

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, August 8, 2022
5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the July 11, 2022 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Regarding a request from the McCook Economic Development Corporation to recommend approval of a preliminary plat which serves as the initial step in the creation of the North Pointe Addition to the City of McCook.
 1. Adjourn the Public Hearing.
 - B. Recommend the approval of a preliminary plat for the creation of the North Pointe Addition to the City of McCook.
 - C. Recommend approval of an ordinance that would allow for the vacation of subdivision plats in order to simplify any potential title and subdivision concerns.

Adjournment.

**CITY MANAGER'S REPORT
AUGUST 8, 2022 PLANNING COMMISSION MEETING**

ITEM: 1.

RECOMMENDATION:

Approve the minutes of the July 11, 2022 regular meeting.

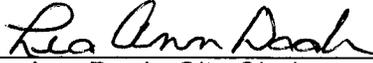
BACKGROUND:

Receive and approve the minutes.

FISCAL

IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

August 4, 2022

McCook Planning Commission
July 11, 2022
5:15 P.M. Central

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:15 o'clock P.M. in the City Council Chambers.

Present: Chair Vosburg; Commissioners Bradley (arrived 5:18 P.M.), Davidson, Dueland, Lyons, McDowell, Mockry.

Absent: Vice Chair Hilker; Commissioners Friehe, Stevens.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on July 7, 2022, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Chair Vosburg announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

1. Approve the minutes of the June 13, 2022, regular Planning Commission meeting.

Motion to approve the minutes of the June 16, 2022 regular Planning Commission meeting. This motion, made by McDowell and seconded by Dueland, passed.

Vosburg: YEA, Hilker: ABSENT, Bradley: ABSENT, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT
YEA: 6, NAY: 0, ABSENT: 4

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Regarding the voluntary annexation of a tract of land located north of "R" Street along West 7th Street in the NE ¼ of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, said property owned by John and Elizabeth Nothnagel.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located north of "R" Street along West 7th Street in the NE ¼ of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, said property owned by John and Elizabeth Nothnagel, with the City Attorney to act as hearing officer. This motion, made by Vosburg and seconded by Dueland, passed.

Vosburg: YEA, Hilker: ABSENT, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received and filed Exhibit #1 - City Manager's Report prepared for the July 11, 2022, Planning Commission meeting (1 page), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from John K. Nothnagel and Elizabeth A. Nothnagel (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - letter from the McCook Economic Development Corporation, dated June 2, 2022, regarding request for voluntary annexation (1 page); and Exhibit #6 - Proposed Resolution No. PC2022-02 (2 pages) into evidence and took comment from city staff before opening to the public for comment.

City Manager Schneider reviewed the information presented in Exhibit #1.

With no one present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by McDowell, passed.

Vosburg: YEA, Hilker: ABSENT, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT
YEA: 7, NAY: 0, ABSENT: 3

2.B. Approve Planning Commission Resolution No. PC2022-02, recommending approval of the annexation of a part Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska.

Motion to approve Planning Commission Resolution No. PC2022-02, recommending approval of the annexation of a part Section 19, Township 3 North, Range 29 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Bradley, passed.

Vosburg: YEA, Hilker: ABSENT, Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: ABSENT
YEA: 7, NAY: 0, ABSENT: 3

2.C Discussion regarding potential City of McCook recreational projects.

City Manager presented information regarding potential City of McCook recreation projects, discussion followed.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:00 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

**CITY MANAGER'S REPORT
AUGUST 8, 2022 PLANNING COMMISSION MEETING**

ITEM NO. 2.A. Public Hearing - Regarding a request from the McCook Economic Development Corporation to recommend approval of a preliminary plat which serves as the initial step in the creation of the North Pointe Addition to the City of McCook.

ITEM NO. 2.B. Recommend the approval of a preliminary plat for the creation of the North Pointe Addition to the City of McCook.

