

Public Property, Safety, and Works Committee
Monday, May 5, 2025 5:30 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.

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

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.

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; applicability of section.

(1) Until January 1, 2025:

(a) Except as provided in subsection (10) of this section, 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 or the governing body of a rural or suburban fire protection district, 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, village, or district. 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.

(iv) In case of refusal, neglect, or inability of the newspaper to timely publish the notice, the public body shall (A) post such notice on its website, if available, and (B) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

(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) Beginning January 1, 2025:

(a) Except as provided in subsection (10) of this section, 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 (2)(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 committees, such notice shall be given by:

(A)(I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

(B)(I) Posting to the newspaper's website, if available, and (II) posting to a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper.

(ii) In the case of the governing body of a city of the second class or village, any advisory committee of such governing body, or the governing body of a rural or suburban fire protection district, such notice shall be given by:

(A)(I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper;

(B)(I) Posting to the newspaper's website, if available, and (II) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

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

(iii) In the case of a public body not described in subdivision (2)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(iv) In case of refusal, neglect, or inability of the newspaper to publish the notice, the public

body shall (A) post such notice on its website, if available, (B) submit a post on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers, and (C) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

(3)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (3)(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 subsections (1) and (2) 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, subsection (1) of section 70-1014, subsection (2) of section 70-1014.02, 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 (A) an organization created under the Interlocal Cooperation Act that sells electricity or natural gas, (B) an organization created under the Municipal Cooperative Financing Act, (C) a governing body of a risk management pool and any advisory committee of such governing body, or (D) any advisory committee of any state entity created in response to the Opioid Prevention and Treatment Act, such organization, governing body, or committee 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.

(4) 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.

(5) 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.

(6) 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 (5) 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.

(7) 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.

(8)(a) Notwithstanding subsections (3) and (6) 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 subsections (1) and (2) 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 (5) 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.

(9) In addition to any other statutory authorization for virtual conferencing, any public body not listed in subdivision (3)(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 (3)(b)(i) and (ii) of this section.

(10) This section does not apply to a meeting of the Nebraska Power Review Board or a public power district, a public power and irrigation district, an electric membership association, an electric cooperative company, a municipality having a generation and distribution system, or a registered group of municipalities if such meeting is subject to section 70-1034.

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; Laws 2024, LB287, § 74; Laws 2024, LB399, § 4; Laws 2024, LB1370, § 8.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB287, section 74, with LB399, section 4, and LB1370, section 8, to reflect all amendments.

Note: Changes made by LB287 became operative April 17, 2024. Changes made by LB399 became effective July 19, 2024. Changes made by LB1370 became operative July 19, 2024.

Cross References

- **Emergency Management Act**, see section 81-829.36.
- **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.
- **Opioid Prevention and Treatment Act**, see section 71-2485.

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. Except for closed sessions called pursuant to section 84-1410, a public body shall allow members of the public an opportunity to speak at each meeting.

(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.

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

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

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

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

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

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

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

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

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

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

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

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

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; Laws 2024, LB43, § 21.

Operative Date: July 19, 2024

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.

Annotations

- Under prior law, 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).

2. Authorizing acquisition of interests in various tracts of real property by purchase or eminent domain for Lift Station No. 15.



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: May 1, 2025
TO: Tara Vasicek, City Administrator
FROM: Richard J. Bogus, City Engineer
RE: Lift Station No.15 Property Acquisition and Easements

RECOMMENDATION:

I recommend approval of the authorization to obtain the property acquisition associated with the Lift Station No. 15 project in accordance with State and City regulations.

JLO Properties LLC

Partial Real Property Acquisition
Utility and Ingress and Egress Easements

DISCUSSION:

Property acquisitions including partial property taking for the location of a lift station and associated permanent utility and ingress/egress easements. Upon obtaining the acquisitions, a minor plat, JLO Subdivision including a Deed of Dedication will be approved and filed in the Platte County Courthouse.

FISCAL IMPACT:

Property Acquisition including permanent utility and ingress/egress easements: \$10,071.22
Part of CIP 20-093 in the amount of \$425,000.

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

PROPOSED LIFT STATION #15



**PROPOSED
LIFT STATION #15**

US Highway 81

Howard Blvd

Howard Blvd

US Highway 81

50th Ave

Unnamed St.

Howard Blvd

2.A. Purchase agreement with JLO Properties LLC in the amount of \$10,071.22 for Lift Station No. 15. CIP #20-93

PURCHASE AGREEMENT

THIS CONTRACT, made and entered into this ___ day of _____, 2025, by and between, JLO Properties LLC Address: 5020 Howard Boulevard, Columbus, Nebraska 68601 hereinafter called the OWNER, and the City of Columbus, Nebraska, hereinafter called the BUYER.

WITNESSETH: In consideration of the payment or payments as specified in attached exhibits:

PROPERTY ACQUISITION

the OWNER hereby agrees to execute to the BUYER, a deed which will be prepared and furnished by the BUYER, to a certain real estate described as:

A tract of land located in part of Lot 1, Block C, Evans-Plugge Subdivision, to the City of Columbus, Platte County Nebraska, more particularly described as follows:

Commencing at a point on the Southeasterly line of Lot 1, Block C, Evans-Plugge Subdivision to the City of Columbus, Platte County Nebraska, said point being 76.01 feet Northeasterly of the Southeast Corner of Originally Platted, said Lot 1, and on the Northeasterly Right of Way Line of U.S. Highway 81, and assuming the Southeasterly line of said Lot 1 to have a bearing of N 40°15'21" E; thence N 50°46'20" W and on said Northeasterly Right of Way line, 146.68 feet; to a point on the west line of said Lot 1; thence N 00°00'38" E and on said West line, 42.00 feet, to the Point of Beginning; thence N 00°00'38" E and on said west line, 38.72 feet; thence S 50°46'20" E, 81.00 feet; thence S 39°13'40" W, 30.00 feet; thence N 50°46'20" W, 56.52 feet to the Point of Beginning, containing 2063 square feet more or less.

Said tract of land will be subject to a Minor Subdivision of Lot 1, Block C, Evans-Plugge Subdivision in which the tract will be legally described as Lot 2, JLO Subdivision, a Minor Subdivision of Lot 1, Block C, Evans-Plugge Subdivision to the City of Columbus, Platte County, Nebraska.

See Attached JLO Subdivision Plat Exhibit "A".

PERMANENT UTILITY AND INGRESS/EGRESS EASEMENT

the OWNER hereby agrees to execute to the BUYER, a Permanent Utility and Ingress/Egress Easement which will be prepared and furnished by the BUYER, to a certain real estate described as:

A 20.00 foot wide Ingress and Egress and Utility Easement located in Lot 1, Block C, Evans-Plugge Subdivision, to the City of Columbus, Platte County Nebraska, more particularly described as follows:

Commencing at a point on the Southeasterly line of Lot 1, Block C, Evans-Plugge Subdivision to the City of Columbus, Platte County Nebraska, said point being 76.01 feet Northeasterly of the Southeast Corner of Originally Platted, said Lot 1, and on the Northeasterly Right of Way Line of U.S. Highway 81, and assuming the Southeasterly line of said lot 1 to have a bearing of N 40°15'21" E; thence N 50°46'20" W and on said Northeasterly Right of Way line, 116.71 feet; to the Point of Beginning; thence N 50°46'20" W and on said Right of Way line, 20.00 feet; thence N 39°13'40" E, 32.54 feet; thence S 50°46'20" E, and parallel to said Right of Way line, 20.00 feet; thence S 39°13'40" W, 32.54 feet to the Point of Beginning containing 650.8 square feet more or less.

See Attached Easement Exhibit "A".

PERMANENT INGRESS/EGRESS EASEMENT

the OWNER hereby grants to the BUYER, a Permanent Ingress/Egress Easement which will be prepared and furnished by the BUYER, to a certain real estate described as:

A 10.00 foot wide Ingress and Egress Easement located in Lot 1, Block C, Evans-Plugge Subdivision, to the City of Columbus, Platte County Nebraska, more particularly described as follows:

Beginning at a point on the Southeasterly line of Lot 1, Block C, Evans-Plugge Subdivision to the City of Columbus, Platte County Nebraska, said point being 76.01 feet Northeasterly of the Southeast Corner of Originally Platted, said Lot 1, and on the Northeasterly Right of Way Line of U.S. Highway 81, and assuming the Southeasterly line of said lot 1 to have a bearing of N 40°15'21" E; thence N 50°46'20" W and on said Northeasterly Right of Way line, 116.71 feet; thence N 39°13'40"E, 10.00 feet; thence S 50°46'20" E and parallel to said Right of Way line, 116.89 feet to a point on the Southeasterly line of said Lot 1; thence S 40°15'21" W and on said Southeasterly line, 10.00 feet to the Point of Beginning containing 1168.0 square feet more or less.

See Attached Easement Exhibit "A".

The BUYER agrees to purchase the above described Property Acquisition and Easements and to pay therefore, upon the delivery of said executed Deed and Easement). If the OWNER so desires, he/she shall have the right to receive 100% of the final payments due under this contract prior to vacating the premises being acquired.

PROPERTY ACQUISITION

Approximately 2,063 SF at \$4.15 per SF x 100% \$8,561.45

PERMANENT UTILITY AND INGRESS/EGRESS EASEMENT

Approximately 651 SF at \$4.15 per SF x 20% \$540.33

PERMANENT INGRESS/EGRESS EASEMENT

Approximately 1168 SF at \$4.15 per SF x 20% \$969.44

TOTAL: \$10,071.22

It is agreed and understood that the BUYER is hereby granted an immediate right of entry upon the premises described above.

It is understood that the easement areas may be used for the temporary relocation of utilities during the construction of the project.

Any fence constructed, reconstructed or moved by Owner/Tenant pursuant to this acquisition must be placed outside of the limits of BUYER property. It is expressly agreed that any fence erected along the new property line by Owner/Tenant will be owned by the property owner and will not be a "division fence" as that phrase is used under Nebraska Law.

The above payments shall cover all damaged caused by the establishment and construction of the above project.

If any other party shall hold any encumbrance against the aforementioned property at the time of delivery of the aforementioned property, such payments are due under this contract shall be made to the OWNER jointly with the party or parties holding such encumbrance, unless said party or parties holding such encumbrance shall have in writing waived their right to receive such payment.

Expenses for partial release of mortgages will be paid by the BUYER, if required.

This contract shall be binding on both parties as soon as it is executed by both parties but should none of the above real estate be required, this contract shall terminate upon the payment of \$10.00 by the BUYER to the OWNER.

This contract may be executed in more than one copy, each copy of which, however, shall serve as an original for all purposes, but all copies shall constitute but one and the same contract.

REMARKS

THIS IS A LEGAL AND BINDING CONTRACT – READ IT.

The representative of the BUYER, in presenting this contract has given me a copy and explained all its provisions. A complete understanding and explanation have been given of the terminology, phrases, and statements contained in this contract. It is understood that no promises, verbal agreements or understanding, except as set forth in this contract, will be honored by the BUYER.

LIMITED LIABILITY COMPANY ACKNOWLEDGEMENT

OWNER: *[Signature]*
John Obrist, JLO Properties Inc.

STATE OF NEBRASKA)
)ss.
COUNTY OF PLATTE)

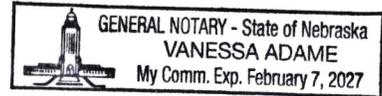
Before me, a notary public, qualified for said county, personally came John Obrist, an individual, known to me to be the identical person who signed the foregoing Purchase Agreement and acknowledged the execution thereof to be his voluntary act and deed.

Dated this 30 day of April, 2025.

Vanessa Adame
Notary Public

BUYER: CITY OF COLUMBUS, NEBRASKA

BY: _____
James B. Bulkley, Mayor



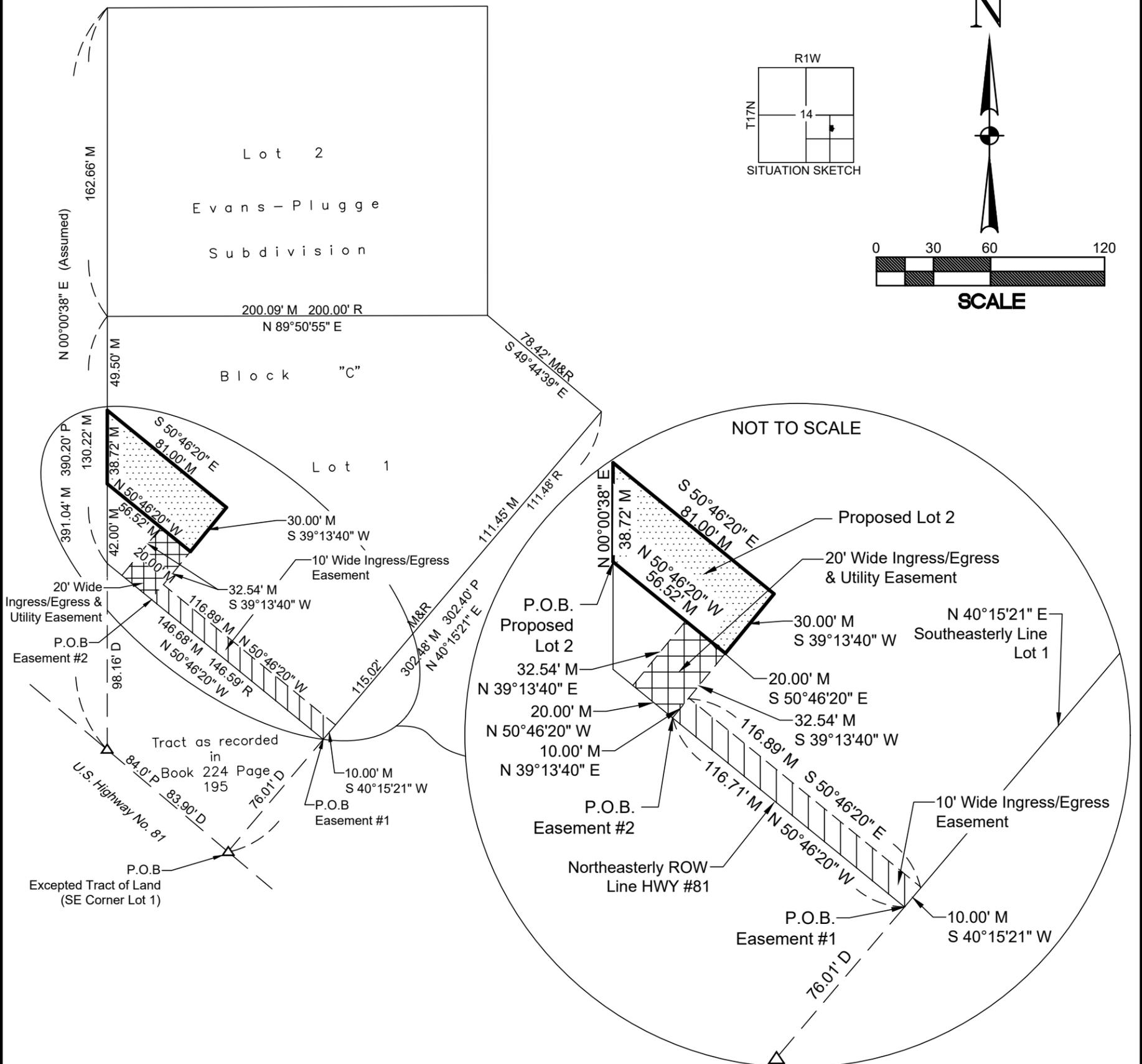
STATE OF NEBRASKA)
)ss.
COUNTY OF PLATTE)

Before me, a notary public, qualified for said county, personally came James Bulkley, as Mayor of and on behalf of the City of Columbus, a Municipal Corporation, known to me to be the identical person who signed the foregoing Purchase Agreement and acknowledged the execution thereof to be his voluntary act and deed.

Dated this ___ day of _____, 2025.

Notary Public

EXHIBIT "A"



Legal Description Easement 1

A 10.00 foot wide Ingress and Egress Easement located in Lot 1, Block C, Evans-Plugge Subdivision, to the City of Columbus, Platte County Nebraska, more particularly described as follows:

Beginning at a point on the Southeastery line of Lot 1, Block C, Evans-Plugge Subdivision to the City of Columbus, Platte County Nebraska, said point being 76.01 feet Northeastery of the Southeast Corner of Originally Platted, said Lot 1, and on the Northeastery Right of Way Line of U.S. Highway 81, and assuming the Southeastery line of said Lot 1 to have a bearing of N 40°15'21" E; thence N 50°46'20" W and on said Northeastery Right of Way line, 116.71 feet; thence N 39°13'40" E, 10.00 feet; thence S 50°46'20" E and parallel to said Right of Way line, 116.89 feet to a point on the Southeastery line of said Lot 1; thence S 40°15'21" W and on said Southeastery line, 10.00 feet to the Point of Beginning containing 1168.0 square feet more or less.

Legal Description Easement 2

A 20.00 foot wide Ingress and Egress and Utility Easement located in Lot 1, Block C, Evans-Plugge Subdivision, to the City of Columbus, Platte County Nebraska, more particularly described as follows:

Commencing at a point on the Southeastery line of Lot 1, Block C, Evans-Plugge Subdivision to the City of Columbus, Platte County Nebraska, said point being 76.01 feet Northeastery of the Southeast Corner of Originally Platted, said Lot 1, and on the Northeastery Right of Way Line of U.S. Highway 81, and assuming the Southeastery line of said lot 1 to have a bearing of N 40°15'21" E; thence N 50°46'20" W and on said Northeastery Right of Way line, 116.71 feet; to the Point of Beginning; thence N 50°46'20" W and on said Right of Way line, 20.00 feet; thence N 39°13'40" E, 32.54 feet; thence S 50°46'20" E, and parallel to said Right of Way line, 20.00 feet; thence S 39°13'40" W, 32.54 feet to the Point of Beginning containing 650.8 square feet more or less.

Legal Description Proposed Lot 2

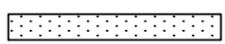
A tract of land located in part of Lot 1, Block C, Evans-Plugge Subdivision, to the City of Columbus, Platte County Nebraska, more particularly described as follows:

Commencing at a point on the Southeastery line of Lot 1, Block C, Evans-Plugge Subdivision to the City of Columbus, Platte County Nebraska, said point being 76.01 feet Northeastery of the Southeast Corner of Originally Platted, said Lot 1, and on the Northeastery Right of Way Line of U.S. Highway 81, and assuming the Southeastery line of said Lot 1 to have a bearing of N 40°15'21" E; thence N 50°46'20" W and on said Northeastery Right of Way line, 146.68 feet; to a point on the west line of said Lot 1; thence N 00°00'38" E and on said West line, 42.00 feet, to the Point of Beginning; thence N 00°00'38" E and on said west line, 38.72 feet; thence S 50°46'20" E, 81.00 feet; thence S 39°13'40" W, 30.00 feet; thence N 50°46'20" W, 56.52 feet to the Point of Beginning, containing 2063 square feet more or less.

Said tract of land will be subject to a Minor Subdivision of Lot 1, Block C, Evans-Plugge Subdivision in which the tract will be legally described as Lot 2, JLO Subdivision, a Minor Subdivision of Lot 1, Block C, Evans-Plugge Subdivision to the City of Columbus, Platte County, Nebraska.

Plat Showing
PROPOSED LOT 2 & INGRESS/EGRESS & UTILITY EASEMENTS
 To be Acquired from Land Owned by
 Owners: JLO Properties

Scale: 1" = 60'
 Date: April 25, 2025
 Drawn By: J.M.L.

-  Proposed Lot 2: 2063 sq. ft more or less
-  Easement #1: 1168.0 sq. ft more or less
-  Easement #2: 650.8 sq. ft more or less

**3. Purchase from Nebraska Department of Transportation for Maintenance Yard 31000
in the amount of \$950,000 for multi-department use.**



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: May 1, 2025
TO: Public Property Committee
FROM: Tara Vasicek, City Administrator
RE: Nebraska Department of Transportation (NDOT), Maintenance Yard (MY) 31000

RECOMMENDATION:

Purchase of the NDOT Maintenance Yard 31000 for \$950,000.

DISCUSSION:

The NDOT has offered to the City the Maintenance Yard they previously occupied located North of UPRR, west of 33rd Avenue. The attached 'Need and Justification' memo was prepared collaboratively between the Administration, Wastewater, Parks and Police Departments. It provides details related to existing sites and the NDOT MY31000.

FISCAL IMPACT:

\$950,000 total price, plus title insurance, split between the General Funds Capital Improvement Plan (CIP) the Wastewater Division.

\$475,000 General Fund CIP for Parks Department portion
\$475,000 Wastewater Division

ALTERNATIVE:

Do not purchase and built new buildings in the future for these needs.

Current estimated costs to do so:

\$1,690,000 - New Police impound building
\$1,600,000 - New Parks & Rec Maintenance Expansion
\$2,345,000 - New Wastewater Maintenance Expansion buildings
\$5,635,000 - Total

SIGNATURE:

By: _____



Accountability - Dedication
Honesty - Integrity - Respect

City Hall
2500 14th St., Suite 3
Columbus, NE 68601
402-562-4309
www.columbusne.us

NEED & JUSTIFICATION LAND ASSESSMENT

Date: 5/5/2025

Prepared By: Braden Labenz, EI

Project Title: Need & Justification for Public Works Dept and Parks & Rec. Dept Use

Proposed Seller: Nebraska Department of Transportation (NDOT)

Acquiring Entity: City of Columbus, Nebraska

1. Purpose of Acquisition

The purpose of this land acquisition is to provide additional property to meet the operational needs of the City of Columbus' Wastewater division of the Public Works Department and Parks and Recreation Department. This land will allow the City to improve public service delivery, expand recreational amenities, and support long-term infrastructure and maintenance planning.

2. Property Details

Address: 3303 12th Street, Columbus NE

Parcel ID(s): 710093632, 710093639, 710093653, 710086961

Current Owner: Nebraska Department of Transportation (NDOT)

Proposed Use: Public Works Department and Park & Recreation Maintenance Use

Acreage: 4.10 Acres

Legal Description (per NDOT):

A tract of land located in Lots 1-5, Block 15 and Lots 1-8, Block 16, Highland Park Addition, vacated 34th Ave, and Outlots 1-3, Drapers Outlots, City of Columbus, Platte County, Nebraska, described as follows:

Beginning at the Northeast corner of Lot 1, Block 16, Highland Park Addition; thence westerly a distance of 490.50 feet to a point on the centerline of the alley in Blok 15, Highland Park Addition; thence southerly deflecting 090 degrees 00 minutes, 00 seconds left, a distance of 145.50 feet along the centerline of the alley to a point at the northeast corner of Lot 5, Block 15, Highland Park Addition; thence westerly a distance of 132.00 feet along the north line of said Lot 5 to the northwest corner of said Lot 5; thence southerly a distance of 48.5 feet to the southwest corner of said Lot 5 to the Northeast corner of Outlot 3, Drapers Outlots; thence westerly along the north line of said Outlot 3, a distance of 330.00 feet to the northwest corner of said Outlot 3; thence southerly deflecting 090 degree, 00 minutes, 00 seconds left, a distance of 127.20 feet to a point on the northerly Union Pacific Railroad right of way line; thence easterly deflecting 095 degrees, 05 minutes, 28 seconds left, a distance of 957.00 feet along said railroad right of way line to the southeast corner of Outlot 1, Drapers Outlots; thence northerly deflecting 84 degrees, 11 minutes, 11 seconds, a distance of 228.42 feet along the east line of Outlot 1, Drapers Outlots and Block 16, Highland Park Addition to the point of beginning, containing 178,529.66 square feet or 4.10 acres, more or less.

3. Valuation and Appraisal

The Nebraska Department of Transportation stated they intend to dispose of their Old Maintenance Yard Number 31000. They chose to offer the surplus maintenance yards to local government entities prior to opening it to the general public. They will sell the land at the appraised value per their internal policies.

An independent, certified real estate appraisal has been obtained by the Nebraska Department of Transportation in accordance with Nebraska state statutes to confirm fair market value. The NDOT also conducted an internal review appraisal. Both of these are attached as Exhibits J and K.

The official offer letter is attached as Exhibit C. A final agreement will be presented to council when available.

