

Planning Commission
Monday, March 11, 2024 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 February 12, 2024, meeting.

PLANNING COMMISSION

February 12, 2024

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on February 12, 2024, 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 January 31, 2024, 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 members Steve Anderson, Colleen Bray, Robbin Cutsor, Bob Elsasser, Melissa Goc, Tom Lange, Fernando Lopez, Jr., Josh Mueller, and Tom Pillen. City staff members included City Attorney Neal Valorz, City Administrator Tara Vasicek, City Engineer Rick Bogus, Chief Building and Code Inspector Andy Woehrer, Planning and Economic Development Coordinator Jean Van Iperen, and Assistant City Clerk Kelli Keyes. Also present was Council Member Charlie Bahr.
2. **Minutes of December 11, 2023, meeting:** The minutes were approved as presented with a motion by Lange and a second by Lopez. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".
3. **Public Hearing - Redevelopment Plan for 8th Street Residential Subdivision Redevelopment Project located northwest of the intersection of 8th Street and 3rd Avenue.** Van Iperen stated that the city has an agreement to purchase 25 acres along 8th Street for redevelopment of a subdivision contingent upon approval of tax increment financing and other criteria being met. She explained the plans for construction of possibly 366 workforce housing units consisting of high-density, mixed use and noted that approximately 50 requests for proposals have been sent to builders. Van Iperen noted that the city's portion of the project would be funded using \$1,000,000 from sales tax discretionary funds, \$1,000,000 from utility funds, and \$4,758,170 from tax increment financing. Vasicek pointed out that the city would utilize a majority of the tax increment financing for infrastructure and it is anticipated that any excess funds would be shared with the higher-density builders as an additional incentive. Vasicek said she feels that the aggressive plans for this subdivision will help alleviate the city's severe housing shortage issue. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Lopez. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". A recommendation was made with a motion by Elsasser and a second by Lopez to approve the Redevelopment Plan for 8th Street Residential Subdivision Redevelopment Project, based upon the foregoing and substantial evidence presented. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".

4. **Public hearing - Application of Meadow Ridge Properties LLC for final plat and development agreement of Meadow Ridge Eleventh Addition (49th Avenue and 42nd Street).** Leanne Ritter, Advanced Consulting Engineering Services on behalf of the applicant, was present to answer questions. No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Lopez. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". A recommendation was made with a motion by Bray and a second by Lange to approve the final plat of Meadow Ridge Eleventh Addition as it is consistent with the preliminary plat. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".
 - 4.A. **Public hearing - Determine whether Meadow Ridge Eleventh Addition should be included within corporate city limits.** No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Lange. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". A recommendation was made with a motion by Anderson and a second by Mueller to approve that Meadow Ridge Eleventh Addition be included within corporate city limits. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".
5. **Public hearing - Application of Zegar Investment Properties, LLC for final plat and development agreement of Cuzzin's Corner 4th Addition (north side of 8th Street at 10th Avenue).** Leanne Ritter, Advanced Consulting Engineering Services on behalf of the applicant, was present to answer questions. No public testimony was heard. The public hearing closed with a motion by Lange and a second by Mueller. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". A recommendation was made with a motion by Elsasser and a second by Lopez to approve the final plat of Cuzzin's Corner 4th Addition as it is consistent with the preliminary plat. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".
6. **Public hearing - Application of Loup Rentals, LLC to rezone property located on 1822 2nd Street from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and to amend the Future Land Use Map of the Comprehensive Plan.** Jason Mielak, attorney on behalf of the applicant, explained the plans to construct a duplex on each of the two lots and the request for "R-3" zoning is to allow additional lot coverage. No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Lange. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". A recommendation was made with a motion by Elsasser and a second by Bray to approve the rezoning application of Loup Rentals, 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, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".

- 7. Public hearing - Application of St. Bonaventure's Church of Columbus to rezone property located south of 15th Street between 15th and 16th Avenues from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and to amend the Future Land Use Map of the Comprehensive Plan.** Jason Mielak, attorney on behalf of the applicant, explained this rezoning request is to allow additional lot coverage to construct duplexes with attached garages. Robert Brehm Jr. and Kelly Klug, 1603 15th Street, shared concerns regarding large complexes and Woehrer reiterated the request for "R-3" zoning is to allow for additional lot coverage for duplexes with garages. John Bierman, 2077 1st Street, shared the drawing plans for the duplexes. Charlie Bahr, 1410 14 Street, thanked the planning commission for their commitment and said the neighbors are satisfied with the plans for the duplexes. The public hearing closed with a motion by Elsasser and a second by Mueller. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". A recommendation was made with a motion by Lopez and a second by Lange to approve the rezoning application of St. Bonaventure's Church of Columbus 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, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".
- 8. Building report for December 2023 and January 2024:** The building report was presented.
- 9. Adjournment:** The meeting adjourned at 6:34 p.m.

OFFICE OF THE CITY CLERK

: Kelli Keyes

- 3. Public hearing - Application of Columbus Realty Holdings LLC for preliminary plat of Super Saver Subdivision (west of 33rd Avenue between 23rd and 25th Street). Applicant has requested this public hearing be continued to April 8, 2024.**

NOTICE OF HEARING

You are hereby notified that a public hearing before the planning commission of the City of Columbus, NE, will be held on Monday, March 11, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Super Saver Subdivision, A TRACT OF LAND CONSISTING OF PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 13, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SE1/4, SEC. 13-T17N-R1W; THENCE ON AN ASSUMED BEARING S88°08'06"W A DISTANCE OF 37.00 FEET; THENCE S01°51'54"E A DISTANCE OF 882.39 FEET TO THE POINT OF BEGINNING; THENCE S01°01'53"W A DISTANCE OF 39.83 FEET; THENCE S88°37'43"W A DISTANCE OF 5.01 FEET; THENCE S00°37'11"W A DISTANCE OF 6.01 FEET; THENCE N89°16'10"E A DISTANCE OF 4.89 FEET; THENCE S00°56'07"W A DISTANCE OF 134.71 FEET; THENCE S01°51'51"E A DISTANCE OF 97.57 FEET; THENCE N89°56'33"W A DISTANCE OF 3.99 FEET; THENCE S02°13'43"E A DISTANCE OF 6.02 FEET; THENCE N88°43'38"E A DISTANCE OF 3.92 FEET; THENCE S01°57'20"E A DISTANCE OF 49.96 FEET; THENCE S44°08'11"W A DISTANCE OF 5.23 FEET; THENCE S44°08'11"W A DISTANCE OF 18.46 FEET; THENCE S43°41'26"W A DISTANCE OF 40.41 FEET; THENCE S88°52'27"W A DISTANCE OF 5.90 FEET; THENCE S88°15'11"W A DISTANCE OF 112.19 FEET; THENCE S72°24'36"W A DISTANCE OF 43.68 FEET; THENCE S87°06'44"W A DISTANCE OF 147.79 FEET; THENCE N01°55'13"W A DISTANCE OF 329.16 FEET; THENCE S87°32'14"W A DISTANCE OF 133.55 FEET; THENCE S87°32'14"A DISTANCE OF 126.55 FEET; THENCE N01°48'57"W A DISTANCE OF 269.17 FEET; THENCE N88°12'58"E A DISTANCE OF 29.85 FEET; THENCE N01°47'13"W A DISTANCE OF 163.72 FEET; THENCE N88°20'50"E A DISTANCE OF 50.00 FEET; THENCE N01°39'11"W A DISTANCE OF 40.00 FEET; THENCE N88°20'48"E A DISTANCE OF 291.74 FEET; THENCE S01°47'57"E A DISTANCE OF 88.00 FEET; THENCE S01°55'17"E A DISTANCE OF 59.88 FEET; THENCE N88°17'55"E A DISTANCE OF 140.00 FEET; THENCE S01°54'29"E A DISTANCE OF 244.51 FEET; THENCE N88°23'40"E A DISTANCE OF 110.79 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 329,996.67 SQUARE FEET OR 7.58 ACRES (west of 33 Ave between 23 and 25 St) and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 02:29:24
Two Affidavits of Publication

**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

The City of **Columbus**

MEMORANDUM

DATE: March 5, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Super Saver Subdivision – Preliminary Plat

RECOMMENDATION:

The Subdivider has requested a continuation of the Public Hearing for the Preliminary Plat to April 8, 2024 at 6:00 p.m.

DISCUSSION:

Due to not being able to obtain the Title Commitment, which may affect the platting, incompleteness of some of the required submittals, and questions of the plat and development that remain unresolved, the Subdivider has requested a continuation of the public hearing for the Preliminary Plat.

FISCAL IMPACT:

None.

ALTERNATIVE:

None.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

Exhibit "A" Legal Description of Existing Properties and Subdivisions

PID: 710086926

Legal: LOT 3 D & L COLUMBUS

PID: 710115969

Legal: LOT 5 & 20' X 184.82' PRIVATE DRIVEWAY ABUT SAID LOT BLK B TIFFANY'S COLUMBUS

PID: 710116410

Legal: N305.49' OF 34 AVE FROM N LINE 25 ST TO N LINE OF 23 ST ABUT D & L NOW VAC
STREETS & AVENUES COLUMBUS

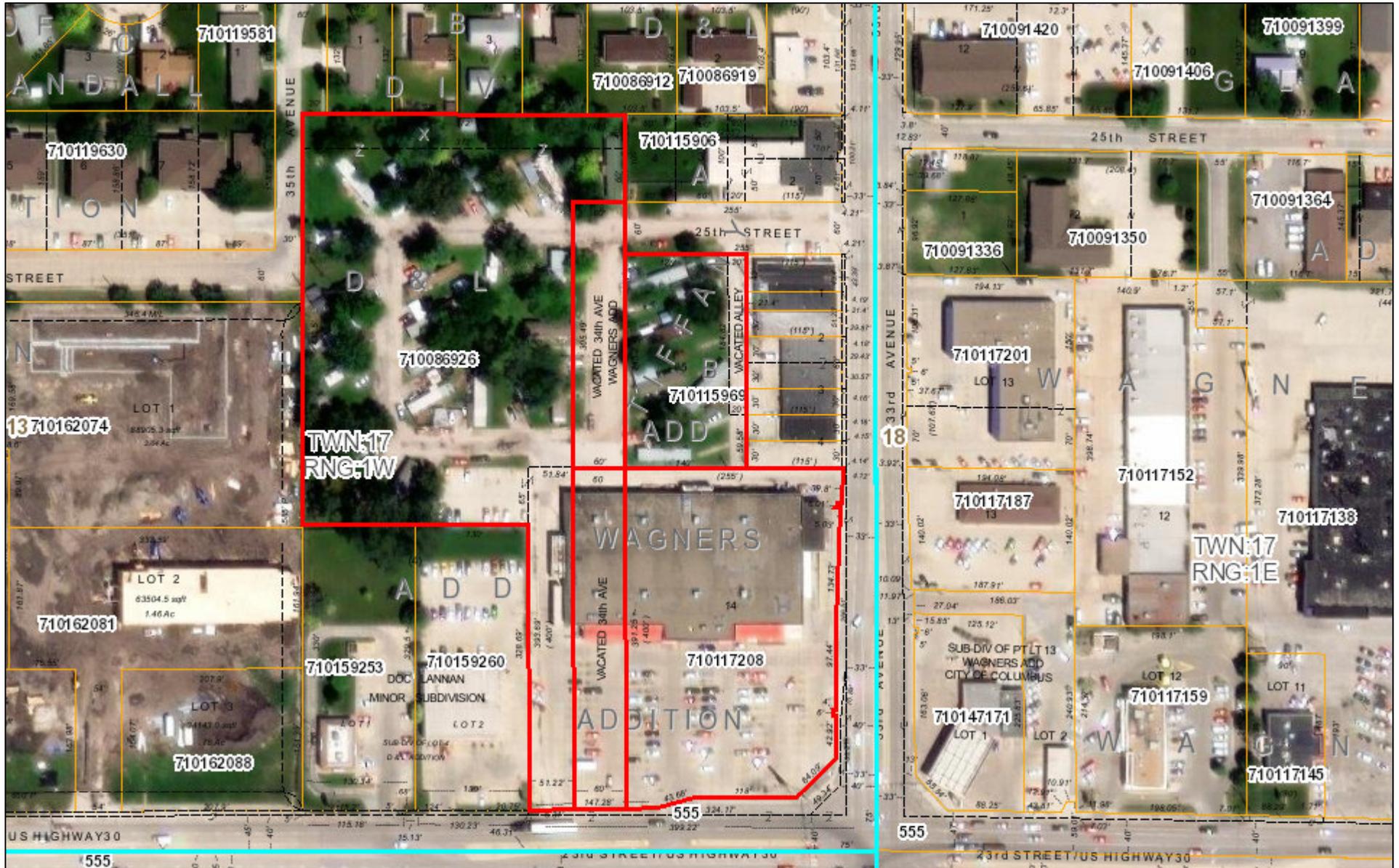
PID: 710116417

Legal: S400' OF 34 AVE FROM N LINE OF 25 ST TO N LINE OF 23 ST NOW VACATED ABUTTING
D & L VACATED ST & ALLEYS COLUMBUS

PID: 710117208

Legal: LOT 14 EXC HWY ROW WAGNERS COLUMBUS

Super Saver Location Map

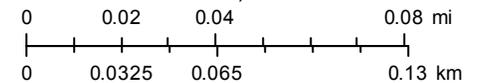


January 16, 2024

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:2,558

- Lot Lines
- Sections
- ▭ Parcels
- Townships



PRELIMINARY PLAT SUPER SAVER SUBDIVISION

A SUBDIVISION OF PART OF THE SE1/4 OF SEC. 13T17N
R1W OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA

PROJECT TEAM

OWNER/DEVELOPER
COLUMBUS REALTY HOLDINGS LLC
PO BOX 5824
4554 W ST
LINCOLN, NE 68505
CONTACT: JEAN RAYBOULD
(402) 464-6297