BACKGROUND:

The City of McCook has been asked, by the McCook Economic Development Corporation (ie. MEDC), John and Elizabeth Nothnagel, and W.A.G.S. Properties, LLC, to consider a preliminary plat of the North Pointe Addition to the City of McCook. The tract of land to be considered contains 16.36 acres, more or less. The preliminary plat contemplates the creation of 27 single family residential lots. The property is located west of West 7th Street and north of West R Street. The majority of the property is zoned as single family residential, with portions of the four lots adjacent to West 7th Street (ie. Block 1, Lot 8; Block 1, Lot 9; Block 2, Lot 1; and Block 2, Lot 16 of the proposed North Pointe Addition) zoned as agricultural. Accordingly, a rezone will have to occur prior to the approval of the North Pointe Addition final plat. This lapse of time is also required to allow for the finalization of the annexation of the MEDC lot that comprises the eastern edge of the proposed North Pointe Addition and the Nothnagel lot that comprises the northeastern edge of the proposed North Pointe Addition. Attached to this packet, the applicant has included a North Pointe Addition Preliminary Plat. The Preliminary Plat is comprised of three inclusive documents: the Preliminary Plat, the Preliminary Plat Outlining Proposed and Existing Utilities, and a Preliminary Plat That Overlays the Existing Land. Upon review, the applicant's preliminary plat meets the City of McCook's subdivision requirements. A copy of the requirements are included with this report. It is important to note that the preliminary plat contemplates the creation of three streets (ie. West 9th Street extended, West S Street from West 7th Street to West 9th Street, and West T Street from West 7th Street to West 9th Street). Additionally, the preliminary plat includes Outlot 2, which is intended to assist with surface drainage. Finally, the preliminary plat includes an easement north of West T Street that provides the Christener property to the north with 50 feet of frontage, allowing for street access to and from the Christener property. Of note, the Christner property is not included in the proposed North Pointe Addition. It's legal description will remain the same, as will all of the properties that have been previously subdivided as Clary Subdivision replats.

As mentioned in the previous agenda item, a vacation ordinance needs to be adopted by the McCook City Council prior to passage of the final plat. Based on staff's consultation with Craig Bennett of Miller & Associates and city staff's review of McCook's existing Subdivision Regulations, it is clear a vacation ordinance needs to be adopted to provide a clean method for subdividing over the top of existing subdivisions. The replat system that the City of McCook has employed in the past has shown itself to be unwieldy, as evidenced by the seven replats created to subdivide the Clary Subdivision.

EXHIBIT #1

PAGE(S) - 2

APPROVALS:

prepared by
Nathan A. Schneider, City Manager

August 3, 2022

Lea Ann Doak
Lea Ann Doak, City Clerk

August 3, 2022

**NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary plat on the following described property to be known as North Pointe Addition, a Replat of Blocks 2 & 3, Clary Subdivision & Replat No. 5 & No. 6 Clary Subdivision.

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is a Replat of Blocks 2 & 3 of the Clary Subdivision, and Replat No. 5 & No. 6 of the Clary Subdivision of the City of McCook, Red Willow County, Nebraska.

A PUBLIC HEARING ON THE ABOVE-DESCRIBED FINAL PLAT APPROVAL WILL BE HELD ON THE DATE, TIME, AND AT THE PLACE LISTED BELOW:

AUGUST 8, 2022 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

AUGUST 15, 2022 - 5:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described final plat may attend the public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Mail: July 29, 2022.
Post: July 29, 2022.

EXHIBIT #2

PAGE(S) - 1

Property Owners Notified:

RED WILLOW CO. SCHOOL DIST. #17
700 WEST 7TH
MCCOOK, NE 69001

PRESIDENT
MCCOOK PUBLIC SCHOOLS
600 WEST 7TH
MCCOOK, NE 69001

RED WILLOW COUNTY
C/O TAMI TEEL
502 NORRIS AVE
MCCOOK, NE 69001

RED WILLOW CO. PLANNING COMM.
502 NORRIS AVE
MCCOOK, NE 69001

JOHN D ALLEN
1203 W Q
MCCOOK, NE 69001

JOHN WALTERS
71822 OLD HWY 17
CULBERTSON, NE 69024

GALEN PERRY
1001 W R ST
MCCOOK, NE 69001

MEDC
C/O CHARLIE MCPHERSON
402 NORRIS AVE
MCCOOK, NE 69001

CRAIG AND CHERYL CHRISTNER
808 SPRUCE
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK
903 W R
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG
901 W R
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ
805 W R
MCCOOK, NE 69001