Appraisal Value: ***\$950,000.00***

4. Existing and Proposed Use Statements

Wastewater Division of Public Works Department

A full description of the existing and proposed uses can be read in Exhibit H. The following list are the key points of the statement:

- Separate the Wastewater Collection Division from the Water Utility Distribution Division
 - Could be required per a proposed federal law and is an industry trend
- Sufficient space for equipment, vehicles, and personal
- Reduce response time for service calls

Parks & Recreation Department

A full description of the existing and proposed uses can be read in Exhibit I. The following list are the key points of the statement:

- Sufficient space for equipment, vehicles, and personal
- Allow for Police Department expansion for large evidence, long-term storage, and impound area
- Warm storage for necessary assets (i.e.–vehicles, soils, plants, and repair parts)
- Future expansion area for a greenhouse

Police Department

The Police Department supports the purchase of the new land and the moving of the parks department to that location. This enables the PD to grow at the current Park Maintenance site. Being able to utilize the entire building where the parks department is currently would be the most beneficial for our department. The location near the gas pumps for inside storage allows PD to use a building they are already using, and provides more room for this inside storage. The inside storage is normally for vehicles that are seized as evidence. This location has much more traffic than the impound lot near the compactor. Police officers fill their squad cars with fuel at the beginning or end of shift, which is an additional positive to the security of the location. Putting a building up for this purpose near the transfer station and outside impound lot would not afford the same sort of security that the parks department building would. The cost savings is another significant advantage of this plan.

Nebraska Department of Transportation

The property under consideration is presently used by NDOT for a variety of operational needs, including outdoor equipment storage and construction material staging. The site includes stalls for construction waste storage and houses salt brine containers, though their future disposition is still uncertain. The facility is equipped with two main buildings—each with truck bays, office spaces, break rooms, and storage areas designed to support maintenance and construction operations. The truck bays are sized for tight accommodation of straight trucks outfitted with plows. The space also includes designated office areas, reception, and support spaces for technical and administrative functions.

5. Anticipated Alternative Financial Calculations

<i>Alternatives for Necessary City Functions</i>		
<i>Description</i>	<i>Cost (\$/SF)</i>	<i>Total Cost (\$)</i>
New Police Impound Lot & Building (Metal Building ~13,000 SF)	130	1,690,000
New Parks & Recreation Maintenance Expansion (Metal Building ~8,000 SF)	200	1,600,000
New Wastewater Maintenance Expansion (Metal Building ~7,600 SF) (Metal Storage Buildings ~6310 SF)	200 130	1,520,000 825,000
Limitations: <ul style="list-style-type: none">• No land costs are included in these estimates• No land improvements are included, i.e. - facility improvements, utility improv.• All building dimensions are approximations• \$/SF values are based off recent relevant projects around Columbus		

6. Attachments

- Exhibit A – Property Overview
- Exhibit B – Columbus Maintenance Yard 3100 Plat
- Exhibit C – NDOT Maintenance Yard Offer Letter
- Exhibit D – Existing Land Use, NDOT Maintenance Yard
- Exhibit E – Existing Land Use, Public Works Department
- Exhibit F – Existing Land Use, Parks & Recreation Department
- Exhibit G – Proposed Land Use, Public Works and Parks & Rec.
- Exhibit H – Proposed Land Use, Parks & Rec. Building
- Exhibit I – Need & Justification Letter, Public Works Director
- Exhibit J – Need & Justification Letter, Parks & Rec. Director



34TH AVENUE

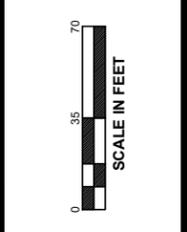
12TH STREET

UPRR PROPERTY

33RD AVENUE

REVISIONS

THE CITY OF
COLUMBUS
NEBRASKA
ENGINEERING DEPARTMENT
(402) 562-4309



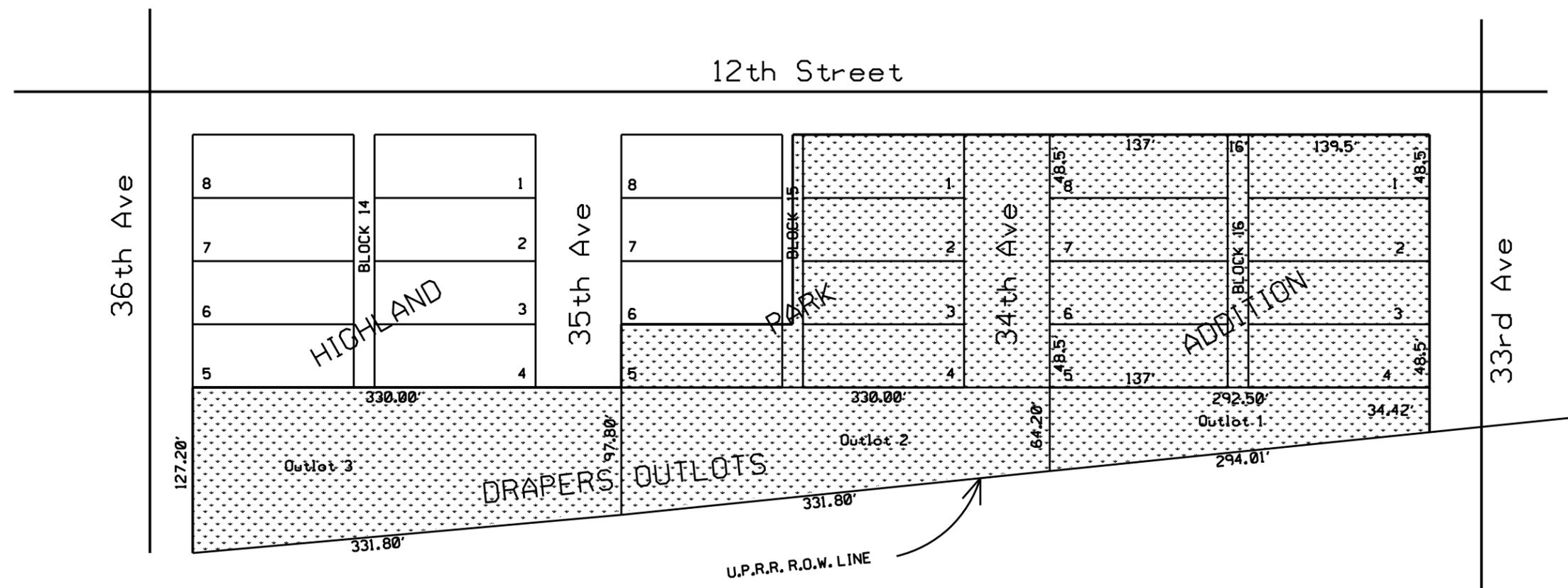
LAND ASSESSMENT
PROPERTY OVERVIEW

DRN BY: BEL
DATE: 05/05/2025
REV No:
CIP No:



EXHIBIT B

31000



Lots 1-6 & 8, Blk 16, Highland Park & Outlot 1, Drapers Outlots purchased March 11, 1932 recorded in Book 75, Page 208

Lot 7, Block 16, Highland Park purchased March 12, 1932 recorded in Book 75, Page 203

Outlots 2 & 3, Drapers Outlots purchased June 6, 1957 recorded in Book 108, Page 119

Lots 3 & 4 and East 1/2 of alley, Blk 15, Highland Park purchased December 17, 1969 recorded in Book 145, Page 443

Lot 5 and West 1/2 vacated alley, Blk 15, Highland Park purchased Decmebr 18, 1969 recorded in Book 145, Page 445

Lots 1 & 2, Blk 15, Highland Park, purchased January 4, 1988 recorded in Book 182, Page 555

PLAT
MAINTENANCE YARD
COLUMBUS
 OWNED BY
 DEPT. OF TRANSPORTATION
 STATE OF NEBRASKA
 DRAWN BY:
 DATE:

EXHIBIT C

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

April 24, 2025



Jim Pillen, Governor

City of Columbus
Attn: Tara Vasicek
2500 14th Street, Suite 3
PO Box 1677
Columbus, NE 68602-1677

Re: Maintenance Yard 31000
Columbus, NE

Dear Ms. Vasicek:

Reference is made to the Cities request to purchase a former NDOT Maintenance Yard located in Drapers Outlots 1, 2, & 3, Highland Park Addition Lots 1-5, Block 15, Lots 1-8, Block 16 & Vacated 34th Ave in Columbus, Platte County, Nebraska.

This office is now prepared to offer this tract to the City of Columbus for the amount of \$950,000.00. If you still wish to purchase this tract, please send a check, made payable to the Nebraska Department of Transportation, in the enclosed envelope. Also, please provide this office with the following information:

Name or names as you wish them to appear on the deed, and Your Telephone Number.

If you are no longer interested in this tract, please notify this office before June 1, 2025, so that we may keep our files current. Enclosed is a copy of the plat and legal description for your information. If you have any questions, please feel free to contact this office at (402)479-4462 or email: todd.wicken@nebraska.gov

Sincerely,

Todd Wicken
Property Management Supervisor
Right of Way Division

Vicki Kramer, Director
Department of Transportation

MAILING ADDRESS	PHYSICAL ADDRESS	PHONE 402-471-4567
PO Box 94759 Lincoln, NE 68509-4759	1500 Nebraska Parkway Lincoln, NE 68502	EMAIL NDOT.ContactUs@nebraska.gov

dot.nebraska.gov



34TH AVENUE

12TH STREET

MAINTENANCE OFFICE
& TRUCK BAYS

CONSTRUCTION OFFICE
& TRUCK BAYS

SALT STORAGE

SALT STORAGE

SIGN SHED

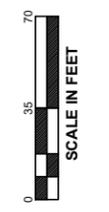
STORAGE

UPRR PROPERTY

33RD AVENUE

REVISIONS

THE CITY OF
COLUMBUS
NEBRASKA
ENGINEERING DEPARTMENT
(402) 562-4309



LAND ASSESSMENT
EXISTING LAND USE,
NDOT MAINTENANCE YARD

DRN BY: BEL
DATE: 05/05/2025
REV No:
CIP No:

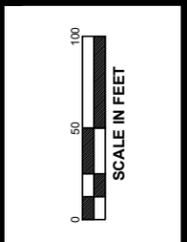
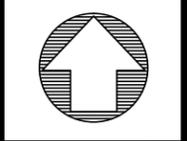


SHEET
EXHIBIT-D



REVISIONS

THE CITY OF
COLUMBUS
NEBRASKA
ENGINEERING DEPARTMENT
(402) 562-4309



LAND ASSESSMENT
EXISTING LAND USE,
PUBLIC WORKS DEPARTMENT

DRN BY: BEL
DATE: 05/05/2025
REV No:
CIP No:



DRAWING LOCATION: I:\M\ MISCELLANEOUS\5. PROPERTY PURCHASES & SOLD\PROPERTY PURCHASES & SOLD\CITY PURCHASE OF PROPERTY\MOOT MAINTENANCE YARD\LAND NEEDS ASSESSMENT 2025.DWG
LAST SAVED: Monday, April 28, 2025 1:56:18 PM
LAST EDITOR: BRADEN LORENZ
PLOT SIZE: ANSI Full Sheet B (11.00 x 17.00 inches) Landscape
PLOT DATE: Thursday, July 13, 2023 4:49:23 PM
FILE NAME: LAND NEEDS ASSESSMENT 2025.DWG
FILE SIZE: 2.82 MB

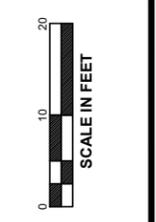
NORTH MAINTENANCE BUILDING



SOUTH MAINTENANCE BUILDING

REVISIONS

COLUMBUS
NEBRASKA
ENGINEERING DEPARTMENT
(402)-562-4309



LAND ASSESSMENT
EXISTING LAND USE,
PARKS & RECREATION DEPT

DRN BY: BEL
DATE: 05/05/2025
REV No:
CIP No:



SHEET
EXHIBIT-F



34TH AVENUE

12TH STREET

33RD AVENUE

STORAGE

PIPE STORAGE

STORAGE

STORAGE

UPRR PROPERTY

PARKS BOOM TRUCK STORAGE

WASTEWATER COLLECTION DIVISION

PARKS FUTURE GREENHOUSE

PARKS OUTDOOR STORAGE

PARK SHOP & OFFICE

LAND ASSESSMENT
PROPOSED LAND USE,
PUB. WORKS & PARKS & REC.

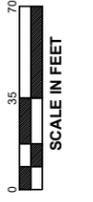
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DATE: 05/05/2025
REV No:
CIP No:



SHEET
EXHIBIT-G



THE CITY OF
COLUMBUS
NEBRASKA
ENGINEERING DEPARTMENT
(402) 562-4309



REVISIONS

NORTH MAINTENANCE BUILDING

55'

70'

PAVED AREA

REMOVAL FOR FUTURE SAND FILTER PLANT

63'

PD LARGE EVIDENCE & VEHICLE STORAGE

PD LARGE EVIDENCE & VEHICLE STORAGE

CITY WELL NO. 1

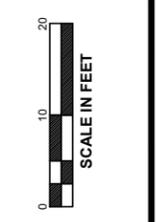
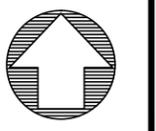
PD OUTDOOR STORAGE

131'

SOUTH MAINTENANCE BUILDING

REVISIONS

COLUMBUS NEBRASKA
ENGINEERING DEPARTMENT
(402)-562-4309



LAND ASSESSMENT
PROPOSED LAND USE,
PARKS & REC. BUILDING

DRN BY: BEL
DATE: 05/05/2025
REV No.:
CIP No.:



SHEET
EXHIBIT-H



EXHIBIT I

**Accountability - Dedication
Honesty - Integrity - Respect**

City Hall | Public Works Department
2500 14th St., Suite 3
Columbus, NE 68601
402-562-4260
www.columbusne.us

April 25, 2025

The following NDOT surplus property west of 33rd Ave and 12th Street, has been offered to the City of Columbus.

The property has a west building that has office space and 6 truck bays with 14' Overhead Doors. This building would be a perfect site to separate and house the Wastewater Collection division from the Water Utility Distribution equipment and inventory.

This property could be utilized for separation of utility sewer service trucks that are on call 24-7 and must be stored in heated bays. There is ample space for repair of pumps and equipment storage as well as room for inventory storage.

The industries trend has seen a push to separate potable water and wastewater divisions to not be housed in the same facilities for various health reasons.

The Utility staff could also utilize the office space for operations, training for sewer related day to day operations, including the wastewater Scada control systems.

The East 7 bay shop and office space would be utilized Parks dept as well as the other out buildings and site would be shared with the Parks Dept.

This space and area will make for a safer enter exit plan for truck traffic. Will eliminate the delayed call response time as NECRR blocks the tracks and crossings, multiple times of the day and night. Currently some parking and staging of equipment is taking place along the east property line of CMF, which is actually on the ROW of Ne Central Rail Road.

Office space vacated at the CMF will be utilized by the Water Utility Superintendent as well as the smaller utility breakroom will become a smaller meeting room at CMF.

Water Distribution equipment and inventory will remain housed at the Current CMF.

Thank you,

Chuck Sliva
Public Works Director
City of Columbus
Phone: 402-562-4260



EXHIBIT J

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

April 28, 2025

The NDOT property west of 33rd Ave and 12th street has been offered to the City of Columbus. Below are the Parks Departments intentions:

- We would utilize the east 7 bays and office space for the parks department. This would give us additional square footage for our shop and warm storage as well as additional outdoor storage space in a secured location.
- Warm storage is important as much of our equipment runs off of diesel and is utilized in the cold and winter months.
- We intend to use the open space just south of the building as a future site for a park greenhouse as our department explores cost savings measures and the utilization of native vegetation that work well with our sandy soils.
- We intend to bring any of our equipment that can be stored outside, like playground repair parts and turf, to this location so that it can be better secured.
- The office space will be used for the Park Superintendent and the smaller areas will be used for smaller staff meetings and a breakroom area.

The current Parks Department is partially used by PD for evidence collection. The rest of the shop would be a good option for when they have multiple vehicles they are searching.

Thank you,

Betsy Eckhardt

EXHIBIT J

EXCESS LAND APPRAISAL

**Project Number: MY31000
Columbus, Nebraska
Platte County**

**Nebraska Department of Transportation
Right of Way Division**

**Date Signed
09/30/2024**

**Tim Lentz
Salaried Staff Appraiser**



09/30/2024

Tim Mullin, Chief Appraiser
Nebraska Department of Transportation
Right of Way Division
1600 Highway 2, PO Box 94759
Lincoln, NE 68509-4759

Reference: Project # MY31000

Dear Tim Mullin,

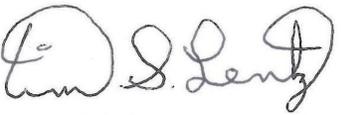
In accordance with your request, I submit the required appraisal for the above referenced parcel of excess land. The assignment consisted of determining the market value of land considered to be surplus right of way. The tract is analyzed and the results are included in this report. This report contains general information about the area as well as specific data gathered about the subject parcel. All sales researched for this parcel and considered comparable to the subject tract are included in this report.

My inspection of the subject parcel was completed on 08/07/2024, which is also the effective date of this report. The intended use of this appraisal is for assistance in the disposal of property rights considered surplus to the needs of the Nebraska Department of Transportation. The function of the report is to provide the State of Nebraska Department of Transportation with a basis of negotiations for real property disposition. The report is not intended for any other use or other users.

The report is presented as a narrative, summary appraisal report. The report considers the influence of social, economic, governmental and environmental factors in addition to an analysis of the subject property and applicable market data.

Basic assumptions and limiting conditions used in the appraisal are contained within this report. Various maps, photographs, drawings, and other exhibits are included in related portions of this report or in the Addenda. The Engagement Letter (if provided) is also included in the Addenda. Whenever possible, all sale comparables were confirmed with buyers, sellers, and/or agents or concerned parties.

Please feel free to contact the undersigned if you have questions or need additional information.
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tim S. Lentz". The signature is written in a cursive style with a large initial "T" and "L".

Tim Lentz
Salaried Staff Appraiser

CERTIFICATE OF APPRAISER

This opinion of value may not meet minimum standards contained in the Uniform Standards of Professional Appraisal Practice and is not governed by the Real Property Appraiser Act. [In accordance with Neb. Rev. Stat. Section 76-2221(1)]

This opinion of value conforms to the requirements of Federal law (42 USC 4601 – 4655), Federal Rules and Regulations (49, CFR, Part 24 as amended) and the Nebraska Department of Transportation Right of Way Manual as approved by the Federal Highway.

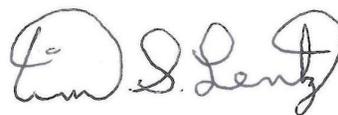
I certify that, to the best of my knowledge and belief:

- The statements of fact reported in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- That I understand that such estimate is to be used in connection with the sale of excess land.
- That I have not revealed the findings and results of such estimate to anyone other than the proper officials of the acquiring agency or officials of the Federal Highway Administration, and will not do so until so authorized by said officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.
- My determination of fair market value has been reached independently based on the appraisal and other factual data of record without collaboration or direction.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- I have performed no other services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this appraisal or from its use.
- My compensation for completing this assignment is not contingent upon the development or reporting of predetermined value or direction of value that favor the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed and this report was prepared in conformity with the appropriate State laws, regulations and policies and procedures applicable to appraisal of fair market value.
- I have made a personal inspection of the property that is the subject of this report I have made a personal inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented by the photographs contained in said appraisal.
- No one provided significant real property appraisal assistance to the person signing this certification.

My opinion of fair market value of excess land as of 08/07/2024 is \$950,000.00 based on my independent estimates and the exercise of my professional judgment.

09/30/2024

Date



Tim Lentz

Salaried Appraiser for NDOT

DEFINITIONS

Access Control

Access control is the regulation of access, through the limitation of public access rights to and from properties abutting the highway facility. It is the condition where the right of property owners use and enjoyment of access is controlled by the department. (*State of Nebraska, Department of Transportation, Right of Way Division, Right of Way Manual, 4.06*)

Appraisal

The act or process of developing an opinion of value; an opinion of value. of or pertaining to appraising and related functions such as appraisal practice or appraisal services. (*Uniform Standards of Professional Appraisal Practice, 2010-2011, p. U-1*)

Appraiser

One who is trained and educated in the methods of determining the value of property through analysis of various factors which determine value. (*The Real Estate Dictionary, Seventh Edition, International Right of Way Association, p. 15*)

Appraisal Review

The act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal, appraisal review, or appraisal consulting assignment. (*Uniform Standards of Professional Appraisal Practice 2010-2011, p.U-1*)

Assignment

An agreement between an appraiser and a client to provide a valuation service. (*Uniform Standards of Professional Appraisal Practice, 2010-2011, p. U-2*)

Condemnation

The taking of private property for public use. Consent of the owner is not required but fair compensation must be paid. (*The Real Estate Dictionary, Seventh Edition, International Right of Way Association, p. 47*) (*See eminent domain*)

Easement

A right acquired by public authority to use or control property for a designated highway purpose. (*American Association of State Highway Transportation Offices*). In general, an easement is either permanent or temporary.

Eminent Domain

A governmental right to acquire private property for public use by condemnation, and the payment of just compensation. (*The Real Estate Dictionary, Seventh Edition, International Right of Way Association, p. 71*) (*See Condemnation*)

Extraordinary Assumption

An assumption, directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinion or conclusions. (*Uniform Standards of Professional Appraisal Practice 2010-2011, p. U-3*)

Fair Market Value

Guidelines for the determination of fair market value as laid down by the courts and usually referred to as the willing buyer-willing seller concept are as follows:

The price which would be paid by a willing buyer, not compelled to buy, to a willing seller, not compelled to sell, assuming that both buyer and seller are fully informed as to the uses and limitations of the property and that a reasonable time is allowed in which to find a purchaser.

(*State of Nebraska, Department of Transportation, Right of Way Division, Right of Way Manual, 8.03*)

Fee Simple

An estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited. Commonly, a synonym for ownership. (*The Real Estate Dictionary, Seventh Edition, International Right of Way Association, p. 80*)

Highest and Best Use

The use of land which will result in its highest value. In appraisal this cannot be merely theoretical but must be realistic in that the use must be legal (proper zoning, etc.), physically achievable and financially feasible. (*The Real Estate Dictionary, Seventh Edition, International Right of Way Association, p. 99*)

Hypothetical Condition

That which is contrary to what exists but is supposed for the purpose of analysis. (*Uniform Standards of Professional Appraisal Practice 2010-2011, p. U-3*)

Improvements

Buildings or other relatively permanent structures or developments located, or attached to, land. (*The Dictionary of Real Estate Appraisal, Appraisal Institute, Fourth Edition, p. 142*)

Intended Use

The use or uses of an appraiser's reported appraisal, appraisal review, or appraisal consulting assignment opinions and conclusions, as identified by the appraiser based on communication with the client at the time of the assignment. (*Uniform Standards of Professional Appraisal Practice, 2010-2011, p. U-3*)

Intended User

The client and any other party as identified, by name or type, as users of the appraisal, appraisal review, or appraisal consulting report by the appraiser on the basis of communication with the client at the time of the assignment. (*Uniform Standards of Professional Appraisal Practice, 2010-2011, p. U-3*)

Just Compensation

Just compensation has been defined by the Right of Way Committee of AASHTO as the full and fair equivalent for the loss sustained by the owner as a result of taking or damaging of private property for highway purposes. In an opinion of the Nebraska Supreme Court it is..."that amount of money or its equivalent which will compensate the owner; so that he is in the same financial position as he was before his property was taken or damaged for a public purpose. This is the amount of money which will make the owner no richer or no poorer than he was before the taking or damaging of his property."

In measuring the just compensation to which any property owner is entitled under eminent domain taking, the courts have held that it shall be measured in terms of fair market value. (*State of Nebraska, Department of Transportation, Right of Way Division, Right of Way Manual, 8.02*)

Leasehold Interest

The interest held by the lessee (tenant or renter) through a lease transferring the rights of use and occupancy for a stated term under certain conditions. (*The Dictionary of Real Estate Appraisal, Appraisal Institute, Fourth Edition, p. 162*)

Neighborhood

A group of complementary land uses; a congruous grouping of inhabitants, buildings, or business enterprises. (*The Dictionary of Real Estate Appraisal, Appraisal Institute, Fourth Edition, p. 193*)

Personal Property

Any property which is not designated by law as real property. (*The Real Estate Dictionary, Seventh Edition, International Right of Way Association, p. 146*) Generally, this refers to any personal items that are not attached to the land or improvements existing on the land.

