



# SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

Monday, May 12, 2014, 6:00 PM  
City Hall, 2525 Circle Drive

## PLANNING COMMISSIONERS

BECKY ESTRADA  
CHAIRPERSON

ANGIE AGUALLO  
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN  
ALTERNATE

1. **WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
2. **NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
3. **ROLL CALL:**
4. **NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
5. **CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
6. **APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
  - A **Minutes**  
Approve Minutes of 4/14/14
7. **NEW BUSINESS:**
  - A **Rezone Request**  
Rezone Lots in the Subd of Enterprise Tracts 12-15  
Rezone: Lots 2 & 3, and 8 & 9 from R-1A to C-2  
Applicant(s): Frank Enterprises Inc. & Hiner Lease Co.  
Owner(s): Frank Enterprises & Hiner Co.  
Location: S. of 27th St., between Ave F & Ave G
  - B **Ag Estate Dwelling**  
Plat for an Ag Estate Dwelling  
Plat: AED 2.60 acres  
Applicant(s): Rod Adams/M.C.Schaff & Asso.  
Owner(s) Rod Adams Farms  
Location: Abuts C.R 24 along E side for 266'
  - C **Annexation: Block 9, Five Oaks Subdivision**  
Annexation: Block 9 Five Oaks Subd.  
Applicant(s): Jason Webb/Baker & Associates  
Owner(s): Jason & Sami Webb  
Location: SE corner 42nd St. & Ave I
  - D **Revised Preliminary Plat Five Oaks**  
Preliminary Plat: Five Oaks Subdivision  
Preliminary Plat: Revised Five Oaks Subdivision  
Applicant(s): C&T Holdings/ Baker & Associates  
Owner(s): C & T Holdings  
Location: East of Ave I & S of 42nd Street
  - E **Rezone Block 6 & Block 14, Five Oaks**  
Rezone: Lots 1-3, Tr 2, Blk.6 & Lot 8, Tr.1, Blk.14, Five Oaks  
from Agricultural to R-1A Single Family Residential  
Applicant(s): C & T Holdings/Baker & Associates

2525 CIRCLE DRIVE • SCOTTSBLUFF, NEBRASKA 69361 • (308) 630-6243 • FAX (308) 630-6294

Owner(s): C & T Holdings  
Location: West of Five Oaks Drive, N of Scottsbluff Drain

**F Final Plat Block 13**

Final Plat: Lot 7, Blk 13, Five Oaks  
Applicant(s): C&T Holdings Inc., Baker & Assoc.  
Owner(s): C & T Holdings Inc.  
Location: N of 38th St & E of Five Oaks Dr.

**G Annexation Block 6 & Block 14 Five Oaks**

Annexation: Lots 1-3, Tr 2, Blk 6 & Lot 8, Tr 1, Blk. 14, Five Oaks  
Applicant(s): C & T Holdings/Baker & Associates  
Owner(s): C & T Holdings  
Location: West of Five Oaks Dr. & N of Scottsbluff Drain

**H Final Plat Block 6, Five Oaks Subdivision**

Final Plat: Lots 1-3, Tract 2, Block 6, Five Oaks  
Applicant(s): C & T Holdings/Baker & Associates  
Owner(s): C & T Holdings  
Location: West of Five Oaks Drive, N of Scottsbluff Drain

**I Final Plat, Block 14**

Final Plat: Lot 8, Tract 1, Block 14, Five Oaks Subdivision  
Applicant(s): C & T Holdings/Baker & Associates  
Owner(s): C & T Holdings  
Location: West of Five Oaks Drive, N of Pine Circle

**J Right Way Obstr Ordinance**

Ordinance Recommendation  
Applicant: City  
Owner: N/A

**8. ADJOURN**

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.



**City of Scottsbluff, Nebraska**  
**Monday, May 12, 2014**  
**Regular Meeting**

**Item Appr. Min.1**

**Minutes**

*Approve Minutes of 4/14/14*

Staff Contact: Annie Urdiales

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**Planning Commission Minutes**  
**Regular Scheduled Meeting**  
**April 14, 2014**  
**Scottsbluff, Nebraska**

19 The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on  
20 Monday, April 14, 2014, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff,  
21 Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general  
22 circulation in the City, on April 4, 2014. The notice stated the date, hour and place of the meeting, that the  
23 meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to  
24 attend the Planning Commission meeting should contact the Development Services Department, and that  
25 an agenda of the meeting kept continuously current was available for public inspection at Development  
26 Services Department office; provided, the City Planning Commission could modify the agenda at the  
27 meeting if the business was determined that an emergency so required. A similar notice, together with a  
28 copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept  
29 continuously current was available for public inspection at the office of the Development Services  
30 Department at all times from publication to the time of the meeting.

31 **ITEM 1:** Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following  
32 members: Jim Zitterkopf, Callan Wayman, Mark Westphal, Angie Aguillo, Anita Chadwick, and Becky  
33 Estrada. Absent: David Gompert, Henry Huber, Linda Redfern (alternate) and Dana Weber. City  
34 officials present: Annie Urdiales, Planning Administrator, Annie Folck, City Planner, and Gary Batt,  
35 Code Administrator II.

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

39 **ITEM 3:** Acknowledgment of any changes in the agenda: None.

40 **ITEM 4:** Business not on agenda: None

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

42 **ITEM 6:** The minutes of 3/10/14 were reviewed and approved. A motion was made to accept the minutes  
43 by Westphal, and seconded by Wayman. "YEAS": Zitterkopf, Chadwick, Wayman, Westphal, and  
44 Estrada. "NAYS": None. ABSTAIN: Aguillo. ABSENT: Gompert, Huber and Weber. Motion carried.

45 **ITEM 7A:** The Planning Commission opened a hearing regarding the Landscape plans for Reganis Auto.  
46 This property is addressed as 1117 East 27<sup>th</sup> Street and located in the City's GGO (Gateway Greenway Overlay)  
47 zone. Annie Folck presented the plan noting that we are in the process of updating our GGO zone and  
48 the plan presented here features some of the changes we will present to the Planning Commission at a  
49 later meeting this summer. Presently a number of trees are to be planted every so many feet. This area  
50 will have a groups of trees planted in different areas and allow for the business to be viewed from the  
51 Highway and Streets. The groupings of trees are healthier and allows for the trees to thrive in a better  
environment. The plants and trees which will be used are a good fit for our area and will have low water  
usage. This all fits in with proposed changes we want to implement into our text changes of the current  
code. The Planning Commission had questions on the types of trees which will be planted, the trees are  
hybrid elms and new to the area the hope is that they will be a long lasting and a good fit. The existing  
code has requirements for replacement of trees if they die and need to be removed. This will remain in  
the code language.

52

53 **Conclusion:** A motion was made by Westphal and seconded by Aguallo to approve the Landscape plan  
54 for Reganis Auto at 1117 East 27<sup>th</sup> Street. "YEAS": Zitterkopf, Wayman, Westphal, Chadwick,  
55 Aguallo, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Gompert, Huber, Redfern  
56 (alternate), and Weber. Motion carried.

57

58 **ITEM 8: Unfinished Business:** Annie Urdiales asked the Planning Commission to think about possibly  
59 attending a half day workshop in July, either the 17<sup>th</sup> or 18<sup>th</sup> in Chadron, NE. Scottsbluff is in the  
60 Panhandle District of NPZA/APA, the District includes several Cities and Towns, and this meeting will  
61 be for everyone in the Panhandle District. The Planner in Chadron has asked to host the meeting this year  
62 and they are hoping Planning Commission members will be able to attend and have training in Planning  
63 and Zoning issues that commissioners hear at their monthly meetings.

64

65 There being no further business the Planning Commission with a motion to adjourn made by Zitterkopf  
66 and seconded by Chadwick the meeting was adjourned at 6:15 p.m. "YEAS": Wayman, Westphal,  
67 Chadwick, Aguallo, Zitterkopf, and Estrada. NAYS: none. ABSENT: Huber, Gompert, Redfern  
68 (alternate), and Weber. Motion carried.

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71 \_\_\_\_\_  
Becky Estrada, Chairperson

72

73 Attest: \_\_\_\_\_

74 Annie Urdiales

# City of Scottsbluff, Nebraska

Monday, May 12, 2014

Regular Meeting

## Item NewBiz1

### Rezone Request

*Rezone Lots in the Subd of Enterprise Tracts 12-15*

*Rezone: Lots 2 & 3, and 8 & 9 from R-1A to C-2*

*Applicant(s): Frank Enterprises Inc. & Hiner Lease Co.*

*Owner(s): Frank Enterprises & Hiner Co.*

*Location: S. of 27th St., between Ave F & Ave G*

Staff Contact: Annie Urdiales

# **SCOTTSBLUFF CITY**

## **PLANNING COMMISSION STAFF REPORT**

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<b>To:</b> Planning Commission	<b>Zoning:</b> Ag currently
<b>From:</b> Development Services Department	<b>Property Size:</b> 31,191sq.ft. ±
<b>Date:</b> May 12, 2014	<b># Lots/Units:</b>
<b>Subject:</b> Rezone parcels from R-1A to C-2	
<b>Location:</b> Between Ave G & Ave F, & South of 27th St.	

### **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), Frank Enterprises and Hiner Lease Company, have requested a rezone for Lots 8 and 9, Subdivision of Enterprise Tracts 13-15 Addition, and Lots 2 and 3, Subdivision of Enterprise Tracts 13-15 Addition. These lots are situated south of 27<sup>th</sup> Street between Avenue F and Avenue G. The applicants are requesting a change from R-1A Single Family Residential to C-2 Neighborhood & Retail Commercial. Surrounding property is zoned C-2 to the North, East, and West, to the South the area is zoned R-1A.

Both property owners own properties to the north, which are zoned C-2 and face West 27<sup>th</sup> Street. Lots 8 and 9 are vacant and previously used as commercial lots, (Shell Station & Carwash). Lots 2 and 3 have been and are currently used as commercial lots (All about Autos), the use is considered pre-existing non-conforming. Rezoning to commercial use will bring the lots up to code. Lots 8 and 3 will continue to abut a residential zone and will have to comply with buffer area requirements between residential and commercial lots.

Staff has reviewed and makes positive recommendation of the rezone of Lots 2, 3, 8, and 9, Subdivision of Enterprise Tracts 13-15 Addition.

Findings of fact includes commercial is a logical transition since property has been used commercial for years.

### **RECOMMENDATION**

#### **Approve**

Make a POSITIVE RECOMMENDATION to the City Council to rezone Lots 2, 3, 8, and 9, Subdivision of Enterprise Tracts 13-15 Addition. R-1A Residential to C-2 Neighborhood & Retail Commercial subject to the following condition(s):

Rezone Request, Page 1

**Deny**

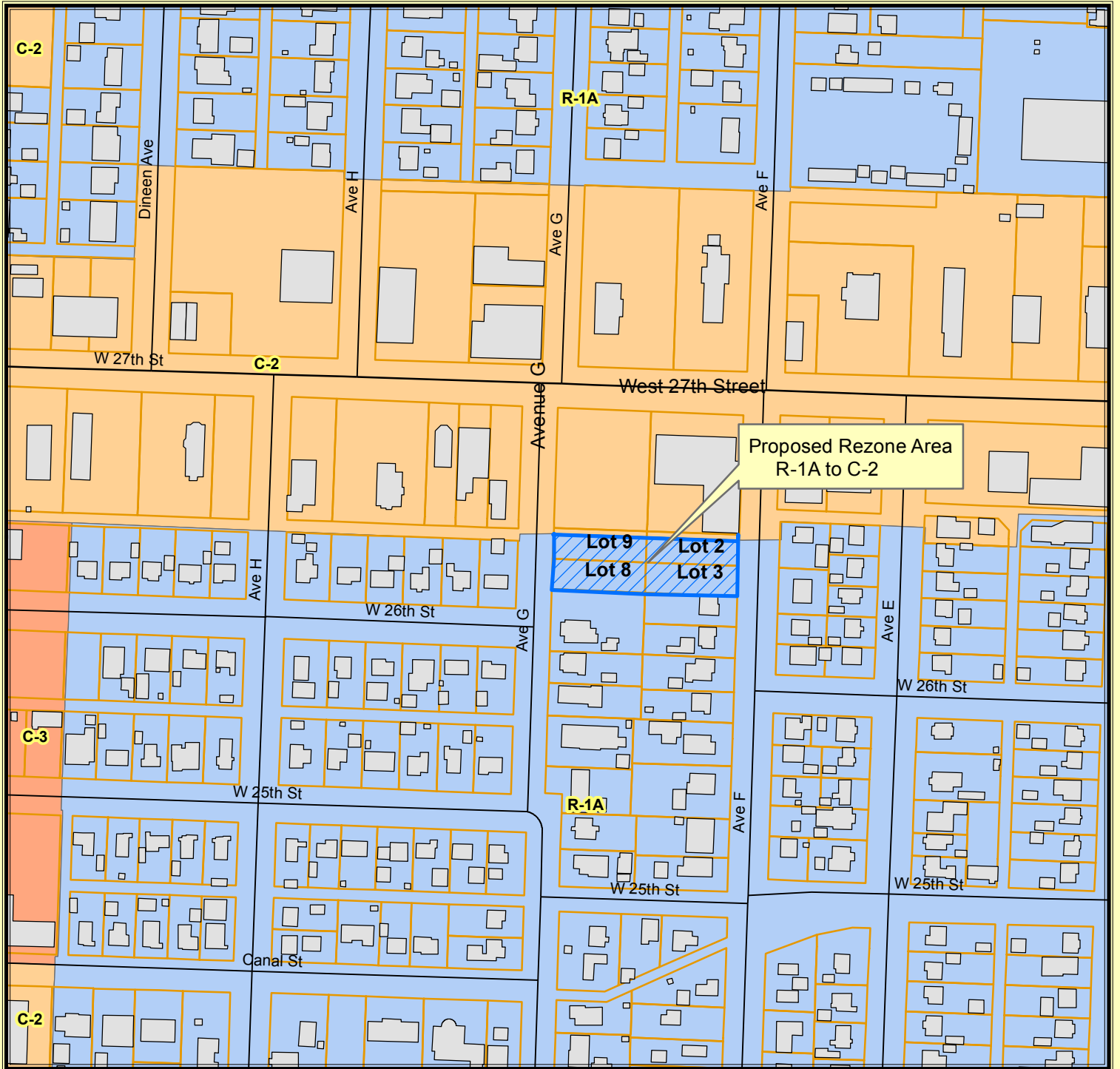
Make a NEGATIVE RECOMMENDATION to the City Council to rezone Lots 2, 3, 8, and 9, Subdivision of Enterprise Tracts 13-15 Addition from R-1A Residential to C-2 Neighborhood & Retail Commercial for the following reason(s):

**Table**

Make the motion to TABLE the rezone request to rezone Lots 2, 3, 8, and 9, Subdivision of Enterprise Tracts 13-15 Addition from R-1A Residential to C-2 Neighborhood & Retail Commercial for the following reason(s):

# Frank Enterprises/Hiner Co. Rezone

R-1A to C-2



5/12/14

Map by A. Urdiales: City of Scottsbluff  
Coordinate System:  
NAD 1983 StatePlane Nebraska FIPS 2600 Feet  
Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement or location of any map features thereon.

