

# **City of Scottsbluff, Nebraska**

**Monday, July 13, 2015**

**Regular Meeting**

## **Item NewBiz1**

### **Annexation:**

*Applicant: C&T Holdings, LLC*

*Owner(s): C&T Holdings, LLC*

*Location: North end of Five Oaks Drive*

Staff Contact: Annie Urdiales

# ***SCOTTSBLUFF CITY***

## ***PLANNING COMMISSION STAFF REPORT***

**To:** Planning Commission  
**From:** Development Services Department  
**Date:** July 13, 2015  
**Subject:** Annexation  
**Location:** North end of Five Oaks Drive

**Zoning:** R1A  
**Property Size:** 0.06± acres  
**# Lots/Units:**

### **Procedure**

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

**Public Notice:** This item was noticed in the paper and a notice was posted on the property

### **Background**

The applicant(s), C & T Holdings, and Clark Nation have requested annexation of approximately 2,629.39 square feet (0.06± acres) into the City's corporate boundaries. This area is a gap that was left out of the previous annexation of the Five Oaks Subdivision. The property is platted as a public street right of way for Five Oaks Drive.

The gap is contiguous to existing corporate boundaries, the ordinance will correct the gap in the corporate limits, there are no negative effects to surrounding properties from the annexation. The annexation is consistent with the Comprehensive Development Plan map 10-10.

### **RECOMMENDATION**

#### ***Approve***

Make a **POSITIVE RECOMMENDATION** to the City Council to annex property described as part of the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M., in the Five Oaks Subdivision (0.06 acres) into the City's corporate limit boundary subject to the following condition(s):

#### ***Deny***

Make a **NEGATIVE RECOMMENDATION** to the City Council to annex property described as part of the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M., in the Five Oaks Subdivision (0.06 acres) into the City's corporate limit boundary for the following reason(s):

#### ***Table***

Make the motion to **TABLE** the request to annex property described as part of the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M., in the Five Oaks Subdivision (0.06 acres) into the City's corporate limit boundary for the following reason(s):







ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ANNEXING A PARCEL OF LAND CONSISTING OF 2,629.39 SQ. FT. (0.06 ACRES), MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED BELOW, AND ALLOWING FOR PUBLICATION IN PAMPHLET FORM.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:**

Section 1. The owners of the following described real estate (the “real estate”) have filed a written request that the real estate be annexed into the City of Scottsbluff, Nebraska (the “City”). The real estate described below is hereby found and declared to be contiguous and adjacent to the corporate limits of the City, to be urban or suburban in character, and not to be agricultural land which is rural in character:

A parcel of land known as gap parcel for annexation of the Five Oaks Block 13 Final Plat, containing 2,629.39 sq. Ft. (0.06 acres), more or less, in the Northwest Quarter of Section 14, Township 22 North, Range 55 West, of the 6<sup>th</sup> Principal Meridian, in Scotts Bluff County, Nebraska, said tract or parcel being more particularly described as follows:

Commencing at the Northwest corner of Section 14, Township 22 North, Range 55 West, of the 6<sup>th</sup> Principal Meridian, being a found 1” diameter steel bolt, flush in the surface of highway 71, stamped in part “survey mark”, whence the west sixteenth of said Section 14, being a found 3 1/4" diameter aluminum cap, flush in the surface of 42<sup>nd</sup> Street, stamped in part "Baker & Associates Inc, PLS 731", bears South 88°13'30" East, a distance of 1326.35 feet; thence South 35°10'32" East, a distance of 1638.01' feet to a point on the existing northeast corner of the intersection of 38<sup>th</sup> Street and Five Oaks Drive and to the **point of beginning**;

Thence North 69°38'46" West, a distance of 32.78 feet;

Thence North 10°24'12" EAST, a distance of 67.42 feet;

Thence South 88°26'48" East, a distance of 34.93 feet to a point on the East right of way line of Five Oaks Drive;

Thence along the East Right of Way line of Five Oaks Drive on a arc of a curve to the left, a radius of 211.00 feet, a central angle of 21°26'20", a distance of 78.95 feet, (a chord bearing South 12°01'32" West, a distance of 78.49 feet) **TO THE POINT OF BEGINNING.**

**Basis of Bearings:** All bearings are base don the line connecting the Northwest corner of Section 14, Township 22 North, Range 57 West, of the 6<sup>th</sup> Principal Meridian and the West sixteenth corner of said Section 14, being a **grid** bearing of **South 88°13'30” East** a distance of **1326.35 feet** as obtained from a global positioning system (GPS) survey based on the Nebraska High Accuracy Reference Network (NHARN). Said grid bearing is NAD 83 (2011) Nebraska State Plane Zone 2600.

The above described parcel contains 2,629.39 sq. ft. (0.06 acres), more or less.

Section 2. The real estate described in paragraph 1 is hereby annexed to and included within the corporate limits of the City, and hereafter shall be and remain a part of the City for all purposes whatsoever.

Section 3. The owners, occupants and users of the real estate described in paragraph 1 shall be entitled to all the rights and privileges, and subject to all the laws, ordinances, rules and regulations of the City. Such owners, occupants and users shall receive substantially the benefits of other owners, occupants and users of lands within the City as soon as practical, and adequate plans and necessary City Council action, if any, to furnish such benefits as police, fire, snow removal and water service shall be adopted as provided in Neb. Rev. Stat. §16-120 (Reissue 2012).

Section 4. This Ordinance shall become effective upon its passage, approval and publication as provided in pamphlet form.

PASSED AND APPROVED on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk (Seal)