



**CITY OF SEWARD  
City Council  
Committee Meeting  
Agenda**

---

**Monday, March 10, 2025**

**7:30 PM**

**Council Chambers at the Municipal Building**

---

**NOTICE IS HEREBY GIVEN** that a meeting of the City Council of the City of Seward, Nebraska will be held at 7:30 PM on Monday, March 10, 2025, in the Council Chambers, 142 N 7th Street, Seward, Nebraska in which the meeting will be open to the public. The Mayor and City Council reserve the right to adjourn into Closed Session as per Section 84-1410 of the Nebraska Revised Statutes. An Agenda for such meeting, kept continually current, is available at the Office of the City Clerk, 537 Main Street, Seward, Nebraska, during normal business hours. Individuals requiring physical or sensory accommodations, who desire to attend or participate, please contact the City Clerk's Office at 402.643.2928 no later than 3:30 PM on the Friday preceding the Council Meeting. City financial claims and related invoices will be available for Council member review, audit, and voluntary signatures at the meeting location beginning 30 minutes prior to the scheduled meeting time.

**CALL TO ORDER**

**DISCLOSURE OF OPEN MEETINGS ACT & OTHER NOTIFICATIONS**

This is an Open Meeting of the Seward Planning Commission. The Seward Planning Commission abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is displayed on the north wall of this meeting room facility as required. Disclosure of meeting recording processes is posted in the Meeting Room. A participant sign-in sheet is available for use by any Citizen addressing the Commission. Presenters shall approach the podium, state their name & address for the record and are asked to limit remarks to five minutes. All remarks shall be directed to the Chair who shall determine by whom any appropriate response shall be made. The Seward Planning commission reserves the right to adjust the order of items on this Agenda if necessary and may elect to take action on any of the items listed.

**ROLL CALL**

**CONSENT AGENDA**

**MINUTES**

1. Consideration of Approval of Draft Minutes of January 13, 2025.

# City of Seward Planning Commission

## Minute Record                      January 13, 2025

The City of Seward Planning Commission met in regular session at 7:30p.m. January 13, 2025, in the Council Chambers at the Municipal Building at 142 North 7<sup>th</sup> Street, Seward, Nebraska. Upon roll call the following Commission Members were present: Clarence Kotera, Dan Ellis, Ron Wallman, Ron Niemoth, Scott Seevers, Ron Jackson, and Lacey Koch. Other Officials present: Building and Zoning Director, Tim Dworak, City Engineer, Michael Oneby, and Administrative Assistant, Sara Van Cura.

Absent members were: Sue Bowen, Jake Miller, Traci Menke.

All proceedings hereafter shown were taken while the convened meeting was open to the public. The meeting with the Planning Commission was called to order by Chairperson Wallman at 7:30 p.m. He requested that all individuals speaking during the public hearing limit their comments to five minutes.

### Minutes

Consideration of Approval of Draft Minutes of December 9, 2024.

Moved by Commission Member Koch; Seconded by Vice Chairperson Ellis to approve the minutes.

Aye: Kotera, Ellis, Wallman, Niemoth, Seevers, Jackson, Koch.

Nay: None.

Absent: Bowen, Miller. Motion carried.

1. Public Hearing 7:30pm: Vacate the north/south alley in Block 38, Cloyd's Addition, City of Seward, Seward County, Nebraska.

Chairperson Wallman opened the public hearing.

Dworak stated we were asked to do something with the alley. Bob Miers, the Street Superintendent, stated they do not maintain the alley. Our next step is to vacate it. We will keep the easement for utilities. We will keep ownership until a purchase agreement is signed, then it will be owned by Gokie. It will remain a walkway.

Chairperson Wallman suspended the public hearing.

Vice Chairperson Ellis moved to approve the vacation of the north/south alley in Block 38, Cloyd's Addition, City of Seward, Seward County, Nebraska: Seconded by Commission Member Seevers.

Chairperson Wallman stated to let the record show the Planning Commission finds it's the best interest of the City to vacate the Alley.

Aye: Kotera, Ellis, Wallman, Niemoth, Seevers, Jackson, Koch.