# City of Scottsbluff, Nebraska

Monday, May 12, 2014

Regular Meeting

## Item NewBiz2

### Ag Estate Dwelling

*Plat for an Ag Estate Dwelling*

*Plat: AED 2.60 acres*

*Applicant(s): Rod Adams/M.C.Schaff & Asso.*

*Owner(s) Rod Adams Farms*

*Location: Abuts C.R 24 along E side for 266'*

Staff Contact: Annie Urdiales



**SCOTTSBLUFF CITY**  
**PLANNING COMMISSION STAFF REPORT**

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<b>To:</b>	Planning Commission	<b>Zoning:</b>	Agricultural
<b>From:</b>	Development Services Department	<b>Property Size:</b>	2.60 ± acres
<b>Date:</b>	May 12, 2014		
<b>Subject:</b>	Tract in NE ¼ of SE 1/4 Section 19, T22N R55W		
<b>Location:</b>	N of Highland Rd (County Road L) and W of County Road 24, in our Extra Territorial Jurisdiction		

**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), Rod Adams Farms, Inc., is requesting an Agricultural Estate Dwelling plat of property described as part of the east half of the Southeast Quarter of Section 19, Township 22 North, Range 54 West of the 6<sup>th</sup> P.M Scotts Bluff County, Nebraska, EXCEPT for those tracts described as “Except” in Instrument 2007-667. The property is not shown in the Comprehensive Development Plan future land use map. The property is approximately 2.60 acres in size. Properties to the west, south, and north are zoned Agricultural and in our ET jurisdiction, further east property is in the County’s jurisdiction.

**Analysis**

The property owner is proposing to separate 2.60 acres more or less of his farmland property separating an area to allow for a home and out buildings from the farmland and will also allow for the parcel to sell separately. Access into the site will be from the west side of County Road 24. The Development Services staff has reviewed the application and the lot will meet the necessary requirements of an Agricultural Estate Dwelling (AED) in an Agricultural Zoning District.

**RECOMMENDATION**

***Approve***

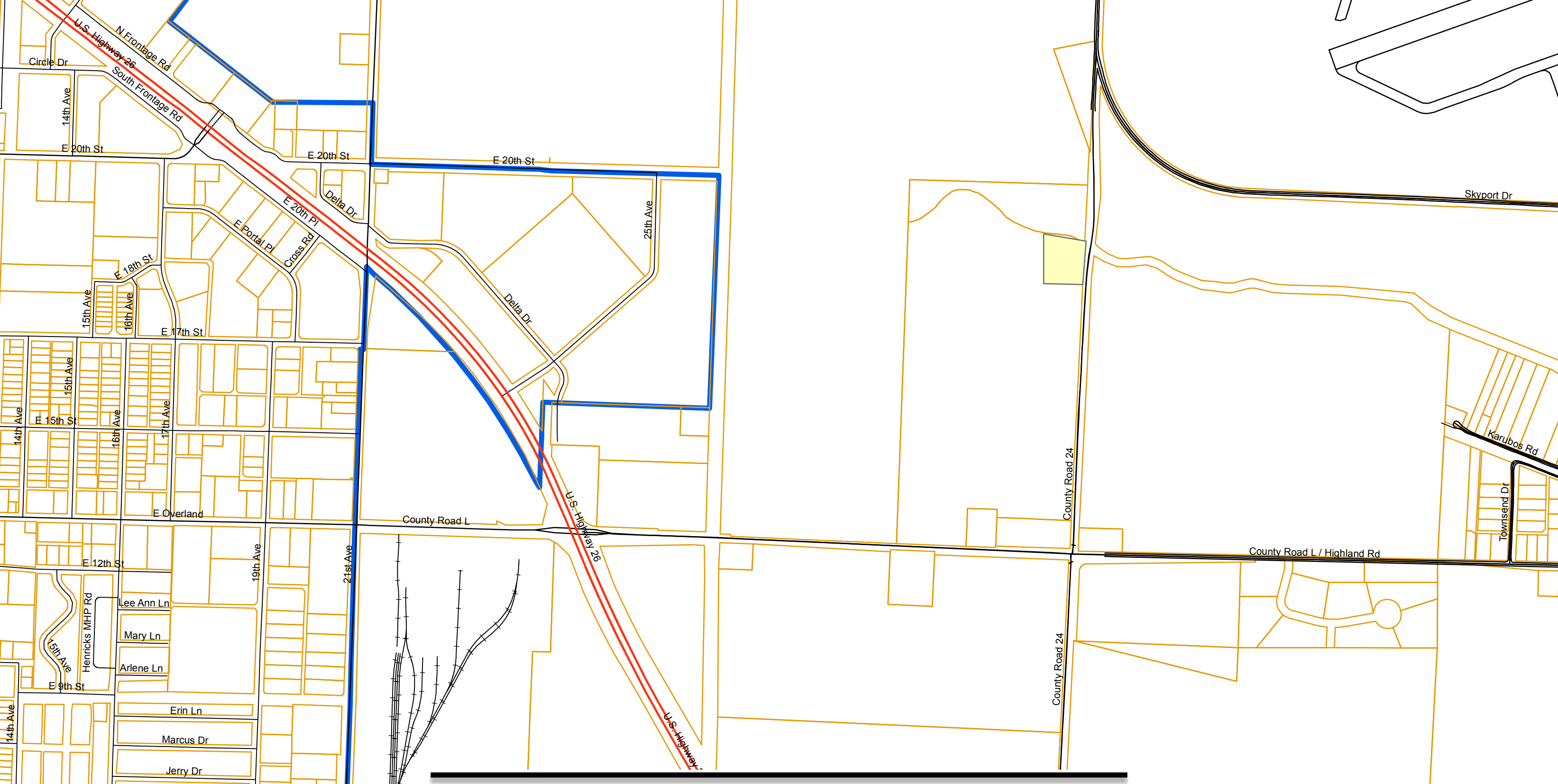
Make a POSITIVE RECOMMENDATION to the City Council to approve the AED for property described as part of the east half of the Southeast Quarter of Section 19, Township 22 North, Range 54 West of the 6<sup>th</sup> P.M Scotts Bluff County, Nebraska subject to the following condition(s):

***Deny***

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove the AED for property described as part of the east half of the Southeast Quarter of Section 19, Township 22 North, Range 54 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 AED for property described as part of the east half of the Southeast Quarter of Section 19, Township 22 North, Range 54 West of the 6<sup>th</sup> P.M Scotts Bluff County, Nebraska the following reason(s):



**SURVEYOR'S CERTIFICATE**

I, Kelly A. Beatty, a Nebraska Registered Land Surveyor, hereby certify I have surveyed a Tract of land situated in the Northeast Quarter of the Southeast Quarter of Section 19, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

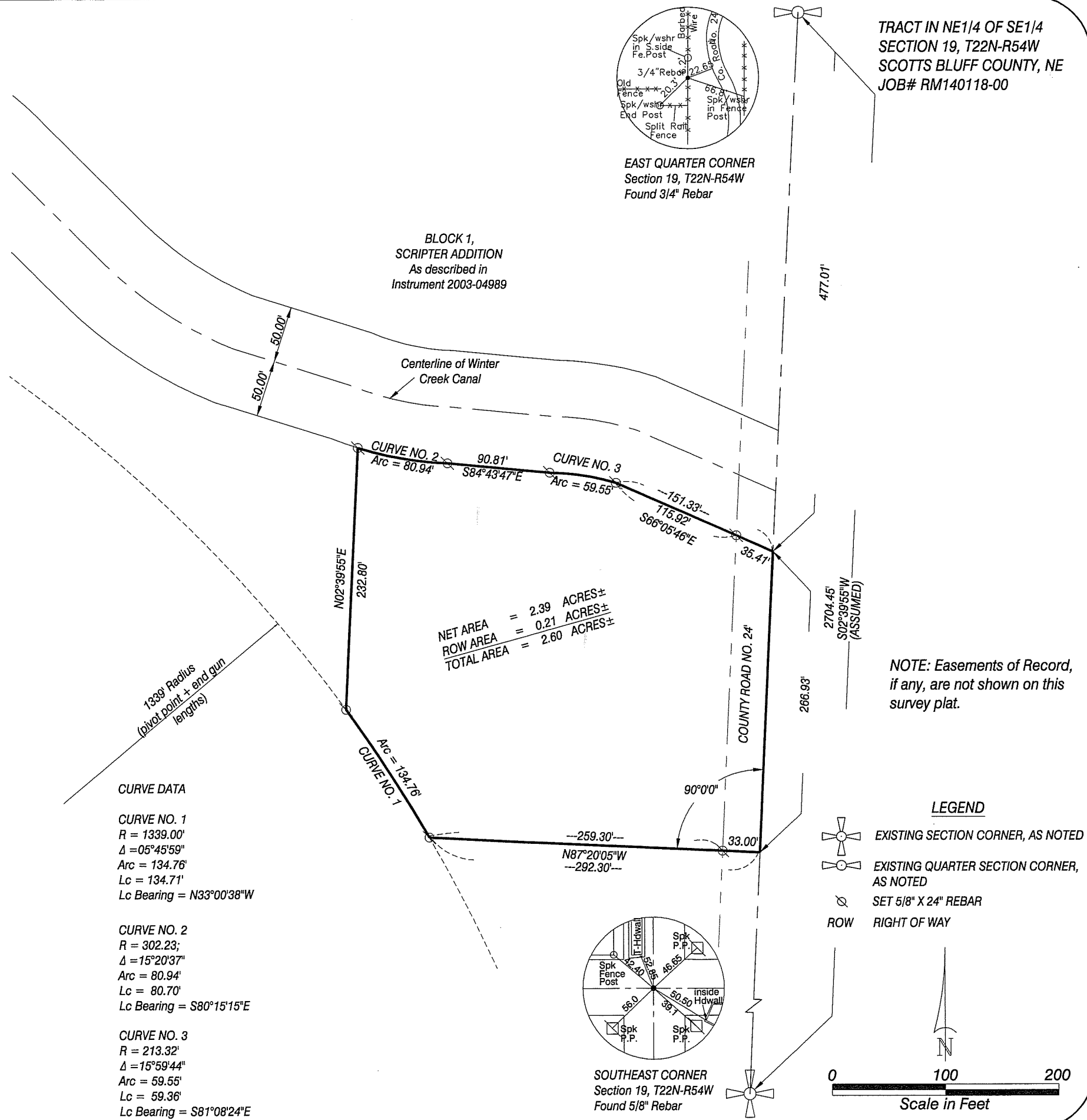
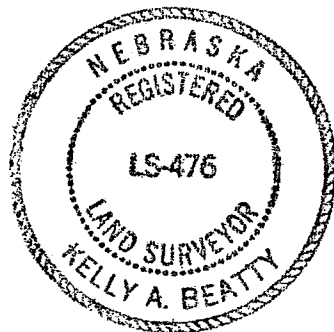
A Tract of land situated in the Northeast Quarter of the Southeast Quarter of Section 19, Township 22 North, Range 54 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

Commencing at the East Quarter corner of Section 19, thence southerly on the east line of said Section 19, on an assumed bearing of S02°39'55"W, a distance of 477.01 feet, to a point being 50 feet south of the centerline of the Winter Creek Canal, as measured perpendicular to said centerline, said point also being the Point of Beginning, thence continuing southerly on the east line of Section 19, bearing S02°39'55"W, a distance of 266.93 feet, thence bearing N87°20'05"W, a distance of 292.30 feet, to a point of intersection with a non-tangent curve to the left, said curve having a central angle of 05°45'59", a radius of 1339.00 feet, a chord bearing of N33°00'38"W, and a chord distance of 134.71 feet, thence northwesterly on the arc of said curve, a distance of 134.76 feet, thence bearing N02°39'55"E, a distance of 232.80 feet, to a point being 50.00 feet south of the centerline of Winter Creek Canal, and said point being the point of curvature of a non-tangent curve to the left, said curve having a central angle of 15°20'37", a radius of 302.23 feet, a chord bearing of S80°15'15"E, and a chord distance of 80.70 feet, thence easterly on the arc of said curve, and on a line being 50.00 feet south of and parallel with said centerline, a distance of 80.94 feet, thence bearing S84°43'47"E, on a line being 50.00 feet south of and parallel with said centerline, a distance of 90.81 feet, to the point of curvature of a non-tangent curve to the right, said curve having a central angle of 15°59'44", a radius of 213.32 feet, a chord bearing of S81°08'24"E, and a chord length of 59.36 feet, thence easterly on the arc of said curve and on an line being 50.00 feet south of and parallel with said centerline, a distance of 59.55 feet, thence bearing S66°05'46"E, on a line being 50.00 feet south of and parallel with said centerline, a distance of 151.33 feet, to the Point of Beginning, containing an area of 2.60 acres, more or less.

That the accompanying plat is a true delineation of said survey drawn to a scale of 100 feet to the inch. That all dimensions are in feet and decimals. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL this 3<sup>rd</sup> day of April, 2014.  
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

*Kelly A. Beatty*  
Kelly A. Beatty, Nebraska Registered Land Surveyor, L. S. 476



# City of Scottsbluff, Nebraska

Monday, May 12, 2014

Regular Meeting

## Item NewBiz3

### **Annexation: Block 9, Five Oaks Subdivision**

*Annexation: Block 9 Five Oaks Subd.*

*Applicant(s): Jason Webb/Baker & Associates*

*Owner(s): Jason & Sami Webb*

*Location: SE corner 42nd St. & Ave I*

Staff Contact: Annie Urdiales

# ***SCOTTSBLUFF CITY***

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

**To:** Planning Commission  
**From:** Development Services Department  
**Date:** May 12, 2014  
**Subject:** Annexation  
**Location:** S. of W 42<sup>nd</sup> St & E of Hwy 71  
Five Oaks Subdivision, Block 9

**Zoning:** C-2  
**Property Size:** 7.82 acres  
**# Lots/Units:** 1

### Procedure

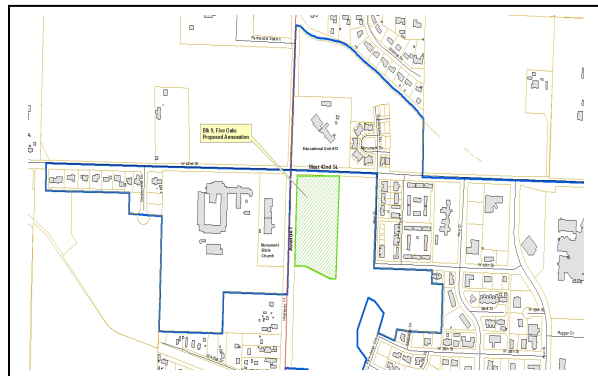
1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final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

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

### Background

The applicant(s), Jason Webb, has requested annexation of approximately 7.82± acres into the City's corporate boundaries. The property is situated south of West 2<sup>nd</sup> Street and East of Highway 71 (Avenue I). The property is zoned C-2 (Neighborhood & Retail Commercial).