JOHN AND ELIZABETH NOTHNAGEL
805 SPRUCE
MCCOOK, NE 69001

CHANDLER AND TRISHA WAGNER
803 W R
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE
801 W R
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB
802 SPRUCE
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

MICHAEL R WIGGS
3292 E 3180 SOUTH ST
ST GEORGE, UT 84790

TOM AND JODY BENNETT
2101 W 7TH
MCCOOK, NE 69001

GARFIELD GEORGE GRIM
801 SPRUCE
MCCOOK, NE 69001

DARIN AND JENNIFER MORGAN
304 ELIZABETH
MCCOOK, NE 69001

EXHIBIT #3

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING
PRELIMINARY PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on August 8, 2022, at 5:15 P.M. and by the McCook City Council on August 15, 2022, at 5:30 P.M.. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the preliminary plat on a tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is a Replat of Blocks 2 & 3 of the Clary Subdivision, and Replat No. 5 & No. 6 of the Clary Subdivision of the City of McCook, Red Willow County, Nebraska, to be known as North Pointe Addition. A copy of the proposed preliminary plat and legal description are available for public inspection at the office of the City Clerk. Any and all persons desiring to comment on the proposed preliminary plat may attend said public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: July 29, 2022.

EXHIBIT #4

PAGE(S) - 1

DEDICATION

MCCOOK ECONOMIC DEVELOPMENT CORPORATION as it appears on the foregoing Plat and as described with the desires of the undersigned owners and proprietors. The said owners hereby dedicate the streets, alleys, easements and other open areas to the Public use and benefit.

By: Troy Bruntz, President MEDC
 By: John or Elizabeth Nuhnagel
 By: W.A.G.S. Properties LLC, Chris Wagner

ACKNOWLEDGMENTS

Personally appeared before me a Notary Public in and for the State of Nebraska, Troy Bruntz, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.

Witness my hand and official Seal this ___ day of _____
 My commission expires _____
 Notary Public _____

Personally appeared before me a Notary Public in and for the State of Nebraska, John or Elizabeth Nuhnagel, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.

Witness my hand and official Seal this ___ day of _____
 My commission expires _____
 Notary Public _____

Personally appeared before me a Notary Public in and for the State of Nebraska, Chris Wagner, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.

Witness my hand and official Seal this ___ day of _____
 My commission expires _____
 Notary Public _____

PLANNING COMMISSION APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this ___ day of _____, 2022.

Nate Schneider, City Manager Kurt Vashburg, Chairman Chad Lyons, Secretary

MUNICIPAL APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this ___ day of _____, 2022.

LeAnn Daak, City Clerk Michael Gonzales, Mayor

RECORDING INFORMATION

State of Nebraska) County of Red Willow)
 Instrument No. _____

DATE: _____

TIME: _____

Registrar of Deeds, Travis Teal

SURVEYOR
GRÜMMERT PROFESSIONAL SERVICES, LLC
 2837 W. HWY 6, STE 206, HASTINGS, NE 68901
 PHONE 402-879-5701 EMAIL jmgrumert@yahoo.com
 WWW.GRUMMERTSURVEYING.COM