ENGINEER

OLSSON
201 E. 2ND ST.
GRAND ISLAND, NE 68801
CONTACT: BRIAN DEGEN
(308) 398-2950

CITY COUNCIL MEMBERS

MAYOR - JAMES BULKLEY
MEMBER - CYNTHIA ALARCON
MEMBER - CHARLIE BAHR
MEMBER - TROY HIEMER
MEMBER - KATHERINE LOPEZ
MEMBER - RICHARD JABLONSKI
MEMBER - HOPE FRESHOUR
MEMBER - J. PRENT ROTH
MEMBER - RON SCHILLING

LOCAL GOVERNMENT OFFICIALS

MAYOR - JAMES BULKLEY
CITY ADMINISTRATOR - TARA VASICEK
CITY CLERK - JANELLE KLINE
CITY ENGINEER - RICHARD BOGUS
FINANCE DIRECTOR - HEATHER LINDSLEY
CHIEF OF POLICE - CHARLES SHERER
FIRE CHIEF - RYAN GRAY
DIRECTOR OF PUBLIC WORKS - CHUCK SLIVA



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION:

A TRACT OF LAND CONSISTING OF PART OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 13, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SE1/4, SEC. 13-17N-R1W; THENCE ON AN ASSUMED BEARING S88°08'06"W A DISTANCE OF 37.00 FEET; THENCE S01°51'54"E A DISTANCE OF 882.39 FEET TO THE POINT OF BEGINNING; THENCE S01°01'53"W A DISTANCE OF 39.83 FEET; THENCE S88°37'43"W A DISTANCE OF 5.01 FEET; THENCE S00°37'11"W A DISTANCE OF 6.01 FEET; THENCE N89°16'10"E A DISTANCE OF 4.89 FEET; THENCE S00°56'07"W A DISTANCE OF 134.71 FEET; THENCE S01°51'51"E A DISTANCE OF 97.57 FEET; THENCE N89°56'33"W A DISTANCE OF 3.99 FEET; THENCE S02°13'43"E A DISTANCE OF 6.02 FEET; THENCE N88°43'38"E A DISTANCE OF 3.92 FEET; THENCE S01°57'20"E A DISTANCE OF 49.96 FEET; THENCE S44°08'11"W A DISTANCE OF 5.23 FEET; THENCE S44°08'11"W A DISTANCE OF 18.46 FEET; THENCE S43°41'26"W A DISTANCE OF 40.41 FEET; THENCE S88°52'27"W A DISTANCE OF 5.90 FEET; THENCE S88°15'11"W A DISTANCE OF 112.19 FEET; THENCE S72°24'36"W A DISTANCE OF 43.68 FEET; THENCE S87°06'44"W A DISTANCE OF 147.79 FEET; THENCE N01°55'13"W A DISTANCE OF 329.16 FEET; THENCE S87°32'14"W A DISTANCE OF 133.55 FEET; THENCE S87°32'14"W A DISTANCE OF 126.55 FEET; THENCE N01°48'57"W A DISTANCE OF 269.17 FEET; THENCE N88°12'58"E A DISTANCE OF 29.85 FEET; THENCE N01°47'13"W A DISTANCE OF 163.72 FEET; THENCE N88°20'50"E A DISTANCE OF 50.00 FEET; THENCE N01°39'11"W A DISTANCE OF 40.00 FEET; THENCE N88°20'48"E A DISTANCE OF 291.74 FEET; THENCE S01°47'57"E A DISTANCE OF 88.00 FEET; THENCE S01°55'17"E A DISTANCE OF 59.84 FEET; THENCE N88°17'55"E A DISTANCE OF 140.00 FEET; THENCE S01°51'51"E A DISTANCE OF 97.57 FEET; THENCE N88°23'40"E A DISTANCE OF 110.79 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 329,996.67 SQUARE FEET OR 7.58 ACRES.

UTILITY NOTES:

- ALL UTILITY SIZES SHALL BE AS SHOWN ON PLAN.
- TELEPHONE AND CABLE INSTALLATION SHALL BE COORDINATED AND INSTALLED WITH THE ELECTRICAL SERVICE.
- LOCATIONS OF WATER MAIN, HYDRANTS, AND VALVES ARE SHOWN FOR REFERENCE ONLY. FINAL DESIGN OF WATER MAIN WILL BE APPROVED BY THE CITY OF COLUMBUS.
- ALL SANITARY SEWERS TO BE PUBLIC.
- ALL WATER MAINS TO BE PUBLIC.
- WATER TO BE PROVIDED BY THE CITY OF COLUMBUS.
- GAS TO BE PROVIDED BY BLACKHILLS ENERGY.
- POWER TO BE PROVIDED BY LOUP POWER DISTRICT.
- UTILITY EASEMENT TO BE PROVIDED AS REQUESTED BY LOUP POWER DISTRICT.
- HYDRANTS AND VALVES SHALL BE LOCATED AND SPACED PER THE CITY OF COLUMBUS MUNICIPAL DESIGN STANDARD.

PARKING REQUIREMENTS NOTES:

PARKING REQUIREMENTS ASSUMED 1 STALL PER 300 SQUARE FEET BASED ON THE COLUMBUS LAND DEVELOPMENT ORDINANCE FOR THE CITY OF COLUMBUS ORDINANCE NO. 23-09, CHAPTER 1, ARTICLE 9 (OFF STREET PARKING) COMMERCIAL USE TYPE FOOD SALES.

ZONING TABLE	
EXISTING ZONING	R-1 & B-2
PROPOSED ZONING	B-2
USE	FOOD SALES
MINIMUM LOT AREA	5,500
MINIMUM LOT WIDTH	50
BUILDING MAXIMUM HEIGHT	NA
MAXIMUM BUILDING COVERAGE	70
MAXIMUM IMPERVIOUS COVERAGE	90
FLOOR AREA RATIO	3
SETBACK TABLE	
FRONT YARD	10
STREET SIDE YARD	10
INTERIOR SIDE YARD	0
REAR YARD	20

PARKING REQUIREMENTS	
PARKING STALLS REQUIRED	194
PARKING STALLS AVAILABLE	232
ADA PARKING STALLS AVAILABLE	8
TOTAL STALLS AVAILABLE	240

COLUMBUS NEBRASKA PLANNING COMMISSION:

THIS PRELIMINARY PLAT OF SUPER SAVER SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA WAS APPROVED BY THE CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2024.

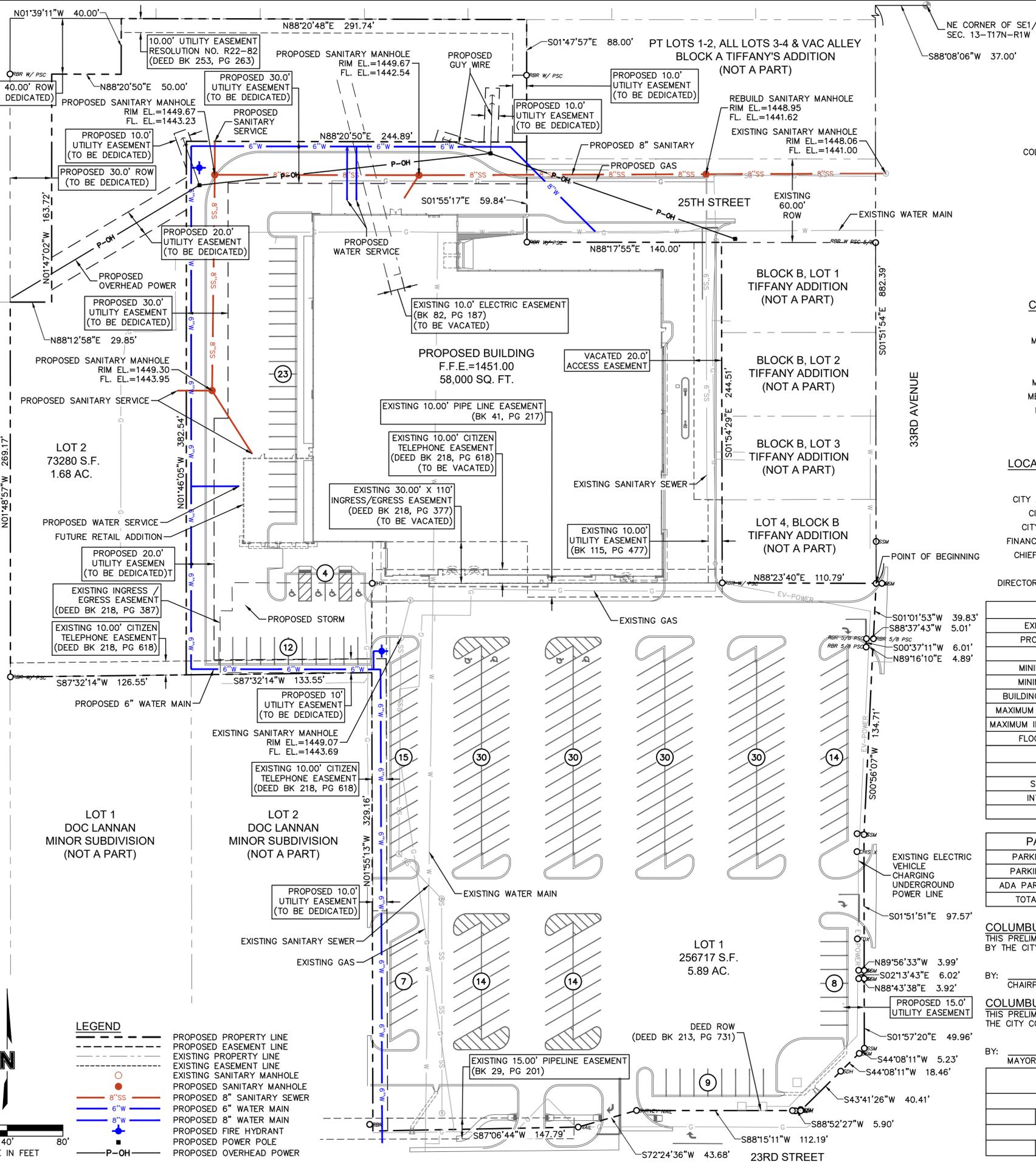
BY: _____
CHAIRPERSON

COLUMBUS NEBRASKA CITY COUNCIL:

THIS PRELIMINARY PLAT OF SUPER SAVER SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA WAS APPROVED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2024.

BY: _____ MAYOR
_____ CITY CLERK

WAIVERS TABLE	
WAIVERS TO MUNICIPAL CODE	
NONE	
WAIVERS TO ZONING ORDINANCE	
NONE	

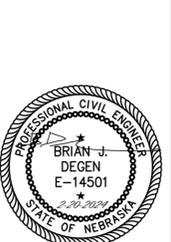


LEGEND

- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT LINE
- EXISTING PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING SANITARY MANHOLE
- PROPOSED SANITARY MANHOLE
- PROPOSED 8" SANITARY SEWER
- PROPOSED 6" WATER MAIN
- PROPOSED 8" WATER MAIN
- PROPOSED FIRE HYDRANT
- PROPOSED POWER POLE
- PROPOSED OVERHEAD POWER

DWG: C:\Temp\AcPublish_10504\C_SIT01_02108889.dwg USER: teornest
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olsson
 201 East 2nd Street
 Grand Island, NE 68801
 TEL 308.394.8750
 www.olsson.com



REV. NO.	DATE	REVISIONS DESCRIPTION

LOT AND EASEMENT LAYOUT
 SUPER SAVER SUBDIVISION
 PRELIMINARY PLAT
 COLUMBUS, NE
 2024
 REVISIONS
 drawn by: TBE
 checked by: BJD
 approved by:
 QA/QC by:
 project no.: 021-08889
 drawing no.:
 date: 2/20/2024
 SHEET
 1 of 3

PROPOSED DRAINAGE PLAN
SUPER SAVER SUBDIVISION
 A SUBDIVISION OF PART OF THE SE1/4 OF SEC. 13T17N
 R1W OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA

PT LOTS 1-2, ALL LOTS 3-4 & VAC ALLEY
 BLOCK A TIFFANY'S ADDITION
 (NOT A PART)

25TH STREET
 0.27 A.C.

BLOCK B, LOT 1
 TIFFANY ADDITION
 (NOT A PART)

BLOCK B, LOT 2
 TIFFANY ADDITION
 (NOT A PART)

BLOCK B, LOT 3
 TIFFANY ADDITION
 (NOT A PART)

LOT 4, BLOCK B
 TIFFANY ADDITION
 (NOT A PART)

PROPOSED BUILDING
 F.F.E.=1451.00
 58,000 SQ. FT.

LOT 1
 256717 S.F.
 5.89 AC.

LOT 1
 DOC LANNAN
 MINOR SUBDIVISION
 (NOT A PART)

LOT 2
 DOC LANNAN
 MINOR SUBDIVISION
 (NOT A PART)

PA
 0.68 A.C.

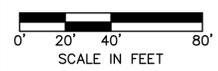
PB
 0.60 A.C.

