

# **City of Scottsbluff, Nebraska**

**Monday, November 13, 2017**

**Regular Meeting**

**Item NewBiz1**

**Approval For The Vacation of an AEDS 190439 County Road J**

**Staff Contact:**

# **SCOTTSBLUFF CITY**

## **PLANNING COMMISSION STAFF REPORT**

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**To:** Planning Commission  
**From:** Development Services Department  
**Date:** November 13, 2017  
**Subject:** AEDS located at 190439 CR J, situated in the NE ¼ of the NW ¼ of Section 16, T 22N, R55W  
**Location:** West of Highway 26 and south of County Road J

**Zoning:** Agricultural  
**Property Size:** 4.143 ± acres

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### **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**

Vacation of AEDS

WHEREAS, A PETITION HAS BEEN FILED BY ALL THE OWNERS OF THE FOLLOWING DESCRIBED AGRICULTURAL ESTATE DWELLING SITE:

A tract of land situated in the Northeast Quarter of the Northwest ¼ of Section 16, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M. Scotts Bluff County, Nebraska, more particularly described as follows.

Properties to the west, south, and north are all zoned agricultural, with the property east zoned heavy commercial. This is located in the City Extra Territorial jurisdiction.

The Planning Commission meeting of October 9, 2017, the applicant(s), Henry Huber and wife, and Larry Reisig had requested a replat of an Agricultural Estate Dwelling described as a tract of land in the Northeast Quarter of the Northwest ¼ of Section 16, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M. Scotts Bluff County, Nebraska. After be approved at the October 9, 2017 meeting, when the instrument was filed with the Register of Deeds it was noted that the property is only surveyed and not be plated, the survey occurred and was recorded in 2007, #4108 with the Register of Deeds. According to the Register of Deeds, a surveyed property cannot be platted. What is required is for the AEDS to be vacated and a new AEDS be created for the above described property.

The parcel is currently an Ag Estate Dwelling Site (AEDS). The applicant is requesting a vacation in order to move the property line to allow the adjacent property more area that can be farmed. This will reduce the size of the parcel from to 6.05 acres to 4.143 acres. The minimum lot size for an AEDS is 2 acres, so this is still well within the requirements. They are also

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proposing an access easement along the east side of the property that would serve the adjacent farm.

### **RECOMMENDATION**

#### ***Approve***

Make a POSITIVE RECOMMENDATION to the City Council to approve the vacation of an AEDS (4.143 Acres) in the NE ¼ of the NW ¼ of Section 16, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M. Scotts Bluff County, Nebraska subject to the following condition(s):

#### ***Deny***

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove the vacation of an AEDS (4.143 Acres) in the NE ¼ of the NW ¼ of Section 16, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M. Scotts Bluff County, Nebraska for the following reason(s):

#### ***TABLE***

Make the motion to TABLE the vacation of an AEDS (4.143 Acres) in the NE ¼ of the NW ¼ of Section 16, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M. Scotts Bluff County, Nebraska for the following reason(s):