Property Lines

The boundary line of a parcel of land. (*The Real Estate Dictionary, Seventh Edition, International Right of Way Association, p. 154*)

Real Estate

Lands and anything permanently affixed to the land, such as buildings, fences, and those things attached to the buildings, such as light fixtures, plumbing and heating fixtures, or other such items which would be personal property, if not attached. (*The Real Estate Dictionary, Seventh Edition, International Right of Way Association, p. 159*)

Real Property

The interests, benefits, and rights inherent in the ownership of real estate. (*Uniform Standards of Professional Appraisal Practice, 2010-2011, p. U-4*)

Right of Way

A strip of land which is used as a roadbed, either by a street or railway. Land is set aside as an easement or in fee, either by agreement or by condemnation. (*The Real Estate Dictionary, Seventh Edition, International Right of Way Association, p. 167*)

Scope of Work

The type and extent of research and analysis in an assignment. (*Uniform Standards of Professional Appraisal Practice, 2010-2011, p. U-4*)

Severance Damage

Damage to the value of the remaining property in condemnation, caused by the partial taking and subsequent construction of the road, building, or other use for which the taking took place. (*The Real Estate Dictionary, Seventh Edition, International Right of Way Association, p. 174*)

The Unit Rule

The Unit Rule is:

- A. The land must be under the same ownership
- B. The land must be contiguous
- C. The land must be under the same use

The State of Nebraska utilizes this rule to determine the parent parcel size during the appraisal of right of way.

USPAP

Uniform Standards of Professional Appraisal Practice, or USPAP. The purpose of USPAP is to promote and maintain a high level of public trust in appraisal practice by establishing requirements for appraisers. (*Uniform Standards of Professional Appraisal Practice, 2010-2011, p. U-6*)

Waiver Valuation

The term waiver valuation means the valuation process used and the product produced when the NDOT determines that an appraisal is not required, pursuant to §24.102(c)(2) appraisal waiver provisions (49 CFR Part 24).

SUMMARY OF SALIENT FACTS

Project Number: MY31000
Control Number:
Location: North of UPRR, west of Highway 30/81

Legal Description: A tract of land located in Lots 1-5, Block 15 and Lots 1-8, Block 16, Highlands Park Addition, vacated 34th Ave, and Outlots 1-3, Drapers Outlots, City of Columbus, Platte County, Nebraska (See attached for full legal description.

Client: Nebraska Department of Transportation, Right of Way Division

Purpose of the appraisal: To estimate fair market value applicable under the laws of the State of Nebraska.

Function of the appraisal: To provide the State of Nebraska Department of Transportation with a basis of negotiations for real property disposal.

Interests being appraised: Fee Simple
Date of Inspection: 08/07/2024
Effective Date: 08/07/2024

Recorded Ownership: State of Nebraska
Current Use: Industrial
Highest & Best Use: Industrial
Lot size: 178,529.66 Sq. Ft.

Zoning: The subject is zoned C-1 Light Industrial District. The area is subject to the zoning regulations of City of Columbus, NE.

Date report signed: 09/30/2024

ASSUMPTIONS AND LIMITING CONDITIONS

Identification of the Property

The legal descriptions given to the appraiser are assumed to be correct; however, they have not been confirmed by a survey. The appraiser assumes no responsibility for such a survey or for encroachments or overlapping that might be revealed thereby. The appraiser renders no opinion of a legal nature, such as to ownership of the property or condition of title. The appraiser assumes the title to the property to be marketable; that the property is an unencumbered fee; and that the property does not exist in violation of any applicable codes, ordinances, statutes, or other governmental regulations.

Information and Data

The appraiser has considered information from city, county, state, and federal governments; buyers and sellers of real estate; real estate professionals and others. This information and data received is believed to be reliable, but no further responsibility is implied for its accuracy.

Sketches and Maps

Any sketches included in the report are only for the purpose of aiding the reader in visualizing the property and are not based on survey. Sizes and dimensions are not necessarily shown to scale.

Size and Dimensions

Size and dimensions of the subject tracts and comparable sales are based on information obtained from county records, plats, cadastral maps, aerial photos, and other credible sources. This information is available from governmental entities, the internet and other reliable sources. The information is assumed correct as provided.

Unapparent Conditions

The appraiser assumes that there are no hidden or unknown conditions pertaining to the property, soils or structures that would render it more or less valuable than other comparable properties. The appraiser assumes no responsibility for such conditions or for engineering that may be required to discover such things.

Extraordinary Assumption

The subject parcel is assumed to be free of any contamination that might affect the value.

APPRAISAL SCOPE

According to the Uniform Standards of Professional Appraisal Practice, it is the appraiser's responsibility to determine the appropriate scope of work. USPAP defines the scope of work as:

The amount and type of information researched and the analysis applied in an assignment. Scope of work includes, but is not limited to, the following:

- Defining the appraisal problem
- The degree to which the property is inspected or identified;
- The extent of research into physical or economic factors that could affect the property
- The extent of data research
- The type and extent of analysis applied to arrive at opinions or conclusions.

Purpose of the Appraisal

The purpose of this appraisal is to estimate the market value of property rights considered surplus to the needs of the Nebraska Department of Transportation as of the date of the appraisal.

Property Rights Appraised

The property rights appraised are all of those rights associated with the "bundle of rights" held by ownership in unencumbered fee simple title, which is defined as follows:

Absolute ownership unencumbered by any other interest or estate, subject to, and limited by the four governmental powers of taxation, eminent domain, police power, and escheat. (The Appraisal of Real Estate, Eleventh edition, American Institute of Real Estate Appraisers)

The Need of an Appraisal

Sale of a Property

A. State Laws Governing the Sale of Property

1. Neb. Rev. Stat. § 39-1325. Real property; power of Department of Transportation to sell and convey excess.

The department shall have the authority to sell and convey, with the approval of the Governor, any part of or any interest in real property held by the department which is deemed no longer necessary or desirable for highway purposes. The sale or conveyance of such real property shall be in such manner as will best serve the interests of the state and will most adequately conserve highway funds.

2. Neb. Rev. Stat. § 39-1326. Real property; sale, deed; bill of sale; execution; conditions; disposition of proceeds.

The Director-State Engineer, for the department, and in the name of the State of Nebraska, may execute, acknowledge, seal, and deliver all deeds, bills of sale, and other instruments necessary and proper to carry out the sale and exchange of real property. Such deeds, bills of sale and other instruments shall have affixed the seal of the department. The deeds, bills of sale and other instruments may contain any conditions, covenants, exceptions, and reservations, which the department deems are in the public interest, or may convey title in fee simple absolute. All

money received from the sale of such property shall be deposited in the state treasury and credited to the Highway Cash Fund.

B. Type of Sale.

In order that the "sale...of such real estate shall be in such manner as will best serve the interests of the State," a classification of the State's miscellaneous holdings should be made for determining the steps to be taken for disposing of them.

1. Restricted Market

Where a remainder has only one neighboring tract and due to size, shape or access can reasonably be expected to have potential for economic use or development by the owner of the adjacent tract only, the sale may be negotiated directly with the single owner on the basis of the reviewed Waiver or Appraisal, whichever was completed, with due consideration given to maintenance costs and nuisance values.

Extent of Data Research

The appraiser researched the local market to produce a current and comprehensive database of relevant market information. Relevant market information includes such items as population trends, employment trends, and trends in listings and sales of various types of real estate. Sources and providers of this information include:

- County Offices and web pages
- City Offices and web pages
- FEMA Flood Map online references, imagery, and flood zone information
- Census tract information
- Local appraisers, brokers or other market participants
- Multiple listing service
- On-line mapping services

Type and Extent of Analysis

The appraisers conducted a physical inspection of the subject property. Photos were taken and notes made of characteristics of the land. Public records at the county courthouse were examined to gain pertinent information such as title history, zoning and assessed values of the subject property. Sales of comparable properties were obtained from public records as well. If possible, the sales information was confirmed with a party to the transaction to determine comparability and reliability as arms-length transactions, market rents and expenses. The comparable sales were then inspected and photographed. After compiling information about the subject property and determining property values, a report is then written and submitted for review.

Approaches to Value

Cost Approach: The cost approach is the cost to build an improvement, less the depreciation of the improvement, plus the value of the land.

Sales Comparison: The sales comparison approach utilizes an analysis of recent comparable sales to estimate the value of the subject property. Adjustments can be made for any differences between the comparables and the subject in order to arrive at an estimate of value. This widely used approach is logical and understandable.

Income Approach: The income approach to value relies on the income generated by a property. This approach is most applicable when the generated income from the property is the motivation behind the transaction.

While all three approaches to value are considered, one or more of the basic approaches may not be applicable to the subject property. Therefore, the data necessary for an analysis by each approach is evaluated in order to determine the applicability of that approach. If insufficient data exists for a meaningful application of a particular approach, then that approach is either omitted or used only as an indication of reasonableness for the better-supported approaches. The value estimate of each approach used is based on the determined Highest and Best Use.

NEIGHBORHOOD DATA

The subject property is located in south central Columbus, NE in an older mixed-use area. The neighborhood boundaries are the north boundary being Howard Blvd, west boundary is 41st Avenue, south boundary is the Union Pacific Railroad tracks, and east boundary being 33rd Avenue (Highway 30). This area is Mixed-use with a combination of older residential and industrial properties with a combination of residential and industrial zoning.

SUBJECT PROPERTY DATA

Site Description

This property is located in a mixed-use area consisting of an irregular shaped tract located between Highway 30 (33rd Avenue) and 36th Avenue in southwest Columbus, NE. According to our survey, the site contains 4.10 acres or 178,529.66 sq. ft. The site is nearly level, and there is access off of 12th Street which is gravel. The perimeter of the site is fenced off with 6' tall chain link fence with barbed wire. There is a sliding double gate at entrance on 12th Street. There is a mix of concrete on most of the aprons next to the buildings and a combination of mostly asphalt with some gravel on the balance of the site. This property is zoned C-1 Light Industrial District and is under the jurisdiction of the City of Columbus. This site has average visibility

Improvement Description

31001- Office-Equipment Shop: The structure is a 70 year old, 6,960 sq. ft. one story masonry frame office equipment shop. It has a wood, stucco, and masonry exterior. It appears to be of average quality and condition. The finished area consists of two offices, conference room, and two 1/2 baths. With the exception of Office 2, which has carpet, the office area has all concrete tile floors all in average overall condition. The entire office area has average ceiling tile. The casement windows in the office area are newer. The walls in the office area are drywall with average paint. The HVAC system is in average or better condition and consists of gas fired forced air furnace, with a combination central air conditioning in the office areas. The shop area has three separate areas. There is one area with 1 overhead doors. The second shop area has 1 overhead door, and the third has 2 overhead doors. The shop area is unfinished with exposed block and masonry walls. The ceiling is partially finished with the insulation installed. The floor is reinforced concrete slab over a graveled base with floor drains in the shop area. The electrical is wired in conduit with sufficient amperage and overhead lighting. There is also gas forced radiant heat in the shop area. There are also two small unfinished storage areas on the second level in the shop area.

31003 Miscellaneous Storage: The structure is a 37-year-old, 848 sq. ft. one story engineered metal storage shed that appears to be of average quality and condition. The interior metal and plywood with a gravel floor. The exterior is metal.

31005 Bulk Salt Storage: The structure is a 39-year-old, 1,305 sq. ft. one story wood frame shed that appear to be of average quality and average/fair condition. The interior has plywood walls and ceiling with an asphalt floor. The exterior wood.

31007 Miscellaneous Storage: This structure is a 58-year-old, 196 sq. ft. one story wood frame shed with a vinyl exterior that appears to be of average quality and condition. The interior has plywood walls and ceiling with a wood floor. The exterior is vinyl.

31008 Fuel and Records Storage: This structure is a 65-year-old, 80 sq. ft. one story wood frame shed with a vinyl exterior that appears to of average quality and condition. The interior walls and ceiling are plywood and the floor asphalt.. The exterior is vinyl.

31009 Engineering Office & Equipment Shop: The structure is a 41-year-old, 7,080 sq. ft. 1.5 story wood frame office equipment shop. It has a masonry and wood exterior. It appears to be of average quality and condition. The main level interior consists of three offices, conference room, and two 1/2 baths. The interior has a combination of carpet and concrete tile floors that are in average overall condition. The entire office area has average ceiling tile. The walls in the office area are drywall with average paint. The entire office area has average ceiling tile. The casement windows in the office area are newer. The break room has built-in cabinets with a counter and sink. The HVAC system is in average condition and consists of gas fired forced air furnace, with a combination central air conditioning in the office areas. The shop area has six overhead doors. The shop area is unfinished with exposed block and steel walls with one wall having a wood paneling. The ceiling is partially finished with the insulation installed. The floor is reinforced concrete slab over a graveled base with floor drains in the shop area. The electrical is wired in conduit with sufficient amperage and overhead lighting. There is also gas forced radiant heat in the shop area. There is also a finished 2nd level off of the shop area that has a conference room and storage area. It is all drywalled with a combination of average carpet and concrete tile floors. There are built-in cabinets in the conference room.

31011 Fabric Hoop Building: This structure is 15 years old with 2,562 sq. ft. The building is used to store salt rock and gravel. A cloth overhead door and a standard size door provide access. The floor is constructed of poured concrete. Ventilation is provided by two mesh windows above the overhead door near the top of the building. It appear to be of average quality and condition.

No Building #- Miscellaneous Storage Building: This is a newer 750 sq. ft. one story wood frame structure with 750 sq. ft. with a vinyl exterior. It appears to be average quality and good condition. The interior has plywood walls and ceiling with an asphalt floor.

No Building #- Storage Shed: This structure is a 80 sq. ft. wood frame shed with a vinyl exterior and a particle board interior with a asphalt floor. It appears to be of average quality and condition.

There are three poly tanks that store salt and gravel that will remain on the site. These are considered personal property and are not valued in this report. There are several other items of personal property that will remain at the subject property including drill press, air compressor,

and a pressure washer. These are considered as personal property and are also not valued in this report.

There is also approx. 2,460 linear feet of a 6' tall chain link fence with a 3-strand barbed wire fence that surrounds most of the perimeter of the property, with the exception of the south side along the highway. In addition, there are 2 gates. It all appears to be in average condition for its age with an estimated physical depreciation of 75%. Section 16, Page 4 from the Marshall & Swift Valuation Service was utilized to value this fence. It indicated a value of $\$31.80/\text{ft.} \times 2,460' = \$78,228 + 2 \text{ gates @ } \$1,280/\text{each} = \$80,788 - 75\% \text{ physical depreciation} = \$20,197$ or called \$20,200.

3-year Sales History

The subject property has not sold in the three years prior to the effective date of this report

HIGHEST AND BEST USE ANALYSIS

Highest and Best Use may be defined as:

"...the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest value." (From The Appraisal of Real Estate, Tenth Edition, published by The American Institute of Real Estate Appraisers, 1992.)

The estimation of the Highest and Best Use is the foundation on which value rests. Properties are analyzed "as if vacant" and "as improved". The "as if vacant" section analyzes what the ideal improvements would be. The "as improved" section compares the ideal improvements to the existing improvements. The "as improved" section answers the following questions: Should the improvements be used "as is", should the improvements be demolished and replaced or renovated, or should they be held for a period of time then renovated or demolished and replaced?

The Highest and Best Use of the land "as if vacant" or property "as improved" must meet four criteria. The Highest and Best Use must be:

1. Physically Possible
2. Legally Permissible
3. Financially Feasible
4. Maximally Productive

These criteria are typically considered sequentially. For example, use may be financially feasible, but this use would be irrelevant if it is physically impossible or legally prohibited. Therefore, the subject properties must be analyzed "as if vacant" then "as improved" using the above criteria.

Physically Possible Uses

The physically possible criteria consider the physical attributes of the individual tracts. Criteria such as size, shape, topography, drainage, access and available utilities are given consideration to determine the physically possible uses of each tract.

Legally Permissible Uses

The legally permissible criteria consider the legal attributes of the individual tracts. Criteria such as zoning regulations and neighborhood covenants are given consideration to determine the legally permissible uses of each tract.

Financially Feasible Uses

Property uses that are expected to produce a positive return are regarded as financially feasible. Optimum development of the site, if it were vacant, would include improvements that would be compatible with the physical characteristics of the site and neighborhood trends and be legally permitted. To be financially feasible, the cost to develop the site must be such that a return to a purchaser or investor would be possible.

If improvements already exist and their construction costs are already expended, continued use of the existing improvements is justified, as long as the generated income exceeds the direct cost of ownership, and unless new improvements could be constructed which would generate rents in excess of holding costs and in excess of rents that could be obtained from the existing improvements.

Maximally Productive Uses

The maximally productive use is that use which is physically possible, legally permissible, financially feasible and has the greatest positive return on the investment.

Market Overview

After determination of the physically and legally possible uses of the subject, the financially feasible and maximally productive uses are determined primarily by market demand. Therefore, a general overview of the real estate market is needed.

The industrial improved and vacant land market for large parcels is rather slow in Columbus over the last several years as evidenced by a few older sales in this report. This appraiser did not research any other types of property classifications for this report.

HIGHEST & BEST USE AS IMPROVED

Physically Possible Uses

The subject property is a level parcel of an improved industrial property. Access is typical for an industrial property. The location is an industrial mixed-use area that supports the current industrial use.

Maximally Productive Uses

This appraiser did an analysis of several physically possible uses, legally permissible uses, and the financially feasible uses, in addition to a review of the surrounding neighborhood. It was concluded that the maximally productive use of the subject tract is as an improved industrial site.

Legally Permissible Uses

The zoning for the subject supports the legally permissible use as an improved industrial property.

Financially Feasible Uses

The market supports an industrial use as the most financially feasible use of the subject tract.

Conclusion

The four tests of the highest and best use support a highest and best use of the subject tract as an improved industrial site.

RECONCILIATION

In the final reconciliation of value of this parcel, the Sales Comparison Approach was the only approach used since the improvements and land are being valued with recent comparable sales. The Income and Cost approaches were not applicable to this assignment.

VALUATION PROCESS

The approaches to value considered applicable to this assignment are discussed below.

Cost Approach

The basic steps in valuing property with the cost approach are:

- 1) Estimate the value of the land as though vacant;
- 2) Estimate the reproduction or replacement cost of the improvements before depreciation;
- 3) Estimate and add developer's profit to replacement cost new;
- 4) Estimate accrued depreciation from all sources;
- 5) Sum the total replacement cost new, depreciation and land value to arrive at an indicated fee simple value of the property.

In estimating the current market value of the subject site, as if vacant, deed records were searched for recent sales of comparable properties within the area. Also, real estate brokers active in the subject's area were consulted as to their knowledge of similar properties that may have sold or are currently offered for sale. Listings are considered since these properties would be in competition with the subject property if it were offered for sale. Step number two uses cost factors that are derived either from cost estimates provided the appraisers by contractors and/or cost handbooks available to the appraisers. Step number three is based on current market conditions and surveys. Step number four uses current market data and trends based on historical data. Step number five is the sum of the land value, developer's profit, and cost new, less accrued depreciation and is the fee simple value by the Cost Approach.

LAND:

Official records were examined from the Platte County Assessor and Register of Deeds offices in an effort to locate recent sales that were considered to be similar enough to the subject property. The sales that were identified were verified by local realtors, market participants, county records, or other knowledgeable parties to verify that the sales were considered to be "Arms-Length" and indicative of the market. The sales all received positive time adjustments for their older sale dates. The sales all received negative location adjustments for being located in superior newer areas on paved roads. Sale 1 received a higher location adjustment for being located in a superior commercial area just off of Highway 30. Sales 3 & 4 are older than desirable, but there was not enough supporting data to support time adjustments. Though the sales are all larger than the subject, it is not felt to be significant enough to warrant any adjustments. Sale 3 received a negative frontage/view adjustment for its superior visibility to Highway 81. Sale 4 received a negative frontage/view adjustment for having frontage along Highway 30. Due to the lack of recent comparable sales, Sales 3 & 4 are older than desirable. With the exception of Sale 2, the sales all have comparable zoning to the subject. Due

to its more recent sale date, Sale 1 is given the most weight in the final value estimate. Due to its older sale date and higher adjustments, Sale 4 is given the least amount of weight. Sales 2 & 3 are given relatively equal weight. An adjusted sale price range was developed from \$1.10 to \$1.65 per sq. ft. A value of \$1.50 per sq. ft. was determined for the industrial land on the subject property.

Sale #	Subject	1	2	3	4
Sale Price		\$175,000	\$340,000	\$88,497	\$213,750
Price/Unit		\$2.53	\$1.63	\$1.05	\$1.82
Date	8/7/24	1/20/23	2/16/24	12/9/21	8/28/19
Adjustment		5%	0%	15%	25%
Size (Sq. Ft.)	178,530	69,130	208,645	84,283	117,176
Adjustment		0%	0%	0%	0%
Location	Avg/Fair	Avg/Good	Average	Average	Average
Adjustment		-20%	-10%	-10%	-20%
Frontage/View	Average	Good	Average	Average	Good
Adjustment		-20%	0%	0%	-20%
Zoning	C-1	B-2	R-3	MH	MH
Adjustment		0%	0%	0%	0%
Utilities	Typical	Typical	Typical	Typical	Typical
Adjustment		0%	0%	0%	0%
Total Adjustment		-35%	-10%	5%	-15%
Adjusted Price/Unit		\$1.65	\$1.47	\$1.10	\$1.55
Indicated Value =	\$1.50 /Sq. Ft.				

178,350.00 sq ft Industrial @ \$1.50/sq ft =

\$267,530.00

Total Land Value:

\$267,530.00

IMPROVEMENTS:

Improvements Are Affected. This appraiser utilized the Marshall and Swift Cost Manual to determine the value of the improvements. The improvements are described in the Improvement Description section. See Addenda for improvement valuation. See Improvement Description section for the fence valuation.

Total Improvement Value:

\$614,897.00

The estimation of value by the Cost Approach, as of the effective date, is \$882,427.00.

This appraiser located several recent comparable sales of industrial properties in Columbus that were analyzed, and they were narrowed down to the three that were ultimately utilized in this report for the appraisal of the subject property. Sales 5-7 were used in this report and established a value range of between \$872,000 and \$1,007,500. They occurred between April 2022 and May 2024. These sales were verified by the market participants and county records. These sales are felt to represent the most recent improved comparable sales in the Columbus, NE area.

Sale 5 received a positive \$50,000 Condition of Sale adjustment for selling low as per the buyer. Sales 2 & 3 received negative \$40,000 Location adjustments for their superior locations along Highway 30. Though Sale 1 is not located along a major highway, it still received a negative \$10,000 Location adjustment for the subject's inferior location along a viaduct. Sales 2 & 3 negative \$50,000 Condition adjustments based on conversations with the buyers of both sales. The Warehouse/Garage adjustments are based on \$10/sq. ft. The Office adjustments are based on \$20/sq. ft. The Lot Size adjustments are based on the difference between the \$1.50/sq. ft. that is arrived at from recent comparable land sales that are included in this report and the assessed land values for Sales 5-7. The Functional Utility adjustments are based on the subject's inferior narrow and irregular shape. The comparable sales are all rectangular in shape. The sales all received positive Garage/Maintenance Bays adjustments based on \$1,000 per bay/overhead door. Sales 2 & 3 received positive \$5,000 Fencing adjustments for their lack of fencing. The sales all received positive Outbuildings adjustments for the subject having a larger number of outbuildings. Due to its lower gross adjustments and recent sale date, Sale 3 is given the most weight in the final value estimate. Due to its high gross adjustments and older sale date, Sale 1 is given the least amount of weight. Though the three sales have higher individual and gross adjustments than desirable, they are felt to be the best available and reliable indicators of the subject's market value.

After directly comparing the subject property to each of the comparable sales, the total value of the subject property is estimated at \$950,000.

The estimation of value by the Sales Comparison Approach, as of the effective date, is \$950,000.00.