23RD STREET

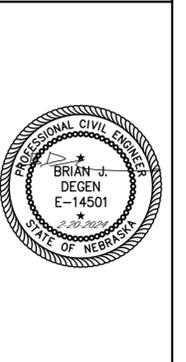
33RD AVENUE

35TH AVENUE

- LEGEND**
- PROPOSED PROPERTY LINE
 - - - PROPOSED EASEMENT LINE
 - - - EXISTING PROPERTY LINE
 - - - EXISTING EASEMENT LINE
 - - - 2100.00 EXISTING MAJOR CONTOUR
 - - - 2100.50 EXISTING MINOR CONTOUR
 - - - 2100.00 PROPOSED MAJOR CONTOUR
 - - - 2100.50 PROPOSED MINOR CONTOUR
 - - - EXISTING DRAINAGE BOUNDARY
 - - - PROPOSED DRAINAGE BOUNDARY
 - - - PROPOSED SLOPE
 - - - PROPOSED STORM
 - - - PROPOSED STORM STRUCTURE



DWG: C:\Temp\AcPublish_10504\C_GRD01_02108889.dwg USER: teameest
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REV. NO.	DATE	REVISIONS DESCRIPTION

PROPOSED DRAINAGE PLAN	2024
SUPER SAVER SUBDIVISION PRELIMINARY PLAN	REVISIONS
COLUMBUS, NE	
drawn by: TRE	checked by: BJD
approved by:	
QA/QC by:	
project no.: 021-08889	
drawing no.:	
date: 2/20/2024	
SHEET	
3 of 3	

**4. Public hearing - Application of Steven Ramaekers for preliminary plat of Farm View
Second Subdivision (16th Avenue and 31st Street).**

NOTICE OF HEARING

You are hereby notified that a public hearing before the planning commission of the City of Columbus, NE, will be held on Monday, March 11, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Farm View Second Subdivision, Lot 2, Block A and Lot 2, Block B, Adele Addition to the City of Columbus, Platte County, Nebraska, containing 12.82 acres, more or less. (16 Ave and 31 St) and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 02:29:24
Two Affidavits of Publication

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

DATE: February 1, 2024

NAME OF SUBDIVISION: Farm View Second Subdivision

NAME OF PROPERTY OWNER: Steven Ramaekers

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Steven Ramaekers

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

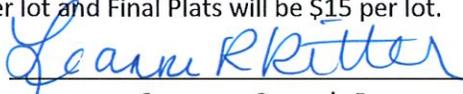
PHONE NUMBER: 402-276-3476

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

NUMBER OF LOTS IN SUBDIVISION: 30

ADDRESS OF SUBDIVISION: 16th Ave & 31st St, Columbus, NE S17-T17N-R1E

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

The City of **Columbus**

MEMORANDUM

DATE: March 6, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Farm View Second Subdivision – Preliminary Plat

RECOMMENDATION:

I recommend the approval of the preliminary plat of Farm View Second Subdivision as it is amenable with the adjacent land use, consistent with the Farm View area master layout plan, and is in accordance with the Columbus Land Development Ordinance.

DISCUSSION:

The addition consists of 30 residential lots, paving and utility extensions, and stormwater treatment and detention. The property is within the corporate limits.

The development agreement will require the Subdivider to submit any FAA or NDOT Aeronautics Division permits and notifications and provide copies to the City.

The development agreement will require the Subdivider to sign and file a Noise and Operations Easement since abutting the airport.

A temporary drainage easement agreement to be located in the property north of this subdivision (future Farm View Third Subdivision) will need to be provided for approval concurrent with the Final Plat.

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Wehr

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]



Google Earth



18th Ave

21st Ave

32nd St

31st St

31st St

Brookfield Dr

Once Recorded Return Document To:

Gene Schumacher

Sipple Hansen Emerson Schumacher & Klutman

P.O. Box 1305

Columbus, NE 68602-1305

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Granville Custom Homes, Inc., is the owner of the following described real estate:

A tract of land located in the Southwest 1/4 of the Northwest 1/4 of Section 17, T17N, R1E of the 6th P.M, Platte County, Nebraska, more particularly described as follows:

Commencing [] containing 8.86 acres more or less;

and have caused the above-described real estate to be laid out into lots, blocks, streets, and easement areas belonging to such Addition, under the name of Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing the lots, blocks, streets and easements belonging to such Addition, a plat of which bearing date of _____, and certified by Terry L. Schultz, registered land surveyor, 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 "Utilities Easements" together with a Noise and Operations Easement to be recorded by separate document.

Said owner and dedicator covenants and agrees 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 _____ day of _____, 2024.

Steven Ramaekers, President
Granville Custom Homes, Inc.

STATE OF NEBRASKA

: ss.

COUNTY OF PLATTE

On this _____ day of _____, 2024, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared Steven Ramaekers, to me personally known to be the identical person described in and whose name is affixed to the foregoing instrument and acknowledged the said instrument to be his voluntary act and deed.

Notary Public

(SEAL)

Master Form last revised 9/10/2021

Please return to:
Gene Schumacher
Sipple Hansen Emerson Schumacher & Klutman
P.O. Box 1305
Columbus, NE 68602-1305

FARM VIEW SECOND SUBDIVISION
DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered on [REDACTED] day of [REDACTED], 2024, by and between Granville Custom Homes, Inc., (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 Farm View Second 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 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 [REDACTED] 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 easements, per plat (Exhibit "A"), the 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 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 in 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 will be responsible for the design, financing and construction of said storm sewer system improvements. The entire cost of storm sewer system improvements shall be paid by the Subdivider, with exception of storm sewer mains in dedicated right-of-way that are greater than 12-inches. In such case, the, 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 easements per plat (Exhibit "A") on water plan prepared by a Nebraska Licensed Civil Engineer. The Subdivider will be responsible for the design, financing and construction of said water distribution improvements. The entire cost of the water distribution system and improvements shall be paid by the Subdivider, 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 will arrange for underground electrical service to each buildable lot within the Area to be Developed to be provided by Loup Power District at no cost to the City. If any relocation or adjusting of existing electrical mains are required, the costs shall be borne by the Subdivider.

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.

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.

F. Subdivider agrees to complete and submit any required FAA and Nebraska Department of Transportation Aeronautics Division permit applications and any notifications and provide copies of such to the City prior to improvements in the Area.

G. Subdivider agrees to file the Noise and Operations Easement attached hereto as Exhibit B and incorporated by this reference against the Area to be Developed.

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 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.

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

GRANVILLE CUSTOM HOMES, INC.

By Steven Ramaekers, President

Dated this [redacted] day of [redacted], 2024.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

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

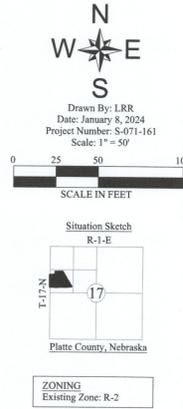
Witness my hand and Notarial Seal the day and year last above written.

Notary Public

(My commission expires: _____)

PRELIMINARY PLAT
FARM VIEW SECOND SUBDIVISION
 A Subdivision of Lot 2, Block A and Lot 2, Block B,
 Adele Addition to the City of Columbus, Platte County, Nebraska.

- Curve Data**
- C1 Radius: 150.00'
Arc Length: 58.61 M
Chord Length: 58.24 M
Bearing: N 25°55'42" E
 - C2 Radius: 150.00'
Arc Length: 47.49 M
Chord Length: 47.29 M
Bearing: N 05°39'57" E
 - C3 Radius: 150.00'
Arc Length: 42.09 M
Chord Length: 41.96 M
Bearing: N 11°24'50" W
 - C4 Radius: 150.00'
Arc Length: 32.57 M
Chord Length: 32.50 M
Bearing: N 25°44'23" W
 - C5 Radius: 90.00'
Arc Length: 141.37 M
Chord Length: 127.28 M
Bearing: N 43°04'10" E
 - C6 Radius: 90.00'
Arc Length: 47.11 M
Chord Length: 46.57 M
Bearing: N 16°53'33" W
 - C7 Radius: 110.00'
Arc Length: 39.42 M
Chord Length: 39.20 M
Bearing: N 42°11'08" W
 - C8 Radius: 110.00'
Arc Length: 44.34 M
Chord Length: 44.04 M
Bearing: N 63°59'52" W
 - C9 Radius: 110.00'
Arc Length: 31.65 M
Chord Length: 31.54 M
Bearing: N 83°47'13" W
 - C10 Radius: 50.00'
Arc Length: 52.46 M
Chord Length: 50.08 M
Bearing: N 61°58'30" W



- LEGEND**
- Section Corner Found
 - Property Corner Found
 - Property Corner Set (5/8" x 24" LB. w/Cap)
 - M Measured Distance
 - R Recorded Distance
 - C Calculated Distance
 - ⊕ Curbstop
 - ⊖ Fire Hydrant
 - ⊕ Water Valve
 - ⊕ Guy Anchor
 - ⊕ Light Pole
 - ⊕ Manhole
 - ⊕ Power Pole
 - ⊕ Sign
 - ⊕ Telephone Pedestal
 - ⊕ Proposed Sanitary Manhole
 - ⊕ Proposed Water Valve
 - ⊕ Proposed Fire Hydrant
 - Existing Sanitary Sewer Main
 - Telephone Line
 - Overhead Power Line
 - Underground Power Line
 - FO Fiber Optic
 - Existing Water Main
 - Existing Storm Sewer
 - Proposed 8" Water Main
 - Proposed 8" Sewer Main
 - Easement Line
 - Setback Line

OWNER:
 Granville Custom Homes, Inc.
 4514 Howard Blvd.
 Columbus, NE 68601
 Phone: 402-276-3476

DEVELOPER:
 Granville Custom Homes, Inc.
 4514 Howard Blvd.
 Columbus, NE 68601
 Phone: 402-276-3476

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

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

This survey was prepared at the request of Steven Rameckers, Columbus, Nebraska.

FIELD NOTES
 A) Northwest Corner, Section 17, T17N, R1E: Found 1-1/4" Iron Bar. Corner falls on grassy side slope of ditch on Western side of the interior airport property. 108.34' West to 5/8" Iron Bar in Chain Link Fence Line. 330.31' SSE to 3/4" Iron Pipe on East Right-of-Way line of 18th Avenue. 96.30' Southwesterly to Chain Link Fence Line.

LEGAL DESCRIPTION
 Lot 2, Block A and Lot 2, Block B, Adele Addition to the City of Columbus, Platte County, Nebraska, containing 12.82 acres more or less.

SURVEYOR'S CERTIFICATE
 I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on January 8, 2024; also that all dimensions are in feet and are correct to the best of my knowledge and belief.

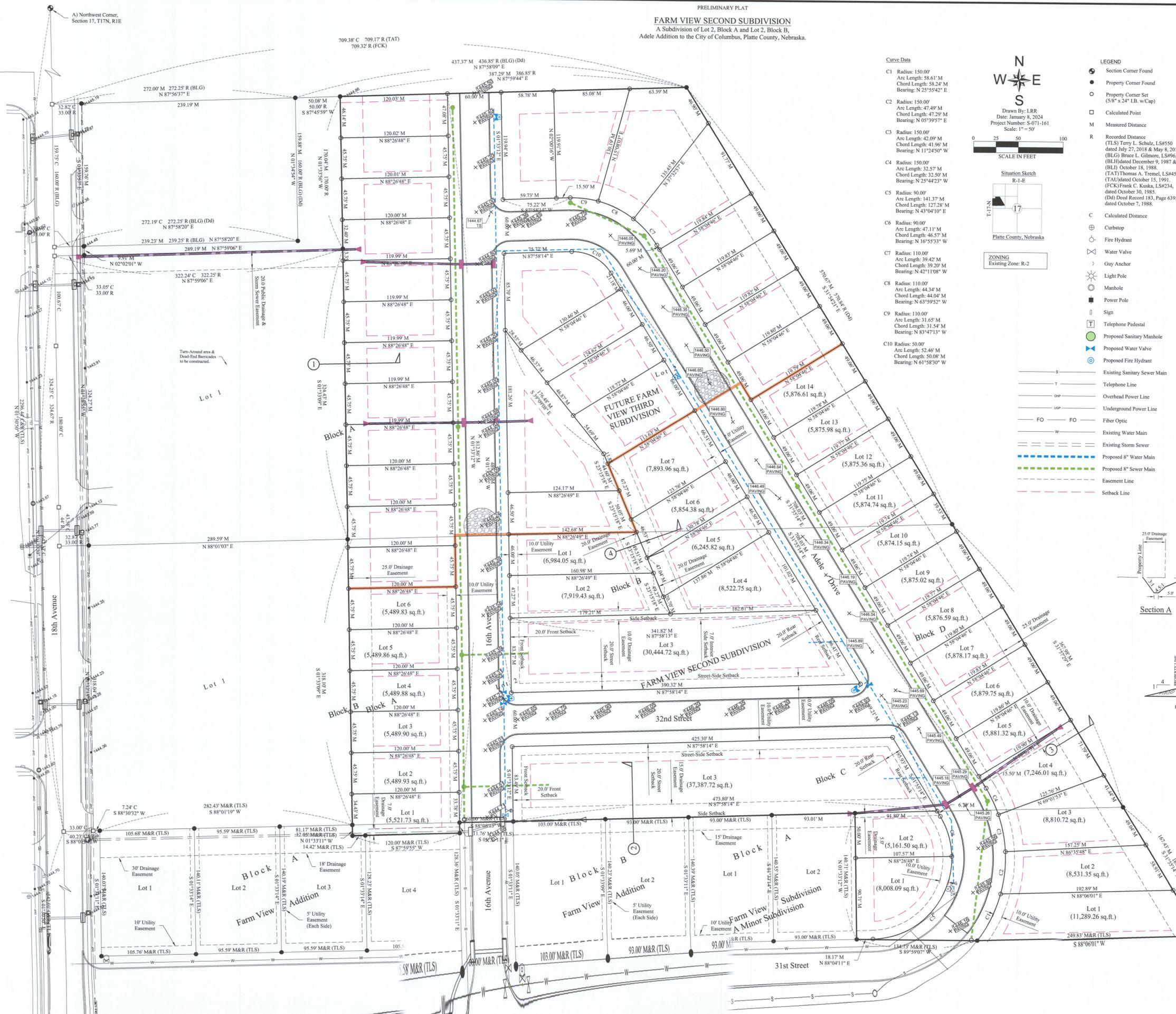
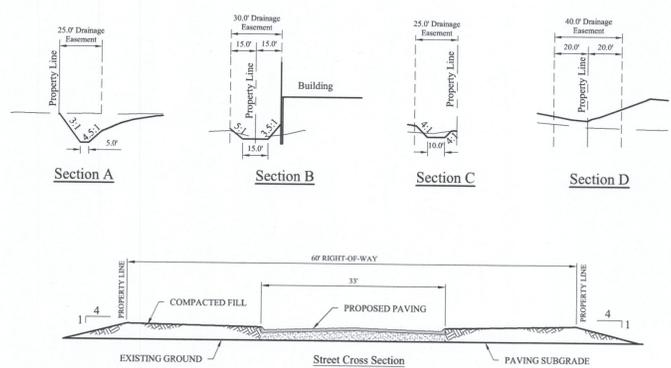
Terry L. Schulz, State of Nebraska, LS #550
 Date: 3-5-2024

COLUMBUS, NEBRASKA PLANNING COMMISSION
 This Preliminary Plat of FARM VIEW SECOND SUBDIVISION to the City of Columbus, Nebraska approved by the Planning Commission on this _____ day of _____, 2024.

