

City of Scottsbluff, Nebraska

Monday, April 1, 2024

Regular Meeting

Item Resolut.1

Council to consider action on the first reading of the Ordinance to consider an Agricultural Estate Dwelling Site vacation at 210570 W. 42nd Street, Scottsbluff, NE.

Staff Contact: Zachary Glaubius, Development Services Director

**PETITION FOR VACATION OF
AGRICULTURAL ESTATE DWELLING SITE
TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA**

Daniel E Raymond OF Scotts Bluff County, Nebraska, petition the City of Scottsbluff to vacate the agricultural estate dwelling site (Instrument 2019-5161) herein for the following reason:

1. Petitioners are: Daniel E Raymond
2. Petitioners, who own all of the following described property:

A 7.73 ACRE TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 11, THENCE BEARING N02°17'59"E, ON THE NORTH -SOUTH CENTERLINE OF SECTION 11, A DISTANCE OF 789.28 FEET, THENCE BEARING S88°12'08"E, A DISTANCE OF 495.65 FEET, THENCE BEARING S02°17'59"W, ON A LINE PARALLEL WITH THE NORTH-SOUTH CENTERLINE OF SECTION 11, A DISTANCE OF 154.86 FEET, THENCE BEARING S37°10'47"W, A DISTANCE OF 108.68 FEET, TO THE POINT OF INTERSECTION WITH A TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 34°52'48", A RADIUS OF 190.00 FEET, HAVING A CHORD BEARING OF S19°44'23"W AND A CHORD DISTANCE OF 113.89 FEET, THENCE SOUTHWESTERLY ON THE ARC OF SAID CURVE, A DISTANCE OF 115.67 FEET, THENCE BEARING S02°17'59"W, ON A LINE BEING PARALLEL WITH THE NORTH- SOUTH CENTERLINE OF SECTION 11, A DISTANCE OF 437.46 FEET, TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 11, THENCE WESTERLY ON SAID LINE, BEARING N88°12'08"W, A DISTANCE OF 399.36 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING AN AREA OF 7.73 ACRES, MORE OR LESS.

Respectfully request this agricultural estate dwelling site be vacated to allow for further subdividing into a 5.28 acre lot, a 2.00 acre lot, 0.30 acres of current 42nd Street right of way and an additional 0.15 acres being given to the City of Scottsbluff for additional 42nd Street right of way. Total submittal area is 7.73± for single family R-1 zoning. 2 lots (7.28±) to be conveyed to Daniel E Raymond, with the remaining 0.15 Acre right of way to be conveyed to the City of Scottsbluff for additional 42nd Street right of way purposes and 0.30 acres for current 42nd Street right of way.

3. The property described in paragraph 2 is owned entirely by Daniel E Raymond. This property is ag-estate dwelling site and is not part of any city or village.

Wherefore, Daniel E Raymond Petitions the City of Scottsbluff to allow vacation of the agricultural estate dwelling site to allow for establishment of a 5.28 acre lot and a 2.00 acre lot be conveyed to Francisco Subias, with the remaining 0.15 Acre

Dated this 36 day of January

By: *David Ray*

Address: 210570 W 42nd St

City/State: Scottsbluff, Nebraska 69361

City of Scottsbluff Planning Commission

Development Services Staff Report – Zachary Glaubius

Prepared on: March 1, 2024 For Hearing of: March 11, 2024



I. GENERAL INFORMATION

- A. **Applicant:** Daniel Raymond
210570 W 42nd Street
Scottsbluff, NE 69361

- B. **Property**
Owner: Same as applicant

- C. **Proposal:** Vacate Agricultural Estate Dwelling Site in order to replat

- D. **Legal Description:** See petition

- E. **Location:** 22210570 W 42nd Street

- F. **Existing Zoning & Land Use:** A - Agricultural

- G. **Size of Site:** Approximately 7.73 acres

II. BACKGROUND INFORMATION

A. General Neighborhood/Area Land Uses and Zoning:

Direction From Subject Site	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Residential	A Agricultural	Farmland
East	Residential	A Agricultural	Acreage and Farmland
South	Avenue B & Hospital Campus	O&P Office and Professional	Regional West Medical Center
West	Avenue B & Hospital Campus	R-1A Single-Family Residential	Acreage

B. Relevant Case History

- 1. AEDS was approved in 2019.

