

City of Scottsbluff, Nebraska

Monday, March 4, 2024

Regular Meeting

Item Resolut.3

Council to consider action on the second reading of the Ordinance Annexing Real Property Platted as Lots 1, 2, 3 and 4, Block 1, Triple Peaks Subdivision.

Staff Contact: Zachary Glaubius, Development Services Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF NEBRASKA, ANNEXING REAL PROPERTY PLATTED AS LOTS 1, 2, 3 AND 4, BLOCK 1, TRIPLE PEAKS SUBDIVISION, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, SITUATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, AMENDING SECTION 25-1-3.1 OF THE MUNICIPAL CODE, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Bruner Bunch, LLC, a Nebraska limited liability company, Wilbert L. Quindt as Trustee of the Wilbert L. Quindt Living Trust and Vicki S. Quindt as Trustee of the Vicki S. Quindt Living Trust (“Owners”) have requested that the following described real property (the “Real Estate”) be included within the corporate limits of the City of Scottsbluff:

Lots 1, 2, 3 and 4, Block 1, Triple Peaks Subdivision, an Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska, situated in Northeast Quarter of Section 24, Township 22 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska.

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. The description and jurisdiction as provided for in Section 14-1-1 and 25-1-3.1 of the Scottsbluff Municipal Code is amended to provide for the addition of the Real Estate to the corporate limits of the City of Scottsbluff.

SECTION 5. The Owners have requested annexation pursuant to §18-3301 and §16-117 of the Nebraska Revised Statutes and have waived the requirements of §16-120 of the Nebraska Revised Statutes which would otherwise require the City of Scottsbluff to provide to their Real Estate substantially the same services as are provided to other inhabitants of the City.

SECTION 6. Section 25-1-31.1 of the Municipal Code is now amended and 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 be in full force and effect from and after its approval, passage, and publication shall be in pamphlet form.

PASSED AND APPROVED this ____ day of March, 2024.

Jeanne McKerrigan, Mayor

Attest: _____
Kimberley Wright, City Clerk

Approved as to Form and Legality:

City Attorney

December 6, 2023

City of Scottsbluff
2525 Circle Drive
Scottsbluff, NE 69361

RE: Request for Annexation

To Whom It May Concern:

Please accept this letter as a request from the undersigned owner for the annexation of Lots 1-3, Block 1 Triple Peaks Subdivision.

Please contact me with further questions.

Sincerely,

A handwritten signature in cursive script that reads "Deidra Bruner".

Deidra Bruner

December 5, 2023

City of Scottsbluff
2525 Circle Drive
Scottsbluff, NE 69361

RE: Request for Annexation

To Whom It May Concern:

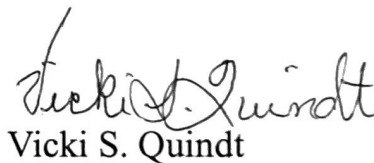
Please accept this letter as a request from the undersigned owner for the annexation of Lot 4, Block 1 Triple Peaks Subdivision.