Reconciliation of the Value

The Cost Approach provides a good indication of the depreciated value of the improvements. It is a lower value due to the physical depreciation of the improvements and functional depreciation of the higher cost of the building materials used indicating a superadequacy. The Sales Comparison Approach is a more accurate indication of the value of the subject property because it indicates what the typical buyer is willing to pay for the property and what typical building materials are expected in the improvements. The Income Approach was not used because the subject is not an income producing property. The Cost Approach indicates \$882,427 for the land and the improvements. The Sales Comparison Approach indicates an overall value of \$950,000 for the subject property. The value of the subject property is estimated at \$950,000.

Market Value of the Subject Property	\$950,000.00
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ADDENDUM

Plats

Photos

Estimates

Other

Comparable Sales Data Sheet

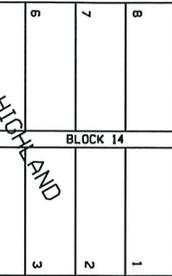
31000



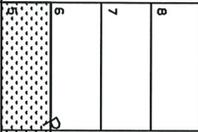
1" = 100'

12th Street

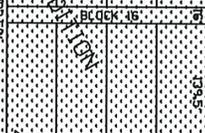
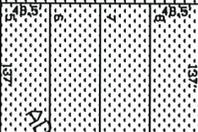
36th Ave



35th Ave



34th Ave



33rd Ave



Lot 1 & 2, Blk. 16, Highland Park, purchased March 11, 1932, recorded in Book 75, Page 288

Lot 7, Block 16, Highland Park, purchased March 12, 1932, recorded in Book 75, Page 283

Outlots 2 & 3, Drapeers Outlots, purchased June 6, 1957, recorded in Book 180, Page 119

Lot 3 & 4 and East 1/2 of alley, Blk 15, Highland Park, purchased December 17, 1959, recorded in Book 145, Page 443

Lot 5 and West 1/2 vacated alley, Blk 15, Highland Park, purchased December 18, 1959, recorded in Book 145, Page 445

Lot 1 & 2, Blk 15, Highland Park, purchased January 4, 1968, recorded in Book 152, Page 555

PLAT
MAINTENANCE YARD
COLUMBUS

DRAWN BY:
DEPT. OF TRANSPORTATION
STATE OF NEBRASKA

DATE:

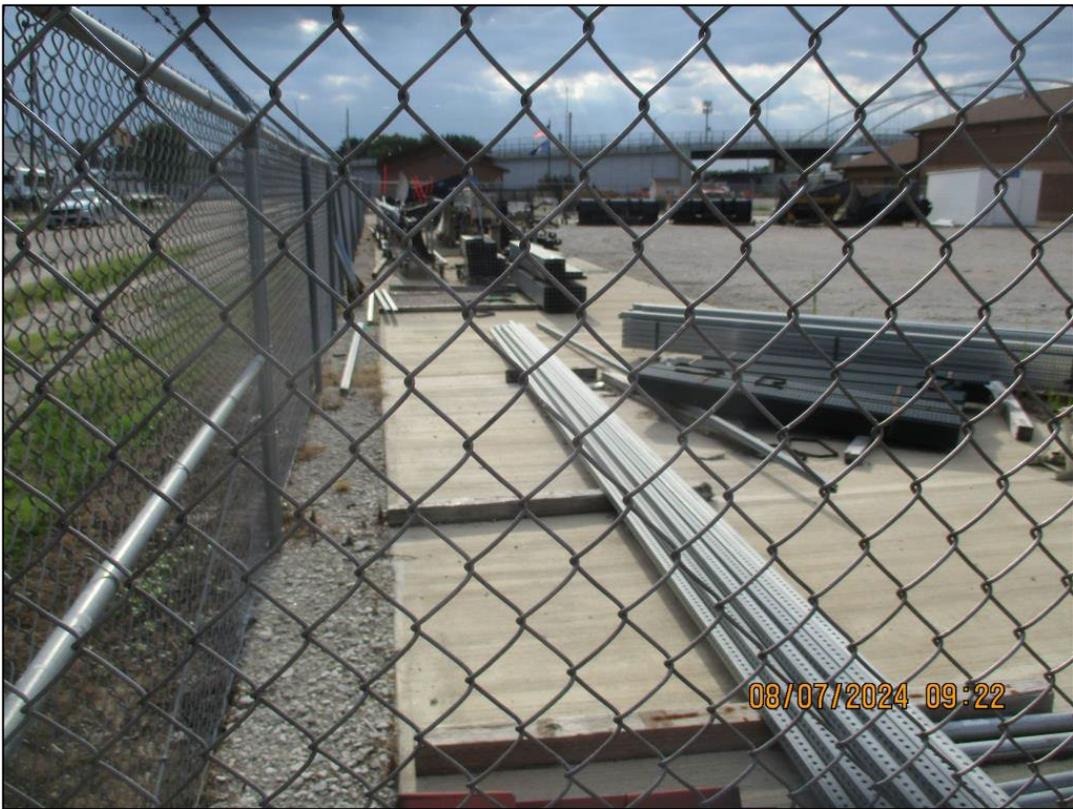
Plat Map



Aerial



Site- Northwest PL to the Southeast



Site- Northwest PL to the Southeast



Site- Northeast PL to the West



Site- Northeast PL to the Southwest



Site- Southeast PL to the Northwest



Site- Southeast PL to the West

Control #: Project #: MY31000



Site- Southeast PL to the North



Site- Southwest Pl to the East



Site- Northwest PL to the East



Street Scene- 12th Street: West to East



Street Scene- 12th Street: East to West



31001 Building- Office-Equipment-Shop- Front

Control #: Project #: MY31000



Street Scene- 34th Avenue: North to South



31001 Building- Rear



31001 Building- Office 1



31001 Building Office 2

Control #: Project #: MY31000



31001 Building- Office 3



31001 Building- Conference Room



31001 Building- Women's Bathroom



31001 Building- Men's Bathroom

Control #: Project #: MY31000



31001 Building- Electrical Room



31001 Buiding- Furnance Room



31001 Building- Central Air



31001 Building- Shop Area a



31001 Building- Shop Area a



31001 Building Shop Area b

Control #: Project #: MY31000



31001 Building- Shop Area c



31008- Fuel & Oil Records Buidling

Control #: Project #: MY31000



31008 Building- Interior



31009 Engineering Office & Shop Storage Building- Front

Control #: Project #: MY31000



31009 Building- Rear



31009 Building- Office 1



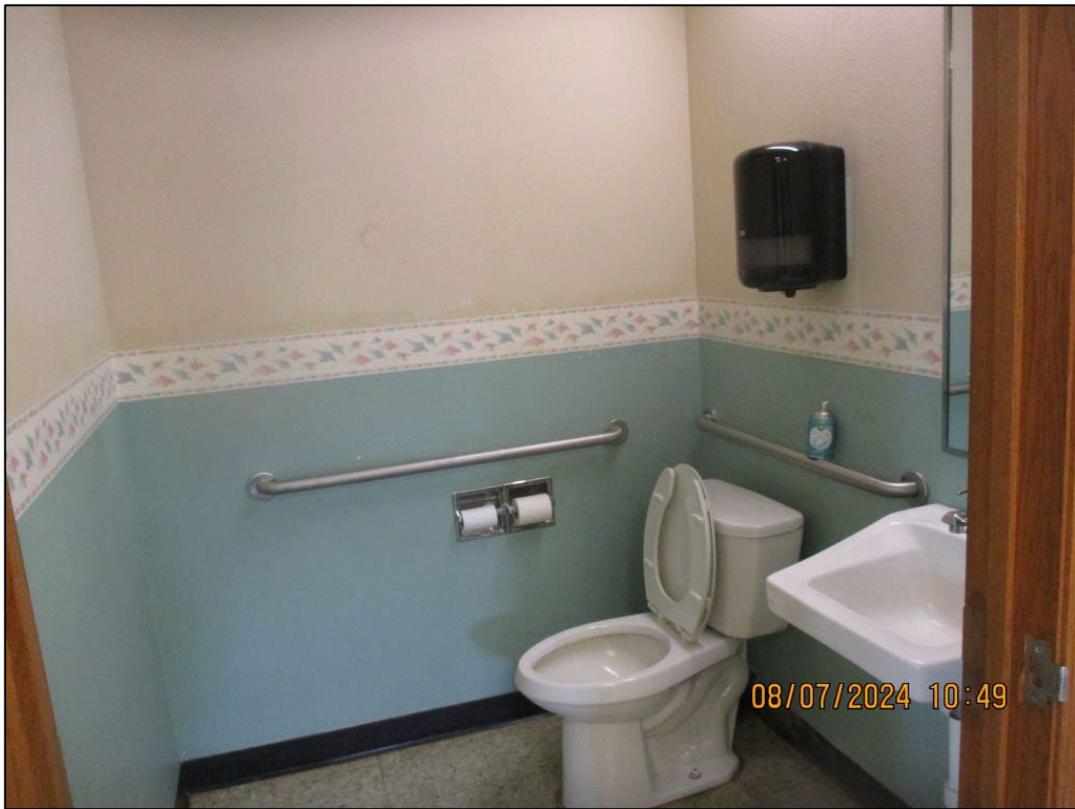
31009 Building- Office 2



31009 Building- Conference Room



31009 Building- Break Room



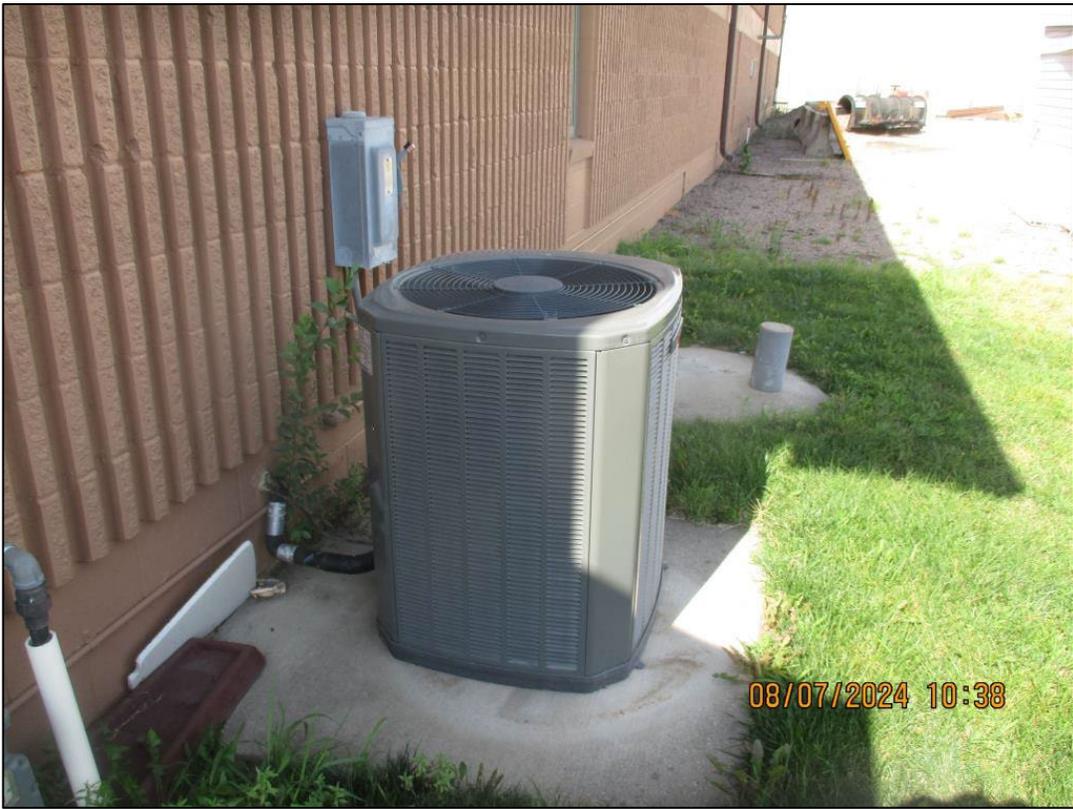
31009 Building- Bathroom 1



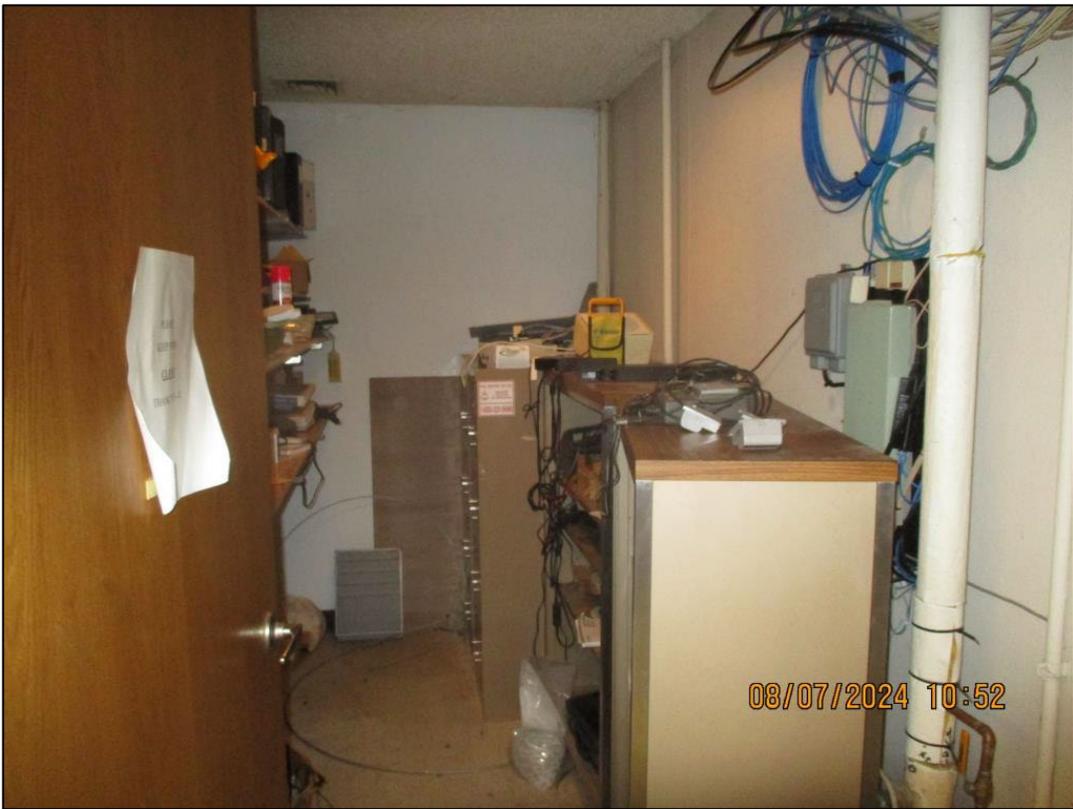
31009 Building- Furnace Room



31009 Building - Bathroom 2



31009 Building- Central Air



31009 Building- Mechanical Room

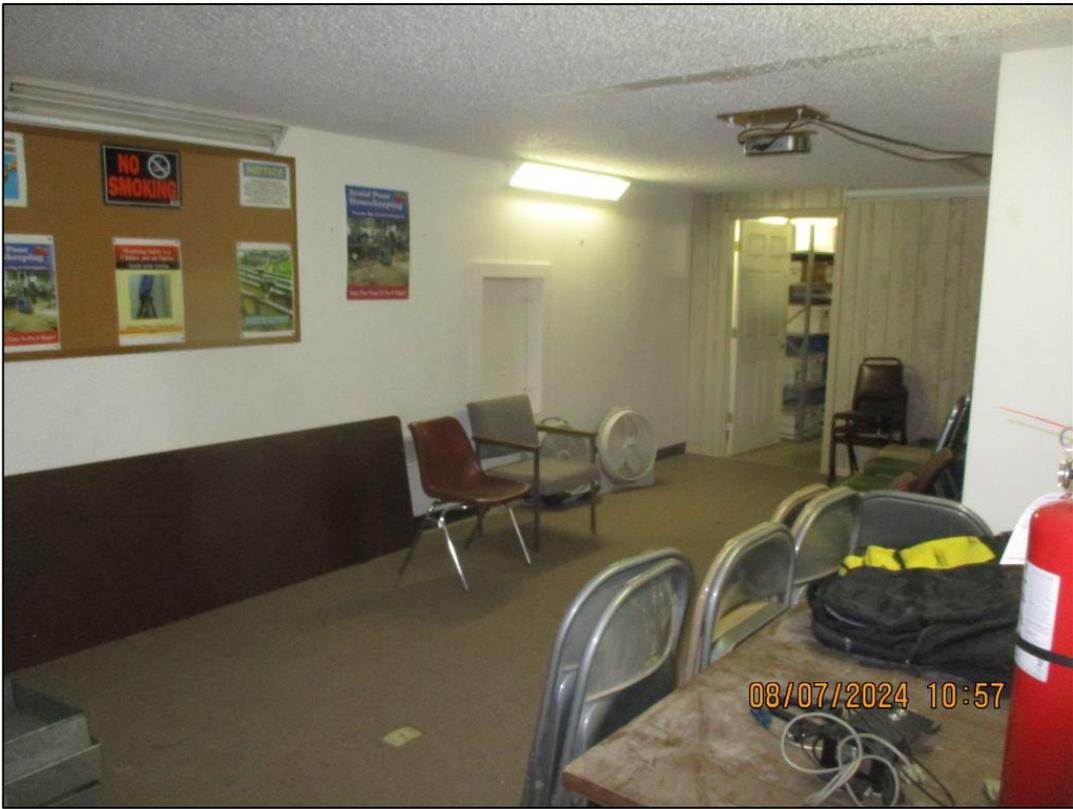
Control #: Project #: MY31000



31009 Building- Shop Area



31009 Building- Shop Area



31009 Building- Finished 2nd Level- Conference Room



31009 Building- Finished 2nd Level-Storage Room

Control #: Project #: MY31000



Building 31011- Fabric Building



31011 Building- Interior



31007 Building - Misc. Storage



31007 Building- Interior

Control #: Project #: MY31000



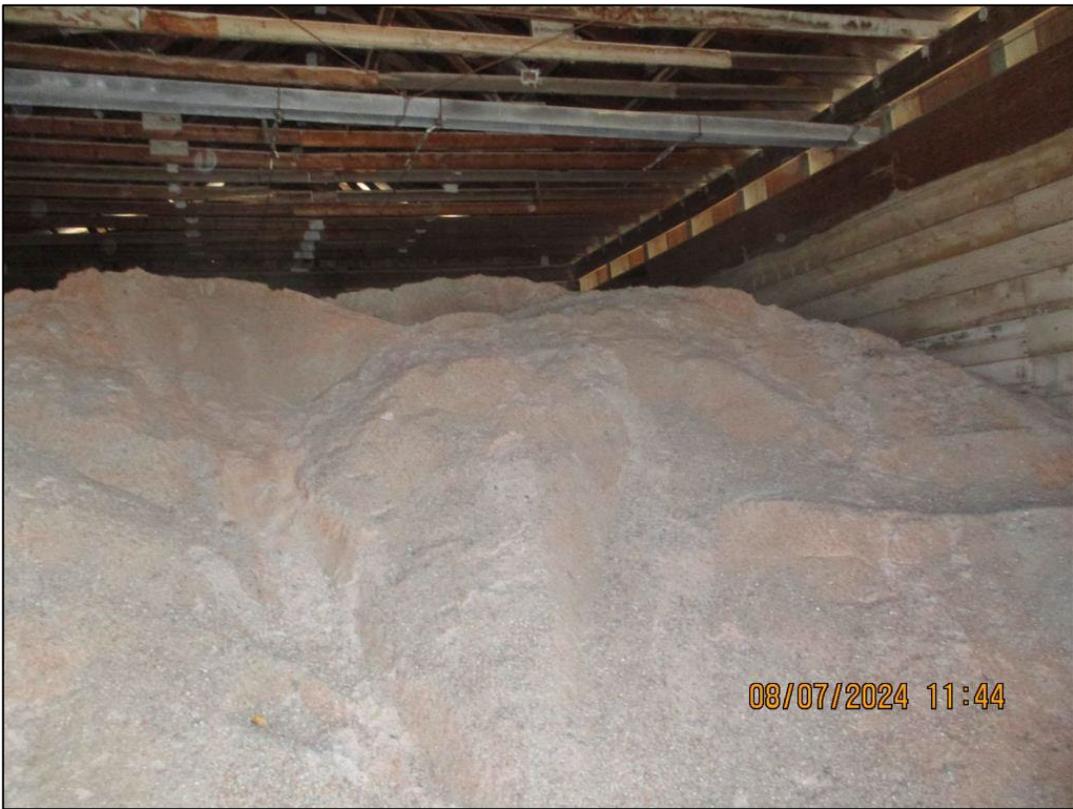
31003 Building- Misc. Storage



31003 Building- Interior



31005 Building- Bulk Salt Storage



31005 Building- Interior



No Bldg #- Miscellaneous Storage Building



No Bldg #- Miscellaneous Storage Building- Interior

Control #: Project #: MY31000



No Bldg # -Miscellaneous Storage Building b



No Bldg #- Misc. Storage Building b- Interior

Control #: Project #: MY31000



31010 Building

Lentz, Tim

From: tim.mullin@nebraska.gov
Sent: Wednesday, July 24, 2024 7:05 AM
To: Lentz, Tim
Cc: Wicken, Todd
Subject: ARMS Notification: Excess Land - Project Number: MY31000; Tract # Appraisal Assignment

Tim Lentz, You are assigned the above captioned tract of land as an appraisal assignment. The parcel is excess land and the Scope of Work should follow Chapter 3 of our Right of Way Manual.

Property Management Section has received a request to purchase a tract of land located North of UPRR, west of Highway 30/81, in Platte County, Nebraska.

In ARMS, you will find the plat, legal description and request for appraisal. You will need to provide Property Management with an appraisal of this tract. Please make sure that the request for appraisal is included in the appraisal. The valuation document should be prepared with the following text: "This opinion of value may not meet the minimum standards contained in the Uniform Standards of Professional Appraisal Practice and is not governed by the Real Property Appraiser Act [in accordance with Neb. Rev. Stat. Section 76-2221(1)]."

You should contact Todd Wicken for further information about the property. Any charges should be made to Activity 5093.

A completion date of 08/16/2024 is requested for this assignment.

Tim Mullin
Chief Appraiser
Right of Way Division

Engagement Letter

STATE OF NEBRASKA**MEMORANDUM****Department of Transportation
Right of Way Division**

Date: June 26, 2024
To: Tim Mullin, Chief Appraiser
From: Todd Wicken, Property Management Supervisor
Subject: EXCESS LAND
Project No. Maintenance Yard 31000
Columbus, Nebraska

This office has received a request to dispose of the old Columbus Maintenance Yard. I have requested an environmental review of the area, but that could take awhile. It is a tract of land located in Drapers Outlots 1, 2, & 3, Highland Park Addition Lots 1-5, Block 15, Lots 1-8, Block 16 & Vacated 34th Ave in Columbus, Platte County, Nebraska. This tract is more specifically located at north of the UPRR and west of Highway 30/81. (See attached information)

Please furnish this office with an appraisal of this tract. Any charges should be made to Activity 5093. Attached for your convenience is a copy of the plat and legal description.



