

City of Scottsbluff, Nebraska

Monday, April 17, 2017

Regular Meeting

Item Resolut.2

Council to consider an Ordinance annexing tracts of land known as Block One, Alf Addition, an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska.

Staff Contact: Nathan Johnson, City Manager

**Planning Commission Minutes
Regular Scheduled Meeting
April 10, 2017
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regularly scheduled meeting on Monday, April 10, 2017, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on March 31, 2017. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

ITEM 1: Chairman Becky Estrada called the meeting to order. Roll call consisted of the following members: Anita Chadwick, David Gompert, Angie Aguillo, Callan Wayman, Mark Westphal, Henry Huber, and Becky Estrada. Absent: Dana Weber, Jim Zitterkopf. City officials present: Annie Folck, Planning Coordinator, Gary Batt, Code Administrator II, and Anthony Murphy, Fire Prevention Officer.

ITEM 2: Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on bookcase in the back area of the City Council Chamber, for those interested parties.

ITEM 3: Acknowledgment of any changes in the agenda: None

ITEM 4: Business not on agenda: None

ITEM 5: Citizens with items not scheduled on regular agenda: None

ITEM 6: The minutes of the March 13, 2017 meeting were reviewed. **Conclusion:** A motion was made by Wayman and seconded by Gompert to approve the minutes for the March 13th meeting. **"YEAS":** Estrada, Westphal, Wayman, Huber, Gompert, and Chadwick. **"NAYS":** None **Abstain:** Aguillo **Absent:** Weber, Zitterkopf

ITEM 7A: The Planning Commission opened a public hearing for a Special Use Permit for a Hair Salon located at 1933 7th Avenue. The applicant, Crystal Westphalen, requested a special use permit to allow for a hair salon in an R-1a Single Family Zone. The property is on the southwest corner of 20th Street and 7th Avenue. Hair Salons are listed under special permits uses in the R-1a Single Family zoning district with approval from the Planning Commission. The surrounding properties are all zoned R-1a with the exception of an R-4 Multi-Family zone to the northeast. The property is adjacent to 20th Street, and parking is proposed to be provided on-site at the back of the property.

Mark Westphal, the current owner of the property, stated that they planned to add three parking spots at the rear of the property. There would be one stylist and one nail technician working there, with two tanning beds, so there would be a minimal number of people at the salon at any one time. Commissioner Westphal then recused himself from this agenda item due to conflict of interest and left the room until after the vote was held.

Jennifer Kinsey, resident of 1924 7th Ave, stated that she had several concerns with the proposed salon. She stated that the street is already extremely congested, especially during pick-up and drop-off times for the nearby elementary school. Because it is an older neighborhood, there is very little off-street parking,

and the streets are already very narrow. Parking is already a concern in the area, and there is very little street parking in front of the salon due to it being on a corner near a fire hydrant. She just purchased her property and would not have done so if she had known there would be a commercial business in the neighborhood.

Dave Kuxhausen, resident of 1920 8th Ave, stated that it is a residential neighborhood and they do not want businesses in the residential neighborhood. He is concerned about declining property values if businesses are allowed to locate in the area. Chase Harimon, resident of 1931 7th Ave, reiterated that he believed parking would be a problem in the area and that he was also concerned with the resale value of his property if a business were to be located in the area. Kathi Sparks, resident of 1915 7th Ave, repeated the concerns about parking along the narrow streets, as many trucks can't even park on the street because it is so narrow and so end up partially parked on the sidewalk to allow for traffic to move through. She also stated that 7th Ave is already hard to turn onto due to the narrow street with parking on both sides, and that locating a salon here would compound this problem. Laura Salazar, resident of 1910 8th Ave, stated that she had concerns about the street width and parking in the area, and that with all the pedestrian traffic, especially kids going to and from school, it could be a safety issue to add additional traffic to the area.