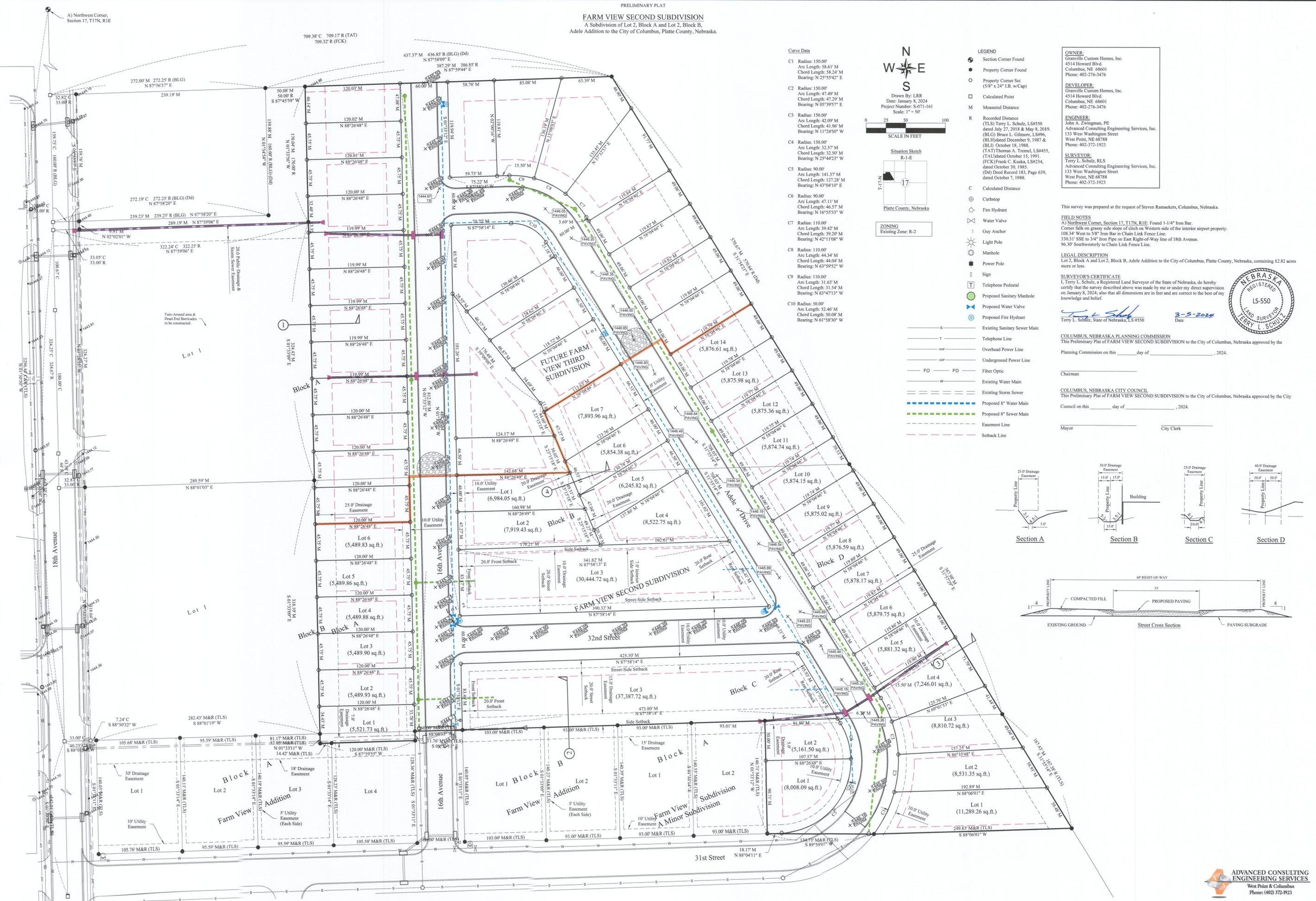
Chairman _____

COLUMBUS, NEBRASKA CITY COUNCIL
 This Preliminary Plat of FARM VIEW SECOND SUBDIVISION to the City of Columbus, Nebraska approved by the Council on this _____ day of _____, 2024.

Mayor _____ City Clerk _____

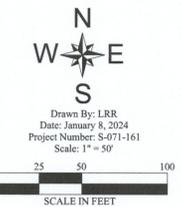


PRELIMINARY PLAT
FARM VIEW SECOND SUBDIVISION
 A Subdivision of Lot 2, Block A and Lot 2, Block B,
 Adele Addition to the City of Columbus, Platte County, Nebraska.



Curve Data

C1	Radius: 150.00'	Arc Length: 58.61' M	Chord Length: 58.24' M	Bearing: N 25°54'24" E
C2	Radius: 150.00'	Arc Length: 47.49' M	Chord Length: 47.29' M	Bearing: N 05°39'57" E
C3	Radius: 150.00'	Arc Length: 42.09' M	Chord Length: 41.90' M	Bearing: N 11°24'50" W
C4	Radius: 150.00'	Arc Length: 32.57' M	Chord Length: 32.50' M	Bearing: N 25°44'23" W
C5	Radius: 90.00'	Arc Length: 141.37' M	Chord Length: 127.28' M	Bearing: N 43°04'10" E
C6	Radius: 90.00'	Arc Length: 47.11' M	Chord Length: 46.57' M	Bearing: N 16°55'33" W
C7	Radius: 110.00'	Arc Length: 39.42' M	Chord Length: 39.20' M	Bearing: N 42°11'08" W
C8	Radius: 110.00'	Arc Length: 44.34' M	Chord Length: 44.04' M	Bearing: N 63°59'52" W
C9	Radius: 110.00'	Arc Length: 31.65' M	Chord Length: 31.54' M	Bearing: N 83°47'13" W
C10	Radius: 50.00'	Arc Length: 32.46' M	Chord Length: 32.46' M	Bearing: N 61°58'30" W



ZONING
 Existing Zone: R-2

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 (T.L.S.) Terry L. Schulz, LS#550 dated July 27, 2018 & May 8, 2019. (B.L.G.) Bruce L. Gilmore, LS#96, (B.L.H.) Hyland December 9, 1987 & (B.L.) October 18, 1988. (T.A.T.) Thomas A. Tremel, LS#455, (T.A.D.) dated October 15, 1991. (F.C.K.) Frank C. Kuska, LS#234, dated October 30, 1985. (D.d.) Deed Record 183, Page 639, dated October 7, 1988.
C	Calculated Distance
⊕	Curbside
⊕	Fire Hydrant
⊕	Water Valve
⊕	Guy Anchor
⊕	Light Pole
⊕	Manhole
⊕	Power Pole
⊕	Sign
⊕	Telephone Pedestal
⊕	Proposed Sanitary Manhole
⊕	Proposed Water Valve
⊕	Proposed Fire Hydrant
---	Existing Sanitary Sewer Main
---	Telephone Line
---	Overhead Power Line
---	Underground Power Line
---	Fiber Optic
---	Existing Water Main
---	Existing Storm Sewer
---	Proposed 8" Water Main
---	Proposed 8" Sewer Main
---	Easement Line
---	Setback Line

OWNER:
 Granville Custom Homes, Inc.
 4514 Howard Blvd.
 Columbus, NE 68601
 Phone: 402-276-3476

DEVELOPER:
 Granville Custom Homes, Inc.
 4514 Howard Blvd.
 Columbus, NE 68601
 Phone: 402-276-3476

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

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

This survey was prepared at the request of Steven Ramackers, Columbus, Nebraska.

FIELD NOTES
 A) Northwest Corner, Section 17, T17N, R1E: Found 1-1/4" Iron Bar. Corner falls on grassy side slope of ditch on Western side of the interior airport property. 108.34' West to 5/8" Iron Bar in Chain Link Fence Line. 330.31' SSE to 3/4" Iron Pipe on East Right-of-Way line of 18th Avenue. 96.30' Southwesterly to Chain Link Fence Line.

LEGAL DESCRIPTION
 Lot 2, Block A and Lot 2, Block B, Adele Addition to the City of Columbus, Platte County, Nebraska, containing 12.82 acres more or less.

SURVEYOR'S CERTIFICATE
 I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on January 8, 2024, also that all dimensions are in feet and are correct to the best of my knowledge and belief.

Terry L. Schulz
 Terry L. Schulz, State of Nebraska, LS #550
 Date: 3-5-2024

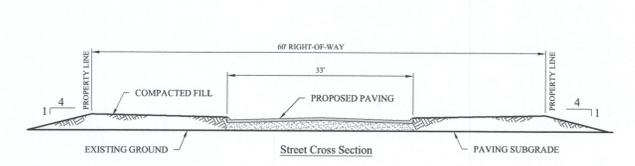
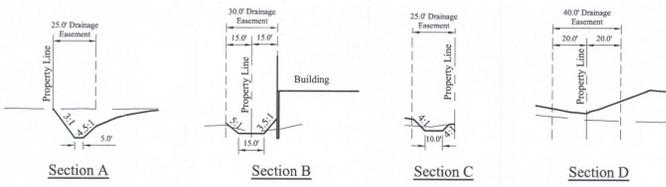


COLUMBUS, NEBRASKA PLANNING COMMISSION
 This Preliminary Plat of FARM VIEW SECOND SUBDIVISION to the City of Columbus, Nebraska approved by the Planning Commission on this _____ day of _____, 2024.

Chairman _____

COLUMBUS, NEBRASKA CITY COUNCIL
 This Preliminary Plat of FARM VIEW SECOND SUBDIVISION to the City of Columbus, Nebraska approved by the Council on this _____ day of _____, 2024.

Mayor _____ City Clerk _____



5. Public hearing - Application of Granville Custom Homes LLC for final plat and development agreement of West Elks 2nd Subdivision (south of 68 Street and 56 Avenue Place).

NOTICE OF HEARING

You are hereby notified that a public hearing before the planning commission of the City of Columbus, NE, will be held on Monday, March 11, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of West Elks 2nd Subdivision, a tract of land located in the East 1/2 of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence S 90°00'00" W on the North line of said Northwest 1/4, 680.00 feet to the Point of Beginning; thence S 90°00'00" W on said North line, 564.00 feet; thence S 00°00'00" W and perpendicular to said North line, 1817.53 feet; thence N 89°51'02" E and parallel to the South line of said Northwest 1/4, 1243.96 feet to a point on the East line of said Southwest 1/4; thence N 00°00'01" W on said East line, 39.69 feet to the Southeast corner of West Elks Subdivision, Platte County, Nebraska; thence S 90°00'00" W on the South line of said West Elks Subdivision, 566.27 feet to the Southwest corner of said West Elks Subdivision; thence N 00°00'00" E on the West line of said West Elks Subdivision and perpendicular to said North line, 1543.53 feet to a point of curvature on the South Right-of-Way line of 56th Avenue Place; thence Southwesterly on a 360.00 foot radius curve to the left on said Right-of-Way line, 45.94 feet of which said curve has a chord bearing of S 86°20'40" W, 45.91 feet to a point of tangency on said Right-of-Way line; thence S 90°00'00" W on said Right-of-Way line, 67.91 feet; thence N 00°00'00" W, 235.00 feet to the Point of Beginning, containing 28.16 acres, more or less (south of 68 St and 56 Avenue Place) and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 02:29:24
Two Affidavits of Publication

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

DATE: January 22, 2024

NAME OF SUBDIVISION: West Elks 2nd Subdivision

NAME OF PROPERTY OWNER: Granville Custom Homes, LLC

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Steven Ramaekers

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

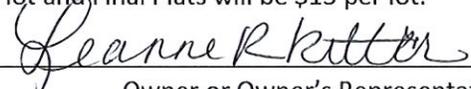
PHONE NUMBER: 402-276-3476

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

NUMBER OF LOTS IN SUBDIVISION: 25 lots & 2 outlots

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

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



Owner or Owner's Representative

Steven Ramaekers

Attorney / Legal Counsel for Applicant

Development Agreement submitted on: _____

City Attorney
Neal Valorz – nvalorz@1492law.com
Gene G. Schumacher – gschum@1492law.com

The City of **Columbus**

MEMORANDUM

DATE: March 5, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: West Elks 2nd Subdivision - Final Plat

RECOMMENDATION:

I recommend the approval of the final plat of West Elks Subdivision as it is consistent with the Preliminary Plat with the waiver request on the length of the cul-de-sac road. The Preliminary Plat was approved by the Planning Commission on March 14, 2022, and City Council on March 21, 2022.