Please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



Wilbert L. Quindt Living Trust
Living Trust



Vicki S. Quindt

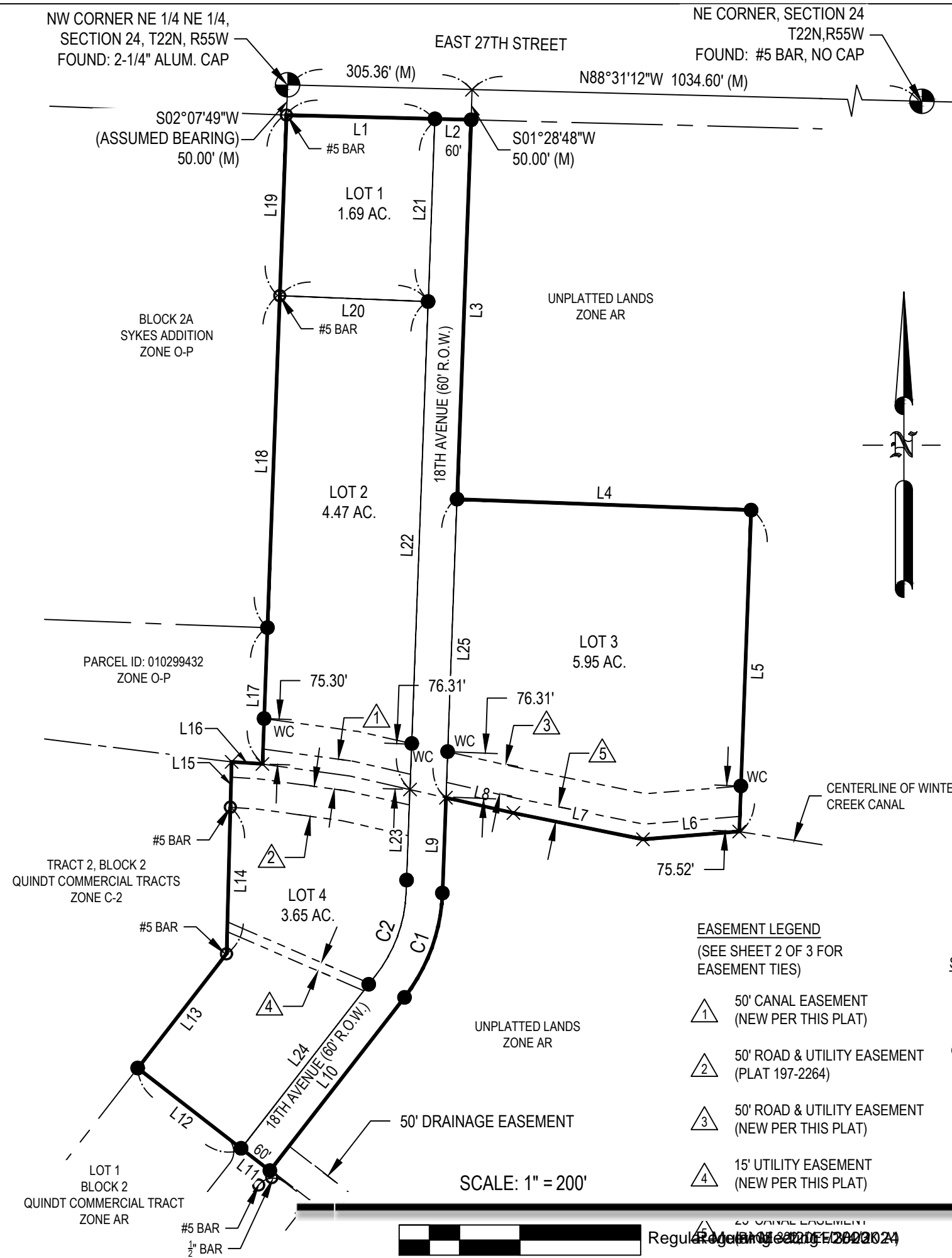
NW CORNER NE 1/4 NE 1/4,
SECTION 24, T22N, R55W
FOUND: 2-1/4" ALUM. CAP

NE CORNER, SECTION 24
T22N, R55W
FOUND: #5 BAR, NO CAP

LOTS 1-4, BLOCK 1, TRIPLE PEAKS SUBDIVISION
AN ADDITION TO THE CITY OF SCOTTSBLUFF,
SCOTTS BLUFF COUNTY, NEBRASKA

SHEET 1 OF 3

SITUATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE
55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA



Parcel Line Table		
Line #	Length	Direction
L1	245.93	N88° 31' 12"W
L2	60.00	N88° 31' 12"W
L3	629.04	N2° 07' 44"E
L4	487.50	N87° 52' 16"W
L5	533.01	N2° 07' 44"E
L6	160.05	N85° 23' 05"E
L7	219.08	S78° 29' 55"E
L8	114.37	S77° 13' 56"E
L9	158.19	N2° 07' 44"E
L10	363.58	N37° 49' 32"E
L11	60.17	S52° 10' 28"E
L12	216.98	S52° 10' 28"E
L13	240.00	S37° 49' 32"W