The lot is currently vacant. Property to the west is Monument Bible Church which is zoned O & P, to the east is Educational Unit 13 zoned R-4, and property to the south is currently zoned Agricultural but is preliminary zoned for commercial use when the area develops. Property to the east is also zoned Agricultural and preliminary zoned for residential development. Block 9 has access to City utilities (water & sewer) along 42<sup>nd</sup> Street to the north and Avenue I to the west. As property develops to the east the streets and utility infrastructure will be put in.



### Analysis

When reviewing this request, staff would recommend that you consider the following issues:

- 1) That the property is contiguous to existing corporate boundaries
- 2) Will the property have adequate access to infrastructure for the proposed development?
- 3) Will there be any negative effects from the annexation?
- 4) Access onto the site.
- 5) Are there any concerns or issues that could be generated by annexing the property?

**RECOMMENDATION**

*Approve*

**Make a POSITIVE RECOMMENDATION to the City Council to annex property described as Block 9, Five Oaks Subdivision (7.82 acres) into the City's corporate limit boundary subject to the following condition(s):**

1.

*Deny*

**Make a NEGATIVE RECOMMENDATION to the City Council to annex property described as Block 9, Five Oaks Subdivision (7.82 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, Block 9, Five Oaks Subdivision (7.82 acres) into the City's corporate limit boundary for the following reason(s):**





# City of Scottsbluff, Nebraska

Monday, May 12, 2014

Regular Meeting

## Item NewBiz4

### Revised Preliminary Plat Five Oaks

*Preliminary Plat: Five Oaks Subdivision*

*Preliminary Plat: Revised Five Oaks Subdivision*

*Applicant(s): C&T Holdings/ Baker & Associates*

*Owner(s): C & T Holdings*

*Location: East of Ave I & S of 42nd Street*

Staff Contact: Annie Urdiales

**SCOTTSBLUFF CITY**  
**PLANNING COMMISSION STAFF REPORT**

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<b>To:</b>	Planning Commission	<b>Zoning:</b>	R-1A & C-2
<b>From:</b>	Development Services Department	<b>Property Size:</b>	35.9 acres
<b>Date:</b>	May 12, 2014		
<b>Subject:</b>	Revised Preliminary Plat Five Oaks Subdivision		
<b>Location:</b>	South of 42nd St., & East of Highway 71 (Ave I)		

**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, represented by Baker and Associates have requested approval of a revised Preliminary Plat of the Five Oaks Subdivision. The property is situated south of 42<sup>nd</sup> Street, and west of US Highway 71, (Avenue I).

**Analysis – Preliminary Plat**

City staff and Consultants have reviewed the preliminary plat and proposed infrastructure to the property. The revised preliminary plat has been scaled back eliminating one of two streets on the west side of Five Oaks Drive. Water and sewer is in place, the stubs to the west going to the previous proposed streets will be abandoned, we have checked with Public works to make sure this is okay. Also the new line to extend infrastructure into the new proposed streets, Five Oaks Drive will be done at the time the paving is done with a paving district, all these improvements will be covered under the Developer's Agreement which will be submitted to City Council for approval. The previous preliminary plat was approved by the Planning Commission and City Council in 2008. The Developer has also submitted three final plats within the revised preliminary plat along with annexation of the seven lots into the corporate boundary of the City. The preliminary plat meets the subdivision codes and city standards. Staff has met with the Engineer and discussed a few corrections and concerns of the preliminary plat and those changes have been addressed.

**RECOMMENDATION**

***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve revised preliminary plat of Five Oaks Subdivision subject to the following condition(s):**

***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove revised preliminary plat Five Oaks Subdivision for the following reason(s):**

***Table***

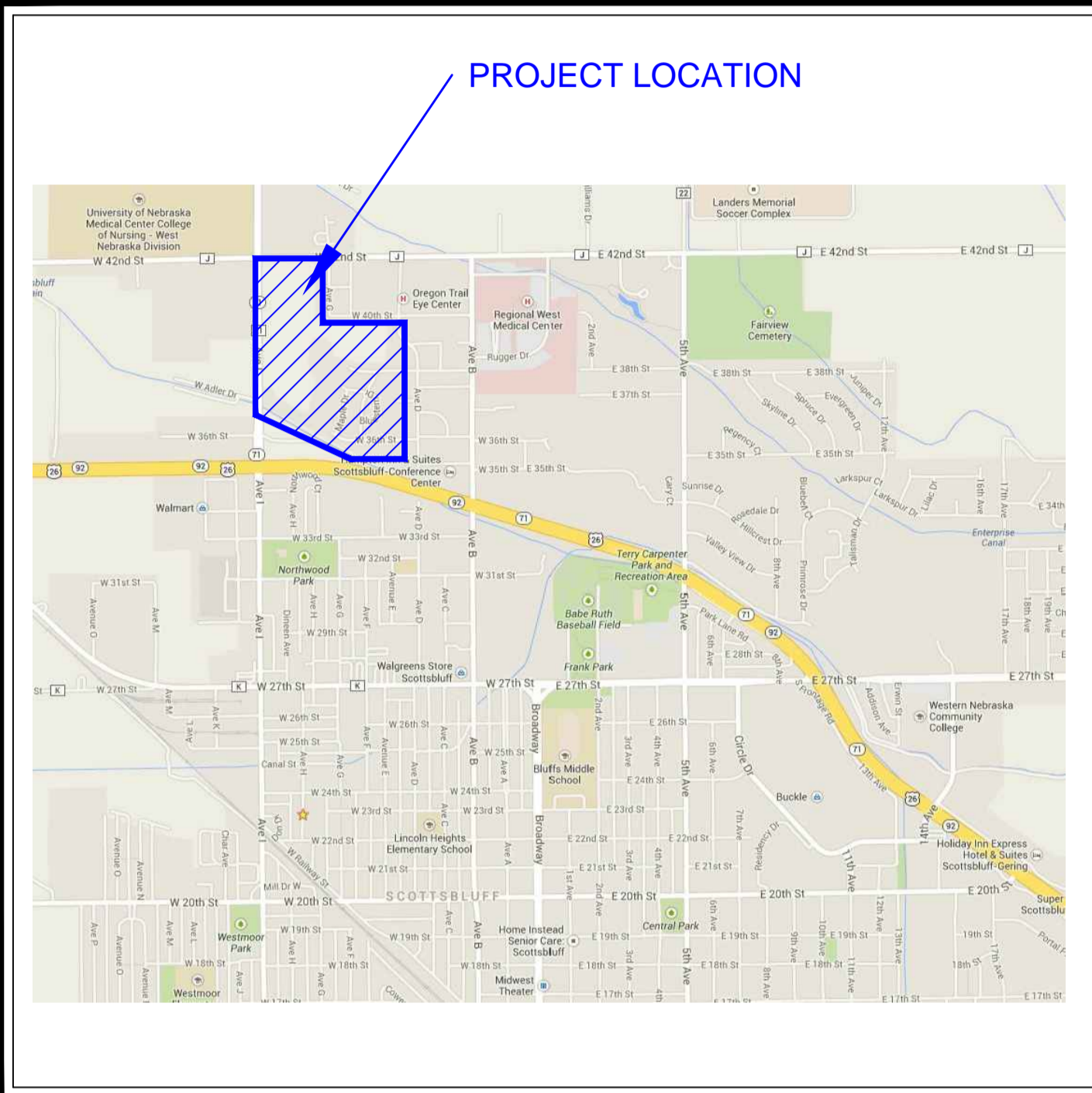
**Make the motion to TABLE the revised preliminary plat Five Oaks Subdivision for the following reason(s):**

Preliminary/Final Plat Request, Page 2

# FIVE OAKS SUBDIVISION - 2014 PRELIMINARY PLAT

SCOTTSBLUFF, NEBRASKA

Vicinity Map:



Development Statistics:

OPEN SPACE	1.18 ACRES
SINGLE FAMILY	37 UNITS
TOTAL DWELLING UNITS	37 UNITS
TOTAL ACREAGE	35.9 ACRES
GROSS DENSITY	1.03 D.U./Acre

Drawing Index:

SHEET #	DRAWING TITLE
0	COVER SHEET
C-1.00	EXISTING SITE PLAN
C-1.01	LOT PLAN
C-1.02	STREET PLAN
C-1.03	GRADING AND DRAINAGE PLAN
C-1.04	UTILITY PLAN
C-1.05	LANDSCAPE PLAN

Legal Description:

Abbreviations:

FH	FIRE HYDRANT
RSWV	RESILIENT SEAT WEDGE VALVE
MH	MANHOLE
STA	STATION
ELEV	ELEVATION ABOVE SEA LEVEL
INV	INVERT
BOC	BACK OF CURB
TOC	TOP OF CURB
EOR	EDGE OF ROAD
FL	FLOW LINE
GL	GUTTER LINE
L.F.	LINEAL FEET
PVC	POLYVINYL CHLORIDE MATERIAL
VCP	VITRIFIED CLAY PIPE
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
HDPE	HIGH DENSITY POLYETHYLENE
DIP	DUCTILE IRON PIPE
T-BLK	CONCRETE THRUST BLOCK
PCC	PORTLAND CEMENT CONCRETE
CL	CENTERLINE
EL	ELEVATION
PROP.A.	PROPOSED
EX.	EXISTING
BCR	BEGIN CURB RETURN
ECR	END CURB RETURN
PC	POINT OF CURVATURE
PT	POINT OF TANGENT
PRC	POINT OF REVERSE CURVE
POB	POINT OF BEGINNING
POE	POINT OF END
BVC	BEGIN VERTICAL CURVE
EVC	END VERTICAL CURVE
PI	POINT OF INTERSECTION
PVI	POINT OF VERTICAL INTERSECTION
GB	GRADE BREAK
HP	HIGH POINT
LP	LOW POINT
(R)	RECORDED DISTANCE
(M)	MEASURED DISTANCE

Linetype/Symbol Legend

SYMBOL LEGEND		LINETYPE DESIGNATION	
	EXISTING LIGHT POLE		EXISTING OVERHEAD POWER LINE
	EXISTING LIGHT POLE WITH POWER		EXISTING UNDERGROUND POWER LINE
	EXISTING POWER POLE		EXISTING OVERHEAD TELEPHONE LINE
	EXISTING ELECTRICAL METER BOX		EXISTING UNDERGROUND TELEPHONE LINE
	EXISTING ELECTRICAL TRANSFORMER		EXISTING OVERHEAD TELEVISION CABLE LINE
	EXISTING ELECTRICAL HANDHOLE		EXISTING UNDERGROUND TELEVISION CABLE LINE
	EXISTING TELEPHONE PEDESTAL		EXISTING FIBER OPTIC CABLE
	EXISTING CABLE BOX		EXISTING SANITARY SEWER LINE
	EXISTING FIBER OPTIC BOX		EXISTING STORM SEWER LINE
	EXISTING SATELLITE DISH		EXISTING WATER LINE
	EXISTING MANHOLE		EXISTING IRRIGATION SYSTEM LINE
	EXISTING CLEAN-OUT		EXISTING GAS LINE
	EXISTING CURB INLET		EXISTING CHAIN-LINK FENCE
	EXISTING AREA INLET		EXISTING WOOD FENCE
	EXISTING WATER VALVE		EXISTING BARBED-WIRE FENCE
	EXISTING FIRE HYDRANT		SILT FENCE
	EXISTING WATER VALVE IN MANHOLE		LIMITS OF CONSTRUCTION
	EXISTING CURB STOP		EXISTING CONTOUR LINE
	EXISTING WATER METER PIT		PROPOSED CONTOUR LINE
	EXISTING WELL		EASEMENT LINE
	EXISTING YARD HYDRANT		PROPERTY LINE
			SECTION LINE

OWNER INFORMATION:

C&T Holdings, LLC  
1320 Circle Drive  
Scottsbluff, NE 69361

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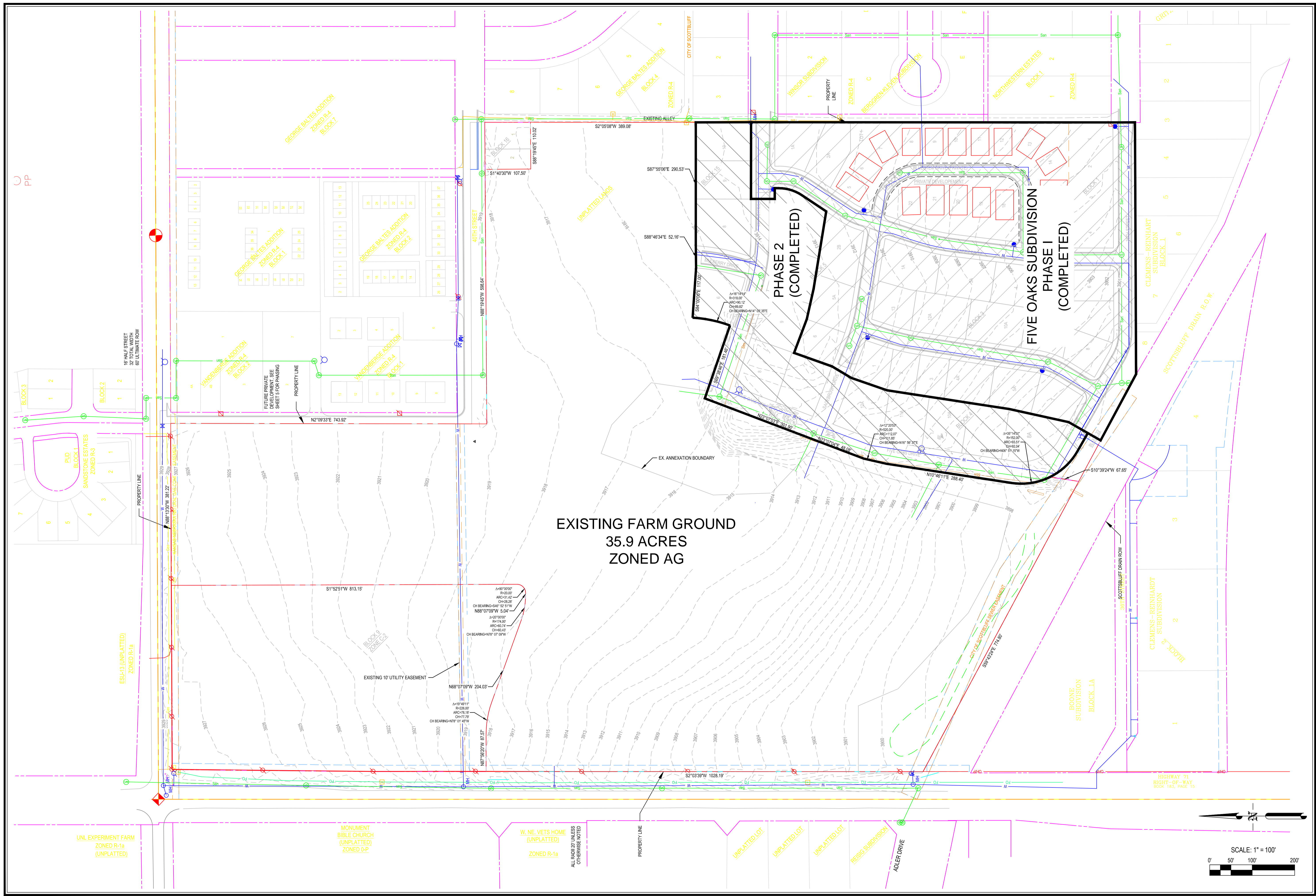
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FIVE OAKS SUBDIVISION  
2014 PRELIMINARY PLAT  
C&T Holdings, LLC  
Scottsbluff, Nebraska