ENGINEER
W DESIGN ASSOCIATES
 2114 10TH STREET, SUITE 100, HASTINGS, NE 68901
 402.879.5701 WWW.WDESIGNASSOCIATES.COM

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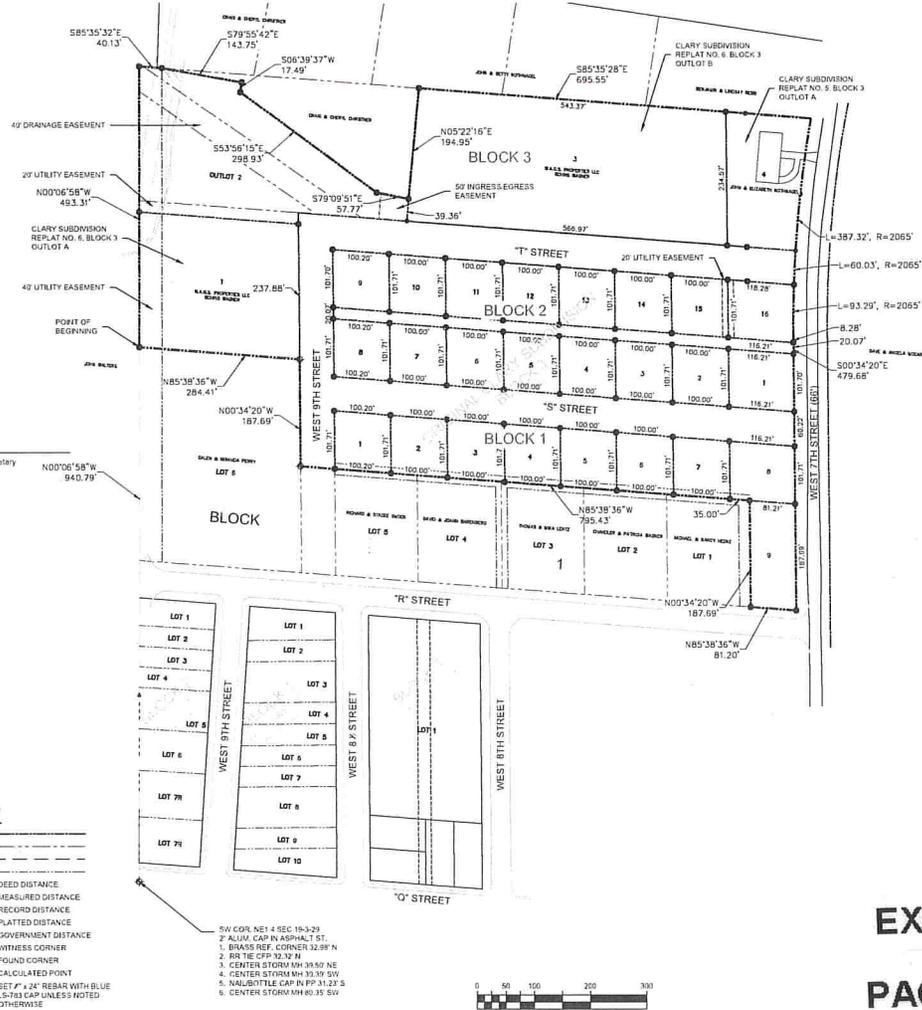


LEGEND

- PROPERTY LINE
- LOT LINE
- BLDG. SETBACK LINE
- EASEMENT
- D DEED DISTANCE
- M MEASURED DISTANCE
- R RECORD DISTANCE
- P PLATTED DISTANCE
- G GOVERNMENT DISTANCE
- W.C. WITNESS CORNER
- FC FOUND CORNER
- CP CALCULATED POINT
- SET P x 24" REBAR WITH BLUE LG-TIE CAP UNLESS NOTED OTHERWISE

NORTH POINTE ADDITION
AN ADDITION TO THE
City of McCook, Red Willow County, Nebraska

PRELIMINARY PLAT



SURVEYORS CERTIFICATE

A tract of land located in the NE 1/4 of Section 19, Township 4 North, Range 29 West of the 5th P.M., in Red Willow County, Nebraska, which is a Replat of Blocks 2 & 3 of the CLARY SUBDIVISION and Replat No. 5 & 6 of the CLARY SUBDIVISION more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed) and all bearing relative to along the 1/4 section line a distance of 940.79 feet to a point on the South line of Lot 7, said Point being the Point of Beginning. Thence N00°55'59"W along the West 1/4 Section Line a distance of 453.31 feet to a point, thence S85°35'32"E a distance of 40.13 feet to a point, thence S79°52'42"E a distance of 143.75 feet to a point, thence S08°39'37"W a distance of 17.48 feet to a point, thence S79°09'51"E a distance of 57.77 feet to a point, thence S79°09'51"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 194.95 feet to a point, thence S85°35'28"E a distance of 695.55 feet to a point, thence S53°50'15"E a distance of 298.93 feet to a point, thence S79°09'51"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 194.95 feet to a point, thence S85°35'28"E a distance of 695.55 feet to a point, thence Southwesterly along a curve a distance of 387.16 having a Radius of 2065 feet to a point, S00°34'20"E a distance of 479.66 feet to a point, thence N85°38'36"W a distance of 81.20 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 795.43 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 81.20 feet to the Point of Beginning.

Said tract containing 16.36 acres more or less subject to any easement, right-of-ways and reservations of record.