DISCUSSION:

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

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

FISCAL IMPACT:

No City utilities or roadways.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Woehner

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

68th Street

63rd Avenue

56th Ave PI

ELKS COUNTRY CLUB

710021966

710021959

710154402

2

710022015

TWN:17
RNG:1W

710022057

710022085

710022030

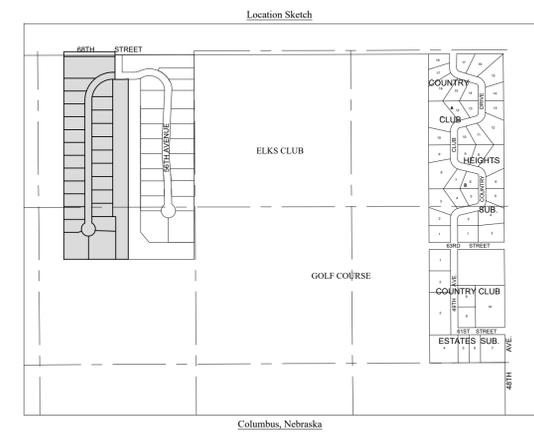
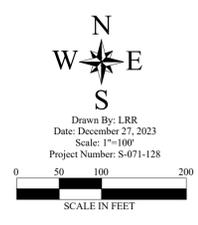
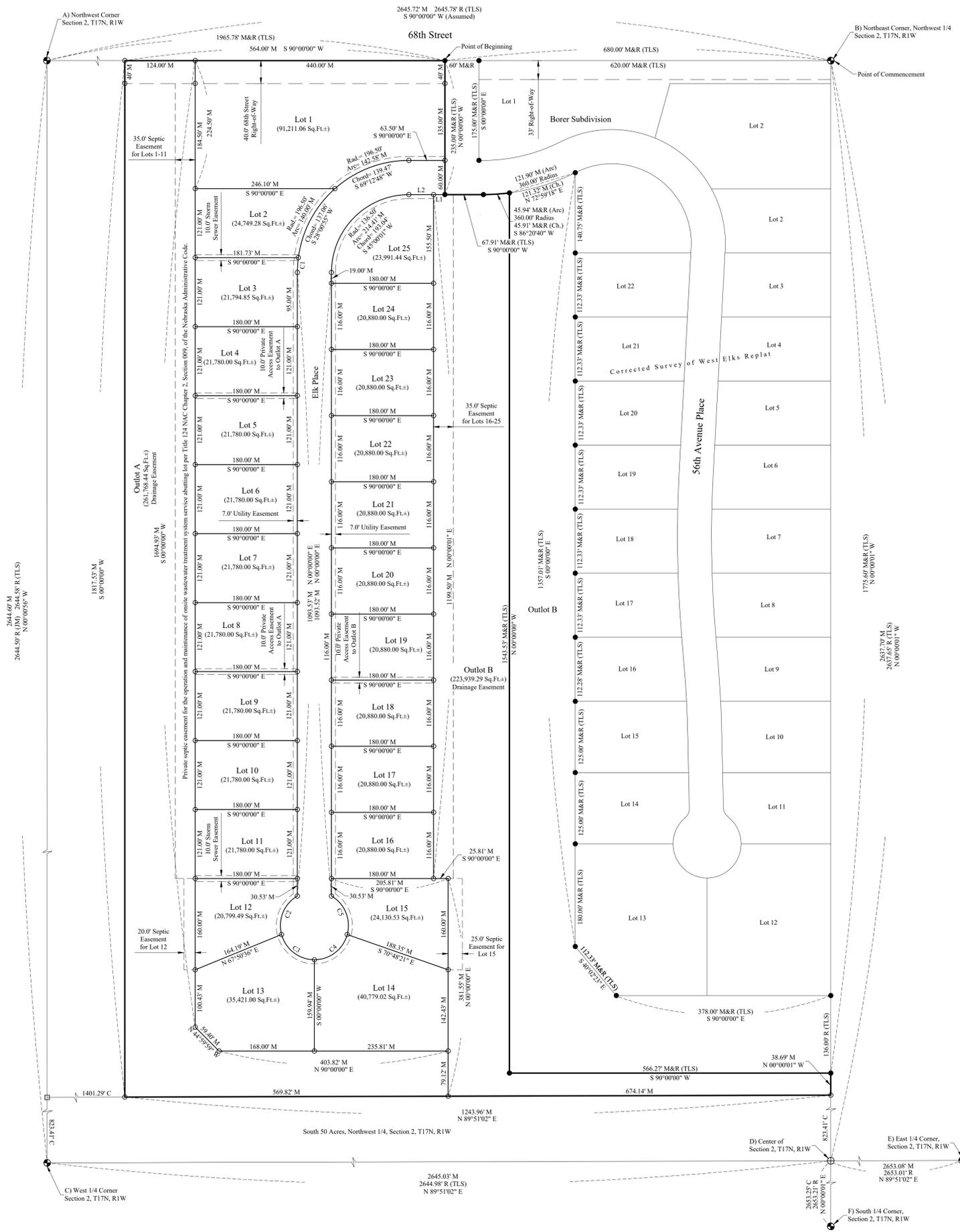
710022008

710022043

710022001



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



Developer:
 Steven Ramackers
 Granville Custom Homes, Inc.
 4514 Howard Blvd.
 Columbus, NE 68601

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

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

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

- Section Corner Found
 - Property Corner Found
 - Property Corner Set (5/8" x 24" I.B. w/Cap)
 - Calculated Point
 - M Measured Distance
 - R Recorded Distance
 - C Calculated Distance
- Situation Sketch**
 R-1-W
 SECTION 2
 T-17-N
 R-1-W
 Platte County, Nebraska

FIELD NOTES

- A) Northwest Corner, Section 2, T17N, R1W: Found 1" Iron Pipe. 47.18' NE to Nail in Corner Fence Post. 47.20' NW to Nail in Power Pole. 48.45' SW to Nail and Disc in Corner Fence Post. 56.91' SW to Nail on Top of Fence Post.
- B) Northeast Corner, Northwest 1/4, Section 2, T17N, R1W: Found 1" Iron Pipe. 32.85' North to "X" Nails in Power Pole. 32.78' South to 1" Iron Pipe on North Side of 18" Tree. 76.54' NE to Nail and Disc in Power Pole.
- C) West 1/4 Corner, Section 2, T17N, R1W: Found 1 1/2" Iron Pipe. 36.35' SW to 5/8" Iron Bar Witness. 43.24' NW to Nail & Disc in Power Pole. 32.94' East to 5/8" Rebar with Cap, LS#455.
- D) Center of Section 2, T17N, R1W: Set 5/8"x24" Iron Bar with Cap, LS#550. Corner falls on SW side of Corner Fence Post. 10.91' South to Nail in Fence Post. 8.67' North to Nail in Fence Post. 19.17' North to Nail in Fence Post.
- E) East 1/4 Corner, Section 2, T17N, R1W: Found Mag Spike with Washer in Asphalt as Recorded by Thomas A. Tremel, LS#455, dated July 27, 2011. 33.88' East to "X" Nails in Power Pole. 32.91' West to "X" Nails in Stub Power Pole. 33.06' West to 5/8" Rebar with Cap, LS#673. 53.45' NE to Drill Hole in Top Center of Concrete Headwall. On Centerline of 48th Avenue (North-South).
- F) South 1/4 Corner, Section 2, T17N, R1W: Found Iron Shaft 4" x 0.4 feet deep. 88.36' WSW to Nail & Disc in Power Pole. 32.95' South to 5/8" Rebar with Cap, LS#455. 21.40' SSW to Mag-Nail in Top of CMP, South end. 22.57' NNW to Mag-Nail in Top of CMP, North end. Corner is 11.5' East to North-South CMP Culvert.

LEGAL DESCRIPTION
 A tract of land located in the East 1/2 of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:
 Commencing at the Northeast corner of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence S 90°00'00" W on the North line of said Northwest 1/4, 680.00 feet to the Point of Beginning; thence S 90°00'00" W on said North line, 564.00 feet; thence S 00°00'00" W and perpendicular to said North line, 1817.53 feet; thence N 89°51'02" E and parallel to the South line of said Northwest 1/4, 243.96 feet to a point on the East line of said Northwest 1/4, thence N 00°00'01" W on said East line, 38.69 feet to the Southeast corner of the Corrected Survey of West Elks Replat, Platte County, Nebraska; thence S 90°00'00" W on the South line of said Corrected Survey of West Elks Replat, 566.27 feet to the Southwest corner of said Corrected Survey of West Elks Replat; thence N 00°00'00" E on the West line of said Corrected Survey of West Elks Replat and perpendicular to said North line, 1543.53 feet to a point of curvature on the South Right-of-Way line of 56th Avenue Place; thence Southwesterly on a 360.00 foot radius curve to the left on said Right-of-Way line, 45.94 feet of which said curve has a chord bearing of S 86°20'40" W, 45.91 feet to a point of tangency on said Right-of-Way line; thence S 90°00'00" W on said Right-of-Way line, 67.91 feet; thence N 00°00'00" W, 235.00 feet to the Point of Beginning, containing 28.16 acres, more or less.

SURVEYOR'S CERTIFICATE
 I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on December 27, 2023, and 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
 I, Granville Custom Homes, Inc., owner of the described property, WEST ELKS 2ND SUBDIVISION, 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. Tract of land shall hereinafter be known as WEST ELKS 2ND SUBDIVISION of part of the East 1/2 of the Northwest 1/4 of Section 2, T17N, R1W of the 6th P.M., Platte County, Nebraska.

Steven Ramackers
 Granville Custom Homes, Inc.

STATE OF NEBRASKA ss
 COUNTY OF PLATTE)

On this _____ day of _____, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared Steven Ramackers, Representative of Granville Custom Homes, Inc., 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 WEST ELKS 2ND SUBDIVISION to the City of Columbus, Nebraska is approved by Lakeview Community Schools
 on this _____ day of _____, 2024.

 School Superintendent

COLUMBUS, NEBRASKA PLANNING COMMISSION
 This Final Plat of WEST ELKS 2ND SUBDIVISION to the City of Columbus, Nebraska approved by the Planning Commission
 on this _____ day of _____, 2024.

 Chairman

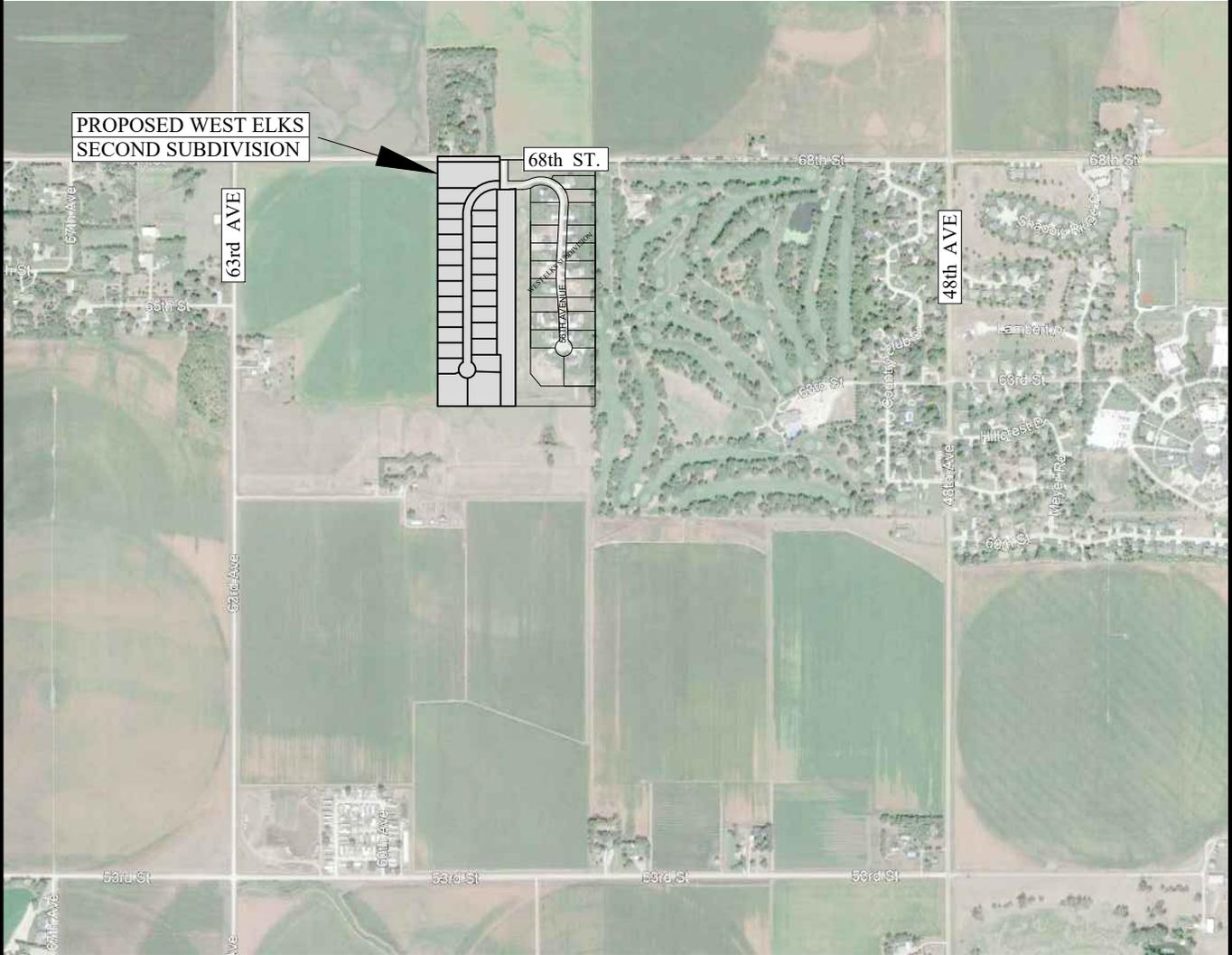
COLUMBUS, NEBRASKA CITY COUNCIL
 This Final Plat of WEST ELKS 2ND SUBDIVISION to the City of Columbus, Nebraska approved by the City Council
 on this _____ day of _____, 2024.

 Mayor City Clerk

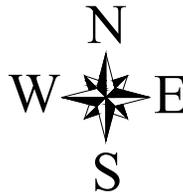
PLATTE COUNTY BOARD
 This Final Plat above plat approved by the County Board of Supervisors of Platte County, by Resolution No. _____ duly passed
 on the _____ day of _____, 2024.

