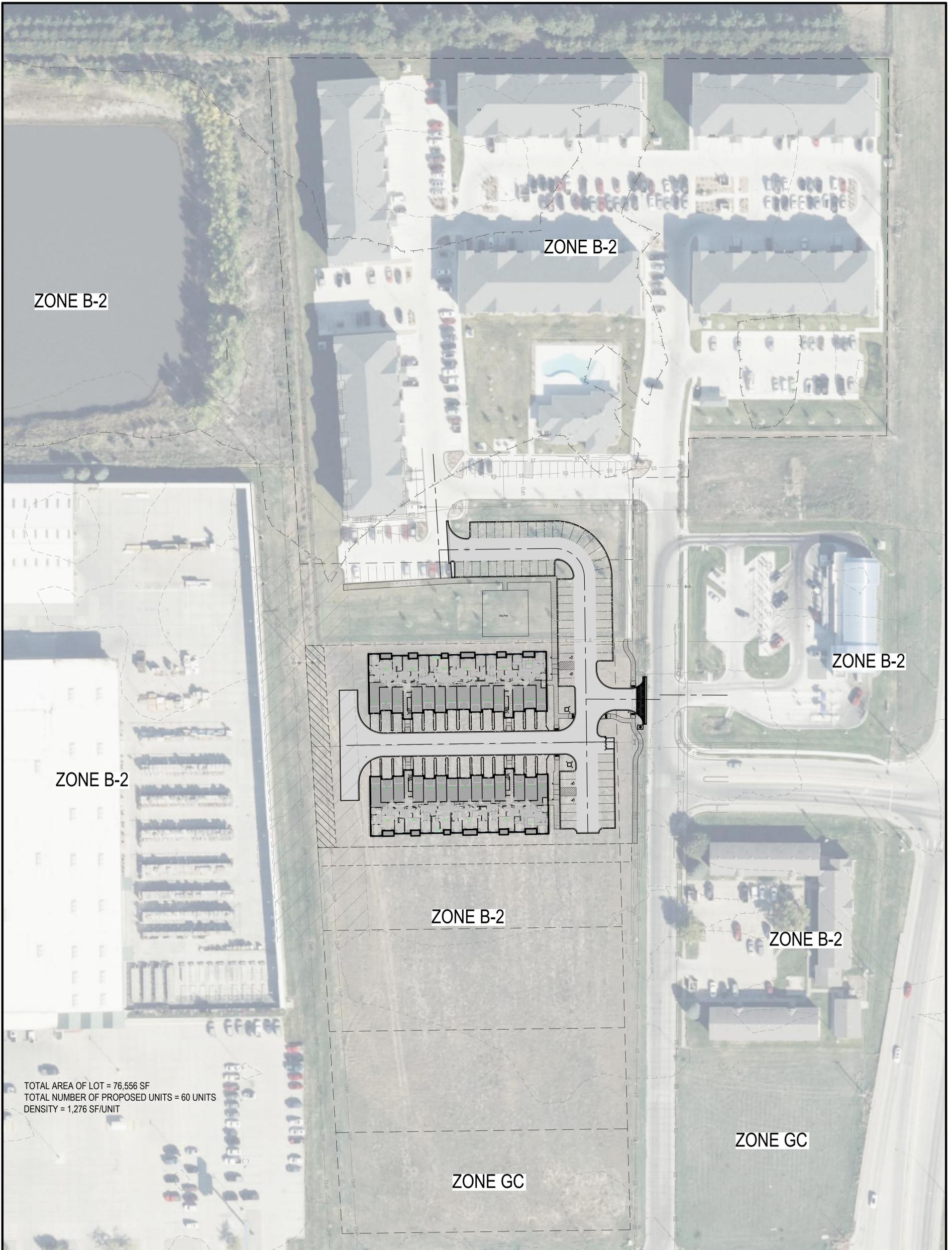
DATED THIS 23 DAY OF OCTOBER, 23



Owner or Owner's Representative

LEGAL DESCRIPTION

LOTS 34 AND 35, BLOCK A, THE VILLAGE FIRST ADDITION, TO THE CITY OF COLUMBUS LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 16, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, CONTAINING 1.76 ACRES MORE OR LESS.