I, Joshua Eugene Grumert, is Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify that this plat of a survey was made by me or under my supervision, this ___ day of _____, 2022.

Joshua E. Grumert LS-783



VICINITY MAP

OWNER
 MCCOOK ECONOMIC DEVELOPMENT CORPORATION
 % TROY BRUNTZ, PRESIDENT
 422 MORRIS AVE SUITE 301
 MCCOOK, NE 68901

RESIDENTIAL MEDIUM DENSITY & AC ZONING

MINIMUM LOT = 5,000 SQ. FEET
 MINIMUM FRONT YARD = 20 FEET
 MINIMUM REAR YARD = 15 FEET
 MINIMUM SIDE YARD = 5 & 9 FEET

EXHIBIT #5

PAGE(S) - 1

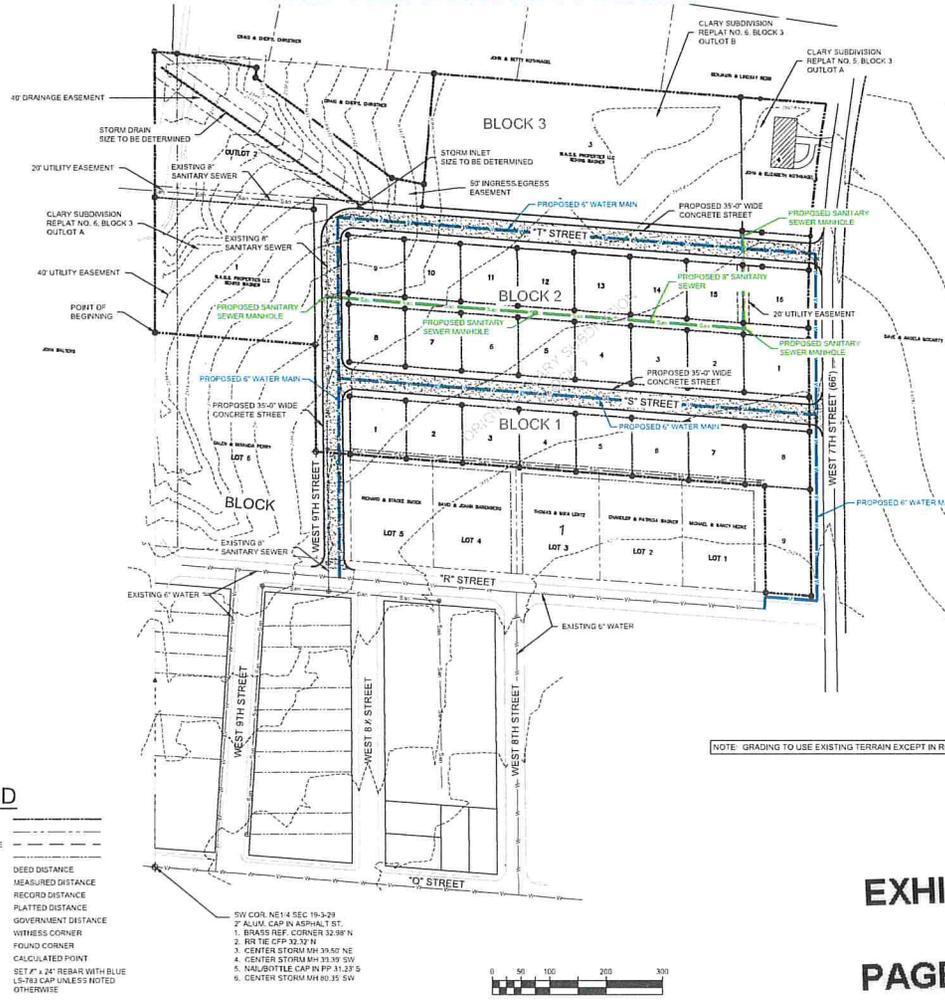
NORTH POINTE ADDITION

AN ADDITION TO THE

City of McCook, Red Willow County, Nebraska

PRELIMINARY PLAT

PROPOSED & EXISTING UTILITIES



SURVEYORS CERTIFICATE

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is a Replat of Blocks 2 & 3 of the CLARY SUBDIVISION, and Replat No. 5 & 6 of the CLARY SUBDIVISION more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 840.79 feet to a point on the South line of Lot 7, said Point being the Point of Beginning. Thence N00°06'58"W along the West 1/4 Section Line a distance of 493.31 feet to a point, thence S85°35'32"E a distance of 40.13 feet to a point, thence S79°55'42"E a distance of 143.75 feet to a point, thence S06°37'37"W a distance of 17.49 feet to a point, thence S53°56'15"E a distance of 298.93 feet to a point, thence S79°09'51"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 194.95 feet to a point, thence S85°35'28"E a distance of 695.55 feet to a point, thence Southwesterly along a