 County Clerk Chairman, County Board

Curve Data	Line Data
C1 Radius= 196.50' Arc Length= 26.08' M Chord Length= 26.06' M S 03°48'08" W	L1 20.00' M N 90°00'00" W
C2 Radius= 60.00' Arc Length= 78.60' M Chord Length= 73.10' M S 22°28'10" W	L2 43.50' M N 90°00'00" W
C3 Radius= 60.00' Arc Length= 78.48' M Chord Length= 73.00' M S 55°31'50" E	
C4 Radius= 60.00' Arc Length= 78.48' M Chord Length= 73.00' M N 52°31'43" E	
C5 Radius= 60.00' Arc Length= 78.60' M Chord Length= 73.10' M N 22°28'07" W	



LOCATION MAP
No Scale



Drawn By: LRR
Date: January 30, 2024
Scale: None
Project Number: S-071-128



**ADVANCED CONSULTING
ENGINEERING SERVICES**
West Point & Columbus
Phone: (402) 372-1923

- 6. Public hearing - Application of Zegar Investment Properties LLC to rezone property located on the north side of 8th Street at 10th Avenue from "R-3" (Multi-Family Residential District) to "B-2" (General Commercial District) and to amend the Future Land Use Map of the Comprehensive Plan.**

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, March 11, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone a tract of land located on Lot 1, Cuzzin's Corner 2nd Subdivision to the City of Columbus, Platte County, Nebraska and a tract of land located in the SE1/4 of the SW1/4 of Section 20, Township 17 North, Range 1 East 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 N89°19'47"E on the North line of said Lot 1, 289.27 feet to the Northeast corner of said Lot 1; thence S01°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 S01°27'32"E on the West line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 125.60 feet; thence N89°18'33"E, 117.01 feet; thence S01°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 N89°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 N01°36'21"E 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 N01°29'41"W, 413.86 feet; thence S88°40'00"W, 651.15 feet to a point on the East Right-of-Way line of 12th Avenue; thence 800°20'59"E on said East Right-of-Way line, 206.91 feet to the Point of Beginning, Original City of Columbus, Platte County, Nebraska, (north side of 8th St at 10th Ave) from "R-3" (Multi-Family Residential District) to "B-2" (General Commercial District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk

Publish: 02:29:24
Two Affidavits of Publication

REZONING APPLICATION

An application for a rezoning 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: Zegar Investment Properties, LLC

APPLICANT MAILING ADDRESS: 3050 33 Avenue

APPLICANT PHONE NUMBER: (402) 492-9200

APPLICANT EMAIL ADDRESS: scottzegar@gmail.com

ATTORNEY/FIRM: Aimee Cizek

ATTORNEY PHONE NUMBER: (402) 829-7144

ATTORNEY E-MAIL ADDRESS: aimeecizek@mgwl.com

ADDRESS OF PROPERTY TO BE REZONED: see attached

LEGAL DESCRIPTION OF PROPERTY:
see attached

PRESENT ZONING CLASSIFICATION: R3

REQUESTED ZONING CLASSIFICATION: B2

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:

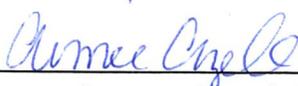
Owner plans to build multi-family homes on the property and requires a smaller setback and larger impervious coverage in order to ensure adequate parking and storage for tenants and to maximize the use of the property for said purpose.

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)

To ensure adequate parking and storage for tenants and to maximize the use of land for said purpose.

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

DATED THIS 15 DAY OF February, 2024.



Owner or Owner's Representative

**CITY OF COLUMBUS
MEMORANDUM**

DATE: March 1, 2024
FROM: Andy Woehrer, Chief Building and Code Official
TO: Tara Vasicek, City Administrator
RE: Cuzzin's Corner 4th Addition rezoning from R-3 to B-2 to allow the development for multi-family residential lots.

RECOMMENDATION:

I recommend approval of this rezoning from R-3 Multiple-Family Residential to B-2 General Commercial District and to amend the Future Land Use map accordingly.

DISCUSSION:

We have received an application to rezone this addition from R-3 to B-2 for the construction of multi-family housing development. The zoning for the area is a good fit and is in conformance with the Columbus Land Development Ordinance.

FISCAL IMPACT:

None

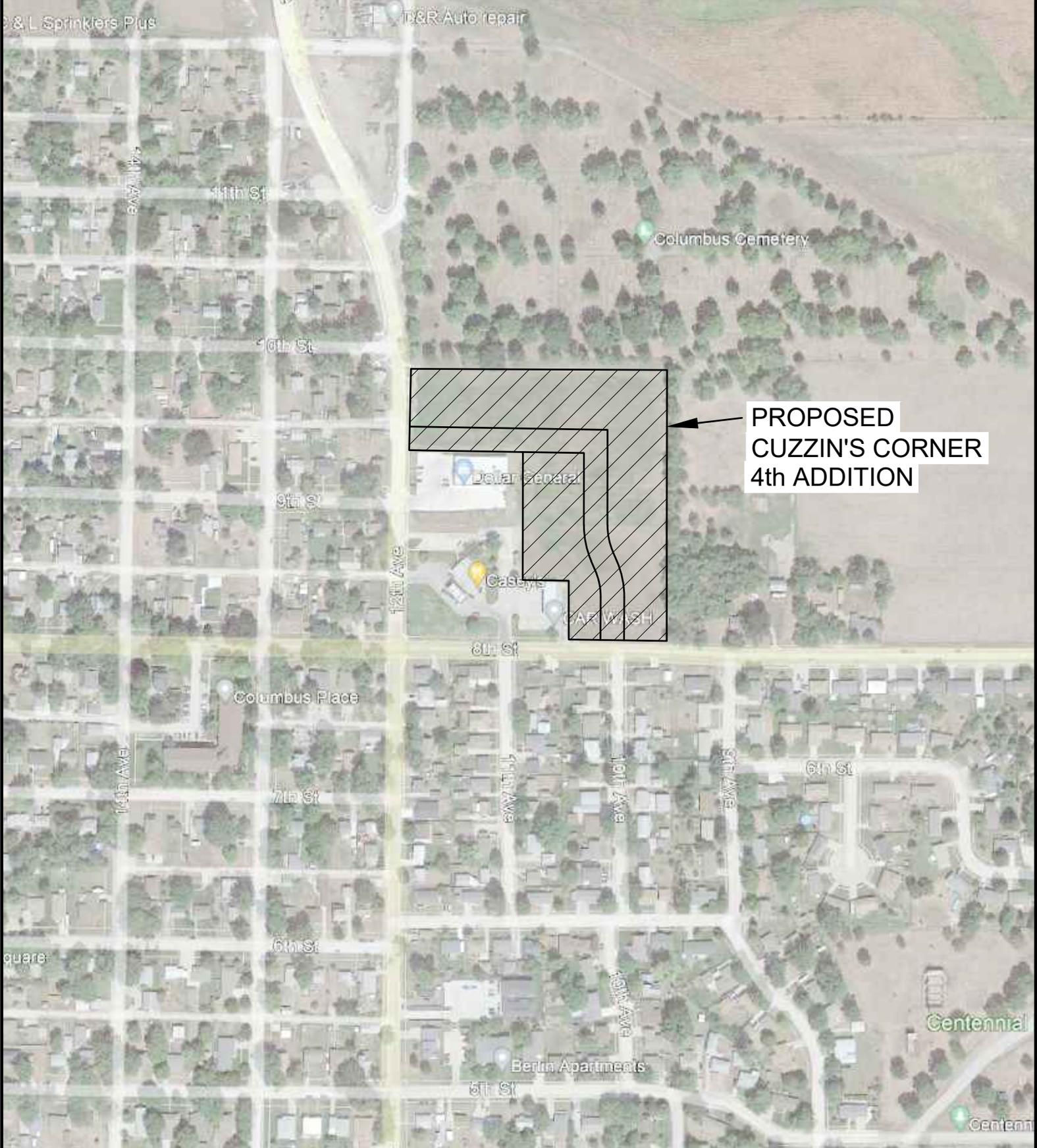
ALTERNATIVE:

Deny the Rezoning

SIGNATURE:

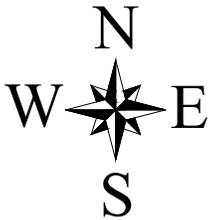
By: Andy J. Woehrer

Approved By: 



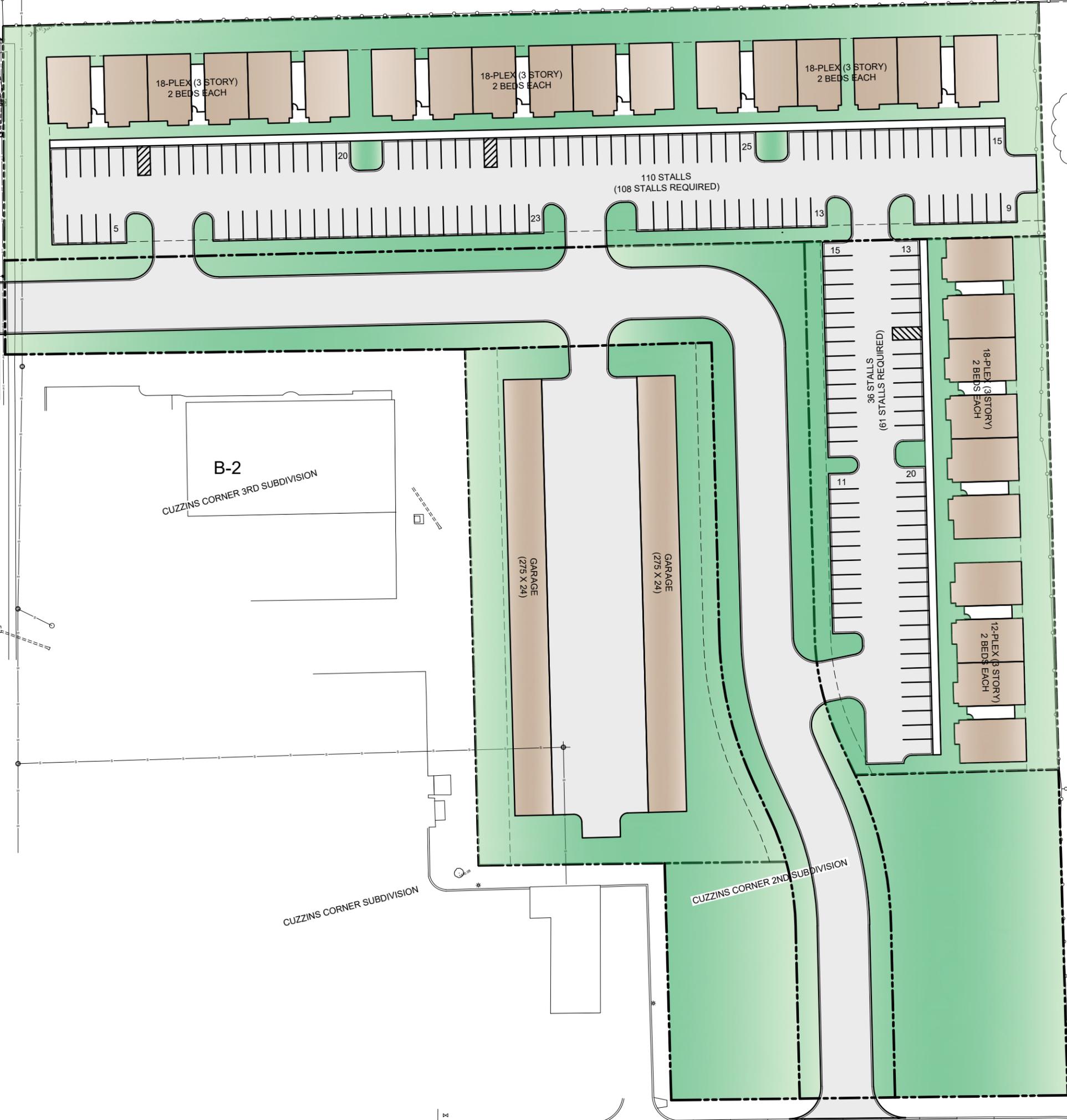
**PROPOSED
CUZZIN'S CORNER
4th ADDITION**

LOCATION MAP
No Scale

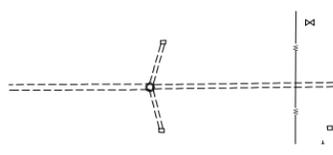


Drawn By: RTK
Date: November 2, 2023
Scale: None
Project Number: S-071-146

12TH AVENUE



8TH STREET



Planning Commission hearing. The undersigned affiant caused said sign to be laminated or otherwise protected from the weather and the sign remained visible and legible for said ten-day period. Said notice was posted on the 28th day of February, 2024, and remained posted until the date of this Affidavit which is also the date of the scheduled hearing.

3. The notice which was posted as above set forth read as follows:

"NOTICE OF PUBLIC HEARING TO REZONE

Lot 1, Cuzzin's Corner 2nd Subdivision to the City of Columbus, Platte County, Nebraska and a tract of land located in the SE1/4 of the SW1/4 of Section 20, Township 17 North, Range 1 East 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 N89°19'47"E on the North line of said Lot 1, 289.27 feet to the Northeast corner of said Lot 1; thence S01°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 S01°27'32"E on the West line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 125.60 feet; thence N89°18'33"E, 117.01 feet; thence S01°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 N89°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 N01°36'21"E 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 N01°29'41"W, 413.86 feet; thence S88°40'00"W, 651.15 feet to a point on the East Right-of-Way line of 12th Avenue; thence 800°20'59"E on said East Right-of-Way line, 206.91 feet to the Point of Beginning.

Platte County, Nebraska from R-3 to B-2 classification, to be held in the City Council Chambers, 1369 25th Avenue, Columbus, Nebraska on the 11th day of March, 2024 at 6:00 p.m."

4. The undersigned affiant caused the owners of all real estate within 300 feet of the above-described real estate to be served with written notice of such hearing by either personally serving them with such notice at least ten days prior to the date of the Planning Commission hearing or by mailing said notice to them to their last known address at least ten days prior to such hearing. A list of the owners notified and their addresses appear on Exhibit "A" attached hereto. Said list comprises all of the owners of real estate within 300 feet of the real estate described above. A copy of the Notice served upon or sent to said owners is attached hereto, marked Exhibit "B".

DATED: March 11, 2024.

FURTHER YOUR AFFIANT SAITH NOT.

Aimee Cydo
Affiant

Subscribed and sworn to before me on this 11th day of March, 2024.