Nay: None.

Absent: Bowen, Miller. Motion carried

2. Public Hearing 7:30pm: review a minor plat of WCP Addition.

Chairperson Wallman opened the public hearing.

Dworak stated utilities are along the south side, along the tracks. Izaak Walton Road is paved and in place. No extension utilities or roads allow for a minor plat. 4.83 acres will be WCP, and the rest will remain an ag use.

Jonathan Jank, Seward County Chamber and Development Partnership, stated they have been working on this for a couple of years.

Chairperson Wallman suspended the public hearing.

Commission Member Koch moved to approve the minor plat of WCP Addition; Seconded by Vice Chairperson Ellis.

Vice Chairperson Ellis stated previous work in that area, there were some issues with sewer and asked if those have been addressed.

Dworak stated yes everything has been fixed.

Chairperson Wallman stated they will receive city utilities

Dworak stated yes, they are building on the south portion to limit the distance of utilities.

Chairperson Wallman stated to let the record indicate this development fits with the comprehensive plan of the City of Seward.

Aye: Kotera, Ellis, Wallman, Niemoth, Seevers, Jackson, Koch.

Nay: None.

Absent: Bowen, Miller. Motion carried

3. Public Hearing 7:30pm: review a rezone application for Lot 1, WCP Addition located in Section 29, Township 11, Range 3 East of the 6<sup>th</sup> P.M. from AG Agricultural District to I2 General Industrial District.

Chairperson Wallman opened the public hearing.

Dworak stated we are going with I2 which is the same designation that's out there.

Chairperson Wallman stated even if this project doesn't come to fruition, we have an I2 lot.

Dwork stated yes it would still be contiguous I2.

Chairperson Wallman closed the suspended the public hearing.

Vice Chairperson Ellis moved to approve the rezone application for Lot 1, WCP Addition located in Section 29, Township 11 North, Range 3 East of the 6<sup>th</sup> P.M.

from Ag Agricultural District to I2 General Industrial District; Seconded by Commission Member Seevers.

Aye: Kotera, Ellis, Wallman, Niemoth, Seevers, Jackson, Koch.

Nay: None.

Absent: Bowen, Miller. Motion carried

4. Public Hearing 7:30pm: review a voluntary request for annexation of Lot 1, WCP Addition.

Chairperson Wallman opened the public hearing.

Dworak stated there is a letter from Arthur Knox requesting annexation.

Chairperson Wallman closed the public hearing.

Commission Member Niemoth moved to approve the voluntary request for annexation of Lot 1, WCP Addition; Seconded by Commission Member Kotera.

Aye: Kotera, Ellis, Wallman, Niemoth, Seevers, Jackson, Koch.

Nay: None.

Absent: Bowen, Miller. Motion carried

5. Administrative Item

6. Reports

7. Agenda Items

8. Upcoming Events

Meeting adjourned 7:48 p.m.

Sara Van Cura  
Administrative Assistant

**PUBLIC HEARINGS**

1. Public Hearing 7:30pm: review the application to transfer the special use permit located at 511 Bradford to Andy Wiltz, allowing an outdoor dog exercise area.

City of Seward Planning Commission

142 N 7<sup>th</sup> St. Seward, NE 68434

Staff Report

Tim Dworak, Building/Zoning &  
Code Enforcement Director  
402-643-4000

---

**APPLICATION TYPE**

Special Use permit

**FINAL ACTION?**

**DEVELOPER/OWNER**

Andy Wiltz/The Alps Dog Retreat LLC

**PC HEARING DATE**

March 10, 2025

**RELATED APPLICATIONS**

**PROPERTY ADDRESS, ZONING DISTRICT/USE**

511 Bradford St – CBD - Commercial

**ADJACENT ZONING DISTRICTS/USE:**

North, CBD, Commercial – Twin Rivers Health Care

East, CBD, Residential – Mark Suhr

South, CBD, Commercial – Suhr & Lichty Insurance Agency, Inc

West, CBD, Commercial – Jack Russel – Farm Bureau Financial Services

**BRIEF SUMMARY OF REQUEST**

A Special Use Permit application for an outdoor exercise area at the Alps Dog Retreat, Doggy Day Care in the Central Business District (CBD).