curve a distance of 387.18 having a Radius of 2065 feet to a point, S00°34'20"E a distance of 479.68 feet to a point, thence N85°38'36"W a distance of 81.20 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 795.43 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 284.41 feet, to the Point of Beginning.

Said tract containing 16.36 acres more or less subject to any easement, right-of-way and reservations of record.

I, Joshua E. Grummett, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this _____ day of _____, 2022.

Joshua E. Grummett LS-763



VICINITY MAP

OWNER

McCOOK ECONOMIC DEVELOPMENT CORPORATION
% TROY BRUNTZ, PRESIDENT
402 MADISON AVE SUITE 301
MCCOOK, NE 68001

RESIDENTIAL MEDIUM DENSITY & AC ZONING

MINIMUM LOT = 5,000 SQ. FEET
MINIMUM FRONT YARD = 20 FEET
MINIMUM REAR YARD = 15 FEET
MINIMUM SIDE YARD = 5 & 8 FEET

SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
2837 W. HWY 6, STE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrummett@yahoo.com
WWW.GRUMMERTSURVEYING.COM

LEGEND

- PROPERTY LINE
- LOT LINE
- BLDG. SETBACK LINE
- EASEMENT
- D DEED DISTANCE
- M MEASURED DISTANCE
- R RECORD DISTANCE
- P PLATTED DISTANCE
- G GOVERNMENT DISTANCE
- W.C. WITNESS CORNER
- PC FOUND CORNER
- CALCULATED POINT
- SET 7" x 24" REBAR WITH BLUE LS-763 CAP UNLESS NOTED OTHERWISE

ENGINEER
DESIGN ASSOCIATES
2014 10th Street, NE, McCook, NE 68001
3014 W. 10th Street, NE, McCook, NE 68001

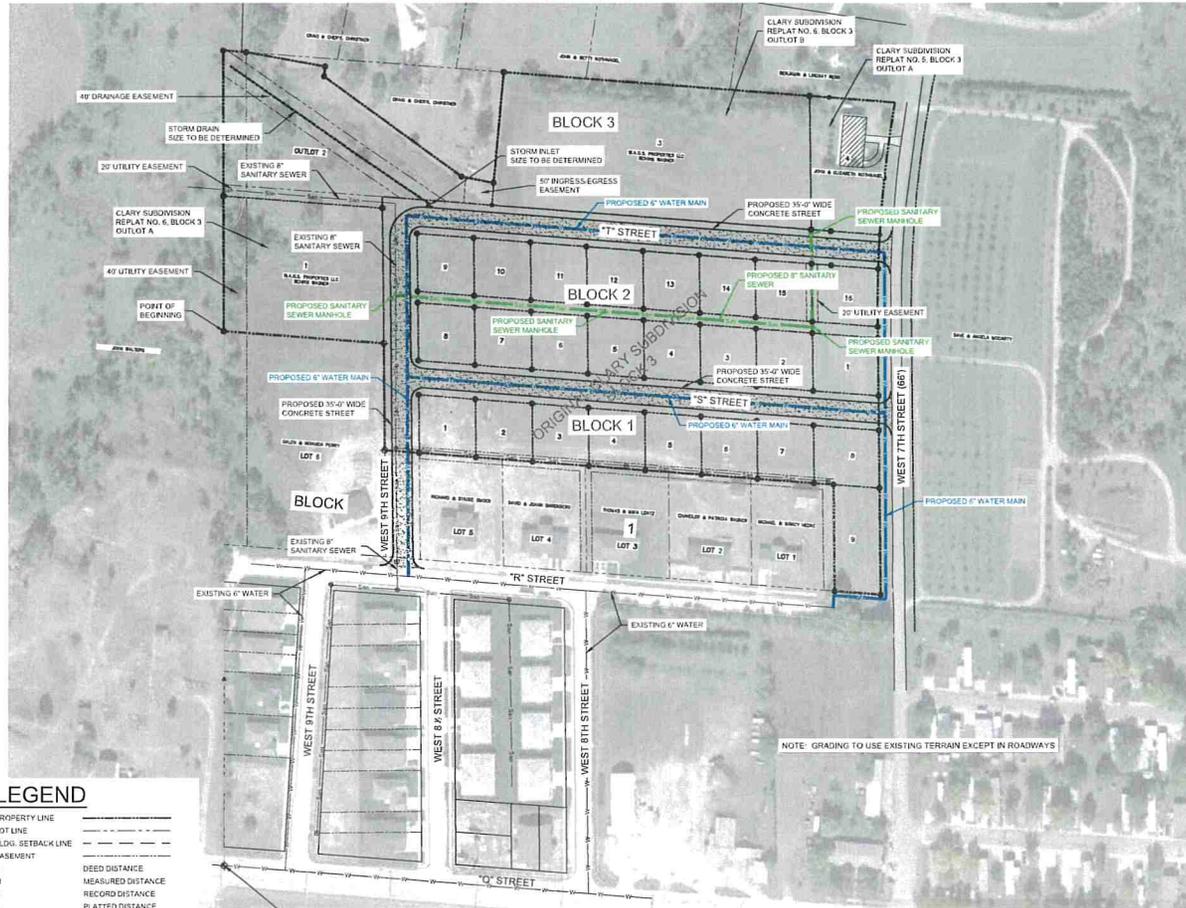
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EXHIBIT #6