III. ANALYSIS

A. **Comprehensive Plan:** The Future Land Use Map of the Comprehensive Plan currently shows the site as Residential.

B. Traffic & Access:

- 1. The land is adjacent to 42nd Street.

IV. STAFF COMMENTS

A. As the property owner wishes to subdivide the land in the AEDS, the AEDS must be vacated to plat the property.

V. FINDINGS OF FACT

A. Findings of Fact to Recommend Its Approval May Include:

1. The land occupied by the AEDS must be vacated in order to plat the land.

B. Findings of Fact to Not Recommend Approval May Include:

1. None

VI. STAFF RECCOMENDATION

A. Staff recommends the Planning Commission make a positive recommendation to City Council to approve vacation of the Daniel Raymond Agricultural Estate Dwelling Site at 210570 W. 42nd Street.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, VACATING AN AGRICULTURAL ESTATE DWELLING SITE WITHIN THE CITY OF SCOTTSBLUFF'S EXTRA-TERRITORIAL ZONING JURISDICTION IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN TO ALLOW FOR A PLAT AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Daniel Raymond, a single person as the owner of the real estate involved, has requested the City of Scottsbluff ("City") vacate the following described real estate that was formerly approved as an Agricultural Estate Dwelling Site to allow for a replat:

A 7.73 acre tract of land situated in the Southwest Quarter of the Southeast Quarter of Section 11, Township 22 North, Range 55 West of the 6th p.m., Scotts Bluff County, Nebraska, more particularly described as:

Beginning at the South Quarter Corner of Section 11, thence bearing N02°17'59"E, on the North – South Centerline of Section 11, a distance of 789.28 feet, thence bearing S88°00'12"08"E, a distance of 495.65 feet, thence bearing S02°17'59"W, on a line parallel with the North-South centerline of Section 11, a distance of 154.86 feet, thence bearing S37°10'47"W, a distance of 108.68 feet, to the point of intersection with a tangent curve to the left, said curve having a central angle of 34°52'48", a radius of 190.00 feet, having a chord bearing of S19°44'23"W and a chord distance of 113.89 feet, thence Southwesterly on the arc of said curve, a distance of 115.67 feet, thence bearing S02°17'59"W, on a line being parallel with the North-South Centerline of Section 11, a distance of 437.46 feet, to the point of intersection with the South line of the Southeast Quarter of Section 11, thence westerly on said line, bearing N88°12'08W, a distance of 399.36 feet to the point of beginning, said tract of land containing an area of 7.73 acres, more or less.

Section 2. The City Council finds that Daniel Raymond is the Owner and it is in the best interests of the City the real estate be vacated as requested.

Section 3. The Agricultural Estate Dwelling Site described as a 7.73 acre tract of land situated in the Southwest Quarter of the Southeast Quarter of Section 11, Township 22 North, Range 55 West of the 6th p.m., Scotts Bluff County, Nebraska, more particularly described as:

Beginning at the South Quarter Corner of Section 11, thence bearing N02°17'59"E, on the North – South Centerline of Section 11, a distance of 789.28 feet, thence bearing S88°00'12"08"E, a distance of 495.65 feet, thence bearing S02°17'59"W, on a line parallel with the North-South centerline of Section 11, a distance of 154.86 feet, thence bearing S37°10'47"W, a distance of 108.68 feet, to the point of intersection with a tangent curve to the left, said curve having a central angle of 34°52'48", a radius of 190.00 feet, having a chord bearing of S19°44'23"W and a chord distance of 113.89 feet, thence Southwesterly on the arc of said curve, a distance of 115.67 feet, thence bearing S02°17'59"W, on a line being parallel with the North-South Centerline of Section 11, a distance of 437.46 feet, to the point of intersection with the South line of the Southeast Quarter of Section 11, thence westerly on said line, bearing N88°12'08W, a distance of 399.36 feet to the point of beginning, said tract of land containing an area of 7.73 acres, more or less is now vacated to allow for a replat of the real estate.

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

PASSED AND APPROVED on _____, 2024.

Jeanne McKerrigan, Mayor

ATTEST:

Kimberley Wright, City Clerk

(Seal)

Approved as to form:

City Attorney