Sheet Title:  
COVER SHEET  
Date Issued:

Project: 023-018-14  
CAD File:  
023-018 Preliminary Plat 2014.dwg  
Design Drawing Check  
JWB JDS

Sheet No.  
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**PRELIMINARY PLAN**  
NOT TO BE USED FOR CONSTRUCTION

Project Title:  
**FIVE OAKS SUBDIVISION  
2014 PRELIMINARY PLAT**

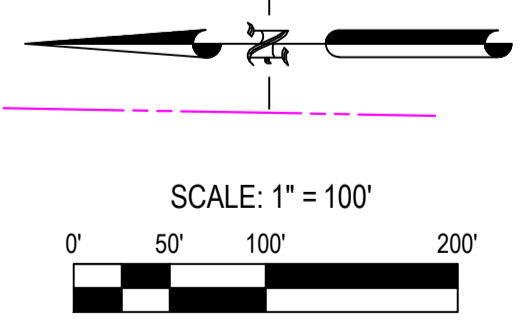
C&T Holdings, LLC  
Scottsbluff, Nebraska

Sheet Title:  
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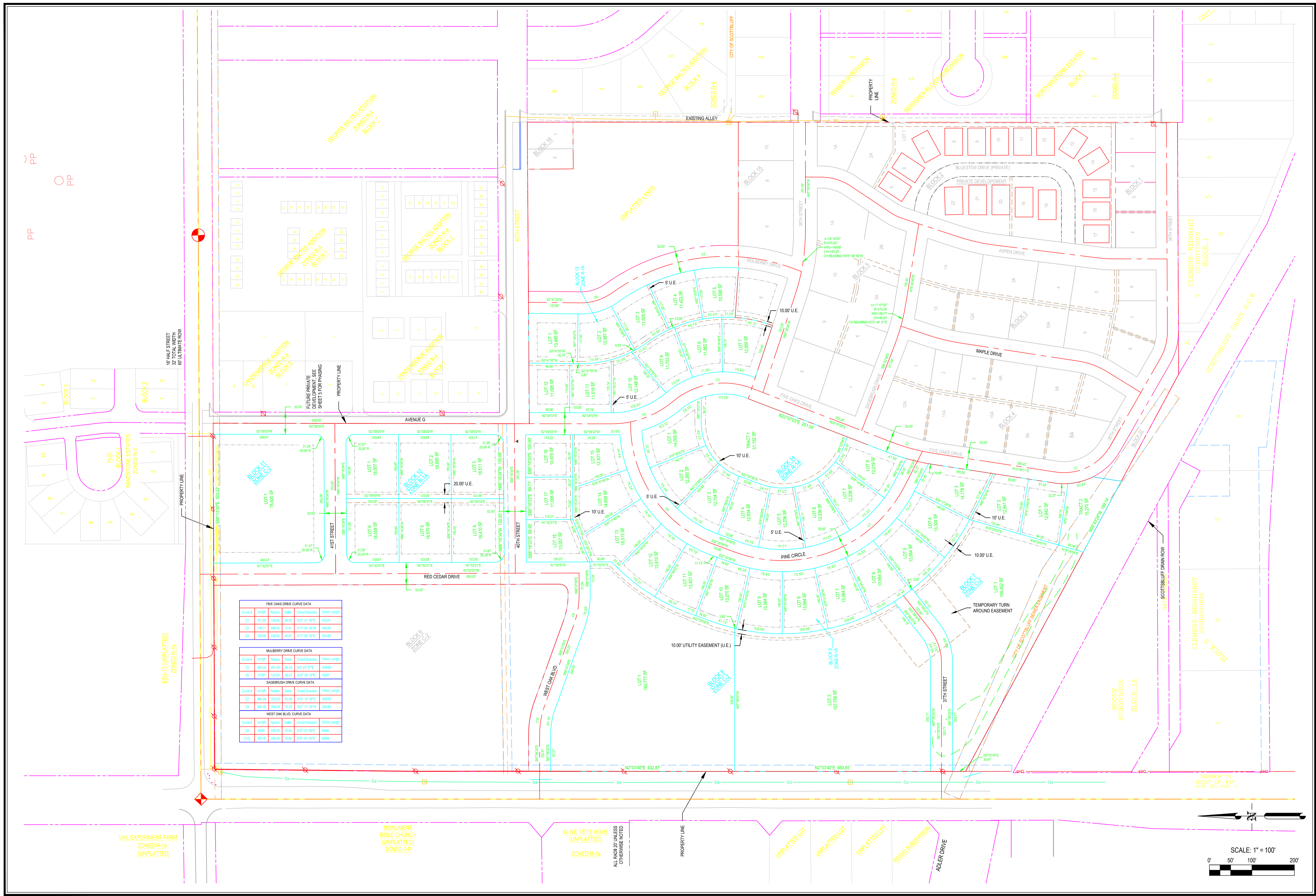
Date Issued:

Project: 023-018-14  
CAD File: 023-018 Preliminary Plat 2014.dwg  
Design Drawing Check  
JWB JDS

Sheet No.  
**C-1.00**







Curve #	Length	Radius	Delta	Chord Distance	Chord Length
C1	191.28	120.00	48.00	137.41 48°52'	142.61
C2	158.71	494.00	15.81	137.04 28°50'	158.49
C4	159.09	220.00	40.00	117.52 32°58'	154.86

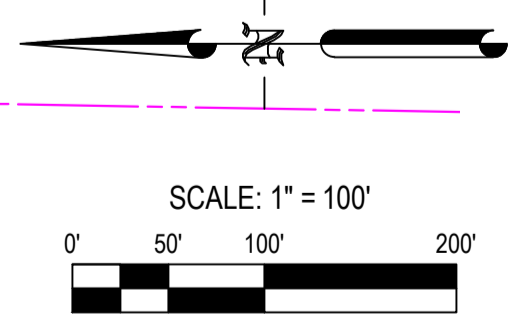
Curve #	Length	Radius	Delta	Chord Distance	Chord Length
C1	189.53	491.00	38.33	174.29 27°52'	189.52
C2	77.47	120.00	36.27	51.29 28°18'	78.57

Curve #	Length	Radius	Delta	Chord Distance	Chord Length
C1	188.24	320.00	63.00	117.10 48°52'	128.30
C2	268.35	300.00	70.50	231.37 23°59'	268.64

Curve #	Length	Radius	Delta	Chord Distance	Chord Length
C1	180.81	200.00	50.00	117.07 49°00'	180.86
C2	18.18	500.00	18.00	117.07 49°00'	18.84



LOT 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

101 E. 11th St.  
Scottsbluff, NE 68061  
308.632.3123  
www.bakerandassociates.com

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Project Title:  
**FIVE OAKS SUBDIVISION**  
**2014 PRELIMINARY PLAT**

C&T Holdings, LLC  
Scottsbluff, Nebraska

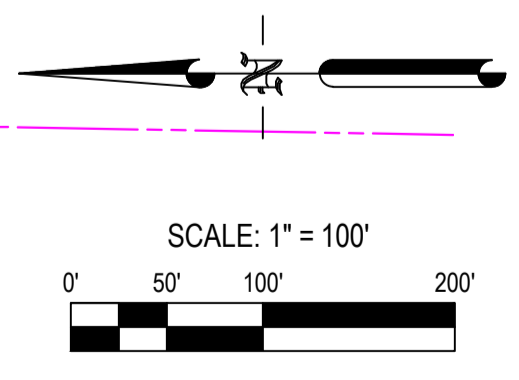
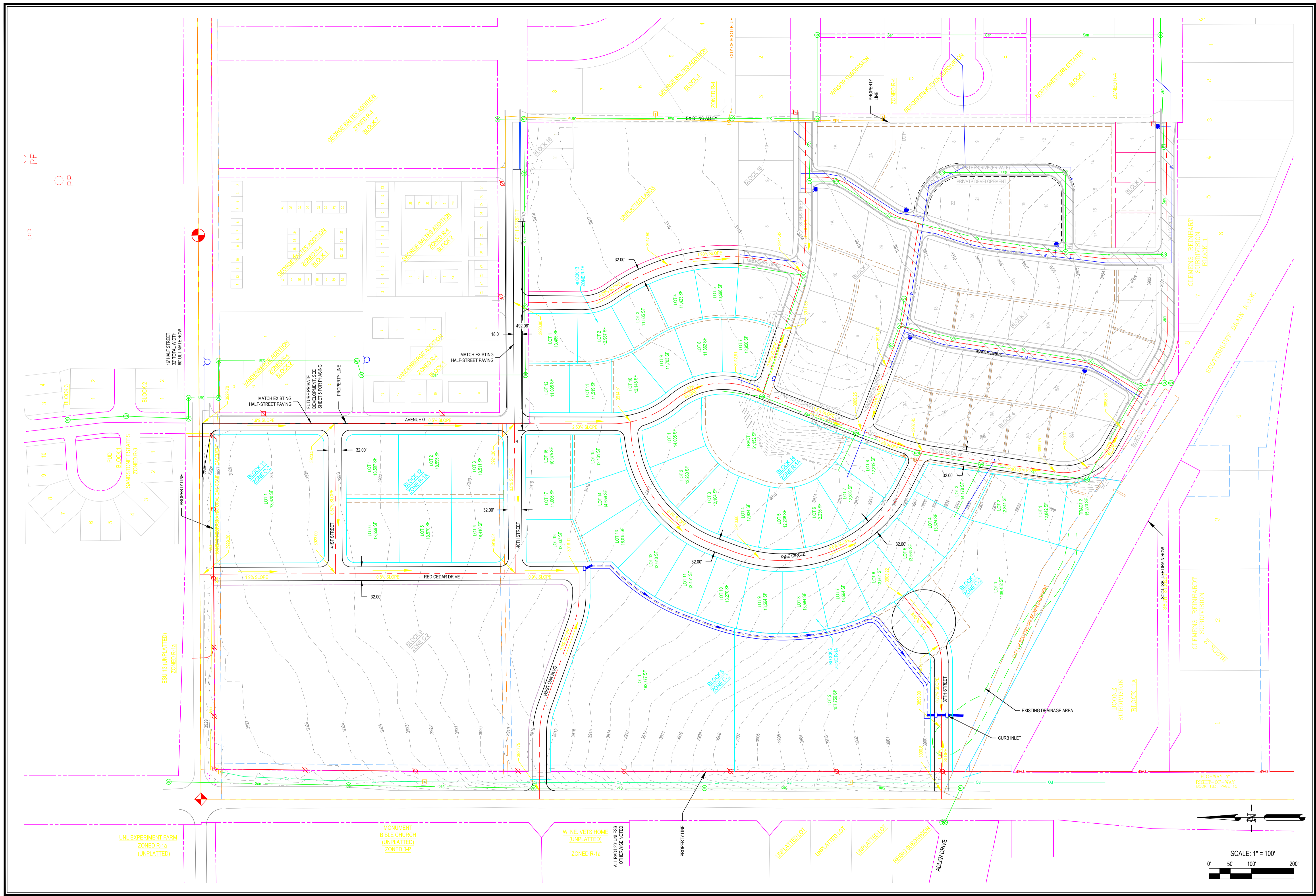
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**LOT PLAN**

Date Issued:

Project: 023-018-14  
CAD File: 023-018 Preliminary Plat 2014.dwg  
Design Drawing Check  
JWB JDS