Commissioner Chadwick asked what hours the salon was planning on operating. Folck stated that the applicant had earlier stated that she would most likely be operating during typical business hours, and possibly in the early evening. Chadwick asked if there would be any residential occupants of the building as well. Folck stated that there is a basement apartment, but at this time was unaware of any plans to rent it out.

Conclusion: A motion was made by Huber and seconded by Wayman to deny the Special Use Permit for a Hair Salon at 1933 7th Avenue. **"YEAS":** Wayman, Gompert, Huber, Chadwick, Aguallo, and Estrada. **"NAYS":** None. **ABSTAIN:** Westphal **ABSENT:** Zitterkopf, Weber. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for a Preliminary Plat for the Melroy Addition, a replat of Lots 12 and 13 of Wildy and Lana Commercial Tracts. The applicant is Steve Melroy, represented by Baker and Associates. The property is situated south of 15th Street, between 19th and 21st Ave. The preliminary plat includes 6 commercial lots, which are all part of the same block. The property is zoned C-3, Heavy Commercial, and the properties to the north, west, and south are also C-3, with M-1 zoning to the east.

City staff and Consultants reviewed the preliminary plat. Infrastructure is already available to each lot, and no streets, water, or sewer improvements are proposed. The developer will be required to install sidewalks and landscaping to meet City code as the lots are developed. Retention will also be addressed with the final plat, and Anthony Murphy stated that depending on the how the lots are developed, additional fire hydrants may be necessary. Staff recommended approval of the preliminary plat.

Conclusion: A motion was made by Gompert and seconded by Aguallo to approve the Preliminary Plat for the Melroy Addition, a replat of lots 12 and 13 of Wildy and Lana Commercial Tracts. **"YEAS":** Wayman, Gompert, Huber, Chadwick, Aguallo, Westphal, and Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** Zitterkopf, Weber. Motion carried.

ITEM 7C: The Planning Commission opened a public hearing for a Special Use Permit for a Scrap Metal Processing Facility located at 417 9th Avenue. This application was tabled at the previous meeting on March 13th so that staff could verify some of the information that was presented and explore options for special conditions for the permit. The applicant is Langer Industries, represented by Pete Langer. Folck stated that the property is located in an M-2 Heavy Manufacturing and Industrial zoning district. The surrounding properties to the east and south are also zoned M-2. The property to the southwest is zoned M-1, Light Manufacturing and Industrial, and the property to the west and north is zoned C-3, Heavy Commercial. There are some residential properties within 300 feet; however, they are all on the other

side of the Burlington Northern Railroad Tracks, so there is some separation between the residential areas and the proposed facility location.

At the previous meeting, several residents expressed their concerns about this facility being located so close to a residential area. Environmental issues were brought up as a concern, as well as the noise and unsightliness of a scrap metal recycling facility. The applicant had stated that this facility would be very similar to the one they currently operate in Colby, Kansas, and that he would be willing to meet some additional requirements to properly screen the facility from the sight of the neighborhood. Following the March meeting, staff contacted the community of Colby, Kansas and were told that there were many concerns about the facility before it started operation that have since been determined to be unfounded. The facility is a clean operation that does not seem to be an environmental risk, and the operators are careful to make sure that everyone bringing material to their facility has their loads properly cleaned and secured so that there is no issue on the surrounding roadways. Folck stated that the City has few areas zoned heavy manufacturing that also have a rail spur, so this location is somewhat uniquely suited to meet the purposes of the business. The property is currently zoned appropriately for a business like this; however, it is not ideal for a residential area to be within 300 feet of the facility. Chairman Estrada then invited public comment on the proposed project.