Karen R. Veller
Notary Public

Zegar Investment Properties, LLC
3050 33rd Avenue, Ste. 10
Columbus, NE 68601

Nels Johnson, Trustee of the Marlene
Louis Revocable Trust
22335 Pine Hill Drive
Gretna, NE 68028

Casey's Retail Company,
an Iowa corporation
PO Box 54288
Lexington, KY 40555

Wanda L. Eihausen
1021 8th Street
Columbus, NE 68601

Kendra Bailey
761 11th Avenue
Columbus, NE 68601

Jose M. Portillo Bacilio and
Jennifer M. Ortega
762 10th Avenue
Columbus, NE 68601

Thomas L. Veik
766 10th Avenue
Columbus, NE 68601

Luis M. Rocha Jr. and
Gloria Rocha Mendez
1003 8th Street
Columbus, NE 68601

Al H. Becker and Maxine E. Becker
758 10th Avenue
Columbus, NE 68601

Jonatan R. Lopez Vicente and
Rene M. Lopez Gomez
753 10th Avenue
Columbus, NE 68601

Germain Mouandza and
Nadege Mouandza
757 10th Avenue
Columbus, NE 68601

Allen J. Duke, Jr. and Laura A. Duke
761 10th Avenue
Columbus, NE 68601

Ana Zulema Woerth
765 10th Avenue
Columbus, NE 68601

Julie M. Starzec
754 9th Avenue
Columbus, NE 68601

Carlos G. Sanuncini Medrano
762 9th Avenue
Columbus, NE 68601

Gustavo Lira Vargas
1622 C Street
Schuyler, NE 68661

Bradley John Nelson and
Shirley S. Nelson
915 8th Street
Columbus, NE 68601

Kimberly L. Henggeler
765 9th Avenue
Columbus, NE 68601

Joan M. Smith
773 9th Avenue
Columbus, NE 68601

Louise A. Bridges
844 6th Street
Columbus, NE 68601

Mylissa Krupka
843 8th Street
Columbus, NE 68601

Thomas D. Hays and Patricia J. Bash,
Trustees of the Bash-Hays Joint Trust
401 E. Springfield
Champaign, IL 61820

Rhonda Jensen a/k/a
Rhonda R. Jensen
763 11th Avenue
Columbus, NE 68601

Matthew J. Forsberg
768 11th Avenue
Columbus, NE 68601

Glenda S. Mudloff
1103 8th Street
Columbus, NE 68601

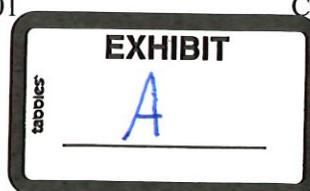
Ronald Andrew Dush, Steven John
Dush, Karla Jean Dush & Jason
George Dush
% Andrew A. Dush & Theresa A. Dush
758 11th Avenue
Columbus, NE 68601

Gerald J. Semin and
Geraldine J. Semin
762 11th Avenue
Columbus, NE 68601

Jon Sohl
1121 8th Street
Columbus, NE 68601

Darlyn Spitz
14051 U Road
Columbus, NE 68601

Jose J. Rojo and Ma Del Rocio Rojo
757 11th Avenue
Columbus, NE 68601



The City of Columbus, Nebraska
PO Box 1677
Columbus, NE 68602-1677

Bruce A. Keyes and Donna L. Keyes
4921 37th Street
Columbus, NE 68601

Taylor A. Amsler and Ronald J. Amsler
1215 11th Street
Columbus, NE 68601

Christopher A. Batten
1214 10th Street
Columbus, NE 68601

Luis A. Lara
1053 13th Avenue
Columbus, NE 68601

Thomas E. Havelka
1221 10th Street
Columbus, NE 68601

John D. Wegner and Sherri S. Wegner
1215 10th Street
Columbus, NE 68601

Leonardo F. Diaz
2363 26th Avenue
Columbus, NE 68601

Patrick S. Reeves and Donna J. Reeves
1203 10th Street
Columbus, NE 68601

Peter E. Hayward and
Kimberly D. Hayward
1222 9th Street
Columbus, NE 68601

Rocky Conley
1216 9th Street
Columbus, NE 68601

Jacob Pales
1210 9th Street
Columbus, NE 68601

A AND T LLC
4118 60th Street
Columbus, NE 68601

Gary Preister, Kathy Gronenthal, Glen
Preister, Steve Preister, Rosemary Wiese,
Christine Jarecki and Scott Preister
% Gilbert J. Preister and Sylvia Preister
607 Chestnut
Humphrey, NE 68642

Dillon Hall and Sydney Martinsen
1217 9th Street
Columbus, NE 68601

Dorothy A. Bybee and Craig E. Bybee
3272 33rd Avenue
Columbus, NE 68601

Brian J. Micek and Jeanne M. Micek
1160 13th Avenue
Columbus, NE 68601

Columbus Public Schools
2508 27th Street
Columbus, NE 68601

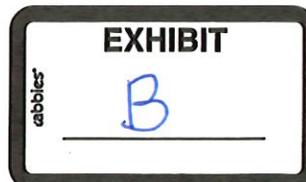
Lakeview Community Schools
3744 83rd Street
Columbus, NE 68601

Educational Service Unit 07
2657 44th Avenue
Columbus, NE 68601

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, **March 11, 2024, at 6 p.m.** in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone a tract of land located on Lot 1, Cuzzin's Corner 2nd Subdivision to the City of Columbus, Platte County, Nebraska and a tract of land located in the SE1/4 of the SW1/4 of Section 20, Township 17 North, Range 1 East 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 N89°19'47"E on the North line of said Lot 1, 289.27 feet to the Northeast corner of said Lot 1; thence S01°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 S01°27'32"E on the West line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 125.60 feet; thence N89°18'33"E, 117.01 feet; thence S01°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 N89°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 N01°36'21"E 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 N01°29'41"W, 413.86 feet; thence S88°40'00"W, 651.15 feet to a point on the East Right-of-Way line of 12th Avenue; thence 800°20'59"E on said East Right-of-Way line, 206.91 feet to the Point of Beginning, Original City of Columbus, Platte County, Nebraska, (north side of 8th St at 10th Ave) from "R-3" (Multi-Family Residential District) to "B-2" (General Commercial District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE
Janelle Kline, City Clerk



7. Accepting Deed of Dedication for The Flats Second Subdivision a minor subdivision of Lots 34 and 35, Block A, The Village First Addition (intersection of 25th Street and East 5th Avenue).

The City of **Columbus**

MEMORANDUM

DATE: March 6, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: The Flats Second Subdivision – Minor Plat and Deed of Dedication

RECOMMENDATION:

I recommend the approval of the Minor Plat, Resolution and Deed of Dedication of The Flats Second Subdivision.

DISCUSSION:

The Flats Second Subdivision 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 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.

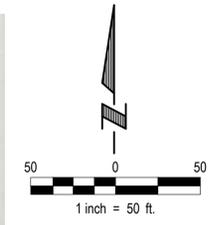
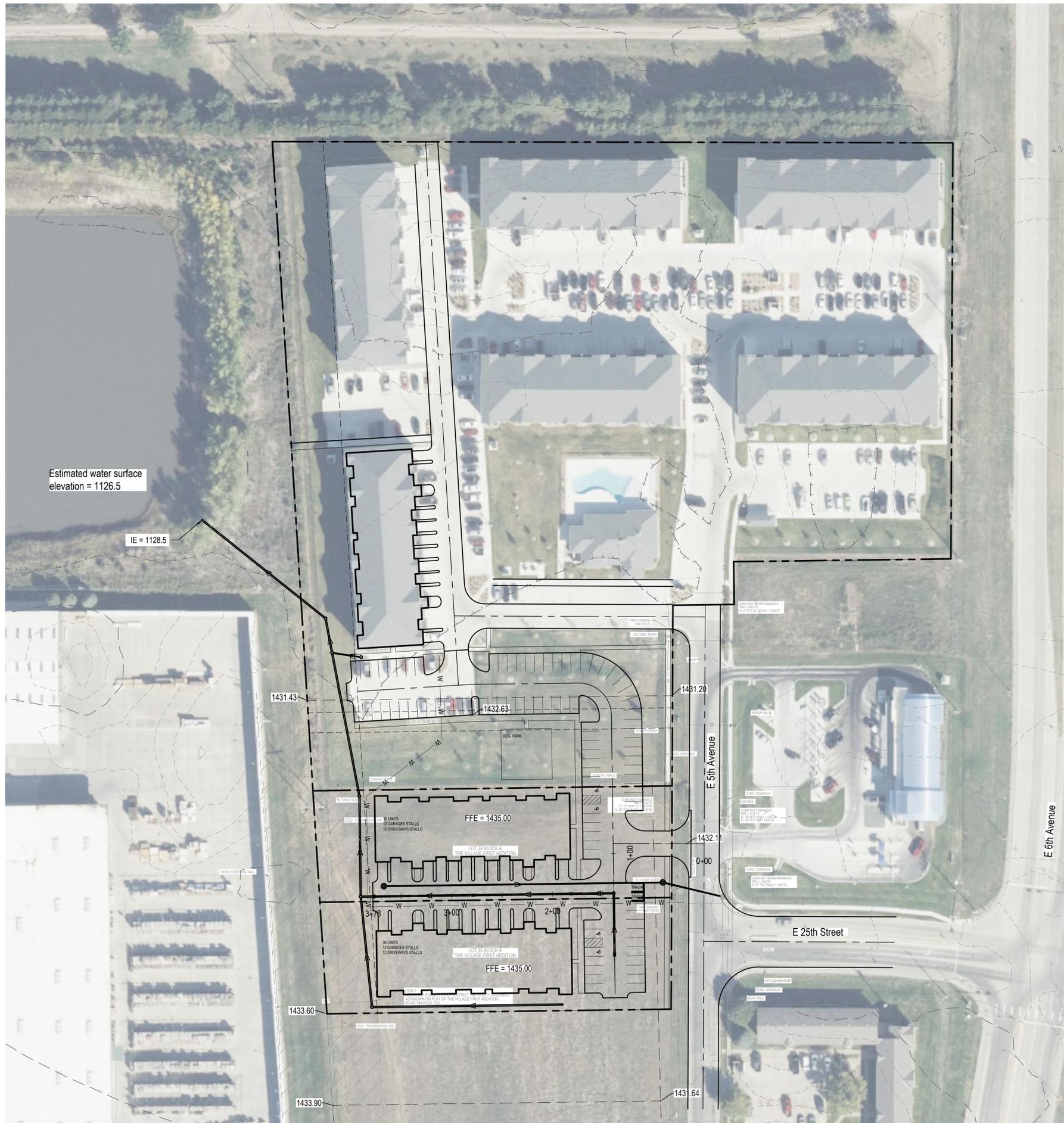
CONCURRENCE:

By: Andrew J. Wiseman

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]



Preliminary Site Development and Design Notes

1. This plan includes ALTA survey data obtained for the project site lots, aerial photo information obtained from a geo-location map of the overall surrounding area, and overall surface model data obtained from Google Earth.
2. The project property is zoned "B-2" General Commercial.
3. The proposed development includes the addition of two 30-unit apartment buildings and associated site improvements.
4. The present directive from the owner is to develop the new lots without the need to replat the property. The noted directive requires that building and associated improvements be limited to areas encompassed within the property boundaries.
5. Parking requirements for the site are based on the following criteria and breakdown of apartments in the proposed development:

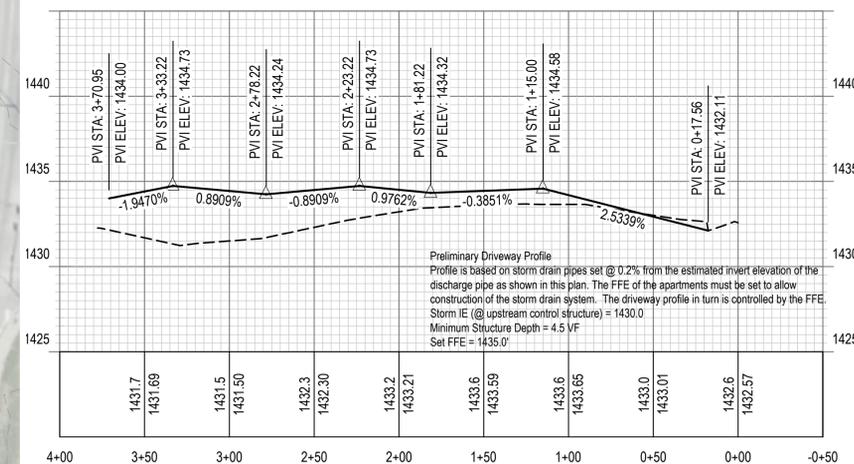
Apartment Type	Parking Requirement	# of Units	Required Parking Spaces
Studio	1 Stall / Unit	6	6
1 Bedroom	1.5 Stalls / Unit	28	42
2 Bedroom	2 Stalls / Unit	26	52
Total =		60	100

6. A "Storm Sewer Drainage Easement" dated March 9, 2007 exists that addresses storm runoff from the site property. The following paragraph describes the property granted drainage privileges to route storm runoff from "Benefited Properties" to an existing storm water detention basin northwest of the defined "Benefited Properties". The said properties are defined as follows:

"The Benefited Property"

Following the conveyance to Dial of the parcels described in Paragraph 1, Regal presently remains the owner of certain real estate lying North of 24th Street in the City of Columbus and adjacent to and abutting Lots 2 and 3, The Village Plaza Fourth Addition on the East thereof, which retained property lies within the Southwest Quarter of said Section 16-17-1, and includes, without limitation, Lots in the platted Village First Addition, as well as other property lying northerly thereof. For convenience and brevity, the foregoing property retained by Regal shall be referred to herein as the "Benefited Property".

7. Flood elevation data for the site is presently unknown. Finish floor elevation (FFE) of the apartments will be set a minimum of 1-foot above 100-year flood elevations for the site property. Thus, FFE are subject to change once flood elevation data is received.
8. The preliminary FFE of the buildings has been set at elevation 1435.00. The FFE is presently based on grading and drainage requirements to drain the proposed storm sewer system to the existing stormwater basin located northwest of the site.



Preliminary Driveway Profile
 Profile is based on storm drain pipes set @ 0.2% from the estimated invert elevation of the discharge pipe as shown in this plan. The FFE of the apartments must be set to allow construction of the storm drain system. The driveway profile in turn is controlled by the Storm IE (@ upstream control structure) = 1430.0
 Minimum Structure Depth = 4.5 VF
 Set FFE = 1435.0'



Revisors	Description	Date
JTL		8/22/23
TMY		
AS		

Proj No: P2023.164.001
 Date: 8/22/23
 Designed By: JTL
 Drawn By: TMY
 Scale: AS SHOWN
 Sheet: 1 of 1
 8/22/23 12:25 PM K:\Projects\2023\164\001\Engineering\CAD\Sheet\01_SitePlan.dwg
 User: JTL

Please return to:
Andrew R. Willis
Cline, Williams, Wight Johnson & Oldfather LLP
233 S 13th Street
1900 US Bank Bldg.
Lincoln, NE 68508

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That 4J Capital 2, LLC, a Nebraska limited liability company, is the proprietor and owner of the following described property:

Lots 34 and 35, Block A, The Village First Addition to the City of Columbus, Platte County, Nebraska;

and has caused the above-described real estate to be laid out into lots and easement areas, as applicable, under the name The Flats Second Subdivision to the City of Columbus, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing any and all lots and easements belonging to such subdivision, a plat of which bearing date of _____, 202__, and certified by John W. Von Dollen, registered land surveyor, is attached hereto.