Sheet No.  
**C-1.01**





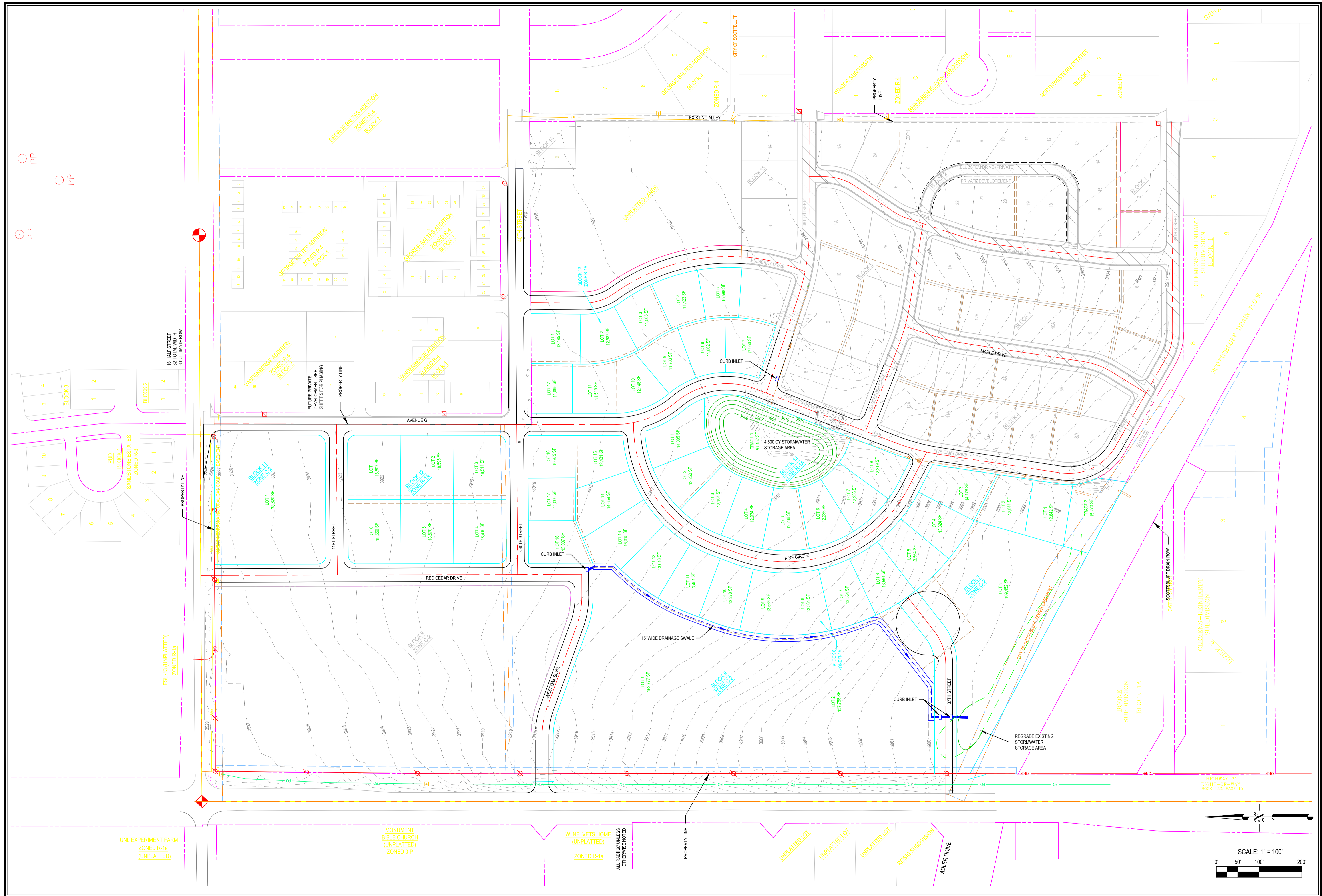
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<p>Project: 023-018-14 CAD File: 023-018 Preliminary Plat 2014.dwg Design Drawing Check JWB JDS</p>	<p>Date Issued:</p>
<p>Project Title: <b>FIVE OAKS SUBDIVISION 2014 PRELIMINARY PLAT</b></p>	
<p>Sheet No. <b>C-1.02</b></p>	

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**C&T Holdings, LLC**  
Scottsbluff, Nebraska

PRELIMINARY PLAT  
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 CONSTRUCTION





PP ○

PP ○

PP ○

16' HALF STREET  
32' TOTAL WIDTH  
62' ULTIMATE ROW

ESL-13 (UNPLATTED)  
ZONED R-13

UNL EXPERIMENT FARM  
ZONED R-1a  
(UNPLATTED)

GEORGE BAILES ADDITION  
ZONED R-4  
BLOCK 1

VANDERBERG ADDITION  
ZONED R-4  
BLOCK 2

LOT 1  
78,620 SF

LOT 2  
18,597 SF

LOT 3  
18,511 SF

LOT 4  
18,410 SF

LOT 5  
18,576 SF

LOT 6  
18,598 SF

LOT 7  
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LOT 8  
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LOT 9  
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LOT 10  
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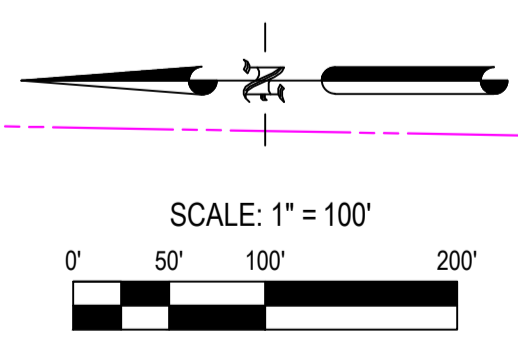
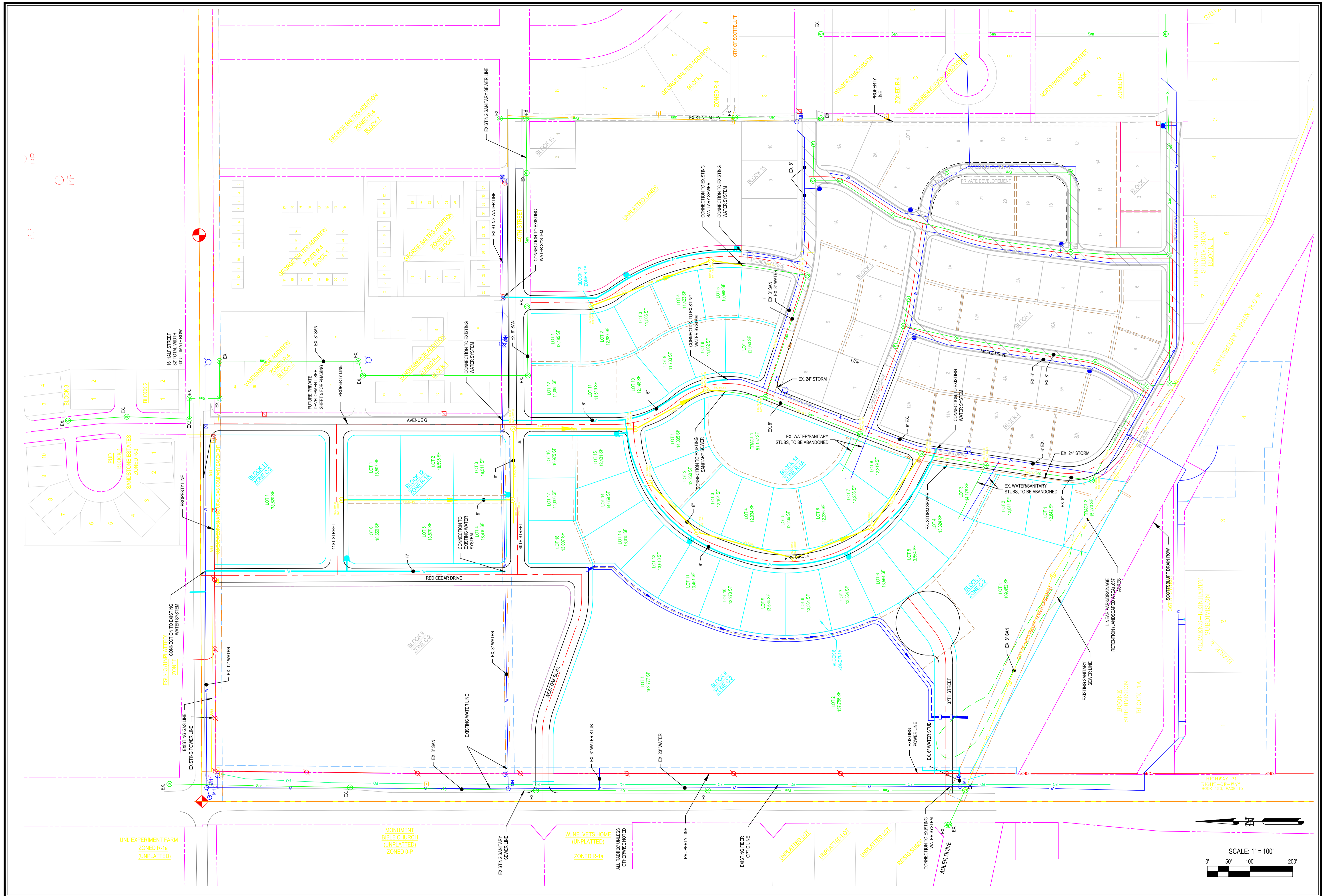
LOT 218  
18,594 SF

LOT 219  
18,511 SF

LOT 220  
18,410 SF

LOT 221  
18,576 SF





Project Title:  
**FIVE OAKS SUBDIVISION  
 2014 PRELIMINARY PLAT**

Sheet Title:  
**UTILITY PLAN**

Project: 023-018-14  
 CAD File: 023-018 Preliminary Plat 2014.dwg  
 Design Drawing Check  
 JWB JDS

Sheet No.  
**C-1.04**

Date Issued:

Project Title:  
**FIVE OAKS SUBDIVISION  
 2014 PRELIMINARY PLAT**

C&T Holdings, LLC  
 Scottsbluff, Nebraska

Project Title:  
**FIVE OAKS SUBDIVISION  
 2014 PRELIMINARY PLAT**

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LOT 1, 18,507 SF  
 SCOTTSBLUFF, NE 68061  
 308.632.3123  
 www.bakereng.com

# City of Scottsbluff, Nebraska

Monday, May 12, 2014

Regular Meeting

## Item NewBiz5

### Rezone Block 6 & Block 14, Five Oaks

*Rezone: Lots 1-3, Tr 2, Blk.6 & Lot 8, Tr.1, Blk.14, Five Oaks*

*from Agricultural to R-1A Single Family Residential*

*Applicant(s): C & T Holdings/Baker & Associates*

*Owner(s): C & T Holdings*

*Location: West of Five Oaks Drive, N of Scottsbluff Drain*

Staff Contact: Annie Urdiales

# ***SCOTTSBLUFF CITY***

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

---

<b>To:</b>	Planning Commission	<b>Zoning:</b>	Ag currently
<b>From:</b>	Development Services Department	<b>Property Size:</b>	3.02 acres ±
<b>Date:</b>	May 12, 2014	<b># Lots/Units:</b>	7
<b>Subject:</b>	Rezone parcel from Ag to R-1B		
<b>Location:</b>	East Side of CR 24 & South side of Eagle Road		

### **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), Baker & Associates representing owners, C & T Holdings, have requested a rezone for proposed Lot 7, Block 13, Lots 1-3, & Tract 2, Block 6, and Lot 8 and Tract 1, Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska. These parcels will also be annexed in to the City's corporate limits. They are situated on the west and east sides of Five Oaks Drive. Surrounding property is zoned Ag to the west and Residential to east and south.

The Comprehensive Plan Future Land Use Map designates this property as Single Family Residential.

Staff recommends approval of the rezone of proposed Lot 7, Block 13, Lots 1-3, & Tract 2, Block 6, and Lot 8 and Tract 1, Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska. Findings of fact includes residential is a logical transition from Agricultural to Single Family Residential; the zoning is compatible with the Comprehensive Plan.

### **RECOMMENDATION**

#### **Approve**

Make a POSITIVE RECOMMENDATION to the City Council to rezone a part of proposed Lot 7, Block 13, Lots 1-3, & Tract 2, Block 6, and Lot 8 and Tract 1, Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

#### **Deny**

Make a NEGATIVE RECOMMENDATION to the City Council to rezone a part of proposed Lot 7, Block 13, Lots 1-3, & Tract 2, Block 6, and Lot 8 and Tract 1, Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

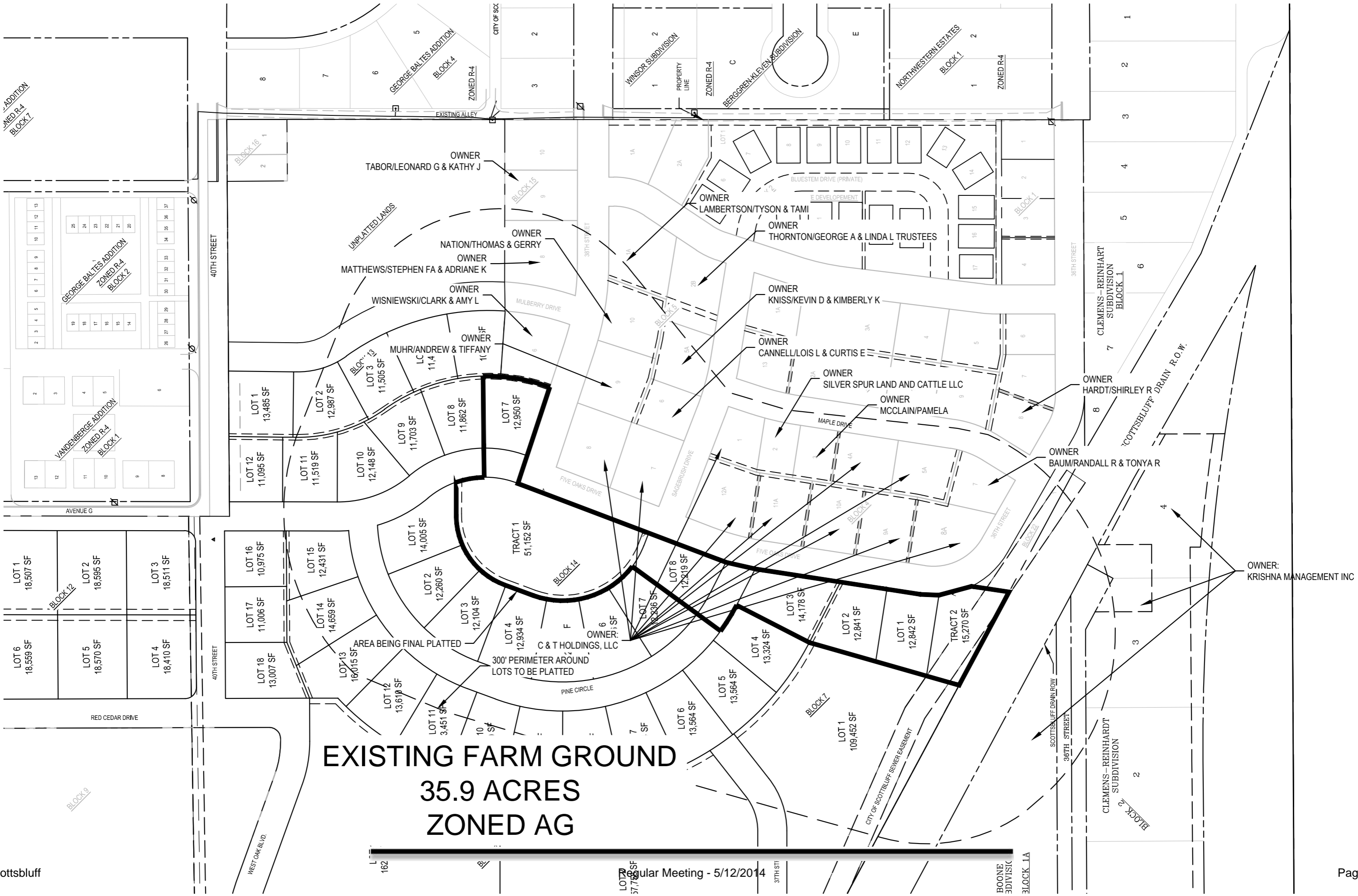
Rezone Request, Page 1

**Table**

Make the motion to TABLE the rezone request to rezone proposed Lot 7, Block 13, Lots 1-3, & Tract 2, Block 6, and Lot 8 and Tract 1, Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska following reason(s):



**EXISTING FARM GROUND**  
**35.9 ACRES**  
**ZONED AG**



# City of Scottsbluff, Nebraska

Monday, May 12, 2014

Regular Meeting

## Item NewBiz6

### Final Plat Block 13

*Final Plat: Lot 7, Blk 13, Five Oaks*

*Applicant(s): C&T Holdings Inc., Baker & Assoc.*

*Owner(s): C & T Holdings Inc.*

*Location: N of 38th St & E of Five Oaks Dr.*

Staff Contact: Annie Urdiales

# ***SCOTTSBLUFF CITY***

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

---

<b>To:</b>	Planning Commission	<b>Zoning:</b>	Current    Agricultural
<b>From:</b>	Development Services Department	<b>Property Size:</b>	12,915 Sq. Ft.
<b>Date:</b>	May 12, 2014		
<b>Subject:</b>	Final Plat – Lot 7, Block 13, Five Oaks Subdivision		
<b>Location:</b>	North of 38th St. & E of Five Oaks Drive		

### **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 and T Holdings, represented by Baker and Associates, have requested approval of a final plat of Lot 7, Block 13, Five Oaks Subdivision. This final plat consists of one parcel of approximately 12,915 square feet. The parcel is situated north of 38th Street, and East of Five Oaks Drive. This lot will also be rezoned and annexed into the City of Scottsbluff corporate limits with language specified on the plat.