Bradley Garcia, resident at 1114 9th Ave, stated that he grew up in the area and had recently moved back into the neighborhood with the hopes of helping to improve it. He and his wife bought and remodeled a house, where they now live. He was concerned about the appearance of the neighborhood and thought that this facility would be an eyesore. Even with fencing and trees, it will be seen, and he does not want to see piles of material from his house. He believed that this could affect the resale value of his house in the future. Sabrina Esparza, resident at 713 E 8th St, stated that she has lived in southeast Scottsbluff for 55 years, and the neighborhood has come a long way, with noise pollution taken care of through the quiet zone and many other improvements over the years. She also was concerned that the recycling facility would be an eyesore, and that there would be noise pollution as a result of the facility's operations. She said that she could speak for many people in the community in opposing the facility. Natalia Garcia, resident at 1114 9th Ave, stated that she and her husband purchased their home in May 2015 to try to improve the neighborhood. She was concerned that many neighborhood residences seem to be being weeded out and replaced by businesses, and did not want the whole area to become commercial. She believed that the scrap metal facility would be an eyesore like the packing plant that was there previously and does not want the property to be left as a mess. She would not have moved to the area if she had known that a facility like this would be there. She also had concerns about kids walking to the YMCA who walk down 9th Street and might be affected by additional traffic. Gage Norman, business owners of 5th and O convenience store, stated that there were meetings a few weeks ago about adding value to the East Overland community, and he had concerns about shutting down East Overland and adding a scrap metal facility near the neighborhood.

Robert Franco, whose mother resides at 907 E 7th Street, just north of the proposed facility location, stated that there are only two railroad tracks between the facility and her property. He cited City Code section 25-13-3 regarding Special Use Permits, reminding the Planning Commission that in order to grant the Special Use Permit, they must find that the proposed use, "(1) provides a service required by the neighborhood or community and is consistent with sound principles of land use, (2) will not be injurious to the use of neighboring lots, tracts of land, buildings, or structures, (3) will not create special hazards or problems for the area in which it is located, and (4) is related to and harmonious with the general plan for the area in which it is located, as indicated by this Chapter." He stated that the business by nature would be a nuisance to the neighborhood. He cited the City's definition of a nuisance in Chapter 12 of the City code, stating that the noise, rodents, stagnant water, and junk on the property would cause adverse effects to the surrounding neighborhood. He stated that runoff from the property could be contaminated and would be impossible to contain on site, so would cause issues for the neighborhood. He did not believe trees or a fence would help to mitigate these issues. Residents in that area have paid property taxes for years and made many improvements to their properties, and he was concerned that the resale value of those homes would be adversely affected.

167 Rex Morse then spoke, not as a resident of the community, but as someone who works in the area. He
168 stated that having viewed a similar facility in Minatare, he believed that if it were located on Highway 26 it
169 would have a depressing effect on property values for the community. He had concerns about the visible
170 location of the facility along Beltline and 9th Avenue.

171
172 Pete Langer, the applicant, then spoke, stating that there seemed to be four items that needed to be
173 addressed. The first was the noise generated by the facility. With use of a decibel meter, he
174 demonstrated that the noise generated by the facility would be less than the noise generated by passing
175 railroad cars. The second issue was drainage and environmental issues. He stated that his industry is
176 highly regulated by the EPA and NDEQ, and that there are many requirements that they would have to
177 meet in order to be allowed to operate. They will meet all applicable regulatory requirements to ensure
178 that there are no environmental issues from the operation of the facility. The third issue was the integrity
179 of the company. This is why he did not object to tabling the permit at the last meeting in order to give
180 staff time to do some background checking to determine whether or not they would operate the facility in
181 the manner they described. After staff did some checking, they found that the applicant was a good
182 neighbor and runs a clean facility, as he claims. The fourth issue was the screening of operations. He
183 stated that this would not be a storage facility or a salvage lot, and that material would be processed
184 quickly, so the same material would never be on site for more than one month. The proposed site is
185 zoned appropriately as heavy manufacturing and is not located within a residential zone. He
186 acknowledged that there was one place where residents would be able to see into the yard, and he would
187 be happy to put up a fence that would screen the property from the view of the residents.