Parcel Line Table		
Line #	Length	Direction
L14	243.04	S1° 30' 21"W
L15	75.00	S1° 30' 21"W
L16	51.13	N86° 05' 51"W
L17	225.96	S2° 07' 30"W
L18	550.50	S2° 07' 30"W
L19	299.58	S2° 08' 11"W
L20	245.95	N87° 44' 01"W
L21	302.95	N2° 07' 45"E
L22	809.16	N2° 07' 44"E
L23	169.46	N2° 07' 46"E
L24	363.58	N37° 51' 05"E
L25	495.02	S2° 07' 44"W

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	186.91	300.00	35.70	N19° 58' 38"E	183.90
C2	149.52	240.00	35.70	N19° 58' 38"E	147.12

EASEMENT LEGEND
(SEE SHEET 2 OF 3 FOR
EASEMENT TIES)

- △ 1 50' CANAL EASEMENT (NEW PER THIS PLAT)
- △ 2 50' ROAD & UTILITY EASEMENT (PLAT 197-2264)
- △ 3 50' ROAD & UTILITY EASEMENT (NEW PER THIS PLAT)
- △ 4 15' UTILITY EASEMENT (NEW PER THIS PLAT)

SURVEY LEGEND

- (M) = MEASURED DISTANCE
- = FOUND PROPERTY CORNER (AS NOTED)
- = SET PROPERTY CORNER 5/8" x 24" REBAR WITH PLASTIC CAP STAMPED "BORCHERS 766"
- WC = SET WITNESS CORNER 5/8" x 24" REBAR WITH PLASTIC CAP
- × = TEMPORARY POINT

SCALE: 1" = 200'