Todd Wicken
Property Management Supervisor

Cc: File

Property Management Request Letter

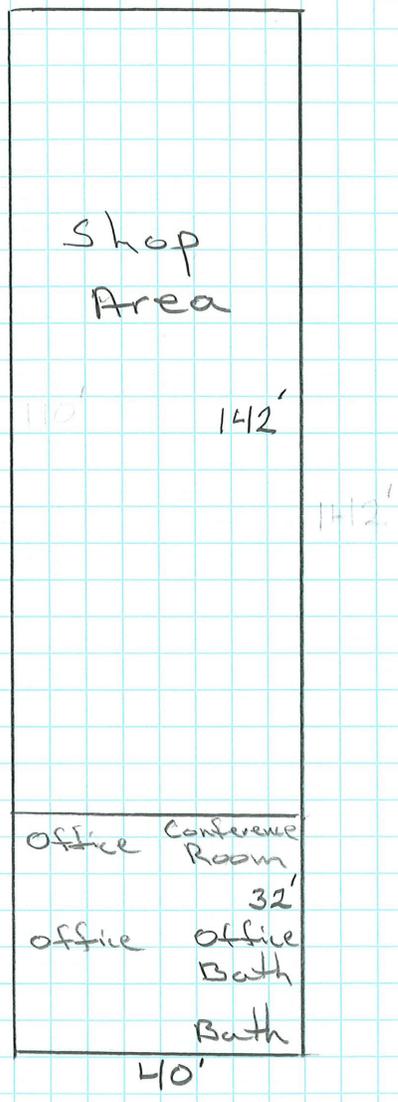
Control #: Project #: MY31000

A tract of land located in Lots 1-5, Block 15 and Lots 1-8, Block 16, Highland Park Addition, vacated 34th Ave, and Outlots 1-3, Drapers Outlots, City of Columbus, Platte County, Nebraska, described as follows:

Beginning at the Northeast corner of Lot 1, Block 16, Highland Park Addition; thence westerly a distance of 490.50 feet to a point on the centerline of the alley in Blok 15, Highland Park Addition; thence southerly deflecting 090 degrees 00 minutes, 00 seconds left, a distance of 145.50 feet along the centerline of the alley to a point at the northeast corner of Lot 5, Block 15, Highland Park Addition; thence westerly a distance of 132.00 feet along the north line of said Lot 5 to the northwest corner of said Lot 5; thence southerly a distance of 48.5 feet to the southwest corner of said Lot 5 to the Northeast corner of Outlot 3, Drapers Outlots; thence westerly along the north line of said Outlot 3, a distance of 330.00 feet to the northwest corner of said Outlot 3; thence southerly deflecting 090 degree, 00 minutes, 00 seconds left, a distance of 127.20 feet to a point on the northerly Union Pacific Railroad right of way line; thence easterly deflecting 095 degrees, 05 minutes, 28 seconds left, a distance of 957.00 feet along said railroad right of way line to the southeast corner of Outlot 1, Drapers Outlots; thence northerly deflecting 84 degrees, 11 minutes, 11 seconds, a distance of 228.42 feet along the east line of Outlot 1, Drapers Outlots and Block 16, Highland Park Addition to the point of beginning, containing 178,529.66 square feet or 4.10 acres, more or less.

Legal Description

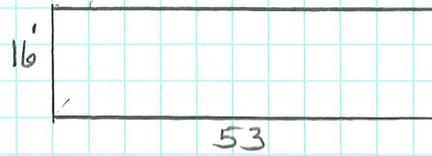
31001 Building
Office-Equipment Shop



31001 Building Sketch

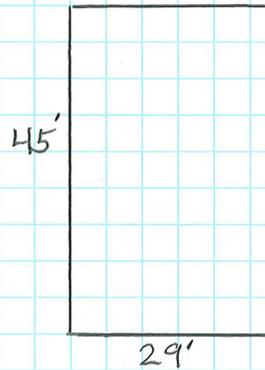
31003 Building

No Bldg # - Miscellaneous Storage



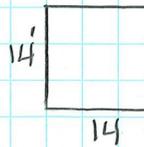
31005 Building

Bulk Salt Storage



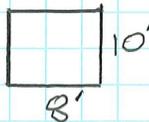
31007 Building

No Bldg # - Miscellaneous Storage b



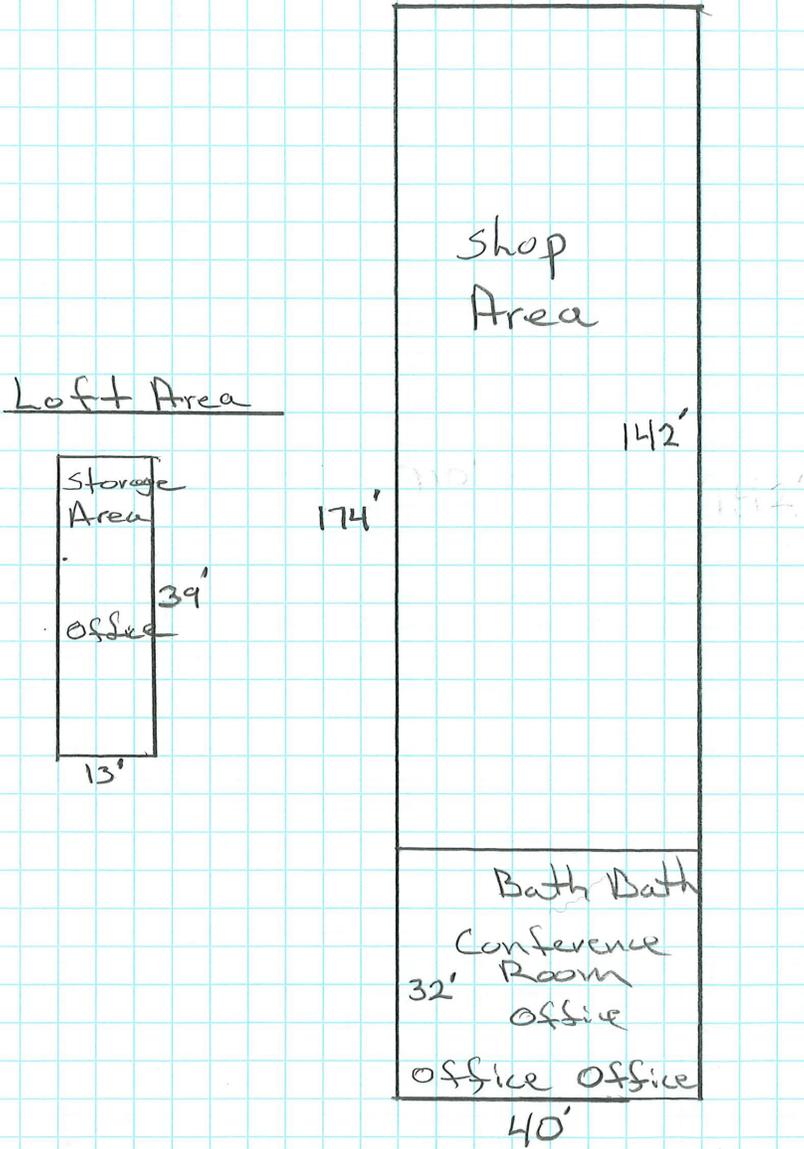
31008 Building

Fuel and Oil Records



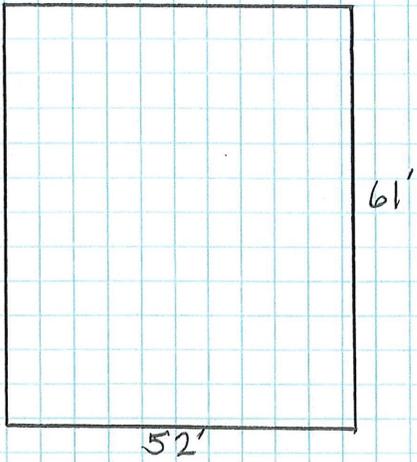
31003-31008 Buildings & No Building # Sketches

31009 Building
Office-Equipment-Shop-Storage

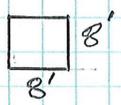


31009 & 31010 Building Sketches

31011 Building
Fabric Building



Misellancous Storage
(No Building#)



31011 & Misc. Storage Building Sketches

Replacement Cost New At Stabilized Occupancy
31001 Office-Equipment-Shop Building

(Ref.: Marshall Valuation Service)

Inputs

Applicable Sections: 14,pg 9,32		Building Type:	Service Garage
Class:	C	Type of Construction:	Average
Basic Cost of Building(s):	\$109.00 /sq. ft.	Building Size, GBA, sq. ft.:	6,960
Current Cost Multiplier:	0.96	Local Cost Multiplier:	0.96
Story-Height Multiplier:	1.042	Area-Perimeter Multiplier:	1.019
Number of Stories:	1	Shop Area, sq. ft.:	5,680
Office or Retail Finish-Out:	18%	Effective Building Age:	23
Basement Area, sq. ft.:	0	Finished Area, sq. ft.:	1,280
Land Value:	N/A	Economic Life, years:	35

Calculations

Adjusted Basic Cost Factor =	\$106.67 /sq. ft.	Basic Building Cost =	\$742,423
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Refinements

Fume Exhausters			\$2,060
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Other			\$0
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Replacement Cost New (before developer's profit):		=	\$744,483
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Plus Developers Profit: 10.00% (Based on current economic conditions)		=	\$74,448
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Subtotal			\$818,931
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Less Physical Depreciation (Age/Life Method): 48.00%		=	\$393,087
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Less Functional Depreciation: 20%		=	\$163,786
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Less Economic Obsolescence: 0%		=	\$0
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Depreciated Cost of Improvements:		=	\$262,058
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plus Land Value:		=	N/A
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Indicated Value by Cost Approach:		=	\$262,058
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31001 Building Cost Approach

Replacement Cost New At Stabilized Occupancy
31003 Miscellaneous Storage

(Ref.: Marshall Valuation Service)

Inputs

Applicable Sections: 17 pg 3,12	17	Building Type:	Tool Shed Building
Class:	D	Type of Construction:	Low Cost
Basic Cost of Building(s):	\$11.30 /sq. ft.	Building Size, GBA, sq. ft.:	848
Current Cost Multiplier:	0.96	Local Cost Multiplier:	0.96
Story-Height Multiplier:	1.000	Area-Perimeter Multiplier:	1.311
Number of Stories:	1	First Floor Area sq. ft.	848
Office or Retail Finish-Out:	0%	Effective Building Age:	7
Basement Area, sq. ft.:	0	Finished Area, sq. ft.:	0
Land Value:	N/A	Economic Life, years:	20

Calculations

Adjusted Basic Cost Factor =	\$17.15 /sq. ft.	Basic Building Cost =	\$14,543
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Refinements

	x		
Other			\$0
<u>Replacement Cost New (before developer's profit):</u>		=	<u>\$14,543</u>
Plus Developers Profit: 5.00% (Based on current economic conditions)		=	\$727
Subtotal			<u>\$15,270</u>
Less Physical Depreciation (Age/Life Method): 35.00%		=	\$5,345
Less Functional Depreciation: 0%		=	\$0
Less Economic Obsolescence: 0%		=	\$0
Depreciated Cost of Improvements:		=	<u>\$9,926</u>
plus Land Value:		=	N/A
Indicated Value by Cost Approach:		=	<u>\$9,926</u>

31003 Building Cost Approach

Replacement Cost New At Stabilized Occupancy
31005 Bulk Salt Storage Building

(Ref.: Marshall Valuation Service)

		<u>Inputs</u>			
Applicable Sections: 17 pg 4, 16	17	Building Type:	Material Storage Bldg		
Class:	D	Type of Construction:	Average		
Basic Cost of Building(s):	\$32.50 /sq. ft.	Building Size, GBA, sq. ft.:	1,305		
Current Cost Multiplier:	0.96	Local Cost Multiplier:	1.00		
Story-Height Multiplier:	1.042	Area-Perimeter Multiplier:	1.250		
Number of Stories:	1	First Floor Area sq. ft.	1		
Office or Retail Finish-Out:	0%	Effective Building Age:	15		
Basement Area, sq. ft.:	0	Finished Area, sq. ft.:	0		
Land Value:	N/A	Economic Life, years:	20		

		<u>Calculations</u>	
Adjusted Basic Cost Factor =	\$33.94 /sq. ft.	Basic Building Cost =	\$44,292

Other	=	\$0
<u>Replacement Cost New (before developer's profit):</u>	=	<u>\$44,292</u>
Plus Developers Profit: 5.00% (Based on current economic conditions)	=	\$2,215
Subtotal	=	<u>\$46,507</u>
Less Physical Depreciation (Age/Life Method): <u>75.00%</u>	=	\$34,880
Less Functional Depreciation: 0%	=	\$0
Less Economic Obsolescence: 0%	=	\$0
Depreciated Cost of Improvements:	=	<u>\$11,627</u>
plus Land Value:	=	N/A
Indicated Value by Cost Approach:	=	<u>\$11,627</u>

31005 Building Cost Approach

Replacement Cost New At Stabilized Occupancy
31007 Miscellaneous Storage

(Ref.: Marshall Valuation Service)

		<u>Inputs</u>	
Applicable Sections:	17 pg 12	17	
Class:		D	
Basic Cost of Building(s):		\$11.30 /sq. ft.	
Current Cost Multiplier:		0.96	
Story-Height Multiplier:		0.936	
Number of Stories:		1	
Office or Retail Finish-Out:		0%	
Basement Area, sq. ft.:		0	
Land Value:	N/A		

Building Type:	Tool Shed Building
Type of Construction:	Low Cost
Building Size, GBA, sq. ft.:	196
Local Cost Multiplier:	0.96
Area-Perimeter Multiplier:	1.000
First Floor Area sq. ft.	196
Effective Building Age:	5
Finished Area, sq. ft.:	0
Economic Life, years:	15

		<u>Calculations</u>	
Adjusted Basic Cost Factor =	\$9.75 /sq. ft.	Basic Building Cost =	\$1,911

		<u>Refinements</u>	
Wood Floor	\$10.00/sq. ft. x	196/ sq. ft.	\$1,960

Other		\$0
Replacement Cost New (before developer's profit):		\$4,172
Plus Developers Profit: 5.00% (Based on current economic conditions)		\$209
Subtotal		\$4,381
Less Physical Depreciation (Age/Life Method): 33.33%		\$1,460
Less Functional Depreciation: 0%		\$0
Less Economic Obsolescence: 0%		\$0
Depreciated Cost of Improvements:		\$2,921
plus Land Value:		N/A
Indicated Value by Cost Approach:		\$2,921

31007 Misc. Storage Cost Approach

Replacement Cost New At Stabilized Occupancy
31008 Miscellaneous Storage

(Ref.: Marshall Valuation Service)

		<u>Inputs</u>		
Applicable Sections: 17 pg 4,12		17	Building Type:	Tool Shed
Class:		D	Type of Construction:	Average
Basic Cost of Building(s):		\$18.35 /sq. ft.	Building Size, GBA, sq. ft.:	80
Current Cost Multiplier:		0.96	Local Cost Multiplier:	0.96
Story-Height Multiplier:		1.000	Area-Perimeter Multiplier:	1.000
Number of Stories:		1	First Floor Area sq. ft.	80
Office or Retail Finish-Out:		0%	Effective Building Age:	5
Basement Area, sq. ft.:		0	Finished Area, sq. ft.:	0
Land Value:	N/A		Economic Life, years:	15

		<u>Calculations</u>		
Adjusted Basic Cost Factor =		\$16.91 /sq. ft.	Basic Building Cost =	\$1,353

Refinements

Other		\$0
<u>Replacement Cost New (before developer's profit):</u>	=	\$1,353
Plus Developers Profit: 5.00% (Based on current economic conditions)	=	\$68
Subtotal		\$1,421
Less Physical Depreciation (Age/Life Method): <u>33.33%</u>	=	\$474
Less Functional Depreciation: 0%	=	\$0
Less Economic Obsolescence: 0%	=	\$0
Depreciated Cost of Improvements:	=	\$947
plus Land Value:	=	N/A
Indicated Value by Cost Approach:	=	\$947

31008 Misc. Storage Cost Approach

Replacement Cost New At Stabilized Occupancy
31009 Office-Equipment-Shop Building

(Ref.: Marshall Valuation Service)

Inputs

Applicable Sections: 14, Pg 9, 32		Building Type:	Service Garage
Class:	C	Type of Construction:	Good
Basic Cost of Building(s):	\$109.00 /sq. ft.	Building Size, GBA, sq. ft.:	7,080
Current Cost Multiplier:	0.96	Local Cost Multiplier:	0.96
Story-Height Multiplier:	1.064	Area-Perimeter Multiplier:	1.024
Number of Stories:	1	Shop Area, sq. ft.:	5,280
Office or Retail Finish-Out:	27%	Effective Building Age:	23
Basement Area, sq. ft.:	0	Finished Area, sq. ft.:	1,800
Land Value:	N/A	Economic Life, years:	35

Calculations

Adjusted Basic Cost Factor =	\$109.00 /sq. ft.	Basic Building Cost =	\$771,720
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Refinements

Fume Exhausters		\$2,060
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Other		\$0
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Replacement Cost New (before developer's profit):		\$773,780
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Plus Developers Profit: 10.00% (Based on current economic conditions)		\$77,378
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Subtotal		\$851,158
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Less Physical Depreciation (Age/Life Method): 48.00%		\$408,556
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Less Functional Depreciation: 20%		\$170,232
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Less Economic Obsolescence: 0%		\$0
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Depreciated Cost of Improvements:		\$272,370
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plus Land Value:		N/A
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Indicated Value by Cost Approach:		\$272,370
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31009 Building Cost Approach

Replacement Cost New At Stabilized Occupancy
31010 Miscellaneous Storage

(Ref.: Marshall Valuation Service)

Inputs

Applicable Sections: 17 pg 12	17	Building Type:	Tool Shed Building
Class:	D	Type of Construction:	Average
Basic Cost of Building(s):	\$18.35 /sq. ft.	Building Size, GBA, sq. ft.:	120
Current Cost Multiplier:	0.96	Local Cost Multiplier:	0.96
Story-Height Multiplier:	1.000	Area-Perimeter Multiplier:	1.000
Number of Stories:	1	First Floor Area sq. ft.	120
Office or Retail Finish-Out:	0%	Effective Building Age:	9
Basement Area, sq. ft.:	0	Finished Area, sq. ft.:	0
Land Value:	N/A	Economic Life, years:	15

Calculations

Adjusted Basic Cost Factor =	\$16.91 /sq. ft.	Basic Building Cost =	\$2,029
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Other			\$0
<u>Replacement Cost New (before developer's profit):</u>		=	<u>\$2,029</u>
Plus Developers Profit: 5.00% (Based on current economic conditions)		=	<u>\$101</u>
Subtotal			\$2,130
Less Physical Depreciation (Age/Life Method): 60.00%		=	\$1,278
Less Functional Depreciation: 0%		=	\$0
Less Economic Obsolescence: 0%		=	\$0
Depreciated Cost of Improvements:		=	\$852
plus Land Value:		=	<u>N/A</u>
Indicated Value by Cost Approach:		=	\$852

31010 Building Cost Approach

Replacement Cost New At Stabilized Occupancy
31011 Fabric Hoop Building

(Ref.: Marshall Valuation Service)

Inputs

Applicable Sections: 17 pg 10, 26	17	Building Type:	Hoop Arch Turkey Barn
Class:	S	Type of Construction:	Fair
Basic Cost of Building(s):	\$14.15 /sq. ft.	Building Size, GBA, sq. ft.:	2,562
Current Cost Multiplier:	0.96	Local Cost Multiplier:	0.96
Story-Height Multiplier:	1.000	Area-Perimeter Multiplier:	0.991
Number of Stories:	1	First Floor Area sq. ft.:	3,172
Office or Retail Finish-Out:	0%	Effective Building Age:	10
Basement Area, sq. ft.:	0	Finished Area, sq. ft.:	0
Land Value:	N/A	Economic Life, years:	15

Calculations

Adjusted Basic Cost Factor = \$13.58 /sq. ft. Basic Building Cost = \$43,088

Other	=	\$0
Replacement Cost New (before developer's profit):	=	\$43,088
Plus Developers Profit: 5.00% (Based on current economic conditions)	=	\$2,154
Subtotal	=	\$45,242
Less Physical Depreciation (Age/Life Method): <u>66.67%</u>	=	\$30,162
Less Functional Depreciation: 0%	=	\$0
Less Economic Obsolescence: 0%	=	\$0
Depreciated Cost of Improvements:	=	\$15,080
plus Land Value:	=	N/A
Indicated Value by Cost Approach:	=	\$15,080

31011 Building Cost Approach

Replacement Cost New At Stabilized Occupancy
No Building #- Miscellaneous Storage

(Ref.: Marshall Valuation Service)

Inputs

Applicable Sections: 17 pg 3, 26	17	Building Type:	Farm Utility Bldg
Class:	D	Type of Construction:	Average
Basic Cost of Building(s):	\$19.45 /sq. ft.	Building Size, GBA, sq. ft.:	750
Current Cost Multiplier:	0.96	Local Cost Multiplier:	0.96
Story-Height Multiplier:	1.115	Area-Perimeter Multiplier:	1.311
Number of Stories:	1	First Floor Area sq. ft.	750
Office or Retail Finish-Out:	0%	Effective Building Age:	3
Basement Area, sq. ft.:	0	Finished Area, sq. ft.:	0
Land Value:	N/A	Economic Life, years:	25

Calculations

Adjusted Basic Cost Factor =	\$26.20 /sq. ft.	Basic Building Cost =	\$19,652
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Refinements

Other			\$0
<u>Replacement Cost New (before developer's profit):</u>		=	\$19,652
Plus Developers Profit: 5.00% (Based on current economic conditions)		=	\$983
Subtotal			\$20,635
Less Physical Depreciation (Age/Life Method): 12.00%		=	\$2,476
Less Functional Depreciation: 0%		=	\$0
Less Economic Obsolescence: 0%		=	\$0
Depreciated Cost of Improvements:		=	\$18,159
plus Land Value:		=	N/A
Indicated Value by Cost Approach:		=	\$18,159

Misc. Building a Cost Approach

Replacement Cost New At Stabilized Occupancy
No Building #- Miscellaneous Storage b

(Ref.: Marshall Valuation Service)

Inputs

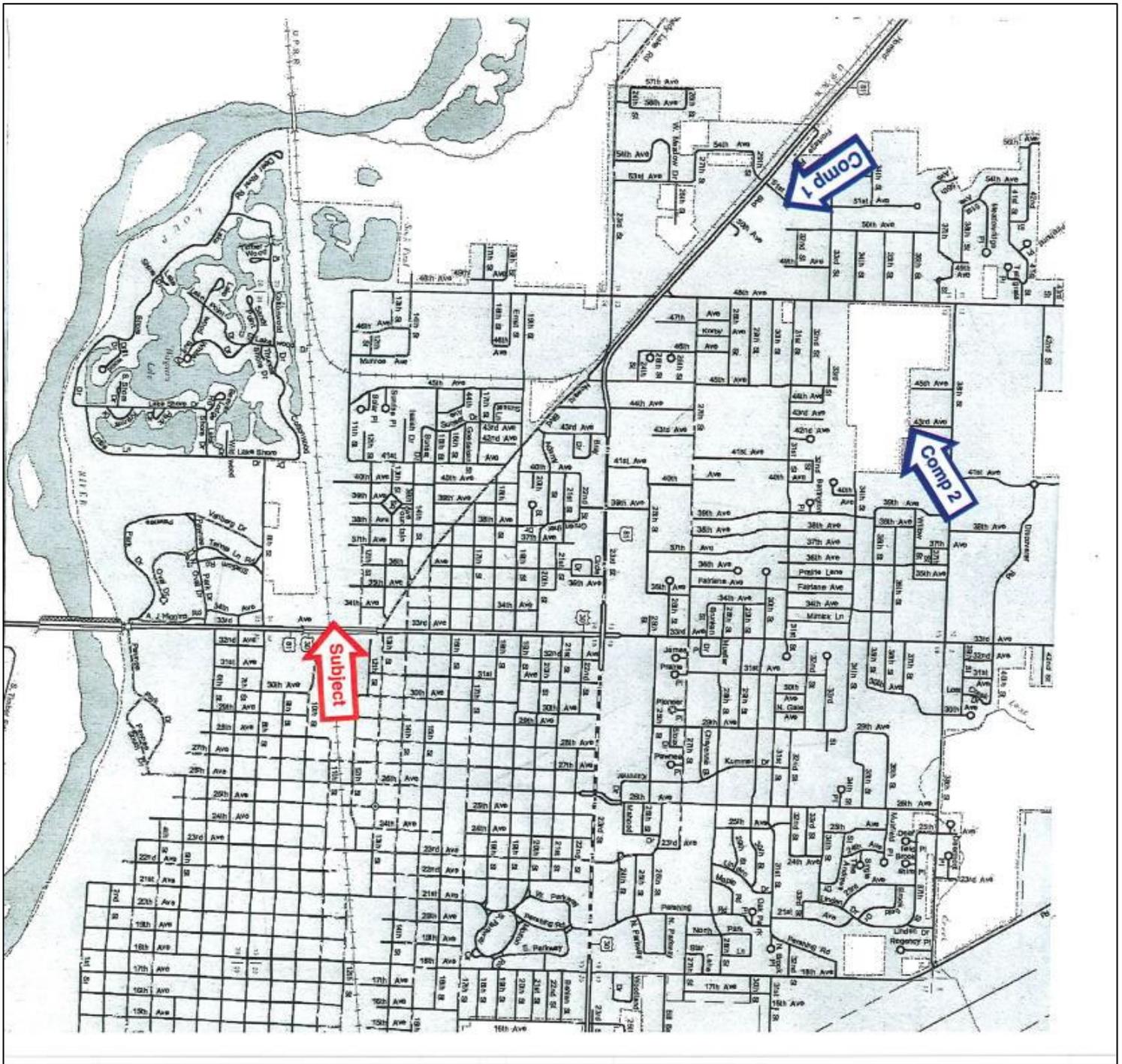
Applicable Sections: 17 pg 4,12	17	Building Type:	Tool Shed
Class:	D	Type of Construction:	Average
Basic Cost of Building(s):	\$18.35 /sq. ft.	Building Size, GBA, sq. ft.:	64
Current Cost Multiplier:	0.96	Local Cost Multiplier:	0.96
Story-Height Multiplier:	1.000	Area-Perimeter Multiplier:	1.000
Number of Stories:	1	First Floor Area sq. ft.	64
Office or Retail Finish-Out:	0%	Effective Building Age:	5
Basement Area, sq. ft.:	0	Finished Area, sq. ft.:	0
Land Value:	N/A	Economic Life, years:	15