PAGE(S) - 1

NORTH POINTE ADDITION AN ADDITION TO THE City of McCook, Red Willow County, Nebraska

PRELIMINARY PLAT PROPOSED & EXISTING UTILITIES



LEGEND

—	PROPERTY LINE
- - -	LOT LINE
- · - · -	BLDG. SETBACK LINE
- - - - -	EASEMENT
D	DEED DISTANCE
M	MEASURED DISTANCE
R	RECORD DISTANCE
P	PLATTED DISTANCE
G	GOVERNMENT DISTANCE
W.C.	WITNESS CORNER
⊕	FOUND CORNER
⊙	CALCULATED POINT
●	SET # 2" x 2" REBAR WITH BLUE LS-763 CAP UNLESS NOTED OTHERWISE

- 5/9 COR. NE 1/4 SEC. 18-3-29
- 2" ALUM. CAP IN ASPHALT ST.
- 1. BANKS REF. CORNER 32.98' N
- 2. RR TIE C/P 70.32' N
- 3. CENTER STORM MH 39.50' NE
- 4. CENTER STORM MH 33.95' SW
- 5. NALBOTTLE CAP IN PP 31.23' S
- 6. CENTER STORM MH 40.35' SW



SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
2837 W. HWY 6, STE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
WWW.GRUMMERTSURVEYING.COM

ENGINEER
DESIGN ASSOCIATES
214 E. 10TH ST. SUITE 100, McCook, NE 68901

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SURVEYORS CERTIFICATE

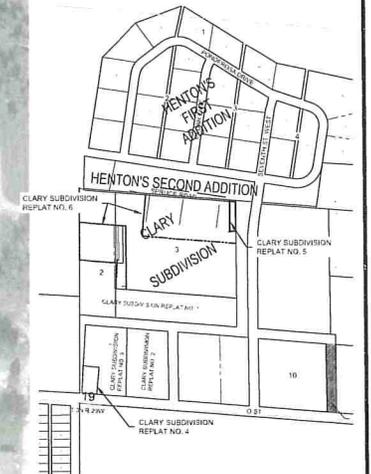
A tract of land located in the NE 1/4 of said Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, which is a Remainder of Blocks 2 & 3 of the CLARY SUBDIVISION, and Replat No. 5 & 6 of the CLARY SUBDIVISION more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58" W (assumed and all bearing relative to) along the 1/4 section line a distance of 940.79 feet to a point on the South line of Lot 7, said Point being the Point of Beginning, Thence N00°55'58" W along the West 1/4 Section Line a distance of 453.31 feet to a point, thence S85°35'32" E a distance of 40.13 feet to a point, thence S79°55'42" E a distance of 143.75 feet to a point, thence S06°30'37" W a distance of 17.49 feet to a point, thence S53°50'15" E a distance of 226.93 feet to a point, thence S79°09'51" E a distance of 57.77 feet to a point, thence N05°22'16" E a distance of 194.85 feet to a point, thence S85°35'28" E a distance of 695.55 feet to a point, thence Southwesterly along a curve a distance of 387.10 having a Radius of 2065 feet to a point, thence S00°34'20" E a distance of 479.66 feet to a point, thence N85°38'36" W a distance of 81.20 feet to a point, thence N00°34'20" W a distance of 187.69 feet to a point, thence S85°38'36" W a distance of 196.43 feet to a point, thence N00°34'20" W a distance of 187.69 feet to a point, thence N85°38'36" W a distance of 284.41 feet, to the Point of Beginning.