Regular Agency Survey 2023-2024

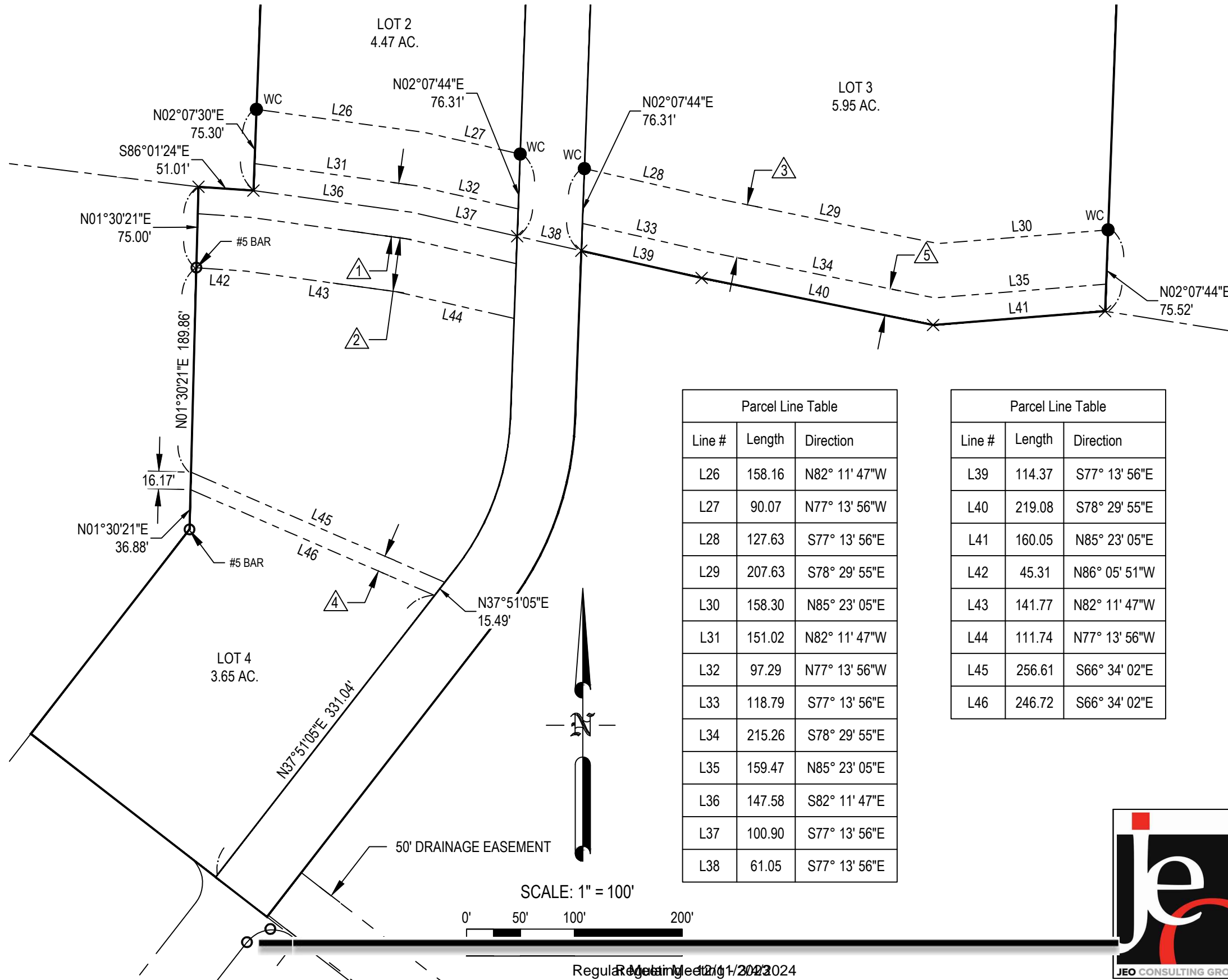


120 EAST 16TH STREET, SUITE 'A'
SCOTTSBLUFF, NEBRASKA 69361







PHONE: (308) 632-3123

DECEMBER 1, 2023





LOTS 1-4, BLOCK 1, TRIPLE PEAKS SUBDIVISION SHEET 2 OF 3
AN ADDITION TO THE CITY OF SCOTTSBLUFF,
SCOTTS BLUFF COUNTY, NEBRASKA
 SITUATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE
 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA



EASEMENT LEGEND

-  50' CANAL EASEMENT (NEW PER THIS PLAT)
-  50' ROAD & UTILITY EASEMENT (PLAT 197-2264)
-  50' ROAD & UTILITY EASEMENT (NEW PER THIS PLAT)
-  15' UTILITY EASEMENT (NEW PER THIS PLAT)
-  25' CANAL EASEMENT (PAGE 322, DEED BOOK 'A')
-  20' SANITARY SEWER EASEMENT (MISC. BOOK 89, PAGE 177)

SURVEY LEGEND

- (M) = MEASURED DISTANCE
-  = FOUND PROPERTY CORNER (AS NOTED)
-  = SET PROPERTY CORNER 5/8" x 24" REBAR WITH PLASTIC CAP STAMPED "BORCHERS 766"
-  = SET WITNESS CORNER 5/8" x 24" REBAR WITH PLASTIC CAP STAMPED "BORCHERS 766"
-  = TEMPORARY POINT

Parcel Line Table		
Line #	Length	Direction
L26	158.16	N82° 11' 47"W
L27	90.07	N77° 13' 56"W
L28	127.63	S77° 13' 56"E
L29	207.63	S78° 29' 55"E
L30	158.30	N85° 23' 05"E
L31	151.02	N82° 11' 47"W
L32	97.29	N77° 13' 56"W
L33	118.79	S77° 13' 56"E
L34	215.26	S78° 29' 55"E
L35	159.47	N85° 23' 05"E
L36	147.58	S82° 11' 47"E
L37	100.90	S77° 13' 56"E
L38	61.05	S77° 13' 56"E

Parcel Line Table		
Line #	Length	Direction
L39	114.37	S77° 13' 56"E
L40	219.08	S78° 29' 55"E
L41	160.05	N85° 23' 05"E
L42	45.31	N86° 05' 51"W
L43	141.77	N82° 11' 47"W
L44	111.74	N77° 13' 56"W
L45	256.61	S66° 34' 02"E
L46	246.72	S66° 34' 02"E