Calculations

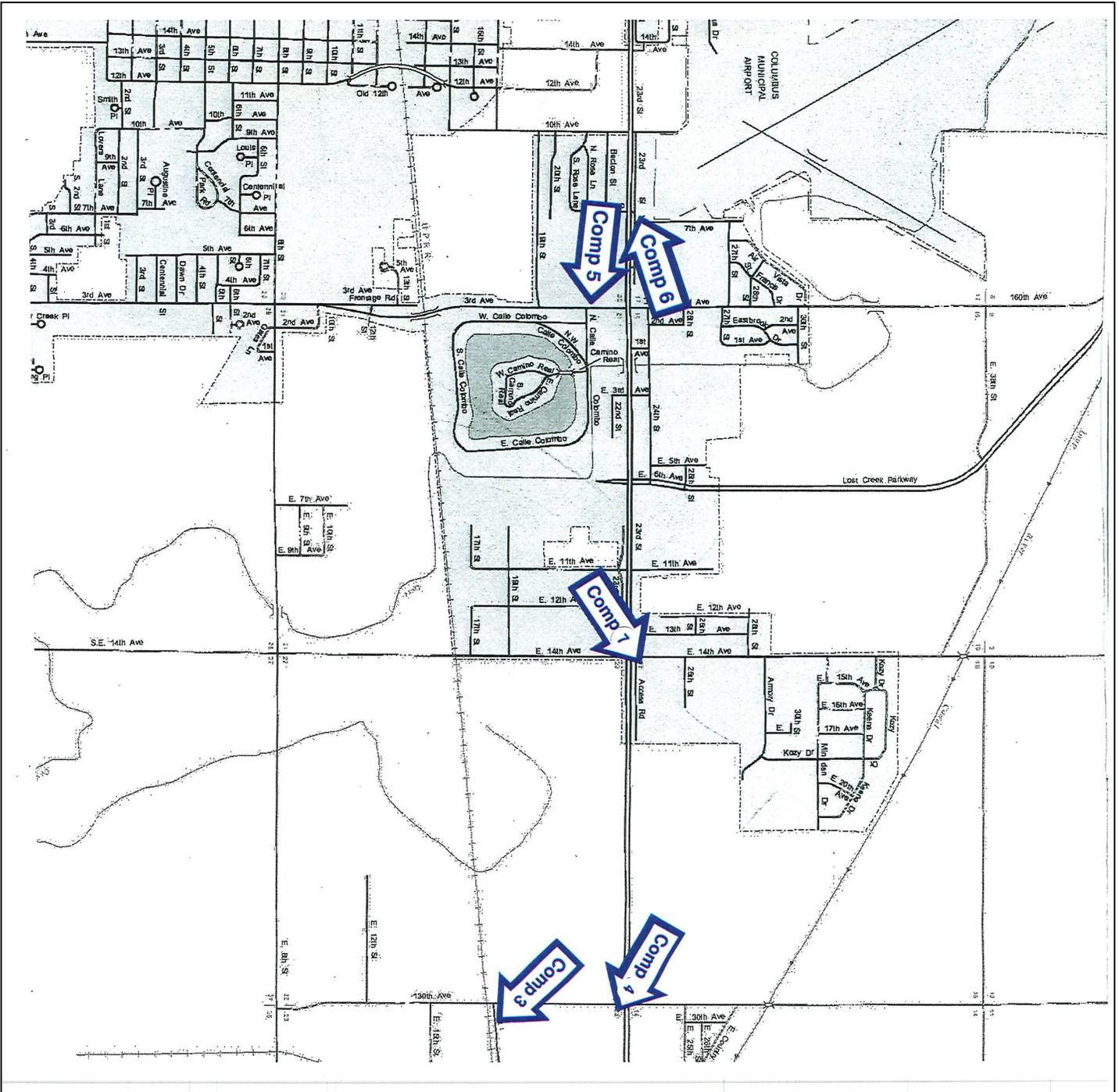
Adjusted Basic Cost Factor =	\$16.91 /sq. ft.	Basic Building Cost =	\$1,082
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Other			\$0
Replacement Cost New (before developer's profit):		=	\$1,082
Plus Developers Profit: 5.00% (Based on current economic conditions)		=	\$54
Subtotal			\$1,136
Less Physical Depreciation (Age/Life Method): 33.33%		=	\$379
Less Functional Depreciation: 0%		=	\$0
Less Economic Obsolescence: 0%		=	\$0
Depreciated Cost of Improvements:		=	\$757
plus Land Value:		=	N/A
Indicated Value by Cost Approach:		=	\$757

Misc. Building b Cost Approach



Sales Location Map a



Sales Location Map b

ITEM	Subject	SALE #	5	6	7
ADDRESS	3300 12th Street, Columbus, NE	2164 3rd Avenue, Columbus, NE	704 23rd Street, Columbus, NE	1414 E 23rd Street, Columbus, NE	
PROXIMITY TO SUBJECT		3.9 Miles Northeast	4.1 Miles Northeast	4.1 Miles Northeast	
SALE PRICE		\$555,000.00	\$1,000,000.00	\$1,060,000.00	
PRICE/GROSS BUILDING AREA	#VALUE! PER SQ. FT.	\$141.94 PER SQ. FT.	\$416.67 PER SQ. FT.	\$186.88 PER SQ. FT.	
DATA SOURCE	Inspection NDOT Records	Inspection/Buyer County Records	Inspection/Buyer County Records	Inspection/Buyer County Records	
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	ADJUSTMENT	DESCRIPTION	ADJUSTMENT
SALES OR FINANCING	N/A	Cash to Seller	Cash to Seller	Cash to Seller	
Condition of Sale		Sold Low	None	None	
DATE OF SALE/TIME	N/A	5/2/2024	4/26/2022	2/28/2024	
LOCATION	Sides Highway 30 Viaduct	Northwest Corner of 3rd Avenue & N Calle Columbo Street	Northwest Corner of Highway 30 & 7th Avenue	Northwest Corner of Highway 30 & E 14th Avenue	
QUALITY OF CONSTRUCTION	Average	Average	Average	Average	
YEAR BUILT/EFFECTIVE AGE	1954 to 2020+/-	1991 & 1997	1965 to 2021	1991	
CONDITION	Average	Average	Good	Good	
WAREHOUSE/GARAGE SQ. FT.	11,360	5,000	11,430	(500)	
OFFICE SQ. FT.	3,080	1,050	1,390	34,000	
LOT SIZE	178,530	37,510	52,200	59,000	
FUNCTIONAL UTILITY	Irregular Shape	Rectangular Shape	Rectangular Shape	Rectangular Shape	
HEATING/COOLING	Heating & Cooling in office & Garage	Similar	Similar	Similar	
GARAGE/MAINTENANCE BAYS	13 Bays/13 Overhead Doors	4 Bays/4 Overhead Doors	3 Bays/3 Overhead Doors	2 Bays/2 Overhead Doors	
FENCING	Yes	Yes	None	None	
OUTBUILDINGS	3,172 sf Hoop Bldg/3,243 sf Outbldgs	2,704 Mini Storage	2,000 sf Outbldg & Shed	None	
TANK REMOVAL	Removed	None	None	None	
NET ADJUSTMENT (TOTAL)		\$317,000.00	\$7,500.00		
INDICATED VALUE OF SUBJECT		\$872,000.00	\$1,007,500.00		

COMMENTS:
Adjustments were rounded to the nearest \$500.

Improved Sales Grid

Commercial Land Sale # 01

Grantor: RDF Investments, LLC, a Nebraska Limited Liability Company
Grantee: Bierman Property Management, LLC
Legal Description: Lot 6, Block A, Westbrook Addition to the City of Columbus, Platte Co., NE

Instrument Type:	Warranty Deed	Document #:	253/1038
Date of Instrument:	01/20/2023	Date Recorded:	01/31/2023
Consideration:	\$1.00 & O.V.C.		
Revenue Stamps:	\$393.75	Indicated Price:	\$175,000.00
Confirmed By:	Real Estate Transfer Statement		
Confirmed To:	Tim Lentz	Date:	08/15/2024
Confirmed Price:	\$175,000.00		
Financing:	Unknown	Days on Market:	Several Years
Motive:	Unknown		
Inspected By:	Tim Lentz	Date:	08/06/2024
Prior sales past year:	This property also sold in September 2021 for \$162,500.		
Location:	51st Avenue, Columbus, NE 68601		
Size:	69,130.00 square feet	Dimension:	236.6' x 120' x 430.88' x 375' x 236.6'
Topography:	Level	Shape:	Irregular
Access:	Via paved 51st Avenue	Visibility:	Good to Highway 81
Zoning:	B-2 General Commercial District	Present Use:	Industrial
Utilities:	All city utilities are		
Improvements:	There are no improvements.		
Comments:	This sale was listed with a real estate agent and was on the market for several years. There was some slight negotiations, but the asking price was very close to the sale price. This property is located in a newer mixed-use area just north of Highway 81 that has industrial, commercial, and residential properties in the area.		
Sale Price Per Unit:	\$2.53 per square foot		



Aerial



Photo

Control #: Project #: MY31000

PLATTE COUNTY REGISTER OF DEEDS
DIANE KAPELS
January 31, 2023 01:50 PM
RECORDED & ENTERED
BOOK DEED 253 PAGE 1038
Fee: 16.00 Return: 10 COUNTY TITLE

NEBRASKA DOCUMENTARY STAMP TAX Jan 31, 2023 \$393.75 By: JB
--

AFTER RECORDING RETURN TO:
10 County Title & Escrow, Inc.
1371 26th Ave
Columbus, NE 68601

WARRANTY DEED

RDF Investments, LLC, a Nebraska Limited Liability Company, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, Bierman Property Management, LLC, the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

Lot 6, Block A, Westbrook Addition to the City of Columbus, Platte County, Nebraska.

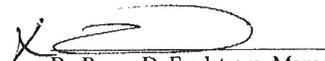
GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

1. is lawfully seized of such real estate and that it is free from encumbrances, EXCEPT subject to easements, reservations, and restrictions of record;
2. has legal power and lawful authority to convey the same;
3. warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: January 20, 2023.

10943

RDF Investments, LLC


By Roger D. Fredstrom, Manager

1038

Deed



Aerial



Photo

Control #: Project #: MY31000

RECORDED & ENTERED
BOOK 256 PAGE 583
DEED
2024 Feb 23 PM 01:59

Debra Taylor

REGISTER OF DEEDS
PLATTE COUNTY, NE
FEE \$ 22.00
Simplifile -
Platinum Title & Escrow, LLC

NEBRASKA DOCUMENTARY
STAMP TAX
\$ 765.00
Feb 23 2024

Return To:
Platinum Title & Escrow LLC
17838 Burke St. Suite 102
Omaha, NE 68118

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT

ATM Acquisitions, LLC, a Nebraska limited liability company and Growth Properties, LLC, a Nebraska limited liability company

herein called the grantor whether one or more, in consideration of One Dollar and other valuable consideration received from grantee, do hereby grant, bargain, sell, convey and confirm unto

Rief Development, L.L.C., a Nebraska limited liability company

herein called the grantee whether one or more, the following described real property in Platte County, Nebraska, more particularly described as follows;

Lot 2, Highland Park Church 2nd Addition to the City of Columbus, Platte County, Nebraska.

Lot 3, Highland Park Church Addition to the City of Columbus, Platte County, Nebraska.

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the grantee and to grantee's heirs and assigns forever.

And the grantor does hereby covenant with the grantee and with grantee's heirs and assigns that grantor is lawfully seized of said premises; that they are free from encumbrance except covenants, easements and restrictions of record, if any; and free from all regular taxes and special assessments, except those levied or assessed subsequent to date hereof; that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

2301063

583

RECEIVED FEB 23 2024 1:59 PM

Deed

Industrial Land Sale # 03

Grantor: GRQ, LLC, a Nebraska limited liability company
Grantee: Walker Lehr
Legal Description: Lot 2, GRQ, Inc. Second Subdivision, a replat of Lot 1A, GRQ, Inc. Subdivision & a Subdivision of part of Block 3, Canal Industrial Park located in the NW1/4 of Section 23, Township 17 North, Range 1 East of the 6th P.M., Platte Co., NE
Instrument Type: Warranty Deed Document #: 250/232
Date of Instrument: 12/09/2021 Date Recorded: 12/10/2021
Consideration: \$1.00 & O.V.C.
Revenue Stamps: \$200.25 Indicated Price: \$89,000.00
Confirmed By: Nicki- Admin. Assistant for Lance Lehr
Confirmed To: Tim Lentz Date: 08/17/2022
Confirmed Price: \$88,497.00
Financing: Cash to the seller Days on Market: Unknown
Motive: Development- May be used for a loading facility or a parking lot.
Inspected By: Scott Williams Date: 08/17/2022
Prior sales past year: There has been no other recent sales activity.
Location: E 18th Street, Columbus, NE 68601
Size: 84,283.44 square feet Dimensions: 200.9' x 431.31' x 200' x 411.53'
Topography: Nearly level Shape: Irregular
Access: Via E 18th Street Visibility: Average
Zoning: MH General Industrial District Present Use: Industrial
Utilities: All city utilities are available.
Improvements: There are no improvements.
Comments: This was a private sale, and the buyer approached the seller. The asking price was \$3.00/sq. ft. The buyer did not think that there was anyone else that had expressed any recent interest in this property. This property is located in an industrial area just north of the railroad tracks with vacant land and buildings of a wide range of ages
Sale Price Per Unit: **\$1.05 per square foot**



Aerial



Sale Photo

Control #: Project #: MY31000

PLATTE COUNTY REGISTER OF DEEDS
DIANE KAPELS
December 10, 2021 03:02 PM
RECORDED & ENTERED
BOOK DEED 250 PAGE 232
Fee: 16.00 Return: 10 COUNTY TITLE

NEBRASKA DOCUMENTARY STAMP TAX	
Dec 10, 2021	
\$200.25	By: SP

AFTER RECORDING RETURN TO:
10 County Title & Escrow, Inc.
2456 18th Ave.
Columbus, NE 68601

WARRANTY DEED

GRQ, LLC, A Nebraska limited liability company, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, Walker Lehr, the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

Lot 2, GRQ, Inc. Second Subdivision, a replat of Lot 1A, GRQ, Inc. Subdivision and a Subdivision of part of Block 3, Canal Industrial Park located in the Northwest 1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

1. is lawfully seized of such real estate and that it is free from encumbrances, EXCEPT subject to easements, reservations, and restrictions of record;
2. has legal power and lawful authority to convey the same;
3. warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: December 9, 2021.

11209

GRQ, LLC, A Nebraska limited liability company

Darrell Burrows
By Darrell Burrows, Member

232

Deed

Industrial Land Sale # 04

Grantor: P & B, LLC, a Nebraska Limited Liability Company
Grantee: Lance W. Lehr
Legal Description: Lot 1, Lehr's Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, Township 17 North, Range 1 East of the 6th P.M., Platte Co., NE
Instrument Type: Warranty Deed Document #: 243/457
Date of Instrument: 08/28/2019 Date Recorded: 08/28/2019
Consideration: \$1.00 & O.V.C.
Revenue Stamps: \$481.50 Indicated Price: \$214,000.00
Confirmed By: Lance Lehr
Confirmed To: Tim Lentz Date: 04/07/2022
Confirmed Price: \$213,750.00
Financing: Cash to the seller Days on Market: 0
Motive: Assemblage with the adjacent land to the south for developmental purposes.
Inspected By: Tim Lentz Date: 04/06/2022
Prior sales past year: There has been no other recent sales activity.
Location: E 23rd Street, Columbus, NE 68601
Size: 117,176.00 square feet Dimensions: Unavailable
Topography: Nearly level Shape: Irregular
Access: No access available. Visibility: Good- Frontage on Highway 30
Zoning: MH General Industrial District Present Use: Industrial
Utilities: All city utilities are available.
Improvements: There are no improvements.
Comments: This was a private sale with the buyer approaching the seller. There were some negotiations involved. The buyer was unaware if there were others that had expressed interest. This land was purchases for an assemblage with the improved property to the south. The buyer is unsure what he is going to do with the site, but he has thought about a possible location for a fueling station if there is access to E 29th Avenue. He was hoping to have access to this property via access to E 29th Avenue, but there is new control of access along there which prevents a drive from being constructed. Access is also not allowed onto Highway 30. This property is located in an industrial area with a with buildings of a wide range of ages.
Sale Price Per Unit: **\$1.82 per square foot**



Aerial



Photo

RECORDED & ENTERED
BOOK 243 PAGE
Deeds 457
2019 AUG 28 PM 2:03

M	COM	NS
	C	CS
	N	S

Siene Kogels
REGISTER OF DEEDS
PLATTE COUNTY, NE

Fee: \$16.00
Will Call: Platte County Title & Escrow Co.

AFTER RECORDING RETURN TO:
Platte County Title & Escrow Co., 2511 15th St., Columbus NE 68601

NEBRASKA DOCUMENTARY
STAMP TAX
\$ 481.50
AUG 28 2019

WARRANTY DEED

P & B, LLC, a Nebraska Limited Liability Company, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, Lance W. Lehr, the following described real estate (as defined in Neb. Rev. Stat § 76-201):

Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

1. is lawfully seized of such real estate and that it is free from encumbrances, EXCEPT subject to easements, reservations and restrictions of record;
2. has legal power and lawful authority to convey the same;
3. warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: August 28, 2019
PC1939

P & B, LLC

Patrick E. Beans
By Patrick E. Beans, Member

457

Deed

Industrial Improved Sale # 05

Grantor: Gulf C&C, LLC, a Nebraska limited liability company
Grantee: Jeffrey & Marie Bruegger, H. & W.
Legal Description: The south 110' of Lot 2, Block B, Replat of the North 580' of the Replat of Morningside Subdivision, City of Columbus, Platte Co., NE

Instrument Type: Warranty Deed Document #: 257/63
Date of Instrument: 05/02/2024 Date Recorded: 05/08/2024
Consideration: \$1.00 & O.V.C.

Revenue Stamps: \$1,248.75 Indicated Price: \$555,000.00
Confirmed By: Jeff Bruegger
Confirmed To: Tim Lentz Date: 08/14/2024
Confirmed Price: \$555,000.00
Financing: Cash to the seller Days on Market: None- Auction
Motive: Office and storage space for their business.
Inspected By: Tim Lentz Date: 08/06/2024
Prior sales past year: There has been no other recent sales activity.

Location: 2164 3rd Avenue, Columbus, NE 68601
Design: Storage Warehouse/Office
Occupant: Unknown Exterior: Metal
GLA/GBA: 8,754.00 square feet
Basement: 0.00 square feet Basement Finish: None
Quality: Average Condition: Average
Age: 33//27 Functional Utility: Forced Air Central in office area
Garage/Parking: Heating/Cooling: area
Additional Features:

Size: 37,510.00 square feet Dimension: 110' x 341'
Topography: Nearly level Shape: Rectangular
Access: Via paved 3rd Avenue Visibility: Average
 B-2 General Commercial
Zoning: District Present Use: Industrial

Utilities: All city utilities are available.
 There is a building with 5,000 sq. ft. of storage warehouse and a 1,050 sq. ft. office area built in 1991. It appears to be of average quality and condition. The buyer reported that the interior was in average condition. In addition, there are 10 mini-storage garages that were built in 1997. They are currently renting for \$80/month. The finished area has 2 office areas, breakroom, reception area, and 1 bathroom. The buyer reported that the interior was in average condition
Improvements: This property is located in an older mixed-use area with industrial and residential properties in the area. It sold at an auction, and there were several people bidding at the end of the auction.
Comments: The buyer reported that he would have been willing to bid up to \$600,000 to obtain this property at the auction.

Sale Price Per Unit: **\$63.40 per square foot**



Aerial



Photo

Control #: Project #: MY31000

PLATTE COUNTY REGISTER OF DEEDS
DIANE KAPELS
May 08, 2024 08:39 AM
RECORDED & ENTERED
BOOK DEED 257 PAGE 63
Fee: 16.00 Return: 10 COUNTY TITLE

NEBRASKA DOCUMENTARY STAMP TAX May 08, 2024 \$1248.75 By: SP

AFTER RECORDING RETURN TO:
10 County Title & Escrow, Inc.
1371 26th Ave
Columbus, NE 68601

CORPORATION WARRANTY DEED

Gulf C&C, LLC, a Nebraska limited liability company, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, Jeffrey Bruegger and Marie Bruegger, husband and wife, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

The South 110 feet of Lot 2, Block B, Replat of the North 580 feet of the Replat of Morningside Subdivision, City of Columbus, Platte County, Nebraska

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

1. is lawfully seized of such real estate and that is free from encumbrances, EXCEPT subject to easements, reservations, and restrictions of record;
2. has legal power and lawful authority to convey the same;
3. warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: 5-2, 2024.