Said owner hereby dedicates the public 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.

Said owner and dedicator covenants and agrees with the City of Columbus to lay, at its 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 deliver the same to the City without cost to it.

Please return to:
Andrew R. Willis
Cline, Williams, Wight Johnson & Oldfather LLP
233 S 13th Street
1900 US Bank Bldg.
Lincoln, NE 68508

**THE FLATS SECOND SUBDIVISION
DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT, made and entered into this ____ day of _____, 20___, by and between 4J Capital 2, LLC, a Nebraska limited liability company (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 The Flats Second 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 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 1.759 acres of property.

SECTION I

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

A. Subdivider shall install and/or extend any required water and sewer mains, if any, necessary to adequately serve each buildable lot within the Area to be Developed per City Code.

B. Subdivider shall arrange for any required natural gas distribution mains, if any, necessary to adequately serve each buildable lot within the Area to be Developed to be installed by the local gas franchisee, such mains to be located within dedicated adjacent street right-of way or easements. Any additional cost participation required by the local gas franchisee for the installation of gas mains, if any, shall be borne by the Subdivider.

C. Subdivider shall arrange for any required 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 is required, the costs shall be borne by the Subdivider.

D. Subdivider shall install any required concrete sidewalk four feet wide and four inches thick, or six inches thick at driveways or trails, 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.

E. Grading for the Area to be Developed shall be completed by the Subdivider, at the Subdivider’s expense, pursuant to the site and drainage plan and submitted with the Minor Plat. Any required 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 Subdivider’s expense. Subdivider agrees to obtain a Nebraska Department of Environment and Energy, National Pollutant Discharge Elimination System (NPDES), 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 to the City as part of the City’s Municipal Storm Sewer Separation System requirements.

SECTION II

Subdivider and City covenant and agree that the Subdivider shall 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, 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 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 required public improvements within a time period of two (2) years after the signing of this Development Agreement. Any extension of this time period shall be made by favorable recommendation of Planning Commission and approval by the City Council.

SECTION VII

This Development 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.

[Signature Pages Follow]

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

CITY ADMINISTRATOR

Dated this ____ day of _____, 20__.

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

The foregoing instrument was acknowledged before me on _____, 20__, by Tara Vasicek and Janelle Kline, City Administrator and City Clerk, respectively, of the City of Columbus, a Municipal Corporation in the State of Nebraska, on behalf of the City.

(SEAL)

Notary Public

APPROVED AS TO FORM



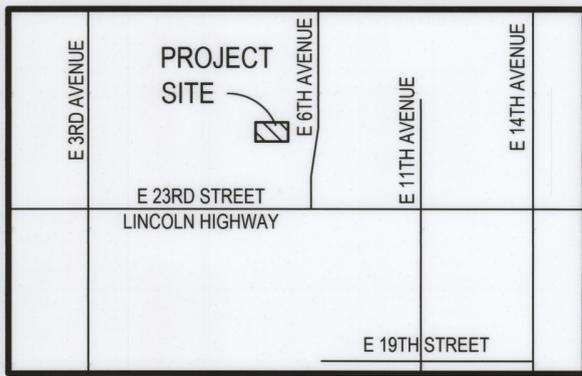
CITY ATTORNEY

EXHIBIT "A"
MINOR PLAT
OF
THE FLATS SECOND SUBDIVISION

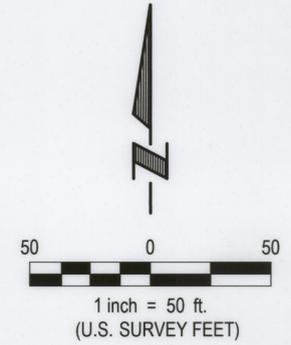
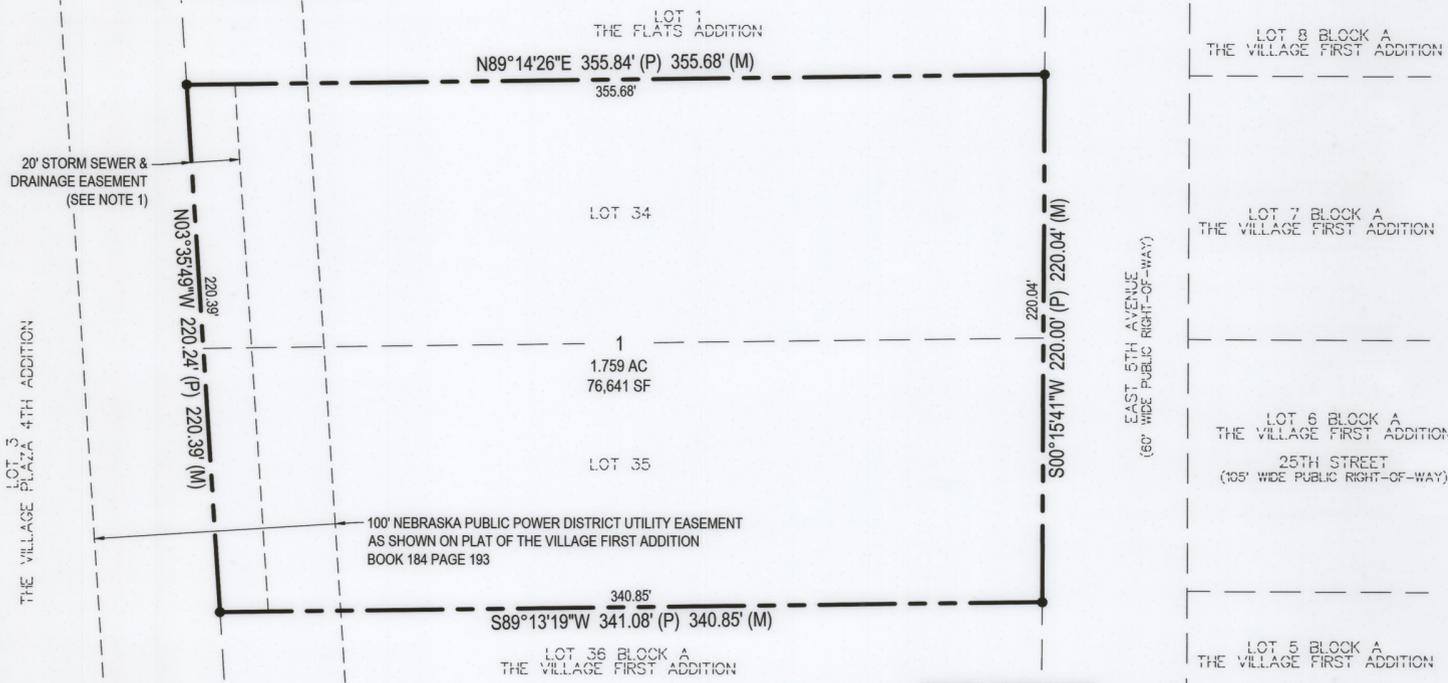
[Attached]

THE FLATS SECOND SUBDIVISION

A MINOR SUBDIVISION OF 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.



VICINITY MAP



LEGEND

- MONUMENTS FOUND (5/8" REBAR)
- BOUNDARY LINE
- - - - EASEMENTS
- - - - EXIST. PROPERTY LINES
- (M) MEASURED DISTANCE
- (P) PLATTED DISTANCE

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.

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.

SURVEYORS CERTIFICATION

I, JOHN W. VON DOLLEN, NEBRASKA REGISTERED LAND SURVEYOR NO. 579 DULY REGISTERED UNDER THE LAND SURVEYOR'S REGULATION ACT, DO HEREBY STATE THAT I HAVE PERFORMED A SURVEY OF THE LAND DEPICTED ON THE ACCOMPANYING PLAT; THAT SAID PLAT IS A TRUE DELINEATION OF SAID SURVEY PERFORMED PERSONALLY OR UNDER MY DIRECT SUPERVISION; THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS MARKED AS SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT AND IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR SURVEYS IN NEBRASKA IN EFFECT AT THE TIME OF THIS SURVEY.

John W. von Dollen
 JOHN W. VON DOLLEN LS-579 DATE 01-31-24

APPROVAL OF CITY OF COLUMBUS, NEBRASKA

THIS PLAT OF THE FLATS SECOND SUBDIVISION, A MINOR SUBDIVISION OF 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, WAS APPROVED BY THE CITY OF COLUMBUS THIS

DAY OF _____, 20____.

CITY ADMINISTRATOR

CITY CLERK

DEVELOPER/ OWNER

4J CAPITAL 2, LLC, A NEBRASKA LIMITED LIABILITY COMPANY
 2676 E 5TH AVENUE
 COLUMBUS, NE 68601

ZONING:

EXISTING B-2, LOTS 34 & 35
 PROPOSED: B-2, LOT 1

ENGINEER

JEFF LAMONTAGNE
 E & A CONSULTING GROUP
 10909 MILL VALLEY ROAD, SUITE 100
 OMAHA, NE 68154

SURVEYOR

JOHN W. VON DOLLEN
 E & A CONSULTING GROUP
 10909 MILL VALLEY ROAD, SUITE 100
 OMAHA, NE 68154

OWNER'S CERTIFICATION

KNOW ALL PERSONS BY THESE PRESENTS: THAT THE UNDERSIGNED ARE OWNER'S OF THE PROPERTY AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, AND HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AS SHOWN ON THIS PLAT.

4J CAPITAL 2, LLC, A NEBRASKA LIMITED LIABILITY COMPANY

Jeffrey D. Heinrich MEMBER DATE 1/31/24
 JEFFREY D. HEINRICH, MEMBER

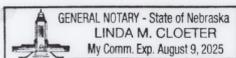
ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
 COUNTY OF PLATTE)

ON THIS 31st DAY OF January, 2024, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME JEFFREY D. HEINRICH, MEMBER OF 4J CAPITAL 2, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

Linda M. Cloeter DATE Jan. 31, 2024
 NOTARY PUBLIC



FLOOD PLAIN STATEMENT:

SUBJECT PROPERTY IS LOCATED IN OTHER FLOOD AREAS ZONE X: AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS OF LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD; AS SHOWN ON FIRM, FLOOD INSURANCE RATE MAP, PLATTE COUNTY, NEBRASKA AND INCORPORATED AREAS PANEL NUMBER 330 OF 400, CONTAINS COMMUNITIES: PLATTE COUNTY, NUMBER 310467, PANEL 0330, SUFFIX E AND COLUMBUS, CITY OF, NUMBER 315272, PANEL 02330, SUFFIX E; MAP NUMBER 31141C0330E, EFFECTIVE DATE: APRIL 19, 2010.

NOTES:

- ALL EASEMENTS THAT ARE NOT LABELED WITH ANY RECORDING INFORMATION WILL BE RECORDED BY A SEPARATE DOCUMENT.

Proj No:	P2023.164.002
Date:	09/01/2023
Designed By:	JRS
Drawn By:	EAM
Scale:	1" = 50'
Sheet:	1 of 1

Revisions	
No.	Description

MINOR SUBDIVISION

THE FLATS SECOND SUBDIVISION
 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

8. Building report for February 2024.



City of Columbus

Building Department

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

February 2024 Building Report Comments

For the Residential area, four new house permits were made out, one townhouse – 2 units, two townhouses - 6 units, and a handful of residential alteration/addition permits. Also, a couple of decks, fences, and accessory structures were permitted in the month of February. Cost of product and interest rates are still at a high.

On the Commercial side, four permits were made out for commercial alterations in the month of February. Plan reviews have been started on the Venue Restaurant, Tractor Supply interior remodel, Five Below retail store, and the Super Saver grocery store.

Andy Woehrer
Chief Building and Code Official
City of Columbus

City of Columbus

Building Department Monthly Report

03/04/2024

February 2024 2023

	February 2024			February 2023		
	Count	Permit Fees	Value	Count	Permit Fees	Value
Accessory Structu	6	\$1268.67	\$218640.00	1	\$57.00	\$7000.00
Building Moving	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com Addition	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com Alteration	4	\$1527.90	\$290623.60	2	\$2852.76	\$822365.00
Com New Constr	0	\$0.00	\$0.00	3	\$156055.64	\$75010000.00
Com Plumbing	0	\$0.00	\$0.00	1	\$161.00	\$50000.00
Deck	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Demolition	1	\$27.50	\$1.00	0	\$0.00	\$0.00
Egress Window	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Fence	3	\$88.50	\$14500.00	3	\$88.50	\$14600.00
Gas line	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Res Addition	1	\$625.15	\$150000.00	0	\$0.00	\$0.00
Res Addition Wo	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Res Alteration	3	\$114.30	\$8900.00	1	\$90.75	\$12000.00
Res New Construc	18	\$10528.04	\$10068427.00	10	\$7403.75	\$2004104.00
Res Plumbing	6	\$197.00	\$45700.00	2	\$61.00	\$12000.00
Res Pool	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Sewer / Water	0	\$0.00	\$0.00	1	\$19.00	\$0.00
Signs	4	\$953.00	\$274500.00	4	\$177.00	\$26900.00
Sprinklers	0	\$0.00	\$0.00	2	\$42.00	\$0.00
Temporary Acces	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Water Softner/RC	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Wireless Tower	0	\$0.00	\$0.00	0	\$0.00	\$0.00
YEAR TOTAL	46	\$15330.06	\$11071291.60	30	\$167008.40	\$77958969.00

Population: All Records
 Permit.DateIssued Between 2/1/2023 12:00:00 AM
 AND 2/29/2024 11:59:59 PM

9. Adjournment.