120 EAST 16TH STREET, SUITE 'A'
 SCOTTSBLUFF, NEBRASKA 69361

PHONE: (308) 632-3123

DECEMBER 1, 2023

LEGAL DESCRIPTION - TRIPLE PEAKS SUBDIVISION

A TRACT OF LAND SITUATED IN SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULAR DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 24; THENCE S 02°07'49" W (ASSUMED BEARING), A DISTANCE OF 50.00 TO THE NORTHEAST CORNER OF BLOCK 2A, SYKES ADDITION, AND THE POINT OF BEGINNING; THENCE S 88°31'12" E ON THE SOUTH RIGHT OF WAY LINE OF 27TH STREET, A DISTANCE OF 305.93 FEET; THENCE S 2°07'44" W A DISTANCE OF 629.04 FEET; THENCE S 87°52'16" E A DISTANCE OF 487.50 FEET; THENCE S 2°07'44" W A DISTANCE OF 533.01 FEET TO THE CENTERLINE OF WINTER CREEK CANAL; THENCE S85°23'05" W ON SAID CENTERLINE A DISTANCE OF 160.05 FEET; THENCE N 78°29'55" W CONTINUING ON SAID CENTERLINE, A DISTANCE OF 219.08 FEET; THENCE N 77°13'56" W CONTINUING ON SAID CENTERLINE A DISTANCE OF 114.37 FEET; THENCE S 2°07'44" W, A DISTANCE OF 158.19 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ON A 300.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 186.91 FEET, THE CHORD OF SAID CURVE BEARS S 19°58'38" W, A DISTANCE OF 183.90 FEET; THENCE S 37°49'32" W, A DISTANCE OF 363.58 FEET TO THE NORTH LINE OF QUINDT COMMERCIAL TRACTS; THENCE N 52°10'28" W ON SAID NORTH LINE, A DISTANCE OF 277.14 FEET ,TO A POINT ON THE EASTERLY LINE OF TRACT 2, OF SAID QUINDT COMMERCIAL TRACTS; THENCE N 37°49'32" E ON SAID EASTERLY LINE, A DISTANCE OF 240.00 FEET; THENCE N 1°30'21" E CONTINUING ON SAID EAST LINE, A DISTANCE OF 318.04 FEET TO THE NORTHEAST CORNER OF SAID TRACT 2; THENCE S 86°05'51" E ON SAID CENTERLINE, A DISTANCE OF 51.13 FEET TO THE SOUTHEAST CORNER OF BLOCK 4, OF SYKES ADDITION; THENCE N 2°07'30" E ON THE EAST LINE OF SAID BLOCK 4, A DISTANCE OF 225.96 FEET TO THE SOUTHEAST CORNER OF BLOCK 2A, OF SAID SYKES ADDITION, A REPLAT OF BLOCKS 2 AND 3, SYKES ADDITION; THENCE CONTINUING N 2°07'30" E ON THE EAST LINE OF SAID BLOCKS 2 AND 3, A DISTANCE OF 550.50 FEET; THENCE N 2°08'11" E, CONTINUING ON SAID EAST LINE, A DISTANCE OF 299.58 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND CONTAINING 793,679.99 SQUARE FEET, OR 18.22 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA; THAT THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE LAND SURVEYORS REGULATION ACT IN EFFECT AT THE TIME OF THIS SURVEY; THAT THIS SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

JOSHUA D. BORCHERS, LS 766

OWNER'S STATEMENT AND DEDICATION

I, THE UNDERSIGNED, BEING THE OWNER OF THE PROPERTY TO BE PLATTED AS LOTS 1, 2 AND 3, BLOCK 1, TRIPLE PEAKS SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE UNDERSIGNED OWNER AND THAT THE UTILITY AND ACCESS EASEMENTS ARE HEREBY DEDICATED FOR THE USE AND BENEFIT OF THE PUBLIC AS SHOWN ON THE FOREGOING PLAT.