188
189 Commissioner Huber asked if there would be any timeframe to review the Special Use Permit. Langer
190 stated that he did not want a permit that could be revoked after a certain timeframe, but he would be
191 happy to have the permit approved with special conditions tied to it, and if he did not meet those
192 conditions, the permit could be revoked. Commissioner Westphal asked about the possibility of planting
193 trees around the property to buffer noise and screen activities. Langer stated that he did not think it
194 would be necessary to screen the property from the other heavy commercial and manufacturing zones,
195 but it would be completely appropriate to screen the property from residential area. He did have some
196 concerns about getting trees started on that portion of the property because it is adjacent to the railroad,
197 which uses large amounts of sterilant. He believed that the planned facility would be an improvement
198 over the current state of the property, which is vacant and deteriorating. Commissioner Wayman asked
199 how long the property had been vacant. Franco answered that there was a roofing company that was
200 there within the last 7 years. He added that screening the property from view of the residential area
201 would be difficult because of the elevation difference between the residential area and the proposed
202 facility. Langer stated that the average height of the piles would be 6' or less, as they planned to keep the
203 material moving. Natalia Garcia inquired as to the proposed hours of operation and about noise levels
204 and if they would be constant or intermittent. She also asked about employees at the facility; how many
205 and would they be local. Langer stated that they would operate from 8 am to 5pm Monday through
206 Friday, and depending on the volume of material they receive, they may operate on Saturday mornings
207 from 8 am to noon. He said that the loudest noises would be similar to that of a passing train and would
208 be intermittent. He said they would plan on starting with five employees and may eventually work up to
209 15 employees, and he planned to hire all of them from the Scottsbluff/Gering area.

210
211 Franco asked about the Colby, Kansas facility and if it was more rural than this proposed facility, as he
212 felt the two could be compared as equals since one is in a rural area and the other is near a residential
213 area. Langer stated that they located the Colby facility in the only area that was appropriately zoned, and
214 that they kept a very clean facility even though no one was watching. He expects the Scottsbluff facility to
215 be more heavily scrutinized and will do everything he can to keep it clean and run appropriately. He also
216 stated that there is no way to definitively state that this would lower property values.

217
218 Natalia Garcia stated that she believed that the City should be more selective of businesses allowed to
219 locate on that site. Commissioner Wayman stated that with it being an M-2 zone, there were many other
220 uses that would also cause a lot of noise and other negative effects that could locate there without
221 needing a Special Use Permit. Commissioner Estrada added that with this Special Use Permit, at least
222 they could specify some conditions to mitigate the effects on the residential area. Garcia stated that no

other businesses along the Beltline Highway have debris on site as part of their business. Franco added that the businesses in the area keep everything neat and tidy, whereas by nature, the scrap metal business is much messier, and he did not think it should be near a residential area. Commissioner Gompert stated that he had driven by the property prior to the meeting, and it is currently an eyesore. He saw many broken windows and open doors, which could be a safety concern for anyone who wanders onto the property, and that rodents were probably a concern as well. He believed that the property in its current condition is dangerous and detrimental to the area, and that by allowing the scrap metal facility to locate there, the condition of the property would be improved.

Rex Morse inquired if the building itself would be used for the proposed operation. Langer stated that they would be using a portion of the building for operations, but because the building is so large and in such poor condition, it will be a process to get the entire thing renovated. Morse asked about improvements to the exterior of the building. Langer stated that if the building takes off, they would like to make improvements to the building exterior, but did not want to make commitments that he couldn't keep by claiming that it would be done by a certain date. He said that at a minimum, they would make sure the building would be secured and up to code before opening, and that long term he would like to make additional improvements.