Said tract containing 16.36 acres more or less subject to any easement, right-of-way and reservations of record.

I, Joshua Eugene Grummert, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this _____ day of _____, 2022.

Joshua E. Grummert LS-783



VICINITY MAP

OWNER
MCCOOK ECONOMIC DEVELOPMENT CORPORATION
%TROY BRUNTZ, PRESIDENT
402 MORRIS AVE SUITE 301
MCCOOK, NE 68901

RESIDENTIAL MEDIUM DENSITY & AC ZONING
MINIMUM LOT = 5,000 SQ FEET
MINIMUM FRONT YARD = 20 FEET
MINIMUM REAR YARD = 15 FEET
MINIMUM SIDE YARD = 5 & 6 FEET

EXHIBIT #7

**CITY MANAGER'S REPORT
AUGUST 8, 2022 PLANNING COMMISSION MEETING**

ITEM NO. 2.C. Recommend approval of an ordinance that would allow for the vacation of subdivision plats in order to simplify any potential title and subdivision concerns.

BACKGROUND:

The McCook Planning Commission and McCook City Council have held discussions regarding the possibility of adopting an ordinance that would permit the vacation of subdivision plats or portions of subdivision plats. The discussions have been held relative to the Clary Subdivision. To this point, six replats of the Clary Subdivision have been approved. During the Clary Subdivision replatting process, staff questioned whether there was a cleaner way to subdivide an existing subdivision. Craig Bennett of Miller & Associates, explained that some communities vacate existing subdivisions prior to permitting continued divisions over the top of an established subdivision plat. By doing so, a clean slate is created so as to avoid confusion with respect to the identification of new lots and properties. After careful deliberation, staff would like to create an ordinance similar to the City of Kearney's, that outlines a process for vacating subdivision plats or portions of subdivision plats. A copy of Kearney's ordinance is included with this report for the Planning Commission's consideration.

APPROVALS:

Nathan A. Schneider
Nathan A. Schneider, City Manager

August 3, 2022

Lea Ann Doak
Lea Ann Doak, City Clerk

August 3, 2022

53-107 VACATION OF SUBDIVISION PLATS OR PORTIONS OF SUBDIVISION PLATS

An existing plat or portion of an existing plat must be vacated by ordinance prior to replatting, after hearings by the Planning Commission and City Council upon petition by the owners of such lands.

- A. The ordinance granting the vacation shall specify if any public highways, streets, alleys or other public grounds are to be retained by the City. If the City does not retain any such lands, ownership shall revert to abutting lot owners.
- B. Any vacation approved shall, at the owner's expense, be certified to the appropriate County Register of Deeds and be so recorded. The Register of Deeds shall then note such vacation on the plat by writing in plain, legible letters. Such notation shall also contain a reference to the volume and page in which the ordinance of vacation is recorded. The owners of the lands vacated shall cause the same to be replatted in accordance with the requirements of this Chapter.
- C. Where a plat or portion of a plat is vacated where water, sewer and paving are already installed, it shall be the responsibility of the petitioner to provide water and sewer to any newly created lots in the manner prescribed by the City's Utilities Department.

(Ord. No. 6864, 3-12-2002 effective April 15, 2002)

State law reference(s)—Similar provisions, Neb. Rev. Stat. 19-917