The parcel will have access from 38<sup>th</sup> Street to the south and Five Oaks Drive to the west; the lot will be able to access existing water and sewer lines along which were previously put in by the Developers.

The plat was reviewed by the City Public Works Department and the City Consultants, M.C. Schaff and Associates.

### **Analysis**

Staff has reviewed the final plat and recommends the Planning Commission makes positive recommendation of the proposed final plat with annexation to City Council.

### **RECOMMENDATION**

#### ***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the final plat of Lot 7, Block 13, Five Oaks Subdivision situated in the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** the final plat of Lot 7, Block 13, Five Oaks Subdivision situated in the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M., City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

***Table***

**Make the motion to TABLE the** final plat of Lot 7, Block 13, Five Oaks Subdivision situated in the NW¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):



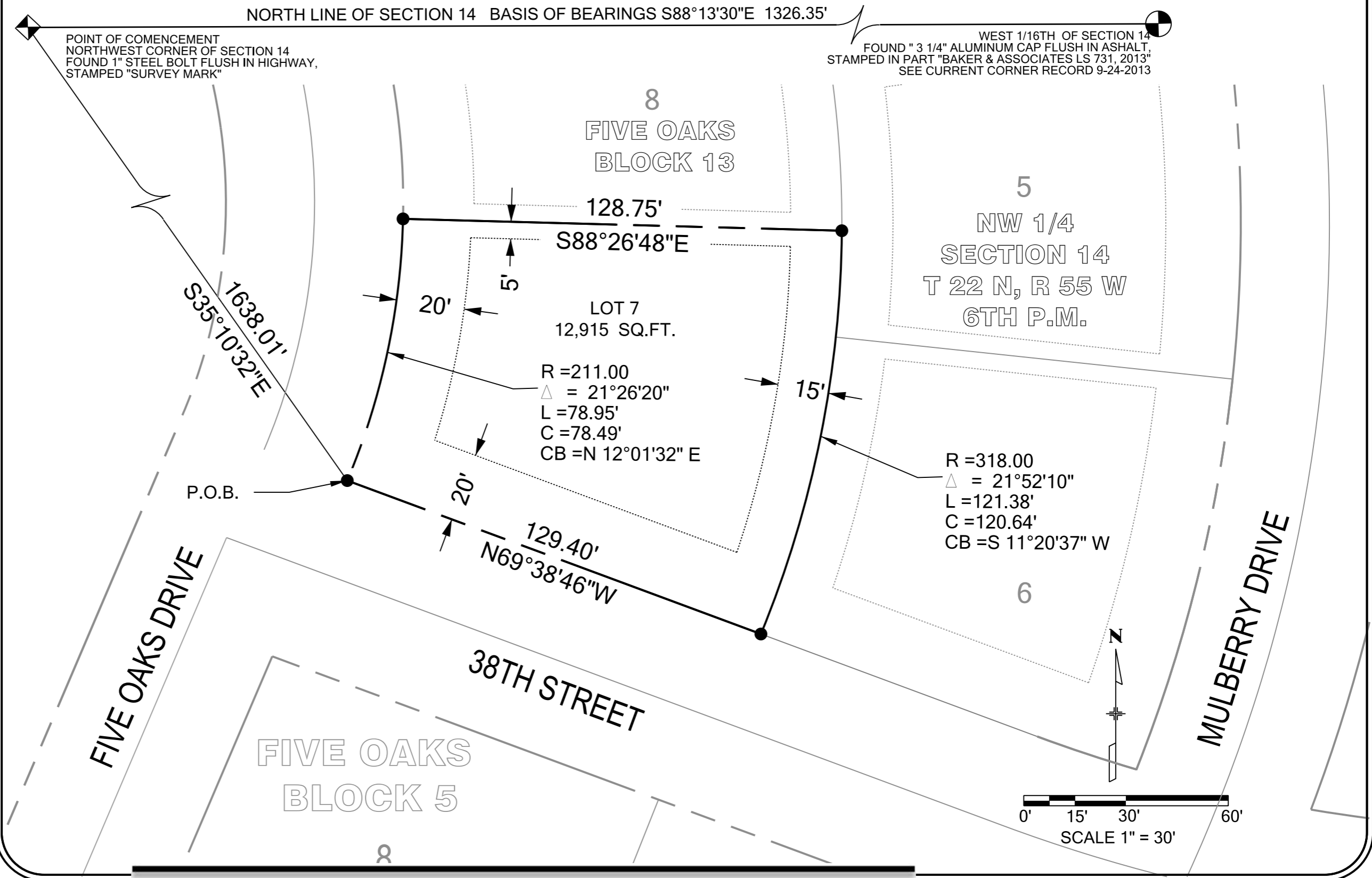
**FINAL PLAT OF  
LOT 7, BLOCK 13, FIVE OAKS SUBDIVISION,  
SCOTTS BLUFF COUNTY, NEBRASKA**

SITUATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF  
THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA

Sheet Revisions		
Date	Description	Initials
04-14-14	DRAFTED SURVEY	CJG

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Land Survey & Final Plat of Five Oaks Block 13			
Plan Sheet			
Baker Project Number: 023-020-14			
Project Location: Scottsbluff, Scotts Bluff County Nebraska			
Owners: C & T Holdings, L.L.C.			
Project Code	Last Mod. Date	Subset	Sheet No.
023	04-14-2014	1 of 2	2



# **City of Scottsbluff, Nebraska**

**Monday, May 12, 2014**

**Regular Meeting**

## **Item NewBiz7**

### **Annexation Block 6 & Block 14 Five Oaks**

*Annexation: Lots 1-3, Tr 2, Blk 6 & Lot 8, Tr 1, Blk. 14, Five Oaks*

*Applicant(s): C & T Holdings/Baker & Associates*

*Owner(s): C & T Holdings*

*Location: West of Five Oaks Dr. & N of Scottsbluff Drain*

**Staff Contact: Annie Urdiales**

# ***SCOTTSBLUFF CITY***

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

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<b>To:</b>	Planning Commission	<b>Zoning:</b> Current	Ag
<b>From:</b>	Development Services Department	<b>Property Size:</b>	3.0±
<b>Date:</b>	May 12, 2014		
<b>Subject:</b>	Annexation – Lots 1-3, Tract 2, Block 6, & Lot 8, Tr. 1, Blk. 14, Five Oaks Subdivision		
<b>Location:</b>	South of 42nd Street and East of Hwy 71		

### 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, represented by Baker and Associates, has requested annexation of property described as proposed Lot 8, & Tract 1, Block 14 and Lots 1-3, & Tract 2, Block 6, Five Oaks Subdivision. These parcels are approximately 3.0± acres and situated north of 36<sup>th</sup> Street and West of Maple Drive, (south of 42<sup>nd</sup> Street, East of Highway 71).

These parcels are part of the revised preliminary plat and will be accessed most will be accessed off of Five Oaks Drive which will be constructed with a Paving District approved by the City Council. The change in zoning and annexing the final plats will allow for development of the residential lots.

### Analysis

Staff has reviewed the request and recommends the Planning Commission makes positive recommendation of the annexation to City Council.

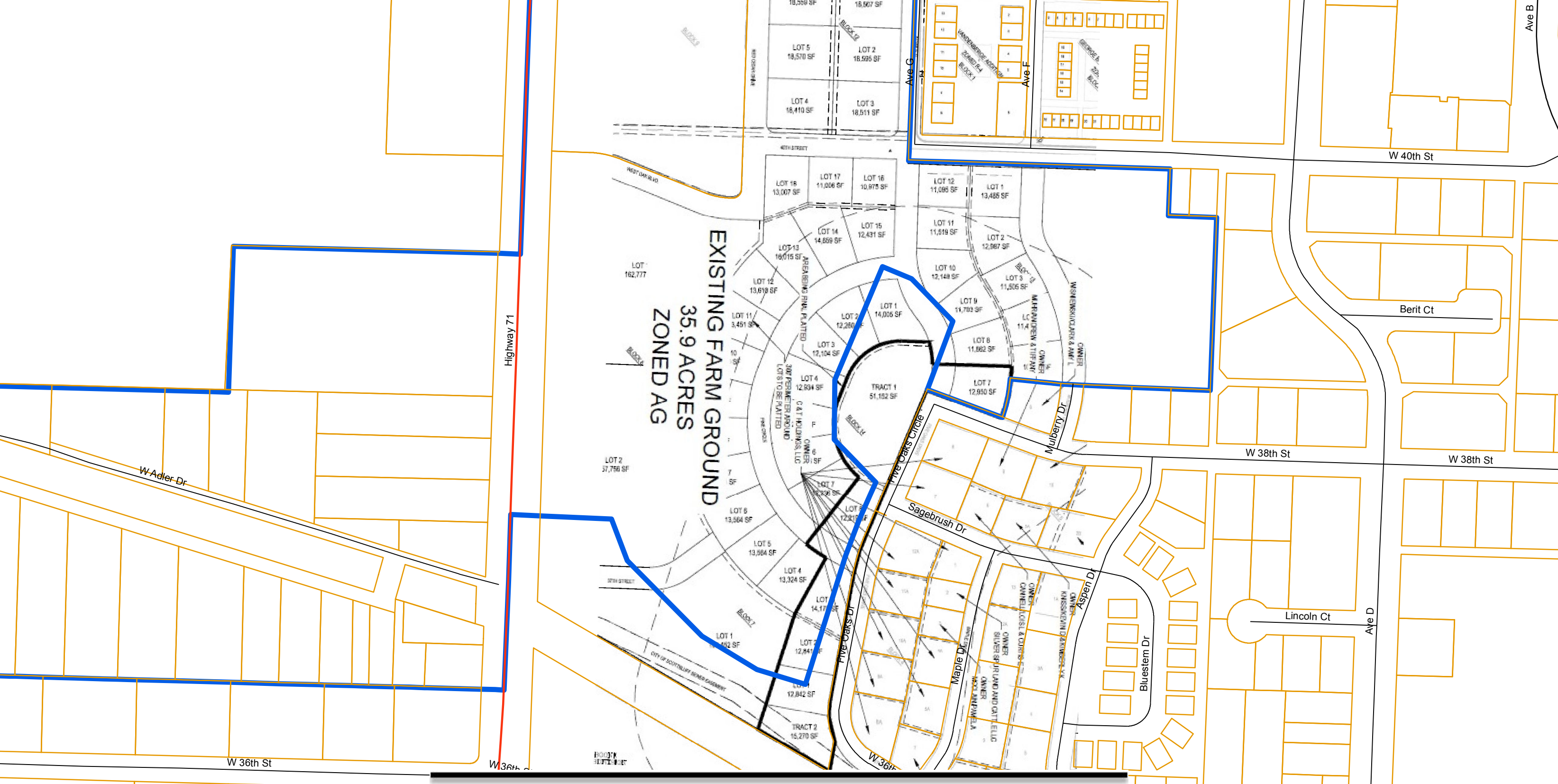
### RECOMMENDATION

**Approve:** Make a Positive Recommendation to the City Council to approve the annexation of Lot 8, & Tract 1, Block 14 and Lots 1-3, & Tract 2, Block 6, Five Oaks Subdivision situated in the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, Scotts Bluff County, Nebraska into the City Corporate limits subject to the following condition(s):

**Deny:** Make a Negative Recommendation to the City Council to disapprove the annexation of Lot 8, & Tract 1, Block 14 and Lots 1-3, & Tract 2, Block 6, Five Oaks Subdivision situated in the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, Scotts Bluff County, Nebraska into the City Corporate limits for the following reason(s):

**Table:** Make the motion to TABLE the annexation of Lot 8, & Tract 1, Block 14 and Lots 1-3, & Tract 2, Block 6, Five Oaks Subdivision situated in the NW¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, Scotts Bluff County, Nebraska City Corporate limits for the following reason(s):

Annexation Request, Page 1



**EXISTING FARM GROUND  
35.9 ACRES  
ZONED AG**

# City of Scottsbluff, Nebraska

Monday, May 12, 2014

Regular Meeting

## Item NewBiz8

### Final Plat Block 6, Five Oaks Subdivision

*Final Plat: Lots 1-3, Tract 2, Block 6, Five Oaks*

*Applicant(s): C & T Holdings/Baker & Associates*

*Owner(s): C & T Holdings*

*Location: West of Five Oaks Drive, N of Scottsbluff Drain*

Staff Contact: Annie Urdiales

# ***SCOTTSBLUFF CITY***

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

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<b>To:</b>	Planning Commission	<b>Zoning:</b>	Current Ag –chg. to R-1A
<b>From:</b>	Development Services Department	<b>Property Size:</b>	55,138 Sq. Ft.
<b>Date:</b>	May 12, 2014		
<b>Subject:</b>	Final Plat – Lots 1-3, & Tr.2 Block 6, Five Oaks Subd.		
<b>Location:</b>	West of Five Oaks Drive & north of Scottsbluff Drain		

### **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, represented by Baker and Associates, have requested approval of a final plat of Lots 1-3 and Tract 2, Block 6, Five Oaks Subdivision. This final plat consists of four parcels of approximately 55,138 square feet (1.26 acres). The parcels are situated north of the Scottsbluff Drain and West of the proposed Five Oaks Drive. These lots will also be rezoned and annexed into the City of Scottsbluff corporate limits with an ordinance for annexation which will redefine the current line.

The parcels will have access from Five Oaks Drive; the lots will be able to access existing water and sewer lines along which were previously put in by the Developers.

The plat was reviewed by the City Public Works Department and the City Consultants, M.C. Schaff and Associates.

### **Analysis**

Staff has reviewed the final plat and recommends the Planning Commission makes positive recommendation of the proposed final plat with approval of the ordinance to annex and rezone by City Council.