Conclusion: A motion was made by Gompert and seconded by Chadwick to recommend approval of the Special Use Permit for a Scrap Metal Facility located at 417 9th Avenue with the conditions that before the facility opens for business, the portion of the yard visible to the residential area on the north (the north boundary of the property from the building to 9th Ave) shall be screened by a fence up to 12' in height and slats shall be added to the fence along 9th Avenue to block the view of the yard. Additionally, the building is to be secured and broken windows boarded up or repaired within one year. **"YEAS":** Wayman, Gompert, Aguallo, Chadwick, and Estrada. **"NAYS":** Huber, Westphal. **ABSTAIN:** None. **ABSENT:** Zitterkopf, Weber. Motion carried.

ITEM 7D: A public hearing was opened to consider the annexation of property described as PT N1/2 SE, PT SE SE 15-22-55 (61.05 acres) and BLK 1, ALF Subdivision (1.36 AC), owned by Connie and Alyssa Frank. Folck stated that the property owners had requested annexation of the property and in that request had waived their right to City services, so the extension of streets, water, and sewer would not be necessary in order to annex. Anthony Murphy stated that by evening out the edge of the City's city limits, it would make it much easier for first responders to know where their jurisdiction starts and stops, improving response times. Commissioner Huber asked why the property owner was requesting this. Folck stated that the property owner had not yet announced her plans for the property, just requested the annexation.

Conclusion: A motion was made by Westphal and seconded by Chadwick to recommend to Council approval of the annexation of the property situated in PT N1/2 SE, PT SE SE 15-22-55 (61.05 acres) and BLK 1, ALF Subdivision (1.36 AC) **"YEAS":** Wayman, Gompert, Aguallo, Chadwick, Huber, Westphal, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** Zitterkopf, Weber. Motion carried.

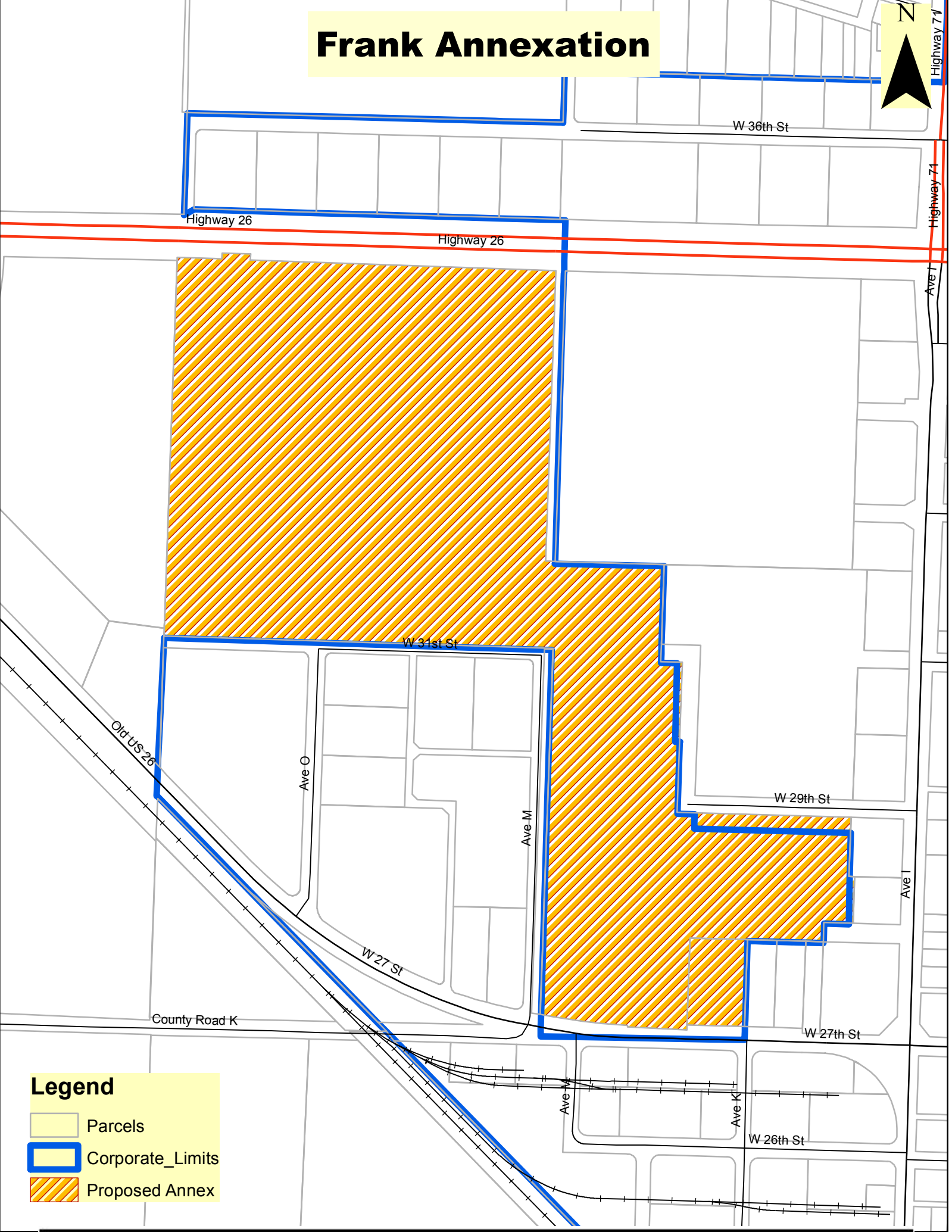
ITEM 8: Unfinished Business: None.