**APPLICATION CONTACT**

Andy Wiltz [REDACTED]

**ANALYSIS**

The Alps Dog Retreat is changing owners and requesting the permit be assigned to the new owner. The Doggy Day Care use conditions for the Special Use Permit are listed below. The permit would be issued with the owner and expire should the owner no longer own the business the Alps Dog Retreat or no longer have an outdoor exercise area.

The notice of this Public Hearing was published in the Seward County Independent, a sign posted, and letters were mailed to properties within 300 feet.

**APPROXIMATE LAND AREA:**

0.52 acres or 22,758 square feet +/-

**LEGAL DESCRIPTION:**

LOTS 3, 10-13, 14-18 Block 37 CLOYDS ADDITION CITY OF SEWARD

Prepared by

Tim Dworak

City of Seward Building – Zoning – Code Enforcement Director

**CONDITIONS OF APPROVAL – SPECIAL USE PERMIT # CU25-01.**

As provided by the City of Seward Unified Land Development Ordinance, Article 44 Administrative Procedures and Penalties, section 410-44.3 Conditional Use Permits, this approval permits a Doggy Day Care in the CBD District.

**SITE SPECIFIC CONDITIONS:**

1. Dogs to be supervised by an on duty company employee at all times.
2. Outdoor area shall have obscuring fencing per §410-32.8 Fence Regulations.
3. Outdoor area shall have artificial turf and/or gravel.
4. Maximum of 15 dogs in the outdoor area.
5. Outdoor hours of operation are from dawn to dusk.
6. Outdoor area shall not be used July 4<sup>th</sup> of any year.

**STANDARD CONDITIONS:**



Application for Special Use Permit

*Applications shall be submitted a minimum of 30 days prior to the City Planning Commission Meeting. City Planning Commission meets the 2nd Monday of each month.*

Instructions:

1. Fill out the application form completely. Use additional sheets if needed.
2. Filing Fee is \$200. Notification Fee is \$100. Amount Due is \$300 payable to the City of Seward.
3. Contact the City of Seward Building & Zoning Director for questions.
4. Submit a list of property owners within 300 feet, prepared by a certified abstractor.

Permit No. \_\_\_\_\_

Date : 1/22/20

Applicants Name : Andy Wiltz

Applicants Address: [REDACTED]

Phone Number: [REDACTED]

Email: [REDACTED]

Present use of Property: Outdoor dog play yard used by The Alps Bark Park

Requested use of Property : Requesting a new special use permit be granted to myself so The Alps Bark Park can continue utilizing the outdoor play space

Present Zoning: Downtown CBD

Legal Description: Seward Clouds Addition Block 37 LTS 10-13 & W1/2 VAC Alley ADJ Lot 5

Provisions of the Zoning Regulations you are seeking for this permit: See attached

Number of Years for Permit (5 yrs, 10 yrs, etc): Attached to Owner

Explain in detail what you propose to do: I am purchasing The Alps Bark Park and I am seeking a special use permit to continue business operations in the outdoor yard

Adjoining Property Use:

North: <u>Parking lot</u>	South: <u>Insurance Agency</u>
West: <u>Insurance agency</u>	East: <u>Homes in CBD</u>

This authorize the City of Seward Planning and Zoning Director to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation. The Director may be accompanied by members the City of Seward Planning Commission or Seward City Council.

Applicant Signature:

PO BOX 38 · 142 N 7th St. Seward, NE 68434  
402-643-2928 Opt. 3, Opt. 1  
tim.dworak@cityofsewardne.gov

Below are the requirements for supplement use regulations of the Dog Day Care.

**G. Dog day care.**

- (1) The dogs shall be under the direct supervision of an on-duty company employee at all times.
- (2) Provide sight-obscuring fencing for all on-site outdoor exercise areas. The fence shall be subject to § 410-32.8, Fence regulations.
- (3) Outdoor exercise area shall have artificial turf and/or pea gravel.
- (4) Maximum of 15 dogs in the outdoor exercise area.
- (5) Outdoor exercise area hours of operation are from dawn to dusk.
- (6) The outdoor exercise area shall not be used on July 4.
- (7) Dog day care facilities shall not be adjacent to a residential zoning district; this includes across streets and rights-of-way.
- (8) The applicant shall be required to obtain all licenses and permits and meet the City's conditional use and site plan review requirements, as applicable.



800078039

800231000

800078098

800078055

800231525

N 6th St

N 5th St

Ave

Jackson Ave



## **History**

Andy Wiltz, the owner of Woof's Pet Resort Inc., is originally from Topeka, Kansas and spent part of each summer in Elkhorn, Nebraska with his family. He left Kansas for school at Baylor University to study Entrepreneurship and Real Estate Finance. Upon graduation, he moved to New York City with a job in strategy consulting. After 10+ years of corporate work, he decided it was time to go out on his own.

He had the opportunity to acquire Woof's Play & Stay, a single dog facility in Merriam, Kansas. After immersing himself in the dog world, he started to grow his business through acquisition and new store development. After COVID, he wanted to diversify from strictly daycare, boarding and grooming and started adding on other supplemental dog businesses – pet waste removal, collars/leashes design and a dog bakery.

Now with over 200 employees, Woof's Pet Resort continues to grow while focused on keeping a local presence. Unlike private equity firms that are focused on acquiring as many facilities across the country as possible, Woof's focuses on businesses that are "near" Kansas City so the Woof's team can help support the facilities, including Bellevue Pet Adventures just south of Omaha.

Full time employees are eligible for retirement plans, health insurance, supplemental insurance and paid vacation. With each acquisition, Woof's keeps the existing team members to keep the momentum going and keep the local touch that is already a part of the facility.

Now with 9 daycare/boarding/grooming facilities and 3 other dog businesses, Woof's is one of the largest individually owned dog services businesses in the country.

## **Transition Planning**

With Woof's having acquired other facilities in the past, Andy uses his consulting experience to integrate the best of Woof's along with the best of the new business. With the Alps having an outstanding team and reputation, very little changes will be made that are visible to outsiders. Hours of operations, day-to-day processes, management and team members will all remain. There will be procedures that The Alps has that will actually be carried back to the Woof's stores.

The items that could change would be related to HR policies and benefits, reporting procedures, equipment and supplies. Most changes outside of HR will come from the existing team members themselves.

**Stores**

**Merriam, Woof's Play & Stay, 2008**



**Topeka, Woof's Play & Stay, 2018**



**Lawrence, Woof's Play & Stay, 2018**



**Leawood, Woof's Play & Stay, 2018**



**South Overland Park, Woof's Play & Stay, 2019**



**Olathe, Woof's Play & Stay, 2024**



**Kansas City, Canine Capital, 2022**



**Bellevue, Pet Adventure, 2022**



**West Hollywood, Stardogs, 2022**



## Other Dog Businesses

**Pet Butler** – Pet Waste Removal ([www.petbutler.com](http://www.petbutler.com))



**Dub Dog Designs** – Collar, Leash, Accessories Design and Manufacturing ([www.dubdog.pet](http://www.dubdog.pet))



**Callie Mae's Barkery & Bath** – Dog Bakery and Pet Wash ([www.calliemaesbarkery.com](http://www.calliemaesbarkery.com))



## Special/Conditional Use Permit History

Only Overland Park, Kansas and West Hollywood, CA require a Special Use Permit for the different municipalities that we are in. Each of our current permits passed unanimously both the Planning Commission as well as City Council.

Woof's Leawood (10750 El Monte)

- Original – 2010, SUP2010-00010
- 1st Renewal – 2023, SUP2023-00003

Woof's South Overland Park (6976 W 152nd)

- Original – 2007, SUP2007-00031
- 1st Renewal – 2012, SUP2012-00034
- 2nd Renewal – 2024, SUP2024-00002

Stardogs West Hollywood

- Original- 2022, CUP22-0003

**Woof's South Overland Park SUP2024 -0002 Permit**

**ORDINANCE NO. Z-4327**

**SPECIAL USE PERMIT NO. 2024-00002**

**AN ORDINANCE RELATING TO ZONING: AUTHORIZING A SPECIAL USE PERMIT FOR CERTAIN PROPERTY.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:**

**Section 1. Special Use Permit Granted.** Pursuant to regulations set forth in the Overland Park Municipal Code, Section 18.370, permission is hereby granted to use in the manner set forth in Section 2 hereof, the following described real property, to-wit:

Legal Description:

LOT 1, FRYE INDUSTRIAL PARK RESURVEY, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 1; THENCE SOUTH 89 DEGREES 50 MINUTES 43 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 340.00 FEET TO A POINT; THENCE SOUTH 65 DEGREES 18 MINUTES 44 SECONDS WEST, A DISTANCE OF 190.42 FEET TO A POINT; THENCE NORTH 89 DEGREES 50 MINUTES 43 SECONDS WEST, A DISTANCE OF 80.93 FEET TO A POINT; THENCE SOUTH 64 DEGREES 56 MINUTES 13 SECONDS WEST, A DISTANCE OF 95.00 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY OF METCALF AVENUE; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 120.48 FEET TO THE POINT OF BEGINNING.

**Section 2.** That the real property hereinabove described shall hereafter allow a renewal of dog daycare and kennel for a 10-year period of time. This property is currently zoned IP-1J, Planned Light Industrial District, Johnson County.

All Zoning Ordinances or Zoning Regulations of the City of Overland Park, Kansas, affecting the use of the real property hereinbefore described which are inconsistent with this ordinance are hereby made inapplicable to the said property for said period of time.

**Section 3. Conditions and Stipulations.** The special use permit granted in Sections 1 and 2 hereinabove in addition to full compliance with any general provisions contained in Chapter 18.370 of the Overland Park Municipal Code, Unified Development Ordinance, is hereby made contingent upon the performance and observation of the following additional and supplementary regulations, stipulations, conditions, and restrictions, of which the violation of any hereafter enumerated will be a supplementary basis for revocation in addition to those specified in Section 18.370.050, to-wit:

ORDINANCE NO. Z-4327

- a. The dog daycare shall be operated in compliance with all State of Kansas and City of Overland Park laws, regulations, and requirements.
- b. Poly carts located at the rear of the building shall be used for trash purposes. Pick-up shall be coordinated at intervals appropriate to minimize odor and pests.
- c. In the event the outdoor play area is determined to be the source of pollution as defined in Chapter 7.58 of the Municipal Code, or the cause of sanitation or odor problems, the applicant shall be given a reasonable amount of time, not to exceed three months, to eliminate the cause of the identified problems.
- d. The applicant shall maintain the fabric mesh fence material and change it at any time that it becomes torn or damaged in any way. When the current fence is replaced in the future, a solid fence product shall be permitted and installed.

**Section 4. Take Effect.** This ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the City Council this 06th day of May, 2024.

APPROVED by the Mayor this 06th day of May, 2024.

**CITY OF OVERLAND PARK, KANSAS**

By: \_\_\_\_\_  
Curt Skoog  
Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Elizabeth Kelley  
City Clerk

By: (s) Trevor Stiles \_\_\_\_\_  
Trevor L. Stiles  
Senior Assistant City Attorney

Return To:  
City of Seward  
PO Box 38  
Seward, NE 68434

### Notice of Special Use Permit

This Notice shall hereby certify that City of Seward approved Conditional Use Permit CU25-01 on March 18, 2025, granting Andy Wiltz a Special Use Permit for an outdoor dog exercise area in CBD – Central Business District at the property legally described as:

Lot 3, and all of vacated alley adjoining said lot to the East and including the North Half of the vacated alley adjacent thereto on South side; Lots 14, 15, 16, 17, 18, together with the South Half of the vacated alley North of lots 14, 15, 16, 17, 18, in Block 37, Cloyd's Addition, Seward, Seward County, Nebraska, and;

Lots 10, 11, 12, 13, and the South Half of vacated alley adjoining said lots to the North, in Block 37, Cloyd's Addition to the City of Seward, Seward County Nebraska.

(Commonly known as 511 Bradford St.)

with the following conditions:

1. Dogs to be supervised by an on-duty company employee at all times.
2. Outdoor area shall have obscuring fencing per §410-32.8 Fence Regulations.
3. Outdoor area shall have artificial turf and/or gravel.
4. Maximum of 15 dogs in the outdoor area.
5. Outdoor hours of operation are from dawn to dusk.
6. Outdoor area shall not be used July 4th of any year.

Said special use permit shall run with Andy Wiltz, and is void once he is no longer the owner.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Joshua Eickmeier, Mayor City of Seward

STATE OF NEBRASKA

SS

COUNTY OF SEWARD

The foregoing instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2025, by Joshua Eickmeier, Mayor of the City of Seward.

Notary Seal:

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

2. Public Hearing 7:30pm: review a text amendment to the City of Seward Unified Land Development Ordinance; Article 4 Zoning District Regulations; 410-4.8 Vacation of Streets and Alleys.

**APPLICATION TYPE**

**FINAL ACTION?**

**DEVELOPER/OWNER**

ULDO Amendment

**PC HEARING DATE**

**RELATED APPLICATIONS**

**PROPERTY ADDRESS, ZONING DISTRICT/USE**

March 10, 2025

**BRIEF SUMMARY OF REQUEST**

Review a Text Amendment to the City of Seward Unified Land Development Ordinance; Chapter 410 Zoning and Subdivision, Article 4 Zoning District Regulations; 410-4.8 Vacation of streets and alleys.

**APPLICATION CONTACT**

Tim Dworak

**ANALYSIS**

It was noted city code 340-3.11 Vacation of streets and alley, allows for the entire vacated property to be conveyed to one property owner in its entirety. Research discovered code 340-3.11 was amended and adopted August 20, 2002 by Ordinance No. 31-02 to align with Nebraska State Statute 16-611 Vacation of street or alley; abutting property; how treated, which allows for the entire vacated property to be conveyed to a single property owner. City ordinance 340-3.11 and Nebraska State Statute 16-611 are attached in the packet for reference.

City code 410-4.8 extended the zoning district abutting both sides of the vacation to the former center line of the right-of-way. To avoid the possibility of two (2) zoning districts on a property the amended ordinance would allow for the extension of the current zoning district to extend to the entire vacated property as conveyed to one property owner so not to create split zoning on a vacated property.

Prepared by

Tim Dworak

City of Seward Building - Zoning – Code Enforcement Director

**§ 410-4.8. Vacation of streets and alleys.**

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former center line-, unless the entirety of the vacated public street or alley is sold, conveyed, exchanged, or leased to a single abutting property, then the zoning district will be extended to align with that property.

**§ 340-3.11. Vacation of streets and alleys. [Amended 8-20-2002 by Ord. No. 31-02<sup>1</sup>]**

- A. Upon the vacation of any street or alley by the City, the title to such property shall vest in the owners of the abutting property and become a part of such property, one-half on each side thereof, unless the City reserves title in the ordinance vacating such street or alley. If title is retained by the City, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the City.
- B. When a portion of a street or alley is vacated only on one side of the center thereof, the title to such property shall vest in the owner of the abutting property and become part of such property, unless the City reserves title in the ordinance vacating a portion of such street or alley. If title is retained by the City, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the City.
- C. When the City vacates all or any portion of a street or alley, the City shall, within 30 days after the effective date of the vacation, file a certified copy of the vacating ordinance with the Register of Deeds for the county in which the vacated property is located to be indexed against all affected lots.
- D. The title to property vacated pursuant to this section shall be subject to the following:
  - (1) There is reserved to the City the right to maintain, operate, repair, and renew public utilities existing at the time title to the property is vacated there; and
  - (2) There is reserved to the City, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times.

(Neb. RS 16-611)

---

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

## **16-611. Vacation of street or alley; abutting property; how treated.**

(1) Upon the vacation of any street or alley by a city of the first class, the title to such property shall vest in the owners of the abutting property and become a part of such property, one-half on each side thereof, unless the city reserves title in the ordinance vacating such street or alley. If title is retained by the city, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the city.

(2) When a portion of a street or alley is vacated only on one side of the center thereof, the title to such property shall vest in the owner of the abutting property and become part of such property unless the city reserves title in the ordinance vacating a portion of such street or alley. If title is retained by the city, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the city.

(3) When the city vacates all or any portion of a street or alley, the city shall, within thirty days after the effective date of the vacation, file a certified copy of the vacating ordinance with the register of deeds for the county in which the vacated property is located to be indexed against all affected lots.

(4) The title to property vacated pursuant to this section shall be subject to the following:

(a) There is reserved to the city the right to maintain, operate, repair, and renew public utilities existing at the time title to the property is vacated there; and

(b) There is reserved to the city, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times.

**Source:** Laws 1901, c. 18, § 48, IV, p. 145; Laws 1903, c. 19, § 7, p. 237; R.S.1913, § 4910; C.S.1922, § 4078; C.S.1929, § 16-607; R.S.1943, § 16-611; Laws 1969, c. 58, § 2, p. 363; Laws 2001, LB 483, § 5; Laws 2005, LB 161, § 3; Laws 2019, LB194, § 34.

### **Annotations**

Where conveyance describes lot by block and number, contains no reservation of rights in alley, conveyance transfers fee to center line of abutting portion of vacated

alley even though conveyance also describes lots by metes and bounds which did not include any part of alley and used edge of alley as boundary. *Seefus v. Briley*, 185 Neb. 202, 174 N.W.2d 339 (1970).

This section is not applicable to vacation of a nominal street of a platted addition. *Trahan v. Council Bluffs Steel Erection Co.*, 183 Neb. 170, 159 N.W.2d 207 (1968).

This section has no relation to streets which have been platted and dedicated. *Dell v. City of Lincoln*, 170 Neb. 176, 102 N.W.2d 62 (1960).

Cities own in fee simple, the streets, alleys, etc., and may maintain ejectionment, may vacate them, or even sell and dispose of them. *Krueger v. Jenkins*, 59 Neb. 641, 81 N.W. 844 (1900).

There is no constitutional restraint of the Legislature's plenary power, to vacate or discontinue the public easement on streets. *City of Columbus v. Union Pacific R. R. Co.*, 137 F. 869 (8th Cir. 1905).

ORDINANCE NO. 2025-

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SEWARD, CHAPTER 410 ZONING AND SUBDIVISION, ARTICLE 4 ZONING DISTRICT REGULATIONS; TO AMEND THE VACATION OF STREETS AND ALLEYS; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD AS FOLLOWS:

That Chapter 410 of the Municipal Code of the City of Seward is hereby amended as follows:

Section 1. That §410-4.8 be amended as follows:

§410-4.8 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former center line, unless the entirety of the vacated public street or alley is sold, conveyed, exchanged, or leased to a single abutting property, then the zoning district will be extended to align with that property.

SECTION 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. WHEN OPERATIVE; PUBLICATION IN PAMPHLET FORM. This ordinance shall be published in pamphlet form and shall be in full force from and after its passage, approval and publication or posting as required by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025

CITY OF SEWARD, NEBRASKA

\_\_\_\_\_  
Joshua Eickmeier, Mayor

ATTEST: \_\_\_\_\_  
Derek Bargmann  
City Clerk

**ADMINISTRATIVE ITEMS  
REPORTS**

1. Report on Meetings Attended

**FUTURE REQUESTS FOR COMMISSION AGENDA ITEMS OR  
ADMINISTRATIVE ACTION  
ANNOUNCEMENT OF UPCOMING EVENTS  
MOTION TO ADJOURN**

---

I, Derek Bargmann, the duly appointed qualified and acting City Clerk of the City of Seward, Nebraska, hereby certify that the foregoing Notice of Meeting and Agenda for such meeting has been posted in the following places: Seward City Hall, Seward Memorial Library, and CityofSewardNE.gov

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City.

---

Derek Bargmann, City Clerk

---

Date