### **RECOMMENDATION**

#### ***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the final plat of Lots 1-3, & Tract 2, Block 6, Five Oaks Subdivision situated in the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

***Approval of ordinance to annex and rezone.***

Final Plat Request, Page 1

***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** the final plat of Lots 1-3, & Tract 2, Block 6, Five Oaks Subdivision situated in the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M., City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

***Table***

**Make the motion to TABLE the** final plat of Lots 1-3, & Tract 2, Block 6, Five Oaks Subdivision situated in the NW¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):







# City of Scottsbluff, Nebraska

Monday, May 12, 2014

Regular Meeting

## Item NewBiz9

### Final Plat, Block 14

*Final Plat: Lot 8, Tract 1, Block 14, Five Oaks Subdivision*

*Applicant(s): C & T Holdings/Baker & Associates*

*Owner(s): C & T Holdings*

*Location: West of Five Oaks Drive, N of Pine Circle*

Staff Contact: Annie Urdiales

# ***SCOTTSBLUFF CITY***

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

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<b>To:</b>	Planning Commission	<b>Zoning:</b>	Current Ag –chg. to R-1A
<b>From:</b>	Development Services Department	<b>Property Size:</b>	63,561 Sq. Ft.
<b>Date:</b>	May 12, 2014		
<b>Subject:</b>	Final Plat – Lot 8, & Tr.1 Block 14, Five Oaks Subd.		
<b>Location:</b>	West of Five Oaks Drive & north of Scottsbluff Drain		

### **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, represented by Baker and Associates, have requested approval of a final plat of Lot 8 and Tract 1, Block 14, Five Oaks Subdivision. This final plat consists of two parcels of approximately 63,561 square feet. The parcels are situated north of proposed Pine Circle and West of the proposed Five Oaks Drive. Tract 1 is a little over an acre and will be developed for retention of storm water and as a park area for the neighborhood. Lot 8 (12,343 S.F) will be a residential lot. These lots will also be rezoned and annexed into the City of Scottsbluff corporate limits with an ordinance for annexation which redefines the current line.

The parcels will have access from Five Oaks Drive; Lot 8 can also be accessed from proposed Pine Circle the lots will be able to access existing water and sewer lines along which were previously put in by the Developers.

The plat was reviewed by the City Public Works Department and the City Consultants, M.C. Schaff and Associates.

### **Analysis**

Staff has reviewed the final plat and recommends the Planning Commission makes positive recommendation of the proposed final plat with approval of the ordinance to annex and rezone by City Council.

### **RECOMMENDATION**

#### ***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the final plat of Lot 8, & Tract 1, Block 14, Five Oaks Subdivision situated in the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska subject to the following condition(s):

Final Plat Request, Page 1

*Approval of ordinance to annex and rezone.*

***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** the final plat of Lot 8, & Tract 1, Block 14, Five Oaks Subdivision situated in the NW ¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M., City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

***Table***

**Make the motion to TABLE the** final plat of Lots 8, & Tract 1, Block 14 Five Oaks Subdivision situated in the NW¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, City of Scottsbluff, Scotts Bluff County, Nebraska for the following reason(s):

**FINAL PLAT OF  
LOT 8 AND TRACT 1 OF BLOCK 14 OF FIVE OAKS SUBDIVISION,  
SCOTTS BLUFF COUNTY, NEBRASKA**

SITUATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF  
THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA

Sheet Revisions

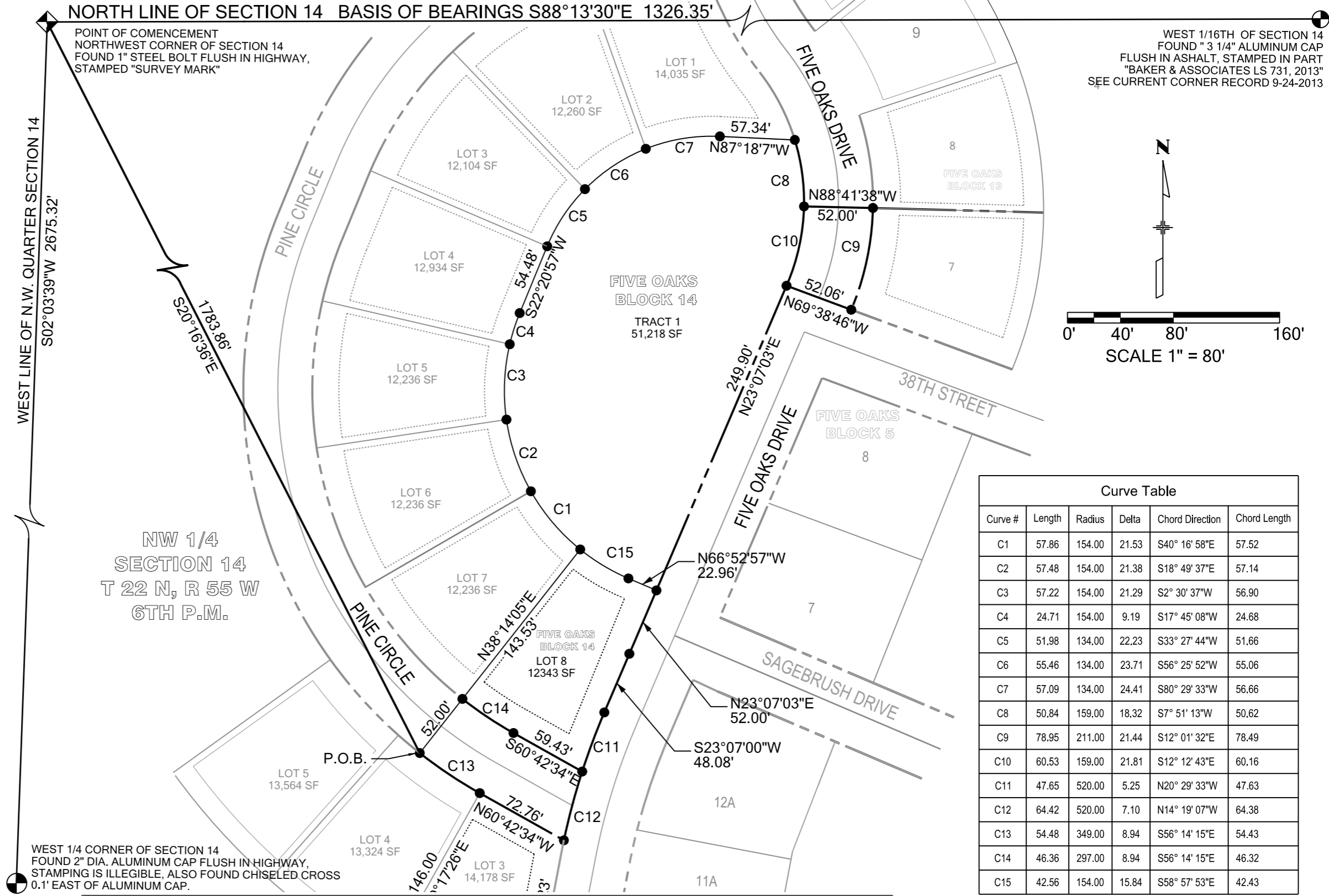
Date	Description	Initials
04-14-14	DRAFTED SURVEY	CJG

**Baker & Associates Inc.**  
www.baker-eng.com  
Engineers \* Architects \* Surveyors  
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Land Survey & Final Plat of Five Oaks Block 14

Plan Sheet

Baker Project Number: 023-020-14			
Project Location: Scottsbluff, Scotts Bluff County Nebraska			
Owners: C & T Holdings, L.L.C.			
Project Code	Last Mod. Date	Subset	Sheet No.
023	04-14-2014	1 of 2	2



WEST 1/16TH OF SECTION 14  
FOUND " 3 1/4" ALUMINUM CAP  
FLUSH IN ASPHALT, STAMPED IN PART  
"BAKER & ASSOCIATES LS 731, 2013"  
SEE CURRENT CORNER RECORD 9-24-2013

N

0' 40' 80' 160'

SCALE 1" = 80'

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	57.86	154.00	21.53	S40° 16' 58"E	57.52
C2	57.48	154.00	21.38	S18° 49' 37"E	57.14
C3	57.22	154.00	21.29	S2° 30' 37"W	56.90
C4	24.71	154.00	9.19	S17° 45' 08"W	24.68
C5	51.98	134.00	22.23	S33° 27' 44"W	51.66
C6	55.46	134.00	23.71	S56° 25' 52"W	55.06
C7	57.09	134.00	24.41	S80° 29' 33"W	56.66
C8	50.84	159.00	18.32	S7° 51' 13"W	50.62
C9	78.95	211.00	21.44	S12° 01' 32"E	78.49
C10	60.53	159.00	21.81	S12° 12' 43"E	60.16
C11	47.65	520.00	5.25	N20° 29' 33"W	47.63
C12	64.42	520.00	7.10	N14° 19' 07"W	64.38
C13	54.48	349.00	8.94	S56° 14' 15"E	54.43
C14	46.36	297.00	8.94	S56° 14' 15"E	46.32
C15	42.56	154.00	15.84	S58° 57' 53"E	42.43

# **City of Scottsbluff, Nebraska**

**Monday, May 12, 2014**

**Regular Meeting**

## **Item NewBiz10**

### **Right Way Obstr Ordinance**

*Ordinance Recommendation*

*Applicant: City*

*Owner: N/A*

Staff Contact: Annie Folck

## (a) GENERAL PROVISIONS

### **20-6-1. Use of Right-of-Way; permission required; Obstructing; prohibited; nuisance.**

It shall be unlawful for any person, firm or corporation to use city right-of-way, or to place in or upon any right-of-way, street, alley, sidewalk or municipal parking lot of the city any substance or thing obstructing or encroaching upon such right-of-way, street, alley or sidewalk, or to obstruct the same in any manner whatsoever, without first obtaining permission to do so. An application for such permit, along with any fee required under this Code, shall be delivered to the Planning and Development Department. A Planning and Development Official will review the application as well as the rules and regulations governing the use of any right-of-way, street, alley, sidewalk or municipal parking lot and, if it appears to the Planning and Development Official that the proposed use complies with all rules and regulations, and that the public safety, convenience and welfare will not be adversely affected, the Planning and Development Official will issue a permit to the applicant. The permit shall be valid for one calendar year, beginning on January 1<sup>st</sup> of each year and expiring on December 31<sup>st</sup> of each year. Any permit issued by the Planning and Development Official shall be subject to the condition that the permit may be revoked at any time the Official finds that public safety, convenience and welfare would be enhanced by the revocation of such permit. If the Planning and development Official grants the application, the applicant shall be given a written permit signed by the Planning and Development Official. Such permit shall state in writing that it may be revoked at any time the Planning and Development Official finds that public safety, convenience and welfare will be enhanced by the revocation of the permit. If the Official has imposed conditions on the granting of the permit, such conditions shall be specified in the permit. Any use of the city right-of-way or any obstruction or encroachment upon any street, alley, sidewalk or municipal parking lot in the City without having obtained a permit as provided in this section or as otherwise provided in this Chapter shall be deemed a nuisance.

## (b) SIDEWALKS

### **20-6-15. Other objects, materials.**

No person, firm or corporation shall place or maintain or, having placed or maintained, shall suffer to remain, on the right-of-way of any public street, or in any alley, any vehicle, machinery, equipment or structure, or any part thereof, or any material, except pursuant to a permit issued by a Planning and Development Official. Provided, this section shall not apply:

- (1) to properly licensed motor vehicles operated or temporarily parked on the traveled part of the street adjacent to the curb or, if there be no curb, adjacent to the side of the street, or operated or temporarily parked in an alley, or to trailers while attached to such a motor vehicle, or
- (2) to improvements permitted under Article 4 of this Chapter.

### **22-6-1. Diagonal parking; where; marking.**

The parking areas on the following parts of streets shall be marked as diagonal parking at an angle of thirty (30°) degrees with the curb so that the right front wheel of the vehicle parked therein shall be next to the curb:

- (1) On Broadway Avenue between 15th Street and 20th Street.
- (2) On the east side of Fourth Avenue between 19<sup>th</sup> Street and 20<sup>th</sup> Street.

Such parking places shall be marked with white lines.

**25-6-25. Placards; signs; bills; posting; printing; painting; prohibited.**

It is hereby declared unlawful for any person, firm or corporation to post, print, paint, or in any other manner place upon any sidewalk, crossing or crosswalk or other way or passage for the use of pedestrians or upon any pavement in any street or alley in the City any placard, sign, advertisement, display bill, letter or kindred matter of any kind or description, unless permitted by a Planning and Development Official pursuant to section 20-6-1 of this Code.

**6-6-35. Use of right-of-way of sidewalks, streets for carnivals, bazaars, or the sale of merchandise.**

When applying for a permit to use the right-of-way for sidewalks or streets for the sale of merchandise, or for any activity allowed by this code, including those activities described in section 20-6-52, the applicant must pay the following fee:

Right-of-way permit to use sidewalks. . . . .	50.00
Permit to operate one of the activities described in Section 20-6-52 . . . . .	25.00
Sale of merchandise on public right-of-way . . . . .	25.00

**(f) FOUR-LANE STREETS**

**22-2-66. Four-lane streets; designated; marking.**

The following parts of streets are hereby made and declared to be four-lane streets, and shall have two (2) contiguous lanes for traffic moving in each direction:

- (1) Broadway Avenue, except between West Overland Drive and 20<sup>th</sup> Street,
- (2) Avenue B, between South Beltline Highway and 8th Street, and between 27th Street and 42nd Street,
- (3) South Beltline Highway, between 1<sup>st</sup> Avenue and Avenue I,
- (4) East Overland Drive,
- (5) 27th Street, between Avenue I and 5th Avenue,
- (6) Avenue I between West Overland and the South Beltline Highway,
- (7) Avenue I between West 27<sup>th</sup> Street and U.S. Highway 26, and
- (8) 21st Avenue between U.S. Highway No. 26 and East Overland.

A double yellow line shall be painted along approximately the center of each such part of a street, except where there are traffic islands. A white line shall be painted between the contiguous lanes for traffic moving in the same direction.

**22-2-58. Near schools; limit.**

It shall be unlawful for the driver of any vehicle, when passing premises on which elementary or middle school buildings are located and which are used for school purposes, during school recess or while children are going to and from school during opening or closing hours, to drive the vehicle past the premises at a rate of speed in excess of fifteen (15) miles per hour.

**RULES AND REGULATIONS FOR APPLICATIONS  
AND PERMITS FOR THE USE OF RIGHT-OF-WAY  
IN THE CITY OF SCOTTSBLUFF**

These rules and regulations shall apply to all City owned lands and public rights-of-way, sidewalks, streets, alleys, and parking lots (“lands or right-of-way”) located within the City of Scottsbluff (“City”).