Gulf C&C, LLC, a Nebraska limited liability company, a Nebraska corporation

12511

By Adam Randall
Adam Randall, Manager and Sole Member

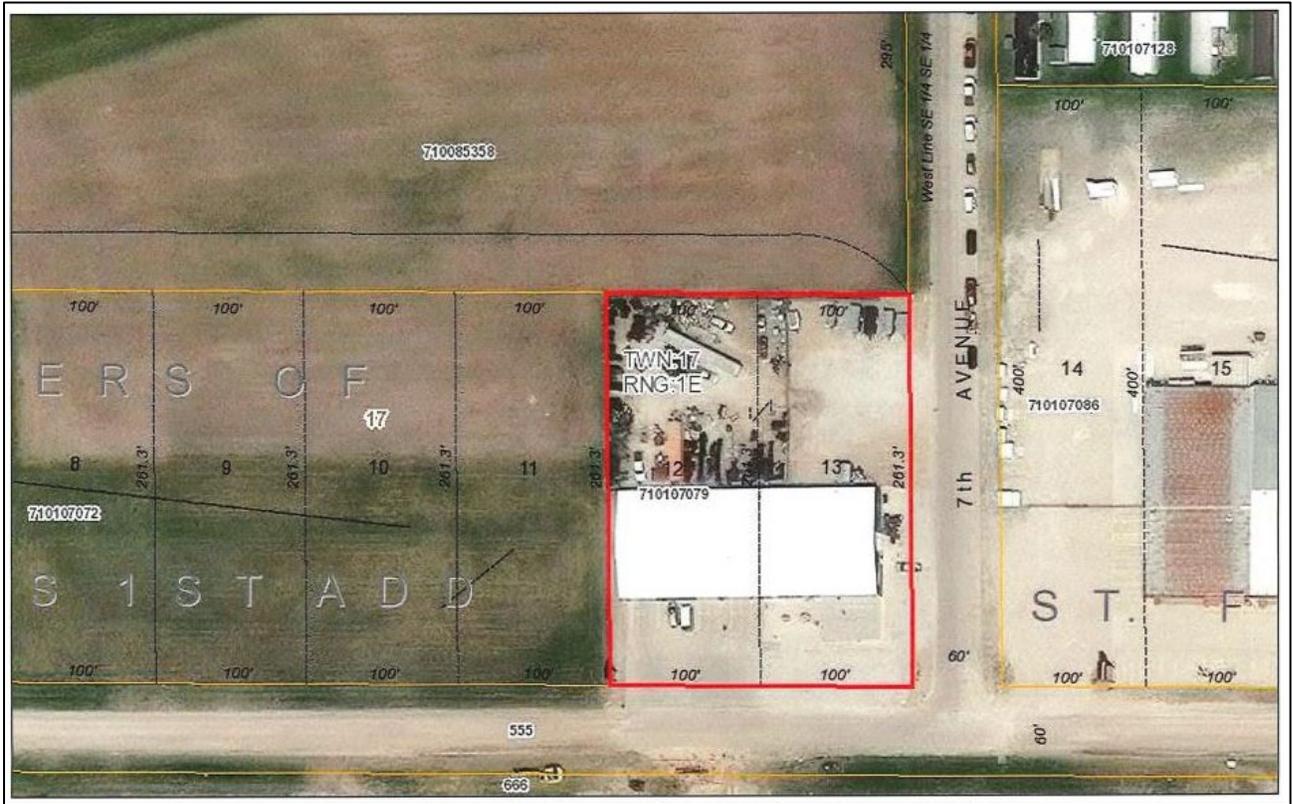
63

Deed

Industrial Improved Sale # 06

Grantor: Becher Place Properties, LLC, a Nebraska limited liability company
Grantee: JKAI, LLC, a Nebraska limited liability company
Legal Description: Lots 12 and 13, Poor Sisters of Saint Francis, 1st Addition to Columbus, Platte Co. NE

Instrument Type:	Warranty Deed	Document #:	251/517
Date of Instrument:	04/26/2022	Date Recorded:	05/02/2022
Consideration:	\$1.00 & O.V.C.		
Revenue Stamps:	\$2,250.00	Indicated Price:	\$1,000,000.00
Confirmed By:	Jason Gaver- Owner of JKAI		
Confirmed To:	Tim Lentz	Date:	08/14/2024
Confirmed Price:	\$1,000,000.00		
Financing:	Cash to the seller	Days on Market:	Few days
Motive:	Business location- Buyer was tenant at the time of the sale.		
Inspected By:	Tim Lentz	Date:	08/06/2024
Prior sales past year:	There has been no other recent sales activity.		
Location:	704 23rd Street, Columbus, NE 68601		
Design:	Service Repair Garage		
Occupant:	Tire Center	Exterior:	Metal
GLA/GBA:	12,820.00 square feet		
Basement:	0.00 square feet	Basement Finish:	None
Quality:	Average	Condition:	Average+
Age:	59	Functional Utility:	
Garage/Parking:		Heating/Cooling:	Forced Air/Central in office.
Additional Features:			
Size:	52,260.00 square feet	Dimension:	200' x 261.3'
Topography:	Level	Shape:	Rectangular
Access:	Via paved 7th Avenue	Visibility:	Good to Highway 30
Zoning:	M-H General Industrial District	Present Use:	Industrial
Utilities:	There is access to all city utilities.		
Improvements:	There is a building on the site with a service repair garage that has 11,430 sq. ft. and a 1,390 sq. ft. office area that was built in 1965. The buyer reported that the office area was in great shape and includes a reception area, 1 office, and 1 bath. The service garage has 4 overhead doors.		
Comments:	The building appears to be of average quality. The exterior appears to be in average condition. This property is located in an average mixed-use area with industrial, commercial, residential, and vacant land in the area. This was a private sale, and the buyer was the tenant for approx. 6 years at the time of the sale. The seller was set on the sale price with no room for negotiation. The buyer felt that this property would have sold for the same amount to any potential buyer.		
Sale Price Per Unit:	\$0.00 per square foot		



Plat



Photo

Control #: Project #: MY31000

PLATTE COUNTY REGISTER OF DEEDS
DIANE KAPELS
May 02, 2022 10:43 AM
RECORDED & ENTERED
BOOK DEED 251 PAGE 517
Fee: 16.00 Return: 10 COUNTY TITLE

NEBRASKA DOCUMENTARY STAMP TAX May 02, 2022 \$2250.00 By: JB

AFTER RECORDING RETURN TO:
10 County Title & Escrow, Inc.
2456 18th Ave.
Columbus, NE 68601

WARRANTY DEED

Becher Place Properties, LLC, a Nebraska limited liability company, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, JKAI, LLC, a Nebraska limited liability company, the following described real estate (as defined in Neb. Rev. Stat. § 76-201):

Lots 12 and 13, Poor Sisters of Saint Francis 1st Addition to Columbus, Platte County, Nebraska

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

1. is lawfully seized of such real estate and that it is free from encumbrances, EXCEPT subject to easements, reservations, and restrictions of record;
2. has legal power and lawful authority to convey the same;
3. warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: 26 April, 2022

4836

Becher Place Properties, LLC

John Curry
By John Curry, Managing Member

517

Deed

Industrial Improved Sale # 07

Grantor: Kearny, LLC, a Nebraska limited liability company
Grantee: White Timber Properties, LLC, a Nebraska limited liability company
Legal Description: A tract of land located in the SW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte Co., NE

Instrument Type: Special Warranty Deed Document #: 256/655
Date of Instrument: 02/28/2024 Date Recorded: 03/01/2024
Consideration: \$1.00 & O.V.C.

Revenue Stamps: \$2,385.00 Indicated Price: \$1,060,000.00
Confirmed By: Kyle Fritz- Partner with White Timber
Confirmed To: Tim Lentz Date: 08/14/2024
Confirmed Price: \$1,060,000.00
Financing: Cash to the seller. Days on Market: Unknown
Motive: Expand the family business.
Inspected By: Tim Lentz Date: 08/06/2024
Prior sales past year: There has been no other recent sales activity.

Location: 1414 East 23rd Street, Columbus, NE 68601
Design: Storage Warehouse/Office
Occupant: Northwest Electric Exterior: Vinyl/Steel
GLA/GBA: 22,000.00 square feet
Basement: 0.00 square feet Basement Finish: None
Quality: Average Condition: Average
Age: 33 Functional Utility: Force Air/Central in the office area.
Garage/Parking: Heating/Cooling:
Additional Features:

Size: 89,125.00 square feet Dimension: Unavailable
Topography: Level Shape: Rectangular
Access: Via paved East 14th Ave & a paved frontage road Visibility: Good to Highway 30
Zoning: ML/C-1 Light Industrial Present Use: Industrial
Utilities: All city utilities are available.
There is a building with 19,600 sq. ft. of storage warehouse and 2,400 sq. ft. office area built in 1991. It appears to be of average quality and condition. The seller reported that the interior was dated. The HVAC was replaced about 5 years ago. The exterior appears to be in average condition. The seller reported that the interior was dated. The finished area has 10 offices, conference room, and 3 bathrooms.

Improvements:
Comments: This property is located in an older mixed-use area with some industrial, commercial, and residential properties in the area. This was a private sale, and the asking price was based on a market analysis by a local realtor. The buyer's father-in-law owned this business before it sold, but Mr. Fritz reported that it sold for about the same price that it would have if sold to someone else. This sale was on a 20-year land contract at about 5 to 5.5% rate. The buyer also did not feel that this had an affect on the sale price. The seller reported that the interior was dated.

Sale Price Per Unit: **\$0.00 per square foot**



Aerial



Photo

Control #: Project #: MY31000

RECORDED & ENTERED
BOOK 256 PAGE 655
DEED
2024 Mar 01 AM 11:06

REGISTER OF DEEDS
PLATTE COUNTY, NE

FEE \$ 16.00
Simplifile -
Nebraska Title Company-David City 217

NEBRASKA DOCUMENTARY
STAMP TAX

\$2385.00
Mar 01 2024

SPECIAL WARRANTY DEED

Keamky, LLC, a Nebraska limited liability company, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from White Timber Properties, LLC, a Nebraska limited liability company, as Grantee, conveys to GRANTEE, the following-described real estate located in Platte County, Nebraska:

A tract of land located in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ /SW $\frac{1}{4}$) of Section Fifteen (15), Township Seventeen (17) North, Range One (1), East of the 6th P.M., Platte County, Nebraska, described as follows: Commencing at the Southwest corner of Section Fifteen (15), Township Seventeen (17) North, Range One (1), East of the 6th P.M., Platte County, Nebraska; thence Northerly on an assumed bearing of N00°00'00"E, 60.00 feet, to the point of beginning, said point also being on the North R.O.W. line of Highway No. 30; thence N00°00'00"E and on the West line of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ /SW $\frac{1}{4}$), 520.00 feet, to a point; thence S89°59'14"E, 231.00 feet, to a point; thence S00°00'00"E, 520.00 feet, to a point, said point also being on the North R.O.W/ line of Highway No. 30; thence N89°59'14"W and on said North R.O.W. line of Highway No. 30, 231.00 feet, to the point of beginning. EXCEPT a tract of land located in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ /SW $\frac{1}{4}$) of Section Fifteen (15), Township Seventeen (17) North, Range One (1), East of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the Southwest corner of Fritz Subdivision, being a part of said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ /SW $\frac{1}{4}$) and now in the City of Columbus, Platte County, Nebraska; thence N89°49'42"E, 231.08 feet on the South line of Fritz Subdivision to the Southeast corner thereof; thence S00°00'00"E, 60.00 feet; thence S89°49'42"W, 231.07 feet to the West line of said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ /SW $\frac{1}{4}$); thence N00°11'05"W, 60.00 feet on the West line of said Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ /SW $\frac{1}{4}$) to the point of beginning.

GRANTOR covenants with GRANTEE that GRANTOR:

- (1) is lawfully seised of such real estate that it is free from encumbrances subject to easements, reservations, covenants and restrictions of record.
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons claiming the same or any part thereof by, through, or under Grantor, and none other.

Executed: this 1st day of February, 2024

Keamky, LLC,
a Nebraska limited liability company

Sheri K. Fritz, Sole Member

Please Return recorded document to:
Nebraska Title Company
402 North 5th Street
David City, NE 68632

APPRAISAL REVIEW REPORT

Date: January 13, 2025
To: Todd Wicken – Property Management Supervisor
From: Mark Lorenz – Review Appraiser
Subject: Project # MY31000

The appraisal report submitted by Tim Lentz for this tract of excess land has been reviewed and is approved when used with this review.

The reviewer completed a "desk review" and a "field review" of the appraiser's report. The desk review consisted of reading the report and viewing aerial plats. I checked the report for accuracy and completeness and made certain it communicated clearly. The field review consisted of a physical inspection of the neighborhood, subject property, and comparable sales.

My review determination of the fair market value for the excess land is:

Market Value of Excess Land	\$950,000.00
------------------------------------	---------------------

ROW Appraisal Checklist

Required Documentation

Topic	Review Response
Effective date of valuation	Yes
Date of appraisal or estimate	Yes
Intended use and user	Yes
Purpose and function of report	Yes
Property rights appraised	Yes
Interests Acquired	Yes
Scope of work	Yes
Project number	Yes
Tract number	Yes
Identification of property (address, legal description)	Yes
Recorded ownership (tenant info if available)	N/A
Five year title history	N/A
Area & Neighborhood description	Yes
Project data	N/A
Market overview	Yes
Site data (Size, Use, Dimensions, Shape, Access, etc.)	Yes
Improvement data (Type, Size, Condition, Age Functionality, etc.)	Yes
Zoning	Yes
Present use	Yes
Highest & best use	Yes
List of comparable sales with sales map	Yes
Direct comparison of sales to subject property	Yes
Comparable sales analysis complete & adequate	Yes
Proper valuation methods used	Yes
Determination of value and basis therefore	Yes
Valuation process logical & reasonable	Yes
Is the valuation report clear & does it guide and direct the reader?	Yes
Certification fulfills minimum requirements	Yes
Assumptions and limiting conditions	Yes
All necessary maps, plats, plans, floor plans, or photos	Yes
A log of contacts and inspections	Yes
Sales verified with principal	Yes
Date of sale	Yes
Names of grantees and grantors	Yes
Legal description/address of comparable	Yes
Area / Size	Yes
Types of improvements	Yes
Sale Price	Yes
Motive of buyer and/or seller	Yes
Conditions/terms of sale	Yes
Photographs of significant features	Yes
Deed recording information	Yes
Prior sales of comparable within one year	Yes

Project #: MY31000

Control #:

Tract #:

CERTIFICATE OF REVIEW APPRAISER

**This opinion of value may not meet minimum standards contained in the Uniform Standards of Professional Appraisal Practice and is not governed by the Real Property Appraiser Act.
[In accordance with Neb. Rev. Stat. Section 76-2221(1)]**

This opinion of value conforms to the requirements of Federal law (42 USC 4601 – 4655), Federal Rules and Regulations (49, CFR, Part 24 as amended) and the Nebraska Department of Transportation Right of Way Manual as approved by the Federal Highway.

I certify that, to the best of my knowledge and belief:

- The statements of fact reported contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of the work under review and no personal interest with respect to the parties involved.
- That I understand that such estimate is to be used in connection with the sale of excess land by the State of Nebraska.
- That I have not revealed the findings and results of such estimate to anyone other than the proper officials of the acquiring agency or officials of the Federal Highway Administration, and will not do so until so authorized by said officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.
- My determination of compensation has been reached independently based on the appraisal and other factual data of record without collaboration or direction.
- I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.
- I have performed no other services, as an appraiser or in any other capacity, regarding the property that is the subject of the work under review within the three-year period immediately preceding acceptance of this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review or from its use.
- My compensation for completing this assignment is not contingent upon the development or reporting of predetermined assignment results or assignment results that favor the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal review.
- My analyses, opinions, and conclusions were developed and this review report was prepared in conformity with the appropriate State laws, regulations and policies and procedures.
- I have made a personal inspection of the property that is the subject of this report. I have made a personal inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented by the photographs contained in said appraisal.
- No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the person signing this certification.

My Review determination of the fair market value for the excess land is \$950,000.00 as of 08/07/2024.

January 13, 2025

Date



Mark Lorenz

Salaried Review Appraiser for NDOT

Project #: MY31000

Control #:

Tract #:

4. Determine necessity for sidewalk improvements at 1404 14 Street with final completion by August 5, 2025, and authorizing the City Engineer to proceed on a Notice of Construction.



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: May 1, 2025
TO: Tara Vasicek, City Administrator
FROM: Richard J. Bogus, P.E. City Engineer
RE: 1404 14th Street Sidewalk

RECOMMENDATION:

Recommend the City Council determine the necessity for sidewalk improvements and approve the Resolution for 1404 14th Street, with final completion by August 5, 2025, and authorizing the City Engineer to proceed on a Notice of Construction.

DISCUSSION:

A City of Columbus resident within the neighborhood filed a complaint on the sidewalks located at 1404 14th Street (PID 71000189). In accordance with the City Sidewalk Complain Policy, the Engineering Department visited the property and completed a Sidewalk Evaluation. The evaluated noted approximately 40 percent of sidewalk panels are not in compliant with the Sidewalk Policy and the American's with Disability Act (ADA) requirements. The non-compliance included uneven surfaces and large cracks which creates a safety hazard for the public and a liability to the property owner. The Sidewalk Evaluation, including pictures, and the resident's complaint are attached.

It was noted that the intersection does not have ADA ramps. The construction of the ADA ramps would be required, upon which the City would reimburse the cost of the ramps in accordance with the City Cost Shares for 2025.

In accordance with the Sidewalk Policy the City Council would approve a Resolution approving the necessity for sidewalk improvements which includes authorizing the City Engineer to complete and send a Notice of Construction to the property owner with a final completion of work by August 5, 2025.

FISCAL IMPACT:

None at this time. The City would reimburse for the construction of the ADA ramps in accordance with

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]



City of Columbus

Engineering Department

Phone: 402-562-4309 E-Mail: EngDept@columbusne.us
www.columbusne.us

SIDEWALK EVALUTION FORM

Property Address	1404 14 th Street
Property PID	71000189
Inspector	Braden Labenz, Project Engineer
Inspection Date	02/03/2025
Reason for Inspection	Receipt of resident complaint

Situation Overview:

After a site visit and gathering photos, the sidewalk in front of 1404 14th Street exhibits visible deterioration. This includes cracks, uneven surfaces, potential trip hazards, and no effort to repair. This condition poses a safety risk to the public and pedestrians walking that area. City Code indicates that City Council can require improvements upon severity assessment by the City Engineer or designee.

Notes:

- **Surface Cracks & Displacement** – Visible cracks and reasonably uneven surfaces on approximately 40% of total panels
- **Trip Hazards** – Multiple locations were deemed trip hazards of greater than 1/2” up to 1” vertical displacements
- **Drainage Issues** – No sections of the sidewalk appeared damaged enough to create major drainage issues
- **ADA Compliance** – No ADA ramps have been installed at the intersection of 14th Ave & 14th Street – major deterioration at ramp crossing 14th Ave on the north west corner of the intersection. Multiple vertical displacements of 1/2” or greater were noted
- **Miscellaneous** – No debris, branches, shrubs, or soil overhanging or laying in path.

Photos:

Photos are on file in the Engineering Department.

Last Form Update: February 2025





1404 14th Street (February 3, 2025)

- 5. Amending Schedule I of Chapter 74 of Title VII of Columbus City Code to change speed limits for Howard Boulevard from 110 feet southeast of 53rd Avenue to 530 feet northwest of 63rd Avenue to 50 mph and 160 feet east of the intersection of 18th Avenue to the intersection of East 14th Avenue to 45 mph, add speed limit of 55 mph from the intersection of East 14th Avenue to the east corporate limits, 1320 feet east of East 14th Avenue, and amend various street and location descriptions.**



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: May 1, 2025
TO: Tara Vasicek, City Administrator
FROM: Richard J. Bogus, City Engineer
RE: Amend Speed Limit on Howard Boulevard from approximately 53rd to 63rd Avenues and on 23rd Street from east of 18th Avenue to the east corporate limits

RECOMMENDATION:

Recommend approval of the Ordinance amending Schedule I of Chapter 74 of Title VII of Columbus City Code to change speed limits for the following: Howard Boulevard from 110-foot southeast of 53rd Avenue to 530-foot northwest of 63rd Avenue to 50 mph; and 160 feet east of the intersection of 18th Avenue to the intersection of East 14th Avenue to 45 mph; and adding speed limit of 55 mph from the intersection of East 14th Avenue to the east corporate limits, 1320 feet east of East 14th Avenue.

DISCUSSION:

The NDOT is requiring an update of our records after the recent construction and the annexation / developments on US-81 (Howard Boulevard) near the western corporate limits. The NDOT study concluded the need for these locations and speed limit adjustments. Additionally, the NDOT is requiring an update of our records on US-30 (23rd Street) from east of 18th Avenue to the east corporate limits. The total US 30 and US 81 speed limits are shown on the attachment.

FISCAL IMPACT:

None to the City.

ALTERNATIVE:

None. NDOT controlled US Highway.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

SCHEDULE I. SPEED LIMITS.

(A) General.

(1) It shall be unlawful for any person to operate a vehicle on any street at a rate of speed greater than is reasonable or prudent under the conditions then existing. It shall be unlawful for any person to operate a vehicle on the streets at any time or under any conditions at a rate of speed greater than 30 mph on arterial streets and 25 mph on all other streets and upon viaducts and the approaches thereto, unless otherwise posted.

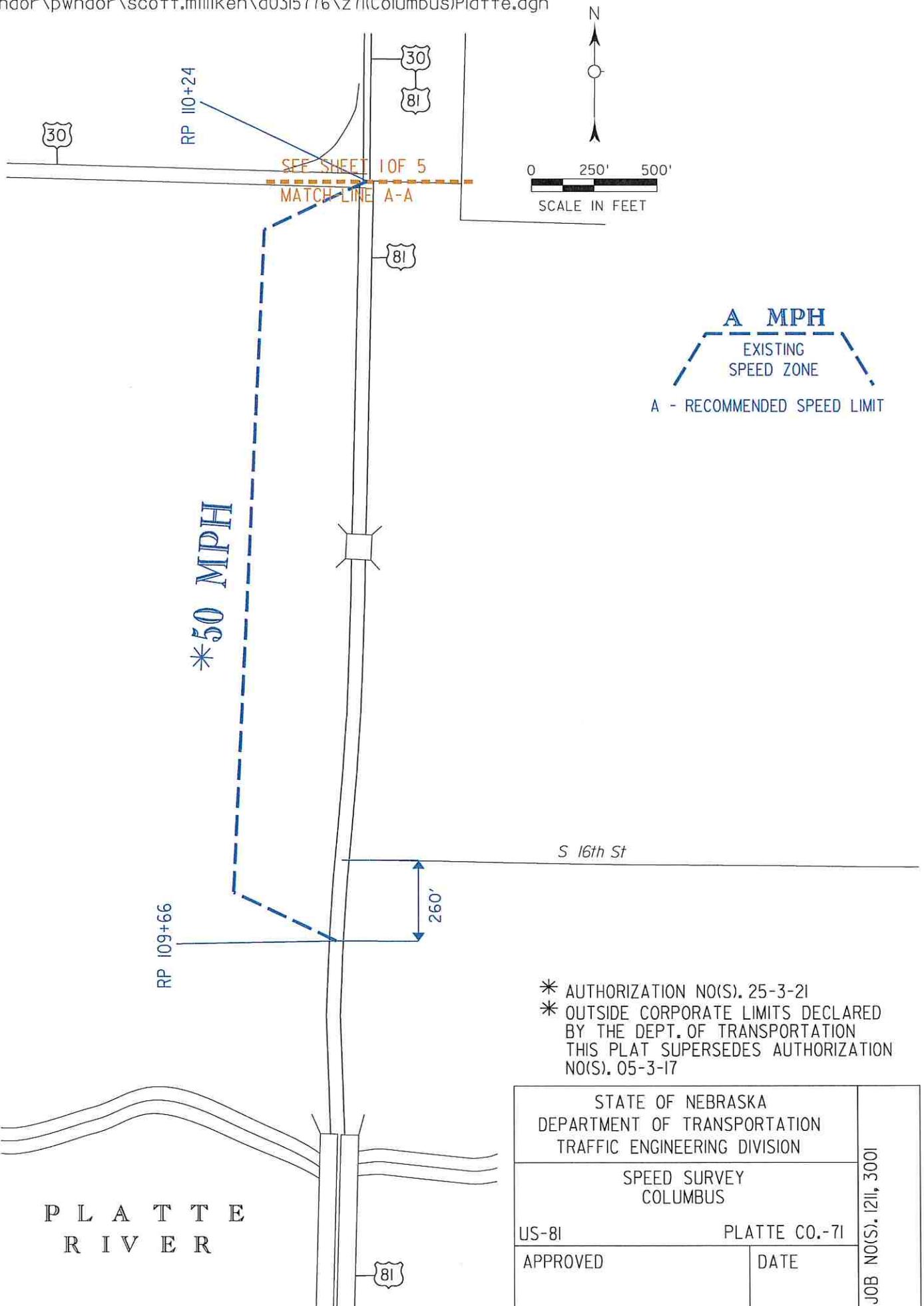
(2) Except as hereinafter provided, it shall be unlawful for any person to operate or cause to be operated any motor vehicle or other type of conveyance on any state or federal highway within the corporate limits of the city at a speed in excess of 35 mph or in excess of any other maximum speed fixed by the City Council for the highways within the city, unless otherwise posted.

(3) The maximum speed limit through any maintenance, repair or construction zone shall be 25 mph.

(B) Specific. It shall be unlawful for any person or persons to operate, or cause to be operated, any motor vehicle or other type of conveyance at a rate of speed in excess of the maximum speeds hereinafter designated for the following zones.