TOTAL AREA OF LOT = 76,556 SF
 TOTAL NUMBER OF PROPOSED UNITS = 60 UNITS
 DENSITY = 1,276 SF/UNIT

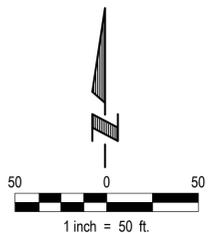
LEGAL DESCRIPTION

LOTS 34 AND 35, BLOCK A, THE VILLAGE FIRST ADDITION, AN ADDITION TO THE CITY OF COLUMBUS LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 16, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA.

SAID LOTS 34 AND 35, BLOCK A, THE VILLAGE FIRST ADDITION, CONTAIN A COMBINED TOTAL OF 76,641 SQUARE FEET OR 1.759 ACRES, MORE OR LESS.

PROPERTY OWNER

4J Capital 2, LLC, a Nebraska Limited Liability Company
 2676 E 5th Avenue, Columbus, NE 68601
 402.525.5757
 jeff.heinrich@gmail.com



Proj No:	2023.164.002	Revisions	
Date:	10-23-2023	Date	Description
Designed By:	KDH		
Drawn By:	KDH		
Scale:	1" = 50'		
Sheet:	1 of 1		

FLATS ON 5TH
 SITE PLAN

THE FLATS SECOND ADDITION
 LOT 1
 COLUMBUS, NEBRASKA



E & A CONSULTING GROUP, INC.
 Engineering • Planning • Environmental & Field Services

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154
 Phone: 402.895.4700 • Fax: 402.895.3599
 www.eacg.com
 State of NE Certificate of Authorization #CA0008

10. **Building report for October.**

City of Columbus

Building Department Monthly Report

11/01/2023

October 2023 2022

	October 2023			October 2022		
	Count	Permit Fees	Value	Count	Permit Fees	Value
Accessory Structu	3	\$1048.27	\$247275.00	8	\$933.08	\$283049.92
Building Moving	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com Addition	1	\$2109.94	\$713000.00	0	\$0.00	\$0.00
Com Alteration	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com New Constr	1	\$1670.63	\$500000.00	3	\$11713.60	\$4782646.00
Com Plumbing	1	\$230.00	\$300000.00	0	\$0.00	\$0.00
Com Pool	0	\$0.00	\$0.00	1	\$0.00	\$200000.00
Deck	4	\$470.83	\$64500.00	9	\$440.00	\$45850.00
Demolition	1	\$27.50	\$6500.00	0	\$0.00	\$0.00
Fence	15	\$442.50	\$57256.83	16	\$430.50	\$100819.65
Gas line	0	\$0.00	\$0.00	5	\$150.00	\$2600.00
Res Addition	2	\$324.19	\$49407.00	1	\$438.63	\$85000.00
Res Addition Wo	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Res Alteration	3	\$388.37	\$59200.00	6	\$705.84	\$104744.00
Res New Construc	5	\$4998.55	\$1523878.00	8	\$6130.90	\$1673426.00
Res Plumbing	10	\$729.00	\$1513900.00	17	\$729.00	\$117000.00
Res Pool	1	\$552.55	\$120000.00	0	\$0.00	\$0.00
Sewer / Water	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Signs	9	\$508.00	\$95450.00	4	\$177.00	\$7800.00
Sprinklers	5	\$105.00	\$5800.00	17	\$325.00	\$75500.00
Water Softner/RC	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Wireless Tower	0	\$0.00	\$0.00	1	\$154.00	\$25000.00
YEAR TOTAL	61	\$13605.33	\$5256166.83	96	\$22327.55	\$7503435.57

Population: All Records
 Permit.DateIssued Between 10/1/2022 12:00:00 AM
 AND 10/31/2023 11:59:59 PM



City of Columbus

Building Department

Phone: 402-562-4236 Email: CommDevPermits@columbusne.us
www.columbusne.us

October 2023 Building Report Comments

For the Residential area, three new house permits were made out, one permit for a townhouse and a handful of residential alteration/addition permits. Also, a couple decks, fences and accessory structures were permitted in the month of October. Not much going on at this time do to cost of product and interest rates still being the main factor.

On the Commercial side, permits were made out for pizza ranch addition and storage units for Mitchel Peterson. Plan reviews have been started on the flats 5th phase II apartment complexes, a new structure added at casino/racetrack, baseball dugouts, guard shack for Valmont, all fun and games alteration, artzy haven alteration and a couple of wireless tower projects.

Andy Woehrer
Chief Building and Code Official
City of Columbus



11. **Adjournment.**