There being no further business, a motion to adjourn was made by Aguallo and seconded by Chadwick. The meeting was adjourned at 7:45 p.m. **"YEAS":** Wayman, Gompert, Aguallo, Chadwick, Huber, Westphal, and Estrada. **"NAYS":** None. **ABSTAIN:** None. **ABSENT:** Zitterkopf, Weber. Motion carried.




Becky Estrada, Chairperson

279
280 Attest: _____
281 Annie Folck

Frank Annexation



Legend

-  Parcels
-  Corporate Limits
-  Proposed Annex

4/17/17
meeting

FRANK ENTERPRISES, INC.

1721 Broadway
P.O. Box 2396
Scottsbluff, NE 36363-2396
Cell: (308) 631-8347

March 24, 2017

City of Scottsbluff
Cindy Dickinson, City Clerk
2525 Circle Drive
Scottsbluff, NE 69361

Re: Annexation Request

Dear Ms. Dickinson:

Please consider this letter as a request by Petition that the City of Scottsbluff include property owned by us within the corporate limits of the City. This request is made pursuant to §16-117 of the Nebraska Statutes.

The two properties for which annexation is requested are described in the attached Warranty Deeds.

In making this request, we irrevocably waive the requirements of §16-120 of the Nebraska Statutes, which would otherwise require the City of Scottsbluff to provide to the property for which we are requesting annexation substantially the same services as provided to other inhabitants of the City.

The individual signing this request represents that he or she either is owner of the above-described property or has the authority to act on behalf of the owner of the property, and to bind the owner in all matters concerning the requested annexation.

Sincerely,



Connie Frank
President



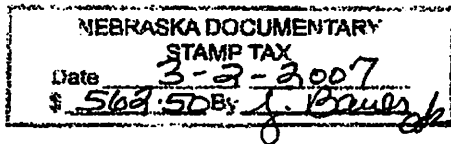
2007-1235

NUM. INDEX MJ
 COMPUTER E
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NUM PAGES 2
 DOC TAX 562.50 PD ☒ CHG _____ RET _____
 FEES 10.50 PD ☒ CHG _____ RET _____
 TOTAL 573.00 CR
 REC'D _____
 RET ☒

Inst. 2007 - 1235

RECORDED
 SCOTTS BLUFF COUNTY, NE

Date 3-2-07 Time 3:10pm

Jean A. Bauer

REGISTER OF DEEDS

☒ Return recorded instrument to: Roy Hahn, Attorney, PO Box 286, Scottsbluff, NE 69361; regardless who might bring this instrument into the recorder's office for recording.