Street	Location	Speed Limit (mph)
3rd Avenue	North line of 1st Street to the south line of 23rd Street	35
23rd Street (US-30/US-81)	East edge of the intersection of Howard Boulevard to 160 feet east the east edge of the intersection of 18th Avenue	35
23rd Street (US-30)	160 feet east edge of the intersection of 18th 3rd Avenue to the intersection of East 14 th Avenue east corporate limits	50 <u>45</u>
23 rd Street (US-30)	Intersection of East 14 th Avenue to the east corporate limits, 1320 feet east of East 14 th Avenue	55
33rd Avenue (US-30)	North edge of the Intersection of 23rd Street to 350 feet south of 6th Street	35
33rd Avenue (US-30)	350 feet south of 6th Street to south corporate limits, 110 feet south of the underpass of Pawnee Park Drive (north end of Loup River Bridge)	45
East 6th Avenue	From 38th Street to 23rd Street (U.S. Highway 30)	50

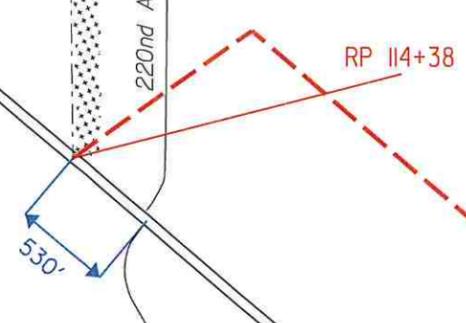
Howard Boulevard (US-81)	Northwest corporate limits, 530 feet northwest of 63 rd Avenue, to the west edge of the intersection of 50th Avenue	50
Howard Boulevard (US-81)	West edge Intersection of 50th Avenue to the west edge of the intersection of 48th Avenue	45
Howard Boulevard (US-81)	West edge of the Intersection of 48th Avenue to the west edge of the intersection of 33rd Avenue	35
Lost Creek Parkway	From U.S. Highway 81 to 38th Street	50



A MPH
 EXISTING
 SPEED ZONE
 A - RECOMMENDED SPEED LIMIT

- * AUTHORIZATION NO(S). 25-3-21
- * OUTSIDE CORPORATE LIMITS DECLARED BY THE DEPT. OF TRANSPORTATION THIS PLAT SUPERSEDES AUTHORIZATION NO(S). 05-3-17

STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION TRAFFIC ENGINEERING DIVISION		JOB NO(S). 1211, 3001
SPEED SURVEY COLUMBUS		
US-81	PLATTE CO.-71	
APPROVED	DATE	



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SCALE IN FEET

LEGEND

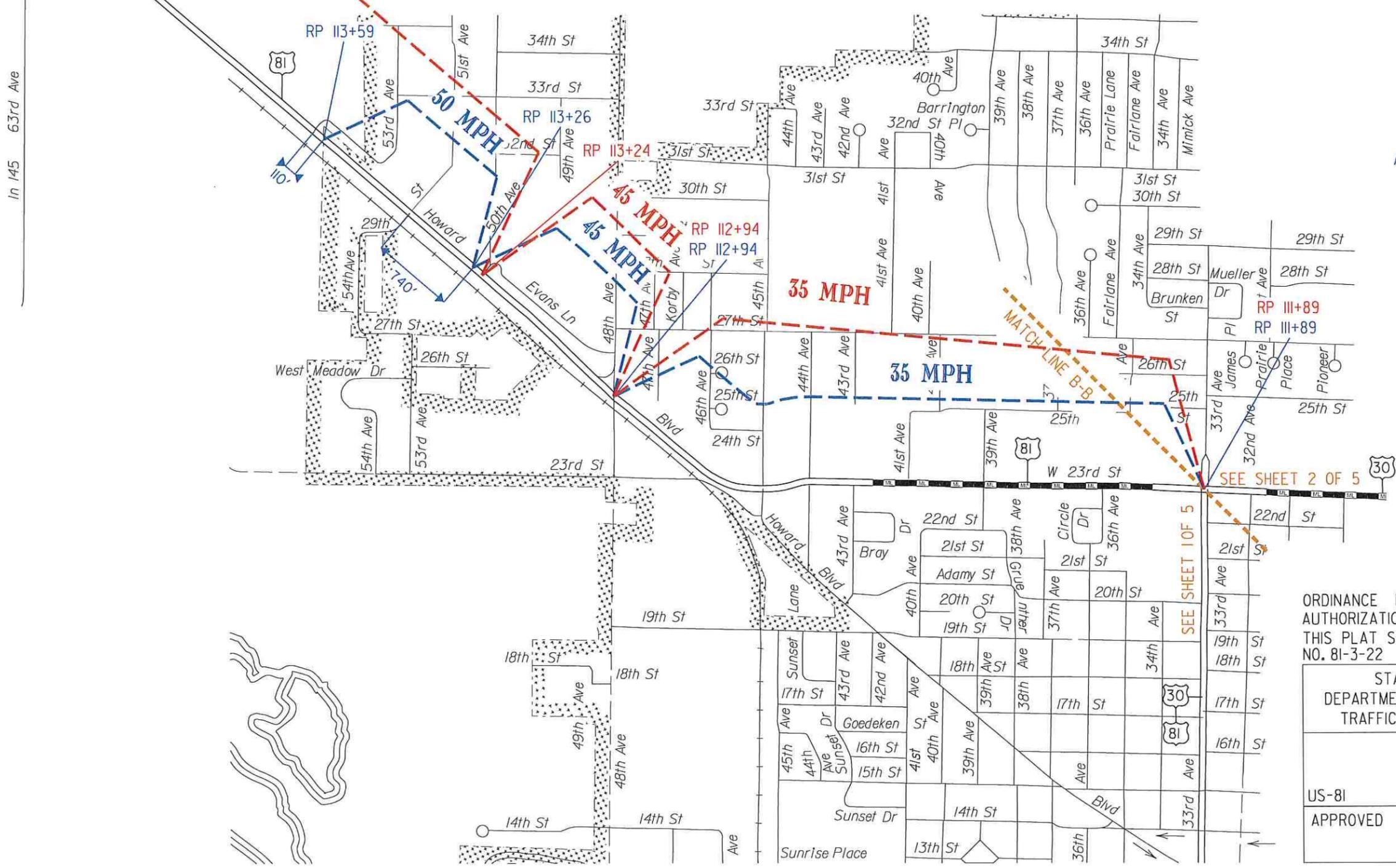
A MPH

PROPOSED
SPEED ZONE

A MPH

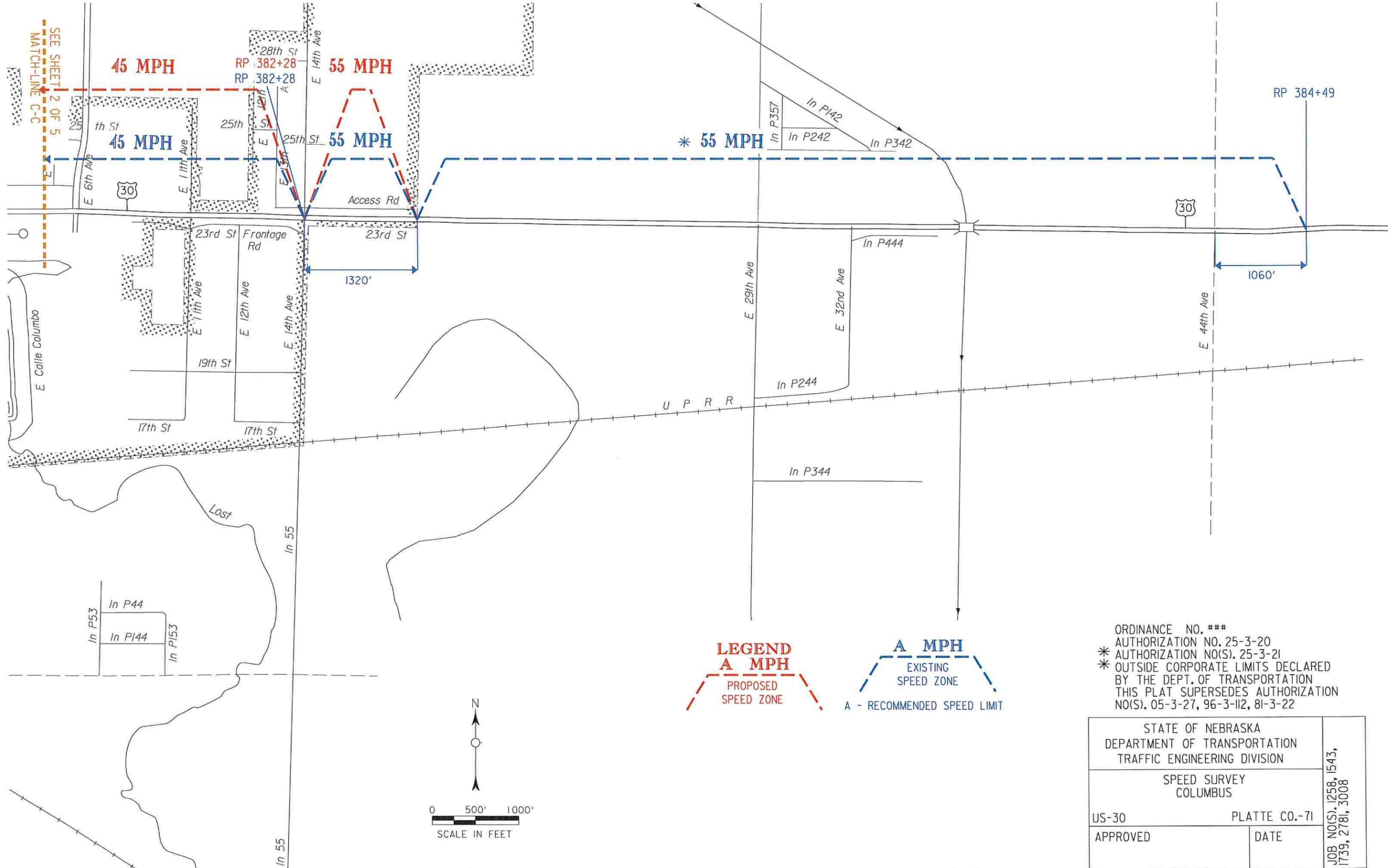
EXISTING
SPEED ZONE

A - RECOMMENDED SPEED LIMIT



ORDINANCE NO. ###
 AUTHORIZATION NO. 25-3-20
 THIS PLAT SUPERSEDES DECLARATION
 NO. 81-3-22

STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION TRAFFIC ENGINEERING DIVISION	
SPEED SURVEY COLUMBUS	
US-81	PLATTE CO.-71
APPROVED	DATE



LEGEND

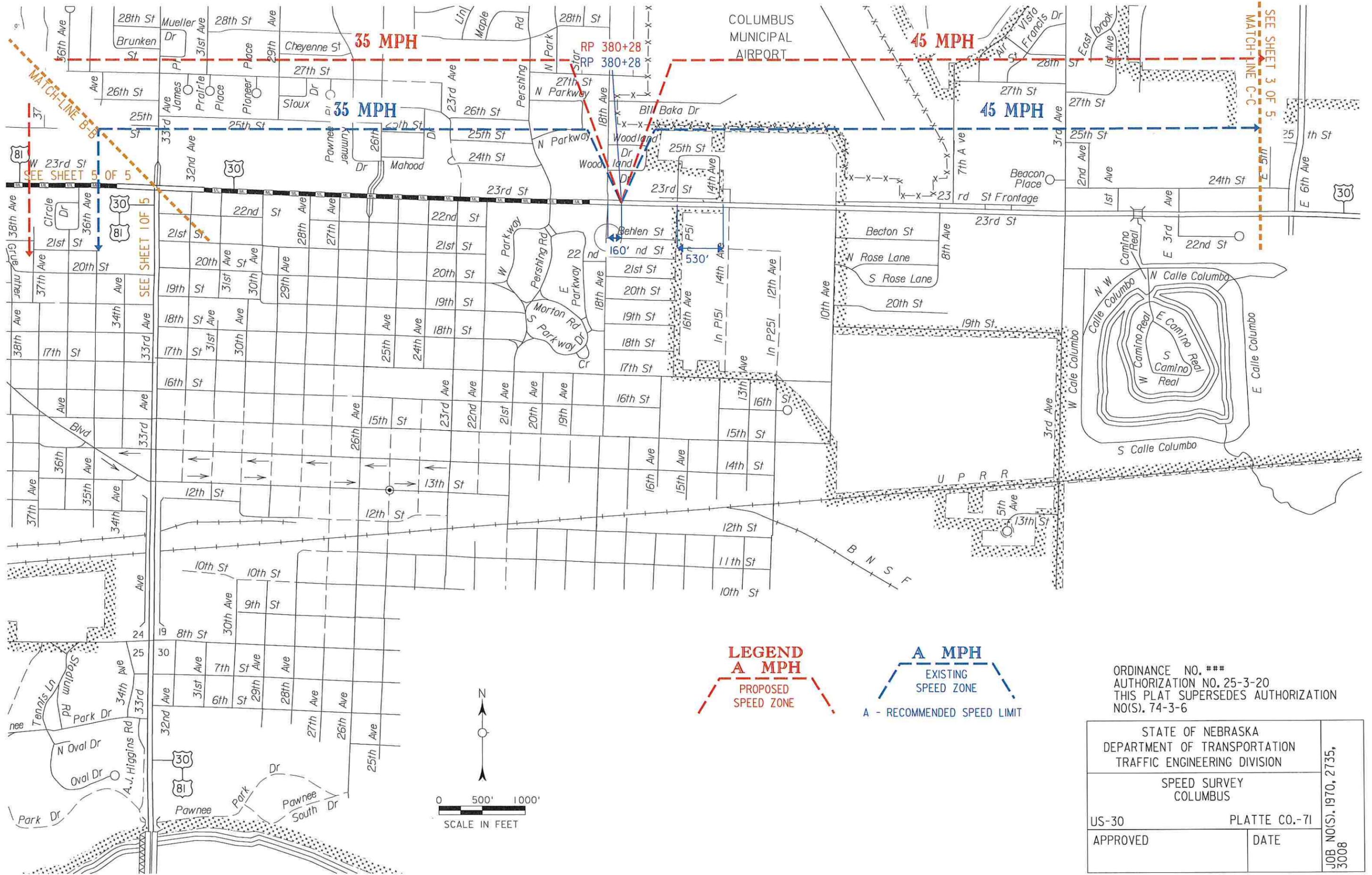
A MPH
EXISTING SPEED ZONE

A MPH
PROPOSED SPEED ZONE

A - RECOMMENDED SPEED LIMIT

ORDINANCE NO. ###
 AUTHORIZATION NO. 25-3-20
 * AUTHORIZATION NO(S). 25-3-21
 * OUTSIDE CORPORATE LIMITS DECLARED BY THE DEPT. OF TRANSPORTATION
 THIS PLAT SUPERSEDES AUTHORIZATION NO(S). 05-3-27, 96-3-112, 81-3-22

STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION TRAFFIC ENGINEERING DIVISION		JOB NO(S). 1258, 1543, 1739, 2781, 3008
SPEED SURVEY COLUMBUS		
US-30	PLATTE CO.-71	
APPROVED	DATE	



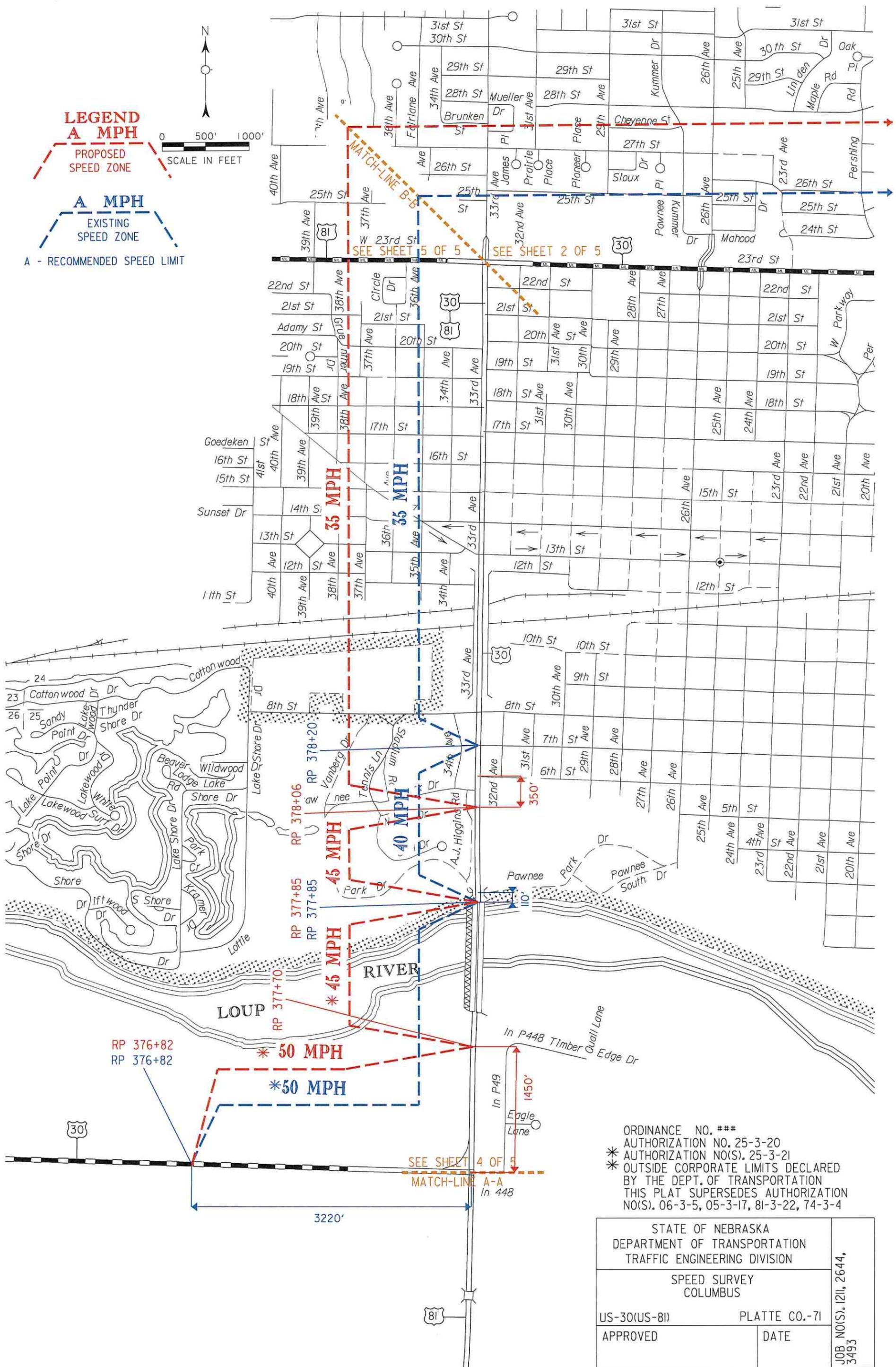
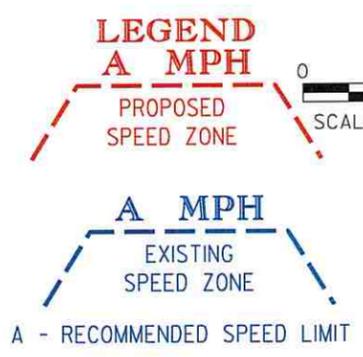
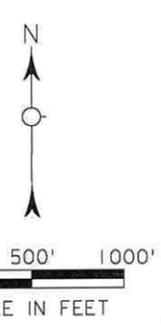
LEGEND

A MPH
EXISTING SPEED ZONE

A MPH
RECOMMENDED SPEED LIMIT

ORDINANCE NO. ###
 AUTHORIZATION NO. 25-3-20
 THIS PLAT SUPERSEDES AUTHORIZATION NO(S). 74-3-6

STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION TRAFFIC ENGINEERING DIVISION		JOB NO(S). 1970, 2735, 3008
SPEED SURVEY COLUMBUS		
US-30	PLATTE CO.-71	
APPROVED	DATE	



ORDINANCE NO. ###
 AUTHORIZATION NO. 25-3-20
 * AUTHORIZATION NO(S). 25-3-21
 * OUTSIDE CORPORATE LIMITS DECLARED BY THE DEPT. OF TRANSPORTATION
 THIS PLAT SUPERSEDES AUTHORIZATION NO(S). 06-3-5, 05-3-17, 81-3-22, 74-3-4

STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION TRAFFIC ENGINEERING DIVISION		JOB NO(S). 1211, 2644, 3493
SPEED SURVEY COLUMBUS		
US-30(US-81)	PLATTE CO.-71	
APPROVED	DATE	

DRAFT
ORDINANCE NO. 25-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SCHEDULE I OF CHAPTER 74 OF TITLE VII OF COLUMBUS CITY CODE TO CHANGE THE SPEED LIMITS FOR HOWARD BOULEVARD FROM 110 FEET SOUTHEAST OF 53RD AVENUE TO 530 FEET NORTHWEST OF 63RD AVENUE TO 50 MPH AND 160 FEET EAST OF THE INTERSECTION OF 18TH AVENUE TO THE INTERSECTION OF EAST 14TH AVENUE TO 45 MPH, ADD SPEED LIMIT OF 55 MPH FOR THE INTERSECTION OF EAST 14TH AVENUE TO THE EAST CORPORATE LIMITS, 1320 FEET EAST OF EAST 14TH AVENUE, AND AMEND VARIOUS STREET AND LOCATION DESCRIPTIONS; TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

WHEREAS, Schedule I of Chapter 74 of the Columbus City Code concerns speed limits within the corporate limits of the City of Columbus; and

WHEREAS, the Traffic Engineering Division of the Nebraska Department of Transportation (herein referred to as "NDOT") has completed a speed zone study for Highways U.S. 30 and U.S. 81 in Columbus; and

WHEREAS, because of results of the study, NDOT has requested that the speed limits be changed for Howard Boulevard from approximately 53rd to 63rd Avenues within the city limits to 50 mph and 160 feet east of the intersection of 18th Avenue to the intersection of East 14th Avenue to 45 mph and, the speed limit of 55 mph be added for the intersection of East 14th Avenue to the east corporate limits, 1320 feet east of east 14th Avenue; and

WHEREAS, upon adoption of the new speed limits, NDOT will post the new speed limits; and

WHEREAS, the NDOT desires to amend various street and location descriptions within Schedule I.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That Schedule I of Chapter 74 of Title VII of the Columbus City Code be amended as follows:

SCHEDULE I. SPEED LIMITS.

(A) *General.*

(1) It shall be unlawful for any person to operate a vehicle on any street at a rate of speed greater than is reasonable or prudent under the conditions then existing. It shall be unlawful for any person to operate a vehicle on the streets at any time or under any conditions at a rate of speed greater than 30 miles per hour on arterial streets and 25 miles per hour on all other streets and upon viaducts and the approaches thereto, unless otherwise posted.

(2) Except as hereinafter provided, it shall be unlawful for any person to operate or cause to be operated any motor vehicle or other type of conveyance on any State or Federal highway within the corporate limits of the City at a speed in excess of 35 miles per hour or in excess of any other maximum speed fixed by the City Council for the highways within the City, unless otherwise posted,

(3) The maximum speed limit through any maintenance, repair, or construction zone shall be 25 miles per hour.

(B) *Specific.* It shall be unlawful for any person or persons to operate, or cause to be operated, any motor vehicle or other type of conveyance at a rate of speed in excess of the maximum speeds hereinafter designated for the following zones.

<i>Street</i>	<i>Location</i>	<i>Speed Limit (mph)</i>
3rd Avenue	North line of 1st Street to the south line of 23rd Street	35
23rd Street (US-30/US-81)	East edge of the intersection of Howard Boulevard to 160 feet east of the intersection of 18th Avenue	35
23rd Street (US-30)	160 feet east of the intersection of 18th Avenue to the intersection of East 14th Avenue	45
23 rd Street (US-30)	Intersection of East 14th Avenue to the east corporate limits, 1320 feet east of East 14th Avenue	55
33rd Avenue (US-30)	Intersection of 23rd Street to 350 feet south of 6th Street	35
33rd Avenue (US-30)	350 feet south of 6th Street to south corporate limits, 110 feet south of the underpass of Pawnee Park Drive	45
East 6th Avenue (US-30)	From 38th Street to 23rd Street	50
Howard Boulevard (US-81)	Northwest corporate limits, 530 feet northwest of 63rd Avenue, to the intersection of 50th Avenue	50

Howard Boulevard (US-81)	Intersection of 50th Avenue to the intersection of 48th Avenue	45
Howard Boulevard (US-81)	Intersection of 48th Avenue to the west edge of the intersection of 33rd Avenue	35
Lost Creek Parkway	From U.S. Highway 81 to 38th Street	50

Section 2. This Ordinance shall repeal all Ordinances or portions thereof and in conflict herewith.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law. Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City office.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2025.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

6. Adjournment.