**1. Definitions.**

As used in these regulations, the following terms shall mean:

**Sandwich board sign.** Shall mean any portable sandwich board, hinged signed or other stand-alone sign intended for use upon any public sidewalks, alleys, streets or lands other right-of-way in the City.

**Sidewalk.** Shall mean any public sidewalk, right-of-way or land located within or directly abutting a City street, but shall not include any portion of a street, alley or public parking lot used for vehicular traffic and/or parking.

**Store front.** Shall mean a single tract of commercial property fronting upon a sidewalk. In the case of a corner property which contains more than one business establishment, one private usage will be allowed for each business.

**2. Sidewalk displays.**

(A) The following types of sidewalk displays shall be allowed:

1. Park benches usable by the public of a historic style or such style as is compatible with the identity and theme of the area in which it is located.
2. Decorative plants and planters. Decorative plants and planters may not be used for advertising.

(B) Sidewalk displays shall comply with the following conditions:

1. The area of private display usage must be on the sidewalk, immediately adjacent to the store front and shall not block or impede access to or from doors, emergency exits or fire escapes.
2. Displays must allow a clear sidewalk with not less than five (5) feet for pedestrians between the sidewalk display and any other impediment near the curb side of the sidewalk.



3. Displays, whether in one or more parts, shall be limited to a total length of not greater than ten (10) feet and a total square footage of not greater than thirty (30) square feet, for any single store front.
4. No part of any display may exceed a total height of forty-eight (48) inches.

(C) No sidewalk display may be placed on any sidewalk prior to issuance of a permit in conformity with the following:

1. An application for a permit must be filed with the Planning and Development Department (“Department”), using a form provided by the Department.
2. The application must be reviewed and approved by an Official of the Department.
3. Upon approval of the application and payment of the applicable fees, as are established from time to time by the City in its Municipal Code, the permit shall be issued to the applicant.
4. The permit issued pursuant to these rules and regulations shall remain in full force and effect until 11:59 p.m. on December 31 following the date of issuance.

### **3. Sidewalk Sandwich board sign permit.**

(A) The following types of sidewalk Sandwich board signs may be allowed within the City:

1. Sandwich board signs may be used, subject to design review and approval by the Department of the City.
2. No walking Sandwich board signs are allowed.

(B) Sandwich board signs shall comply with the following conditions:

1. Sandwich board signs may be displayed only during the open hours of the business to which the sign advertises.
2. The Sandwich board sign must be located within the three (3) foot width of sidewalk immediately adjacent to the store front of which the sign advertises and must allow a clear sidewalk width of not less than five (5) feet for pedestrians between the Sandwich board sign and any other impediment near the curb side of the sidewalk.
3. Sandwich board signs shall be limited to a maximum height of forty-eight (48) inches and a maximum width of thirty-six (36) inches in order to maintain visibility for pedestrians.
4. Only one Sandwich board sign is allowable per store front.

(C) No Sandwich board sign may be placed on any sidewalk prior to the issuance of a permit in conformity with the following:

1. An application for a permit, including a photo or detailed drawing of the Sandwich board, must be filed with the Department, using a form provided by the Department.
2. The application shall be reviewed and approved by an Official of the Department.
3. Upon approval of the application and payment of applicable fees, as established by the City, the permit shall be issued to the applicant.
4. A permit issued pursuant to this subsection shall remain in full force and effect until 11:59 p.m. on December 31 following the date of issuance.

#### **4. Sidewalk cafes**

(A) The following types of sidewalk cafes may be allowed:

1. All sidewalk cafes shall function in conjunction with and adjacent to an operating restaurant or coffee shop and shall not exceed the width of the restaurant or coffee shop store front.
2. Sidewalk cafes may be bordered with removable bollards with connecting ropes or chains to define the perimeter; however, bollards, ropes, chains, tables, storage units, and any other equipment and furnishings must be removable and stored in a manner that will not impede pedestrians or their movement on the sidewalk, as determined solely by an Official of the Department.
3. All sidewalk cafes shall have and maintain at all times, in full force and effect, all applicable health, food and drink permits and all licences required by law.

(B) Sidewalk cafes shall comply with the following conditions:

1. Sidewalk cafes may occupy only the area of private usage on the sidewalk immediately adjacent to the store front to allow for safe pedestrian travel and as set forth by the City in the application for a permit.
2. The owner and/or operator of a sidewalk café is responsible for maintaining a clean sidewalk café area during business hours and at the close of each operating business day.
3. Sidewalk cafes must allow a clear sidewalk width of not less than five (5) feet for pedestrians between the perimeter of the sidewalk café area and any other impediment near the curb side of the sidewalk.

4. Sidewalk café and furniture must be removable, durable and attractive and maybe stored in the café area outside of operating hours if it is stored so that it does not impede pedestrians and does not appear unkept or become a nuisance.
5. Sidewalk cafes must file and maintain at all times during operation on sidewalks, proof of liability insurance with the Department in an amount of not less than one million (\$1,000,000) per person per occurrence.

(C) No sidewalk café may be operated or located on any sidewalk prior to issuance of a permit in conformity with the following:

1. The application for a permit must be filed with the Department, using a form provided by the Department.
2. The application shall be reviewed and approved by an Official of the Department, in conjunction with the Scottsbluff Fire Department and Scottsbluff Police Department.
3. Upon approval of the application and payment of applicable fees, as are established by the City, the permit shall be issued to the applicant. The fee shall not be subject to proration or refund irrespective of the date of issuance or surrender.
4. The permit issued pursuant to this subsection shall remain in full force and effect until 11:59 p.m. on December 31 following the date of issuance.

#### **5. License Agreement for permanent fixtures.**

(A) In the event any person obtains a permit to occupy or obstruct any portion of any street, alley, sidewalk, easement, or other public right-of-way or lands owned by or under the control of the City, if that use will require placement of fixtures permanently attached to the lands or right-of-way, that person must, in addition to securing a right-of-way permit, agree to enter into a license agreement and pay a processing fee in accordance with the City's fee schedule, which fee shall not be refundable. The procedure for application and review of the request for a license agreement shall be as follows:

1. An applicant or their agent shall file an application and processing fee shall be paid to an Official of the Department on forms to be provided by the City.
2. An Official of the Department shall review the information provided on the application and shall distribute copies of said application to such departments and agencies within the City as may have an interest in or be affected by the proposed use set out in the application for review, and/or recommendations.
3. The application for license agreement shall be approved, unless a department or agency of the City finds that the proposed use and permanent fixtures violates any federal, state or local statute, regulation, ordinance, code, rule, regulation, or policy

or impedes, impairs, diminishes the use of the lands or right-of-way of the City, the public or other person which has a lawful right to and/or occupy said lands or right-of-way.

(B) An Official of the Department, upon receipt of comments and/or recommendations from the aforementioned departments and agencies may approve or disapprove, in whole or in part, an application for license agreement to place fixtures permanently on City lands or right-of-way. The Official of the Department may specify such conditions and terms to be included in the requested license agreement as are necessary and prudent to protect the interest of the City, public, or any person which has a lawful right to use and/or occupy the lands or right-of-way. The Official shall inform the applicant or their agent in writing on any decision disapproving in whole or in part the application for license agreement, said decision to be sent to the address shown on the application.

(C) In the event an application submitted under (A) above is disapproved in whole or in part, the applicant, within fifteen (15) days of the date of the decision by the Official of the Department, may request that the application be placed on the agenda at a regular meeting of the City Council for review and final decision. The request for review shall be made in writing and filed with the Department, along with the appeal fee set out in the City's fee schedule.

(D) This shall not apply to personal property which is not affixed or attached to any real estate except movable buildings or structures.

(E) An owner of an underground sprinkling system encroaching into the public right-of-way on any improvement project that is to receive Federal Transportation funds shall obtain a license agreement subject to the requirements pursuant to these rules and regulations. A processing fee is not required for a license agreement for underground sprinkling systems encroaching into lands or public right-of-way so long as it is in connection with Federal Transportation funded projects.

(F) Underground vault spaces under public sidewalks or buildings constructed prior to 1975, within the City, are maintain solely at the sufferance of the City. The City reserves the authority to require structural upgrades or removal if it is in the interest of public safety.

(G) Any occupancy of lands or public right-of-way granted by the City under this section shall be at the pleasure of the City and shall be limited to the uses or occupancy set forth in these rules and regulations.

(H) All license agreements shall provide:

1. That such use or occupancy is at the licensee's sole risk;
2. The licensee shall waive any claim for damages against the City, its officials, employees, agents and contractors for any damage or injury that may result to the licensee's property within the area occupied pursuant to said license agreement;

3. The licensee shall indemnify and hold the City harmless from and against any and all loss or damage, and any and all claims, demands, suits, liabilities and payments and contract or tort, penal or otherwise, resulting from or in connection with the use or occupancy of lands and public right-of-way pursuant to said license agreement;
4. That such use or occupancy is at the pleasure of the City and may be revoked at any time;
5. Such other conditions as the City deems necessary to protect the interests of the City and the general public's use of the public right-of-way.

**6. Suspension or termination of permit.**

(A) Any Planning and Development Official may suspend or terminate the permit of any permit holder found to be in violation of any provision of the Scottsbluff Municipal Code or these Rules and Regulations with respect to the permit holder's use and/or occupancy of any part of the right-of-ways, sidewalks, streets, alleys or parking lots within the City.

(B) The Planning and Development Official shall deliver a notice of suspension or termination of permit to the permit holder which states the basis for and evidence underlying the termination or suspension.

(C) Any Planning and Development Official may suspend the permit of any permit holder for not less than one (1) day nor more than seven (7) days for violations. Upon termination of a permit, the permit holder may not reapply for a new permit until after December 31 following the date of issuance of the revoked permit.

(D) Any permit holder aggrieved by suspension or termination of said permit may request a hearing before the City Council at its next regularly scheduled meeting; provided, said request is filed in writing with the Department not less than four (4) business days prior to said meeting.

1. The hearing shall be conducted informally. The permit holder and the Planning and Development Official may present oral or written statements of evidence supporting or opposing the suspension or termination of the permit to the City Council. Presentations by each participant shall be limited to a total time of thirty (30) minutes or less.
2. Upon conclusion of the hearing, the City Council may reverse, modify or affirm the decision of the Planning and Development Official. Written notice of the determination of the City Council shall be given to the permit holder either personally or sent by United States Mail to the address listed on the permit application.

## LICENSE AGREEMENT

This License Agreement (“Agreement”) is made by and between the City of Scottsbluff, Nebraska, a Municipal Corporation, hereinafter referred to as “Licensor”, and \_\_\_\_\_, hereinafter referred to as “Licensee”.

1. Purpose. The purpose of this Agreement is to set forth the terms and conditions under which the Licensee may construct, maintain, repair, and utilize the following described improvement which will infringe upon real estate owned by the Licensor:

To install a sidewalk café enclosed with a three foot tall wrought iron railing system. Licensee must maintain five feet of access for pedestrian walkway from any obstruction, such as posts, tree grades, or flange plates. An 8' vertical clearance above the walkway must be maintained. This Agreement shall pertain to only the area in front of the property at \_\_\_\_\_.

2. Description of Real Estate. The Licensee owns the following described real estate adjacent to Licensor’s real estate to which this Agreement shall apply:

3. Duties and Risks. It is understood and agreed that the Licensee may construct, maintain, repair, and utilize the above described improvement at the Licensee’s sole risk. The Licensee hereby waives any claim for damages against the Licensor, its officers, employees, agents, and independent contractors, for any damage or injury that might result to said improvement. If the Licensor, in its sole discretion, determines that any part or all of the improvement must be removed or is damaged by the Licensor, its employees, agents or independent contractors working for Licensor during the course of their employment or duties with the Licensor, Licensee agrees to assume and pay all costs

relating to the replacement or repair of the improvement. The Licensee indemnifies and holds the City harmless from and against all claims arising out of the use or occupancy allowed under this Agreement.

4. Existing Utilities. The Licensee is responsible for locating and coordinating original construction and future maintenance work on the described improvement. No excavation work will be permitted in the area of underground utility facilities until all such facilities have been located and identified to the satisfaction of all parties. The excavation must be done with care in order to avoid any possibility of damage to the utility facility. The Licensee shall be responsible for any and all damage.

5. Restoration of Property. If the construction or maintenance of the improvement identified in paragraph 1 above requires the excavation of earth, removal of hard surfacing, grass, vegetation, landscaping, or any other disruption of the service of the public right-of-way or neighboring property, the Licensee shall restore the surface of the area to the same condition as it existed immediately prior to the Licensee's work in the area.

6. Effective. This License Agreement shall take effect on the date it is executed by the Mayor of the City of Scottsbluff as dated below. It shall continue for an indefinite term or until such time as it is terminated as provided hereinafter.

7. Termination. This Agreement shall terminate upon one or more of the following occurrences:

- (a) The service of written notice of intention to terminate by Licensee and the removal of any improvements infringing upon the City's lands or right-of-way.
- (b) The Licensee's application for a permit to occupy right-of-way, has expired.
- (c) The Licensee's construction or installation of any structure and improvement of any nature upon the real estate owned by the Licensor except that described in paragraph 1 above, or the Licensee's failure to apply for and obtain a permit to alter or make improvement to its property.
- (d) The City may revoke this Agreement at any time.
- (e) Upon the termination of this Agreement, the Licensee shall be required, and hereby agrees, to remove any improvements or fixtures from the Licensor's real estate at its own expense and without cost to the Licensor. Said removal shall occur no later than thirty (30) days after receipt of the notice of intention to terminate or of any occurrences set forth in this paragraph. Should the Licensee fail to do so, the Licensor may remove or cause the removal of any improvements or fixtures from the Licensor's real estate and the Licensee agrees to reimburse the Licensor for all of its costs.

8. Assigns. This Agreement shall be binding upon the parties hereto, their successors and assigns.

9. Entire Agreement. This Agreement constitutes the entire agreement between the parties notwithstanding any oral or written agreements to the contrary. This License Agreement shall be amended only in writing and executed by all parties.

10. Law. This Agreement shall be construed in accordance with the laws of the State of Nebraska and the City of Scottsbluff, Nebraska.

Dated: \_\_\_\_\_

CITY OF SCOTTSBLUFF, a  
Municipal Corporation, Licensor,

By \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Licensee

State of Nebraska, Scotts Bluff County:

This License Agreement was acknowledged before me on \_\_\_\_\_, 2014, by Randy Meininger, Mayor of the City of Scottsbluff, Nebraska, Licensor.

\_\_\_\_\_  
Notary Public

State of Nebraska, Scotts Bluff County:

This License Agreement was acknowledged before me on \_\_\_\_\_, 2014, by \_\_\_\_\_, Licensee.

\_\_\_\_\_  
Notary Public