030107

WARRANTY DEED

ALYSSA L. FRANK, a married person, GRANTOR, in consideration of "One Dollar and Other Valuable Consideration" received from **GRANTEE, FRANK ENTERPRISES, INC., a Corporation**, conveys to **GRANTEE** the following described real estate (as described in Neb. Rev. Stat. 76-102):

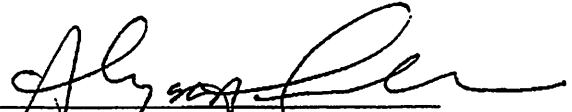
Block 1, ALF ADDITION, an addition to the City of
 Scottsbluff, Scotts Bluff County, Nebraska; according
 to the recorded plat, thereof.

SUBJECT TO all easements, restrictions, and reservations
 rights-of-way, whether apparent of record.

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

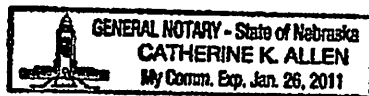
1. is lawfully seized of such real estate and that it is free from encumbrances; except those which are referred to above ("subject to all easements, restrictions, and reservations of record");
2. has legal power and lawful authority to convey the same;
3. warrants and will defend title to the real estate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

DATED: 3-2-07, 2007


 ALYSSA L. FRANK, a married
 person, GRANTOR

STATE OF Nebraska)
 COUNTY OF Scotts Bluff) ss.

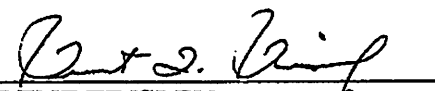
The foregoing instrument was acknowledged before me on the day set forth above, by ALYSSA L. FRANK, a married person, Grantor, acknowledging the same to be her free and voluntary act and deed.




 Notary Public

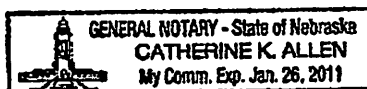
(My commission expires)

DATED: 3/2/07, 2007


 TRENT TINSLEY, spouse of
 Seller, GRANTOR

STATE OF Nebraska)
 COUNTY OF Scotts Bluff) ss.

The foregoing instrument was acknowledged before me on the day set forth above, by TRENT TINSLEY, spouse of Seller, Grantor, acknowledging the same to be his free and voluntary act and deed.




 Notary Public

(My commission expires)

RH/cka
 030107WDfrankfrankent(2)

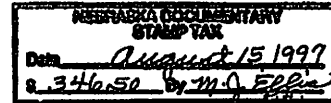
5401

STATE OF NEBRASKA, COUNTY OF SCOTTS BLUFF ss.

Filed for record and entered in Numerical Index on this 15 day of August, 1997, at 12:20 o'clock P.m. and recorded in Deed Record 213, page 596.

Return to:
 Frank Enterprises
 P.O. Box 416
 Seb. Ne.

By: Mary J. Elin
 County or Deputy County Clerk
 Register or Deputy Register of Deeds



WARRANTY DEED

KEITH A. STRACHAN and VERA M. STRACHAN, Husband and Wife, GRANTOR herein whether one or more, in consideration of \$197,600.00 received from FRANK ENTERPRISES, INC., A Wyoming Corporation, GRANTEE herein whether one or more, does hereby grant, bargain, sell, convey, and confirm unto GRANTEE, the following described real property located in Scotts Bluff County, Nebraska:

See Attached Legal Description

Grantor reserves a 50% non-participating royalty interest in all oil, gas and minerals that Grantor now owns, for a period of 20 years from the date of the execution of this Warranty Deed, and for so long thereafter as production shall continue in commercially paying quantities.

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 grantee and with grantee's heirs and assigns that grantor is lawfully seized of said premises; that they are free from encumbrances, excepting restrictions, reservations, and rights-of-way of record; 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.