BY: _____
DEIDRA BRUNER

ACKNOWLEDGEMENT:

STATE OF NEBRASKA)
)SS
COUNTY OF SCOTTS BLUFF)

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME DEIDRA BRUNER, KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED TO THE FOREGOING "OWNER'S STATEMENT" AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY NOTARIAL SEAL THIS ____ DAY OF _____, 2023.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

**LOTS 1-4, BLOCK 1, TRIPLE PEAKS SUBDIVISION
AN ADDITION TO THE CITY OF SCOTTSBLUFF,
SCOTTS BLUFF COUNTY, NEBRASKA**

**SITUATED IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE
55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA**

OWNER'S STATEMENT AND DEDICATION

I, THE UNDERSIGNED, BEING THE OWNER OF THE PROPERTY TO BE PLATTED AS LOT 4, BLOCK 1, TRIPLE PEAKS SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE UNDERSIGNED OWNER AND THAT THE UTILITY AND ACCESS EASEMENTS ARE HEREBY DEDICATED FOR THE USE AND BENEFIT OF THE PUBLIC AS SHOWN ON THE FOREGOING PLAT.

BY: _____
WILBER L. QUINDT

ACKNOWLEDGEMENT:

STATE OF NEBRASKA)
)SS
COUNTY OF SCOTTS BLUFF)

BEFORE ME, A NOTARY PUBLIC, QUALIFIED AND ACTING IN SAID COUNTY, PERSONALLY CAME WILBER L. QUINDT, KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED TO THE FOREGOING "OWNER'S STATEMENT" AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED.

WITNESS MY NOTARIAL SEAL THIS ____ DAY OF _____, 2023.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

APPROVAL AND ACCEPTANCE

THE FOREGOING PLAT OF LOTS 1-4, BLOCK 1, TRIPLE PEAKS SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, WAS APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA, BY RESOLUTION DULY PASSED THIS ____ DAY OF _____, 2023.

BY: _____
JEANNE MCKERRIGAN, MAYOR

ATTESTED: _____
CITY CLERK



120 EAST 16TH STREET, SUITE 'A'
SCOTTSBLUFF, NEBRASKA 69361

PHONE: (308) 632-3123

DECEMBER 1, 2023

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: December 5, 2023 For Meeting of: December 11, 2023



I. GENERAL INFORMATION

- A. Deidra Bruner, owner of the proposed Lots 1-3, Block 1, Triple Peaks Subdivision, and the Wilbert L Quindt Living Trust and Vicki S Quindt Living Trust, owner of the proposed Lot 4, Block 1, Triple Peaks Subdivision have requested annexation by the City of Scottsbluff.

II. STAFF COMMENTS

- A. The reference Nebraska Revised Statutes below have been summarized for this agenda item. The complete statutes are included in the packet
- B. According Nebraska Revised Statute § 18-3301, an owner of territory contiguous to the corporate limits of a city desire to be annexed, the owner shall prepare a plat of the territory. A copy of the plat shall be filed with the city with a written request for annexation. The City Council shall at the next regular meeting after filing and request vote on the annexation. If the request is approved, an ordinance shall be prepared declaring the territory as within the corporate limits of the city.
- C. However, according Nebraska Revised Statute § 19-929, the city council shall not take final action on matters relating annexation of territory until it has received the recommendation of the planning commission
- D. Furthermore, according to Nebraska Revised Statute § 16-117 (7), when any owner of property contiguous to a city of the first class may by petition request that such property be included within the corporate limits of the city. The city council may include such property within the corporate limits without complying to subsection 3-6.
 - i. Subsection 3-6 require a resolution for annexation, public notice in the newspaper, and a public hearing.
- E. To summarize, a property owner next to the city may request annexation, and when this occurs a public hearing on the annexation is not necessary.

III. STAFF RECCOMENDATION

- A. Staff recommends the Planning Commission make a positive recommendation on approval by City Council on annexation of Lots 1-4, Block 1, Triple Peaks Subdivision.