Dated this 14 day of August, 1997.

Keith A. Strachan Vera M. Strachan
 Keith A. Strachan, Grantor Vera M. Strachan, Grantor

STATE OF NEBRASKA)
) ss.
 COUNTY OF SCOTTS BLUFF)

The foregoing instrument was acknowledged before me on this 14 day of August, 1997, by Keith A. Strachan and Vera M. Strachan, Grantors.



NUM. 2
 GEN. 2
 PICT. 2
 COMPARED

5401

North Half of the Southeast Quarter (N1/2SE1/4) of Section Fifteen Township Twenty two (22) North, Range Fifty five (55) West of the 6th P.M., Scotts Bluff County, Nebraska, EXCEPT those parts thereof conveyed to the State of Nebraska by condemnation recorded in Miscellaneous Book 25 on Page 610; by Warranty Deeds recorded in Deed Book 108 on Page 44, recorded in Deed Book 208 on Page 126, and recorded in Deed Book 183 on Page 736, all of the records of Scotts Bluff County, Nebraska; AND EXCEPT that part thereof platted as Block 1, FRIEDMAN SUBDIVISION, A subdivision of part of the N1/2SE1/4 of Section 15, Twp. 22 N., R 55 W of the 6th P.M., Scotts Bluff County Nebraska, and recorded in Deed Book 207 on Page 267 on June 28, 1995.

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, ANNEXING TRACTS OF LAND KNOWN AS BLOCK 1, ALF ADDITION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF AND THE NORTH HALF OF THE SOUTHEAST QUARTER (N½SE¼) OF SECTION FIFTEEN, TOWNSHIP TWENTY-TWO (22) NORTH, RANGE FIFTY-FIVE (55) WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Frank Enterprises, Inc. has requested the following described real estate (the "Real Estate") be included within the corporate limits of the City of Scottsbluff:

Block 1, ALF ADDITION, an addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, according to the recorded plat thereof.

And

North Half of the Southeast Quarter (N½SE¼) of Section Fifteen, Township Twenty two (22) North, Range Fifty five (55) West of the 6th P.M., Scotts Bluff County, Nebraska, EXCEPT those parts thereof conveyed to the State of Nebraska by condemnation recorded in Miscellaneous Book 25 on Page 610, by Warranty Deeds recorded in Deed Book 106 on Page 44, recorded in Deed Book 208 on Page 126, and recorded in Deed Book 183 on Page 736, all of the records of Scotts Bluff County, Nebraska; AND EXCEPT that part thereof platted as Block 1, FRIEDLAN SUBDIVISION, a subdivision of part of the N½SE¼ of Section 15, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, and recorded in Deed Book 207 on Page 267 on June 28, 1995.

Section 2. The Real Estate is contiguous or adjacent to the existing corporate limits of the City of Scottsbluff, is urban or suburban in character, and does not constitute agricultural land which is rural in character.

Section 3. The Real Estate is annexed to and included within the corporate limits of the City of Scottsbluff, as of the effective date of this Ordinance.

Section 4. Any map describing the corporate limits of the City of Scottsbluff is amended to provide for the addition of the Real Estate to the corporate limits of the City of Scottsbluff.

Section 5. Frank Enterprises, Inc. has waived the requirements of §16-120 of the Nebraska Statutes, which would otherwise require the City of Scottsbluff to provide to the Real Estate substantially the same services as are provided to other inhabitants of the City.

Section 6. All ordinances, parts of ordinances, resolutions and policies of the City of Scottsbluff in conflict with this Ordinance are repealed.

Section 7. This Ordinance shall become effective upon its passage, approval and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2017.

Mayor

ATTEST:

City Clerk (Seal)

1. The Board of Directors shall have the authority to...

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17. The Board of Directors shall have the authority to...

Deputy City Attorney

Approved as to form: