



# SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

Monday, May 11, 2015, 6:00 PM  
City Hall Council Chambers, 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 4/13/15
7. **NEW BUSINESS:**
  - A **Redevelopment Plan: Monument Mall Area**  
Applicant(s): Rockstep Scottsbluff LLC  
Owner(s): Rockstep LLC  
Location: 2302-2410 South Frontage Road
  - B **Blight & Substandard Study**  
Applicant(s): Webb/Trumbulls  
Owners(s): n/a  
Location: S of 42nd St., areas E & W of Avenue I
  - C **Revised Preliminary Plat: Five Oaks Subdivision**  
Applicant: C & T Holdings/Baker & Associates  
Owner(s): C & T Holdings/Jason & Sami Webb  
Location: S of 42nd and East of Hwy 71
  - D **Ordinance/Plat to Vacate Block 9, Five Oaks Subdivision**  
Applicant(s): Jason & Sami Webb/ Baker & Associates  
Owner(s): Jason & Sami Webb  
Location: SE corner of 42nd St & Ave I
  - E **Final Plat: Lots 1 & 2, Block 9, Five Oaks Subdivision**  
Applicant(s): C & T Holdings/Jason & Sami Webb/Baker & Associates  
Owner(s): C & T Holdings LLC & Jason & Sami Webb  
Location: SE Corner of 42nd and Avenue I
  - F **Rezone part of Lots 1, & 2, Block 9, Five Oaks Subdivision**  
Applicant(s): C & T Holdings LLC/Baker & Associates  
Owner(s): C & T Holdings LLC  
Location: East 3.293 acres of lots 1 & 2, Block 9, Five Oaks Subd.
8. **ADJOURN**

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



<p>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.</p>	

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**City of Scottsbluff, Nebraska**  
**Monday, May 11, 2015**  
**Regular Meeting**

**Item Appr. Min.1**

**Minutes**

*Approve minutes of 4/13/15*

**Staff Contact: Minutes**

**Planning Commission Minutes**  
**Regular Scheduled Meeting**  
**April 13, 2015**  
**Scottsbluff, Nebraska**

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The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, April 13, 2015, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on April 3, 2015. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

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

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

**ITEM 3:** Acknowledgment of any changes in the agenda: Agenda Items 7E, 7F, and 7G were removed from the agenda; these items will be brought back to the Planning Commission at their regular meeting in May.

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

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

**ITEM 6:** The minutes of March 9, 2015 were reviewed and approved. A motion was made to accept the minutes by Gompert, and seconded by Chadwick. "YEAS": Zitterkopf, Chadwick, Wayman, Huber, Gompert, and Estrada. "NAYS": None. ABSTAIN: Westphal. ABSENT: Aguillo and Weber. Motion carried.

**ITEM 7A:** The Planning Commission opened a public hearing for an Ag Estate Dwelling (AED) request from property owners, Good to Grow L.L.C., represented by Paul Harris, the property is described as a tract of land in the Northeast Quarter of Section 19, Township 22 North, Range 54 West of the 6th P.M Scotts Bluff County, Nebraska and located in our extra territorial jurisdiction. The property is not shown in the Comprehensive Development Plan future land use map but the AED use is consistent with surrounding properties, areas to the west, south, and north are zoned Agricultural, east of County Road 24 the property is in the County's jurisdiction.

The property owner is proposing to separate approximately 19.81 acres more or less of the property to allow for a home and out buildings on the farmland, old structures on the property have been removed. Access into the site will be from the west side of County Road 24 with a 90' access and utility easement

52 provided by airport property. The Development Services staff has reviewed the application and the lot  
53 will meet the necessary requirements of an Agricultural Estate Dwelling (AED) in an Agricultural Zoning  
54 District.

55

56 Paul Harris representing Good to Grow LLC addressed the Planning Commission questions regarding old  
57 buildings and well sites that have been removed.

58

59 **Conclusion:** A motion was made by Westphal and seconded by Gompert to approve the Ag Estate  
60 Dwelling of a tract of land situated in the NE ¼ of Section 19, T22N, R54W of the 6<sup>th</sup> P.M. Scotts Bluff  
61 County “**YEAS**”: Chadwick, Zitterkopf, Westphal, Gompert, Huber, Wayman, and Estrada. “**NAYS**”:  
62 None. **ABSTAIN**: None. **ABSENT**: Aguallo & Weber. Motion carried.

63

64 **ITEM 7B:** The Planning Commission opened a public hearing for a final plat of Lots 3A & 9A amended  
65 River Run Estates a replat of Lots 3 and 4, Block 1, Lot 9, Block 1 of River Run Estates Subdivision and  
66 lot 10, Block 1, amended River Run Estates Subdivision and unplatted lands situated in the NW ¼ of  
67 Section 17, T22N, R55W of the 6<sup>th</sup> Principal Meridian in Scotts Bluff County. Property owner is Jason  
68 Zitterkopf; the plat was done by Baker & Associates. The lots are located in our extra territorial area,  
69 zone R-1B, and situated north of Pheasant Drive and West of County Road 19. The final plat includes an  
70 ordinance to vacate with a vacation plat; the final plat is re-platting four lots into two larger lots. Scotts  
71 Bluff County reviewed access onto lot 3A which is off of County Road 19, the access for Lot 9A will be  
72 off of Mallard Road to the north of the new lot. The vacation consists of part of Mallard Road and Lot 4,  
73 Block 2, River Run Estates, which is owned by the City of Gering. The City of Gering was approached  
74 by Mr. Zitterkopf and they agreed to the vacation of this lot along with a portion of Mallard Road that  
75 abuts the well fields. Mallard Road is a platted road but is not in place except for an area on the south end  
76 which will be used as the access on to lot 9A of the new plat. The vacation of the road will not affect  
77 Gering’s access onto their well fields. The City of Gering has this item on their April 13<sup>th</sup> Council  
78 meeting.

79

80 **Conclusion:** A motion was made by Huber and seconded by Gompert to make a positive  
81 recommendation to City Council to approve the final plat of Lots 3A, and 9A, amended River Run Estates  
82 with an ordinance to vacate and vacation plat of Lot 4, Block 2, River Run Estates and a portion of  
83 Mallard Road. “**YEAS**”: Huber, Chadwick, Zitterkopf, Aguallo, Gompert, Huber, and Estrada.  
84 “**NAYS**”: Wayman. **ABSTAIN**: None. **ABSENT**: Weber and Aguallo. Motion carried.

85

86 **ITEM 7C.** The Planning Commission opened a public hearing for the final plat of Lots 1 & 2, Block 1  
87 City Central Subdivision, a replat of Block 3, Farmland Subdivision and Tax Lots 17 & 45, and a part of  
88 Tax Lots 18 & 44, situated in the NW ¼ of the NE ¼ of Section 26, T22N, R55W of the 6<sup>th</sup> P.M., City of  
89 Scottsbluff, Scotts Bluff County, NE. The final plat has two lots; lot one consists of approximately 7.8±  
90 acres and lot 2 is approximately 6.03 ± acres. Lot 2 has an alley abutting the north line. We have asked  
91 the owners to include an alley or easement to allow another option for emergency and utility vehicles on  
92 one. City subdivision code requires an alley on commercial business lots. The existing water easement is  
93 15’ if it is changed to 25’ it will meet the intent of the code. The Planning Commission asked that staff  
94 look into changing language in code to allow for exceptions to this requirement by reviewing the plans for  
95 development and the different situations of the development.

96

97 Commissioner Westphal indicated that it may be helpful in the future if the developer is required to show  
98 on the plat how trash and emergency vehicles can access that area, and that this should be reviewed by the  
99 City engineer, who would then make recommendations to the Planning Commission on whether or not an  
100 alley is necessary.

101

102 Rex Morse and Shane Aulick representing Four Play LLC addressed the Commission as to why they do  
103 not want an alley on the south end at this time. They want to eliminate the possibility of traffic cutting  
104 across one lot to get to the proposed fuel station and food store. Main access onto those businesses will  
105 be from Broadway and 8<sup>th</sup> Street.

106

107 Zell Cantrell with Galloway addressed the Planning Commission regarding the lot layout and the way the  
108 trash truck and other large vehicles can access the lot. The plan is to have a trash compactor and only one  
109 truck will be used for trash pickup. When Lot 1 is developed in the future as some type of retail services  
110 the assumption is that they will have cross access on both lots and if any changes are needed at the time of  
111 development it can be done with a replat.

112

113 Commissioner Wayman stated that the existing layout will work best to eliminate drivers from taking  
114 short cuts through an alley which could be dangerous.

115

116 The Planning Commission asked that the plat be changed to increase the water easement from 15' to 25'  
117 to allow for emergency and utility vehicles.

118

119 Bob Pile and Susan Weideman addressed the Planning Commission voicing concerns about increased  
120 truck traffic on Broadway. They also were concerned about increased traffic on Avenue B if an alley  
121 access is provided from Broadway to Avenue B on the south end of both lots.

122

123 Shane Aulick, with Four Play LLC also addressed the Planning Commission the plan they have for the  
124 development will improve this area of Broadway which has sat vacant for years. They have exceeded  
125 landscape requirements and will enhance the neighborhood.

126

127 **Conclusion:** A motion was made by Gompert and seconded by Chadwick to approve the final plat of n  
128 Lots 1 & 2, Block 1 City Central Subdivision, a replat of Block 3, Farmland Subdivision and Tax Lots 17  
129 & 45, and a part of Tax Lots 18 & 44, situated in the NW ¼ of the NE ¼ of Section 26, T22N, R55W of  
130 the 6th P.M., City of Scottsbluff, Scotts Bluff County, Nebraska with the condition that the 15' easement  
131 on the final plat be changed to reflect the change of the water easement from 15' to a 25'. "YEAS":  
132 Chadwick, Zitterkopf, Westphal, Gompert, Huber, Wayman, and Estrada. "NAYS": None. ABSTAIN:  
133 None. ABSENT: Aguallo & Weber. Motion carried

134

135 **ITEM 7D.** The Planning Commission opened a public hearing for a zone change request from Four Play  
136 LLC represented by Galloway & Company for property described as Lots 1 & 2, Block 1, City Central  
137 Subdivision, a replat of Block 3, Farmland Industries Subdivision and tax lots 17 & 45, and a part of tax  
138 lots 18 & 44, situated in the NW ¼ of the NE ¼ of Section 26, T22N, R55W of the 6th P.M., City of  
139 Scottsbluff, Scotts Bluff County, NE. Lot one is zoned M-1 Light Manufacturing. Lot 2 is zoned both  
140 M-1 Light Manufacturing and C-3 Heavy commercial. The request is for both lots to be changed to C-3  
141 Heavy commercial. This is consistent with our comprehensive development plan. Properties to the north  
142 and south are zoned C-3, properties to the east and west are zoned M-1.

143

144 **Conclusion:** A motion was made by Westphal and seconded by Wayman to approve the zone changes  
145 request of Lots 1 & 2, Block 1 City Central Subdivision, a replat of Block 3, Farmland Subdivision and  
146 Tax Lots 17 & 45, and a part of Tax Lots 18 & 44, situated in the NW ¼ of the NE ¼ of Section 26,  
147 T22N, R55W of the 6th P.M., City of Scottsbluff, Scotts Bluff County, Nebraska from M-1 Light  
148 Manufacturing to C-3 Heavy Commercial. "YEAS": Chadwick, Zitterkopf, Westphal, Gompert, Huber,  
149 Wayman, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: Aguallo & Weber. Motion carried

150

151 **ITEM 7E:** The Planning Commission opened a public hearing for a request for Annexation of  
152 approximately 32.67 acres in the Five Oaks Subdivision, this area has been preliminary platted and

153 situated south of 42<sup>nd</sup> Street and east of Avenue I to the current city limit signs. Property owners C & T  
154 Holdings LLC and Clark Nation LLC have requested the annexation in anticipation of future development  
155 in the area.

156

157 **Conclusion:** A motion was made by Westphal and seconded by Zitterkopf to approve the annexation of  
158 approximately 32.67 acres of Five Oaks Subdivision into the City's corporate limits.(legal is attached)

159 "YEAS": Chadwick, Zitterkopf, Westphal, Gompert, Huber, Wayman, and Estrada. "NAYS": None.

160 ABSTAIN: None. ABSENT: Aguallo & Weber. Motion carried

161

162 **ITEM 8. Unfinished Business:** None.

163

164 There being no further business, a motion to adjourn was made by Weber and seconded by Gompert. The  
165 meeting was adjourned at 6.55 p.m. "YEAS": Gompert, Wayman, Westphal, Chadwick, Zitterkopf,

166 Huber, and Estrada. "NAYS": None. **ABSTAIN:** None. **ABSENT:** Aguallo & Weber. Motion carried.

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170 \_\_\_\_\_  
Becky Estrada, Chairperson

171

172 Attest: \_\_\_\_\_

173 Annie Urdiales



**City of Scottsbluff, Nebraska**  
**Monday, May 11, 2015**  
**Regular Meeting**

**Item NewBiz1**

**Redevelopment Plan: Monument Mall Area**

*Applicant(s): Rockstep Scottsbluff LLC*

*Owner(s): Rockstep LLC*

*Location: 2302-2410 South Frontage Road*

Staff Contact: Annie Folck



*SCOTTSBLUFF  
PLANNING COMMISSION  
Staff Report*

**To:** Planning Commission  
**From:** Planning Staff  
**Date:** May 11, 2015  
**Subject:** Redevelopment Plan – Monument Mall  
**Location:** 2302 – 2410 S. Frontage Road

RockStep Scottsbluff LLC is proposing to redevelop the Monument Mall which is situated north of Circle Drive, South of 27<sup>th</sup> Street and West of Highway 26 – Monument Mall.

The major improvements funded from the TIF, Occupation Tax & Developer will be site preparation – parking lot resurface, signage, roof replacement, exterior lighting, landscaping, HVAC replace & repair rehab vacant spaces for tenants, Theater rehab (if required).

Portion of costs paid by TIF	\$ 578,130
Portion of costs paid by Occupation tax	1,816,650
Portion of costs paid by Developer	6,255,220

Total Private and Public Improvements total \$8,650,000

The redevelopment plan is attached for your review.

**CITY OF SCOTTSBLUFF  
REDEVELOPMENT PLAN FOR THE  
MONUMENT MALL REHABILITATION  
INCLUDING REQUEST FOR TAX INCREMENT FINANCING  
AND DESIGNATION AS AN ENHANCED EMPLOYMENT AREA AND IMPOSITION  
OF A ONE HALF PERCENT OCCUPATION TAX ON SALES**

I. INTRODUCTION.

The City of Scottsbluff, Nebraska, recognizes that blight is a threat to the continued stability and vitality of the City as a focal point of business, financial, social, cultural and civic activity of the region, and a focus of community pride and achievement. Therefore, the City has initiated a program of revitalization whose goal is to enhance the City of Scottsbluff as the center of government in the county-wide region; as the center of retail, business, industry, office, financial and entertainment activities, and of communication for the community, and as a center of tourism and meetings for the region. To reach this goal of maintaining the City of Scottsbluff as a multi-use center of the region, it will be necessary that the Monument Mall be strengthened by capturing a share of the anticipated private market activity within the region. This area constitutes a critical portion of the community located on a major thoroughfare. This plan seeks to enhance the Monument Mall by assisting in the site rehabilitation in order to attract new tenants and generate retail activity. The level of investment to finance the needed site preparation and infrastructure will require the combined efforts of the public and private sectors.

This Redevelopment Plan covers an area south of East 27<sup>th</sup> Street and west of U.S. Highway 26 which is legally described and shown on Exhibit "A", attached hereto and incorporated herein by this reference ("Community Redevelopment Area"). The Community Redevelopment Area was declared blighted and substandard by the Scottsbluff City Council on August 20, 2013. The Community Redevelopment Area has been determined, through the blight and substandard resolution, to be in need of revitalization and strengthening to ensure that it will contribute to the economic and social well-being of the City. All available evidence suggests that the area has not had the private investment necessary to contribute to the well-being of the community, nor would the area be reasonably anticipated to continue to be developed without public action.

To encourage private investment in the Community Redevelopment Area, this Redevelopment Plan has been prepared to set forth the Monument Mall Rehabilitation Redevelopment Project ("Redevelopment Project"), which is considered to be of the highest priority in accomplishing the goal of revitalizing and strengthening the Community Redevelopment Area.

## II. EXISTING SITUATION.

This section of the Redevelopment Plan examines the existing conditions within the designated Community Redevelopment Area. This section is divided into the following subsections: existing land use, existing zoning, existing public improvements, and existing building condition/blighting influences.

A. Existing Land Use. The Community Redevelopment Area contains a retail mall consisting of approximately 364,904 square feet under one roof. There is a substantial vacancy in the mall of 60,747 vacant retail space. This use is shown on Exhibit “B”.

B. Existing Zoning. The Community Redevelopment Area is zoned PBC. The intent of the Planned Business Center District is to provide for an area for a unified commercial center which provides goods and services to a regional trading area; joint or grouped parking facilities serving several retail stores; and coordinate a vehicular and pedestrian traffic circulation system and carefully design access that is compatible with surrounding uses. The PBC District includes a wide range of retail and service uses generally helpful to the traveling public and found along arterial roadways in the community. Some of the permitted uses include retail stores. The Redevelopment Area also falls within the Gateway Greenway Overlay zone.

### C. Existing Public Improvements.

1. Street System. There is no internal street network or system constructed within the Community Redevelopment Area.

2. Utilities. Existing public utilities are available adjacent to the Redevelopment Area.

D. Existing Building Conditions/Blighting Influences. Charles K. Bunger, Attorney at Law, conducted a study entitled “Study of Blight and Substandard Conditions” dated July 7, 2013 (“Blight Study”). The “study area” for the Blight Study, which includes the Community Redevelopment Area, as well as additional property. The evaluation and subsequent findings of the Blight Study were based upon the criteria outlined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101 et seq.). The Blight Study determined that the study area exhibited a number of deficiencies applicable to the consideration of a “substandard and blight” designation including the existence of conditions which endanger life or property by fire or other causes, improper subdivision and dilapidation/deterioration. In addition, the Blight Study identified the existence of one condition within the study area that is a determinant of blight – the area substantially impairs or arrests the sound growth of the community and the average age of structures in the area is greater than 40 years. The City Council declared the Community Redevelopment Area blighted and substandard and eligible for a Redevelopment Project on August 20, 2013, by resolution of the Scottsbluff City Council, after a public hearing with notice pursuant to the Community Development Law. The Blight Study is incorporated herein by this reference. A copy of the Blight Study is available at the City of Scottsbluff Clerk’s Office.

### III. FUTURE SITUATION.

This section of the Redevelopment Plan examines the future conditions within the Community Redevelopment Area. This section is divided into the following subsections:

- A. Proposed Land Use Plan
- B. Conformance with the Comprehensive Plan; Conformance with the Community Development Law Declarations
- C. Relationship to Local Objectives
- D. Building Requirements and Standards after Redevelopment
- E. Proposed Changes and Actions
- F. Cost-Benefit Analysis
- G. Proposed Cost and Financing

A. Proposed Land Use Plan. No changes are contemplated in the current Land Use Plan for the area. The Redevelopment Project will primarily provide for site rehabilitation with 8000 square feet of new pad site construction. The proposed site plan for the area after completion of a Redevelopment Project is shown on attached Exhibit "C" which is attached hereto and incorporated herein by this reference. The land use plan shows a proposed Redevelopment Project including approximately 8000 square feet of new construction not shown, but contemplated.

The City of Scottsbluff, will negotiate a specific redevelopment agreement with the developer outlining the proposed Redevelopment Project, and what contributions are necessary from the City of Scottsbluff. In such case the written redevelopment agreement would include a site plan, Redevelopment Project description, specific funding arrangements, and specific covenants and responsibilities of the City and the redeveloper to implement the Redevelopment Project.

B. Conformance with the Comprehensive Plan; Conformance with the Community Development Law Declarations. In accordance with Nebraska State Law, the Redevelopment Plan described in this document has been designed to conform to the City of Scottsbluff Comprehensive Plan 2004 ("Comp Plan"). The City Council finds that this redevelopment plan is feasible and in conformity with the general plan for the development of the City as a whole and the plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

C. Relationship to Local Objectives. The Redevelopment Plan has been developed on the basis of the goals, policies and actions adopted by the City for the community as a whole and for the Monument Mall area. General goals, policies and actions relating to the community as a whole and for the Monument Mall are contained in the Comp Plan.

D. Building Requirements and Redevelopment Standards. The redevelopment of the Community Redevelopment Area should generally achieve the following requirements and standards:

1. Population Density. There are no dwelling units currently located within the Community Redevelopment Area. The development proposed under this Redevelopment Plan does not include any residential construction. Consequently, there will be no change proposed for the permanent population density within the Community Redevelopment Area.

Redevelopment of the Community Redevelopment Area will provide for revitalization of the Mall and is intended to incent further development to both the northeastern sector of the City as well as the City as a whole. Often an investment and improvement of the magnitude proposed by this Plan has the benefit of spurring improvements in nearby commercial areas.

2. Land Coverage and Building Density. The Mall covers 364,904 square feet under one roof within the Community Redevelopment Area. The rehabilitation of the Mall would add additional development in the parking lot area with a pad site developed that will stimulate additional retail traffic. The new construction will consist of approximately 8000 square feet.

3. General Environment. This plan will rehabilitate a retail mall that has suffered significant retail closings over the past 15 years. The vacation of the former Wal Mart space and the former JC Penny's space has resulted in a huge loss of retail activity and sales tax revenue for the city. Additionally the mall has suffered deferred maintenance. This commercial activity will intensify and strengthen Scottsbluff as a focal point for local and regional retail sales and development.

The Plan will provide for the significant reinvestment in the Mall with tenant improvements, structural improvements, including the roof and parking lot. This activity is intended to increase the amount and variety of activity in the Monument Mall while maintaining good traffic flow, pedestrian movement and visual interest.

The Plan provides an environment that minimizes automobile-pedestrian conflicts, assures that lighting, signs, pedestrian ways, and communication devices are oriented to the human scale and provides an attractive shopping experience.

4. Pedestrian ways and Open Spaces. Provide a pedestrian circulation system to facilitate the movement of pedestrians to and within the major development activities within the area.



5. Building Heights and Massing. Building heights and massing for the proposed project will comply with the PBC zone.

6. Circulation, Access and Parking. The Plan provides for vehicular access to the Community Redevelopment Area in a manner consistent with the needs of the development and the community.

The Plan provides for an adequate supply of appropriately located parking in accordance with applicable zoning district regulations. Adequate parking needs to be provided so the development does not generate parking problems for abutting commercial and residential streets.

7. Off-Street Loading, Service and Emergency Facilities. The Plan provides for consolidated off-street loading and service facilities.

The Plan provides for emergency vehicle access in a manner compatible with established design and environmental objectives.

The Plan provides a maximum floor area ratio in accordance with applicable zoning district regulations in the Community Redevelopment Area.

E. Proposed Changes and Actions. The Community Redevelopment Area is anticipated to function as an upscale retail mall after significant investment through Tax Increment Financing, implementation of an Enhanced Employment Area Occupation Tax and Developer capital. This section describes the proposed changes needed, if any, to the zoning ordinances or maps, street layouts, street levels or grades, and building codes and ordinances, and actions to be taken to implement this Redevelopment Plan.

1. Zoning, Building Codes and Ordinances. The Community Redevelopment Area is zoned PBC Planned Business Center. No additional changes to the City's Zoning Ordinances, Building Codes, or other local ordinances are contemplated to implement this Redevelopment Plan.

2. Traffic Flow, Street Layout and Street Grades. The primary streets providing access to the Community Redevelopment Area is S. Frontage Road, 13<sup>th</sup> Avenue and Circle Drive.

3. Public Redevelopments, Improvements, Facilities, Utilities and Rehabilitations. In order to support the new land uses in the Community Redevelopment Area, the following proposed public redevelopments, improvements, facilities, utilities and rehabilitations may be needed:

- (i) Installation of landscaping ;

4. Site Preparation and Demolition. Site preparation will consist of relocation of utility lines to provide for pad site development in the parking lot, new sign location and improvement.

5. Private Redevelopment, Improvements, Facilities and Rehabilitation. The private improvements anticipated within the Community Redevelopment Area include site preparation, replacement of the roof, rehabilitation of the HVAC system, replacement of exterior lights, landscape rehabilitation, required interior rehabilitation for tenant relocation to the Mall and parking lot resurfacing.

6. Open Spaces, Pedestrian ways, Landscaping, Lighting, Parking. The proposed site plan and private sector improvements will comply with the City's minimum open space, pedestrian way, landscaping, lighting, and parking standards as defined in the Zoning and Subdivision Ordinances, Building Codes, or other local ordinances. In addition, the City may elect to require additional standards in these areas as described in a written redevelopment agreement in order to help remove blight and substandard conditions.

F. Cost-Benefit Analysis. A City of Scottsbluff Redevelopment Project TIF Statutory Cost Benefit Analysis is incorporated herein by this reference ("Cost-Benefit Analysis") and is shown on Exhibit "D". The Cost-Benefit Analysis complies with the requirements of the Community Development Law in analyzing the costs and benefits of the Redevelopment Project, including costs and benefits to the economy of the community and the demand for public and private services.

G. Proposed Costs and Financing; Statements. The City will work with the redeveloper owner of the Community Redevelopment Area to identify proposed funding, timeframe, ability to carry out the proposed Redevelopment Project, and what, if any, contributions are necessary to be made by the City of Scottsbluff.

The City will begin good faith negotiating on a specific written redevelopment agreement with the redeveloper owner of the Community Redevelopment. The written redevelopment agreement will include a site plan consistent with this Redevelopment Plan, development descriptions, specific funding arrangements, and specific covenants and responsibilities of the City and the redeveloper to implement the Redevelopment Project.

Estimated Redevelopment Project costs, including site preparation, and rehabilitation are broken down as follows:

**POTENTIAL PUBLIC AND ELIGIBLE PRIVATE IMPROVEMENTS\***

**TIF ELIGIBLE COSTS**

Parking Lot resurface	\$1,000,000
Signage rehabilitation	300,000
Roof replacement	1,200,000
Rehabilitate exterior lighting	250,000
Rehabilitate landscaping	50,000
HVAC replace and repair	250,000
Rehabilitate vacant space for tenants (60,747 Sq. ft.)	2,650,000
Theatre rehabilitation (if required)	500,000
Total TIF Eligible Costs	<b>\$6,200,000</b>

**NON TIF ELIGIBLE COSTS**

Additional capital costs	\$1,250,000
New 8000 square foot pad site	1,200,000

**TOTAL PRIVATE AND PUBLIC IMPROVEMENTS \$8,650,000**

The figures above are estimates. Final figures are subject to a specific site plan, design specifications, City approval and public procedures and regulations.

The Proposed Public and Private Improvements will exceed the amount of funds available from the tax-increment financing indebtedness that the City Council may approve. The estimated amount of a Tax Increment Bond that can be retired based on increased values of real estate driven by the above investments is \$578,130. Therefore, RockStep Scottsbluff, LLC, requests that the Community Development Agency declare a portion of the Redevelopment Area, shown on attached **Exhibit "A-1"** as an Enhanced Employment Area under the Community Development Law; that the City impose a ½% occupation tax on such area to finance the payment of an Occupation Tax Bond issued by the Agency in the amount of \$1,816,650. Specific undertakings related to the Enhanced Employment Area and the Occupation Tax are shown in Section IV below.

This Plan proposes that Tax Increment bond and the Occupation Tax Bond be purchased by the developer to fund the required rehabilitation of the Monument Mall. The balance of private improvements shall be paid by the developer.

The amount of the available proceeds for tax-increment financing is estimated at approximately \$578,130.00 based on assumed value increases over the present property valuation base. (current valuation is \$6,000,000)

Any ad valorem tax levied upon the real property in a Redevelopment Project for the benefit of any public body shall be divided, for a period not to exceed fifteen (15) years after the effective date of such provision established in the redevelopment contract to be executed by the Redeveloper and the Community Development Agency. Said tax shall be divided as follows:

a. That portion of the ad valorem tax which is produced by the levy at the rate fixed each year by or for each such public body upon the Redevelopment Project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body; and

b. That portion of the ad valorem tax on real property in the Redevelopment Project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, a Redevelopment Project. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due, have been paid, the authority shall so notify the county assessor and county treasurer and all ad valorem taxes upon taxable real property in such a Redevelopment Project shall be paid into the funds of the respective public bodies.

Because the redevelopment plan proposes to use tax-increment financing funds as authorized in section 18-2147 of the Community Development Law, the City Council in approving this Redevelopment Plan will be required to find as follows:

a. the Redevelopment Project in the plan would not be economically feasible without the use of tax-increment financing;

b. the Redevelopment Project would not occur in the community redevelopment area without the use of tax-increment financing; and

c. the costs and benefits of the Redevelopment Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and been found to be in the long term best interest of the community impacted by the Redevelopment Project.

**IV. THE ENHANCED EMPLOYMENT AREA DESIGNATED BY THE AGENCY AS ELIGIBLE FOR THE IMPOSITION OF AN OCCUPATION TAX TO PAY FOR AUTHORIZED WORK WITHIN THE AREA IS DESCRIBED AS FOLLOWS:**

**Property Description (the “Enhanced Employment Area”)**

This property is generally referred to as the Monument Mall

- **Legal Descriptions** See attached Exhibit A-1 for the legal description of the tract to be declared as an Enhanced Employment Area

**Authorized work within the Enhanced Employment Area means the performance of any one or more of the following purposes:**

(a) The acquisition, construction, maintenance, and operation of public offstreet parking facilities for the benefit of the Enhanced Employment Area;

(b) Improvement of any public place or facility in the Enhanced Employment Area, including landscaping, physical improvements for decoration or security purposes, and plantings;

(c) Construction or installation of pedestrian shopping malls or plazas, sidewalks or moving sidewalks, parks, meeting and display facilities, bus stop shelters, lighting, benches or other seating furniture, sculptures, trash receptacles, shelters, fountains, skywalks, and pedestrian and vehicular overpasses and underpasses, and any useful or necessary public improvements;

(d) Leasing, acquiring, constructing, reconstructing, extending, maintaining, or repairing parking lots or parking garages, both above and below ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement, in the Enhanced Employment Area; and

(e) Maintenance, repair, and reconstruction of any improvements or facilities authorized by the Community Development Law;

**Redevelopment Plan to the Enhanced Employment Area Complies with the Act:**

The Act requires that in connection with the approval of any redevelopment plan which includes the designation of an enhanced employment area, the governing body may approve the redevelopment plan if it determines that any new investment within such enhanced employment area will result in at least ten new employees and new investment of five hundred thousand dollars in counties with at least twenty five thousand inhabitants but fewer than fifty thousand inhabitants.

This Plan Amendment meets these enhanced employment area statutory qualifications because

- (a) at project stabilization employment in the Enhanced Employment Area is expected to increase by 50 employees including a mixture of part time, full time and managerial positions,
- (b) the project in the Enhanced Employment Area includes new private sector investment of

\$6,255,220, and (c) as of the 2010 census, Scotts Bluff County's population was 36,970 inhabitants.

**Levy of General Business Occupation Tax and Levy:**

A city may levy a general business occupation tax upon the businesses and users of space within an enhanced employment area for the purpose of paying all or any part of the costs and expenses of any redevelopment project within such enhanced employment area. Any occupation tax imposed pursuant to the Act shall make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax.

The businesses and their classification in the Enhanced Employment Area are as follows:

<u>BUSINESS</u>	<u>CLASSIFICATION</u>
1. Apparel	Clothing Retail
2. Hobby & Crafts	Hobby & Craft Retail
3. Shoes	Shoe Retail
4. Cosmetics	Beauty Retail
5. Quick Serve	Prepared Food Retail
6. Specialty Store	Specialty Retail
7. Salon	Service Retail
8. Restaurant	Prepared Food Retail
9. Service/Fitness	Service Retail
10. Fast Food	Prepared Food Retail
11. Theatre/ entertainment	Entertainment
12. Sporting Goods	Sporting Goods Retail
13. Miscellaneous Retail	Retail

No occupation tax shall be imposed on any business or transaction which is subject to tax under section 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 of the Act or which is exempt from tax under section 77-2704.24 of the Act. Any such occupation tax agreed to by the Agency and the City shall remain in effect so long as the Agency has bonds outstanding which have been issued stating such occupation tax as an available source for payment.

The collection of a tax imposed pursuant to the Act shall be made and enforced in such a manner as the governing body shall by ordinance determine to produce the required revenue. The governing body may provide that failure to pay the tax imposed pursuant to this section shall constitute a violation of the ordinance and subject the violator to a fine or other punishment as provided by ordinance.

Undertaking by RockStep Scottsbluff, LLC.

The Developer undertakes to rehabilitate the Redevelopment Area and in so doing invest more than \$500,000 and create through new tenants, (over current employment) more than 10 jobs. (Neb. Rev. Stat. §18-2116(2))



**EXHIBIT "A"**  
**REDEVELOPMENT AREA**

**Lot 3, Block 3, Third Replat of Lots 3 and 4, Block 3, Northeast Second Add Replat No. 2  
and Lot 2, Block 3, Northeast Second Add Replat No. 2**

**Exhibit "A-1"**  
**Enhanced Employment Area**

**[To be supplied]**

**EXHIBIT "B"**

**INSERT AERIAL PHOTO OF SITE**

**EXHIBIT “C”**  
**Redevelopment Area Site Plan**  
**(insert site survey)**

EXHIBIT "D"  
 STATUTORY COST BENEFIT ANALYSIS  
**MONUMENT MALL REHABILITATION  
 PROJECT**

As authorized in the Nebraska Community Development Law, §18-2147, *Neb. Rev. Stat.* (2012), the City of Scottsbluff has analyzed the costs and benefits of the proposed Reganis Redevelopment Project, including:

**Project Sources and Uses.** Approximately \$2,394,780.00 in public funds from tax increment financing provided by the City of Scottsbluff will be required to complete the project. This investment by the city will leverage \$6,255,220.00 in private sector financing; a private investment of \$2.61 for every city dollar investment.

**Use of Funds.**

Description	
Parking Lot resurface	\$1,000,000
Signage rehabilitation	300,000
Roof replacement	1,200,000
Rehabilitate exterior lighting	250,000
Rehabilitate landscaping	50,000
HVAC replace and repair	250,000
Rehabilitate vacant space for tenants (60,747 Sq. ft.)	2,650,000
Theatre rehabilitation (if required)	500,000
Total TIF Eligible Costs	<b>\$6,200,000</b>
<b>NON TIF ELIGIBLE COSTS</b>	
Additional capital costs	\$1,250,000
New 8000 square foot pad site	1,200,000
<b>TOTAL PRIVATE AND PUBLIC IMPROVEMENTS</b>	<b>\$8,650,000</b>
<b>Portion of costs paid by Occupation Tax</b>	<b>\$1,816,650</b>
<b>Portion of costs paid by TIF</b>	<b>578,130</b>
<b>Portion of costs paid by Developer</b>	<b>6,255,220</b>

**Tax Revenue.** The property to be redeveloped is anticipated to have a January 1, 201, valuation of \$6,000,000. Based on the 2014 levy this would result in a real property tax of 116,236.78. It is anticipated that the assessed value will increase by \$1,000,000 per year for 2017, 2018, 2019 and 2020 and remain stable thereafter as a result of the site redevelopment. This development will result in an estimated tax increase of over \$77,000.00 annually after the year 2020. The tax increment gained from this Redevelopment Project area would not be available for use as city general tax revenues, but would be used for eligible public and private improvements to enable this project to be realized.

Estimated 2014 assessed value	\$ 6,000,000
-------------------------------	--------------

Estimated value after completion		\$10,000,000
Increment value		\$ 4,000,000 after 5 years,
Annual TIF generated	(estimated)	\$ 19,377 increasing to \$77,508
TIF bond issue		\$ 578,130
Occupation Tax bond		\$1,816,650

**Public Infrastructure and Community Public Service Needs.** The Project will not require that the city pay for any changes to utilities, or other public service needs.

**Employment Within the Project Area.** Employment within the Project Area is expected to increase by at least 50 full and part time positions. Temporary construction employment will increase during the construction. The construction period is expected to exceed nine months.

**Employment in the City Outside the Project Area.** The latest available labor statistics show that the Scotts Bluff County labor pool is 19,591, with a 4.3% unemployment rate.

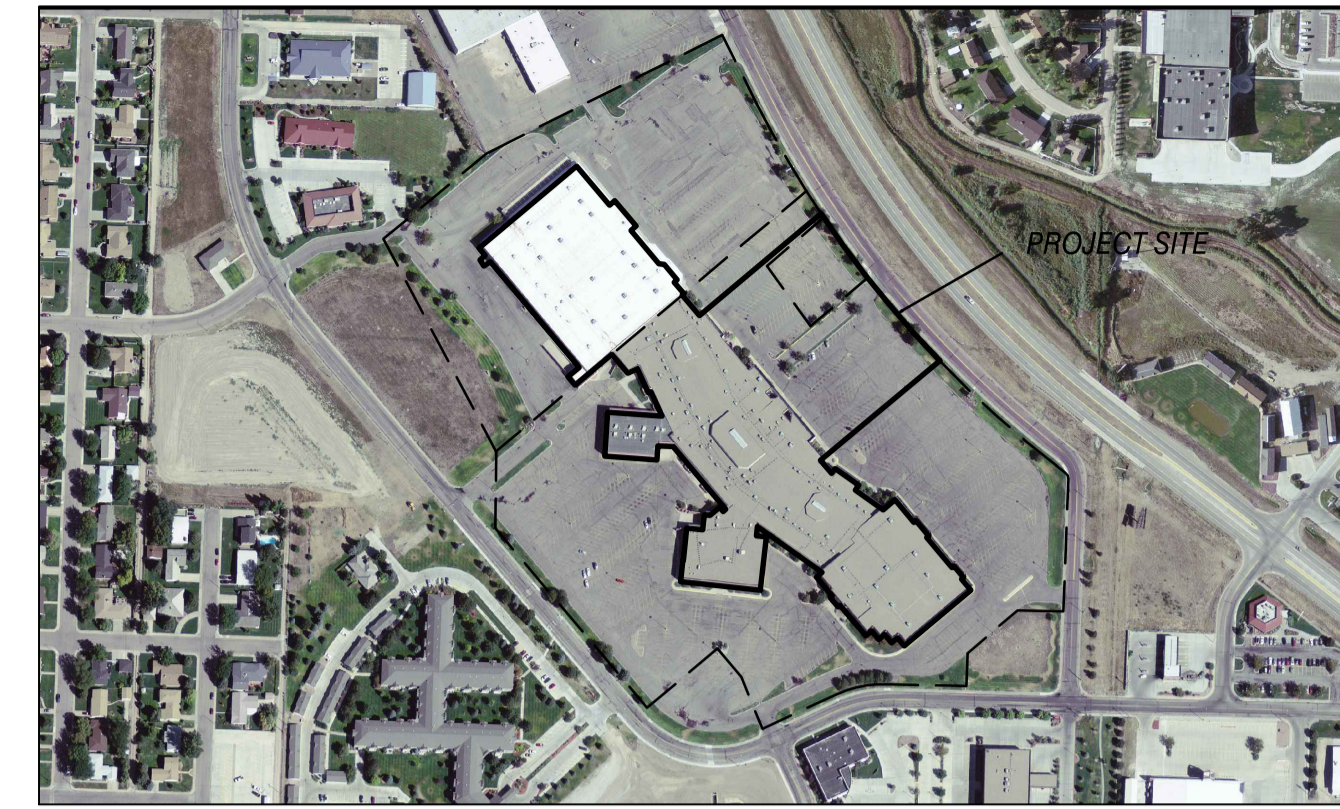
**Other Impacts.** Significant local sales tax will be generated as the Mall is filled with tenants. The Mall rehabilitation will generate on site sales significantly in excess of current levels. Current city sales tax from the Mall are estimated at \$270,000 annually. By 2018, sales are estimated to generate city sales tax of \$498,000 annually.

**Tax shifts.** No shift of taxes or other negative impact is expected.





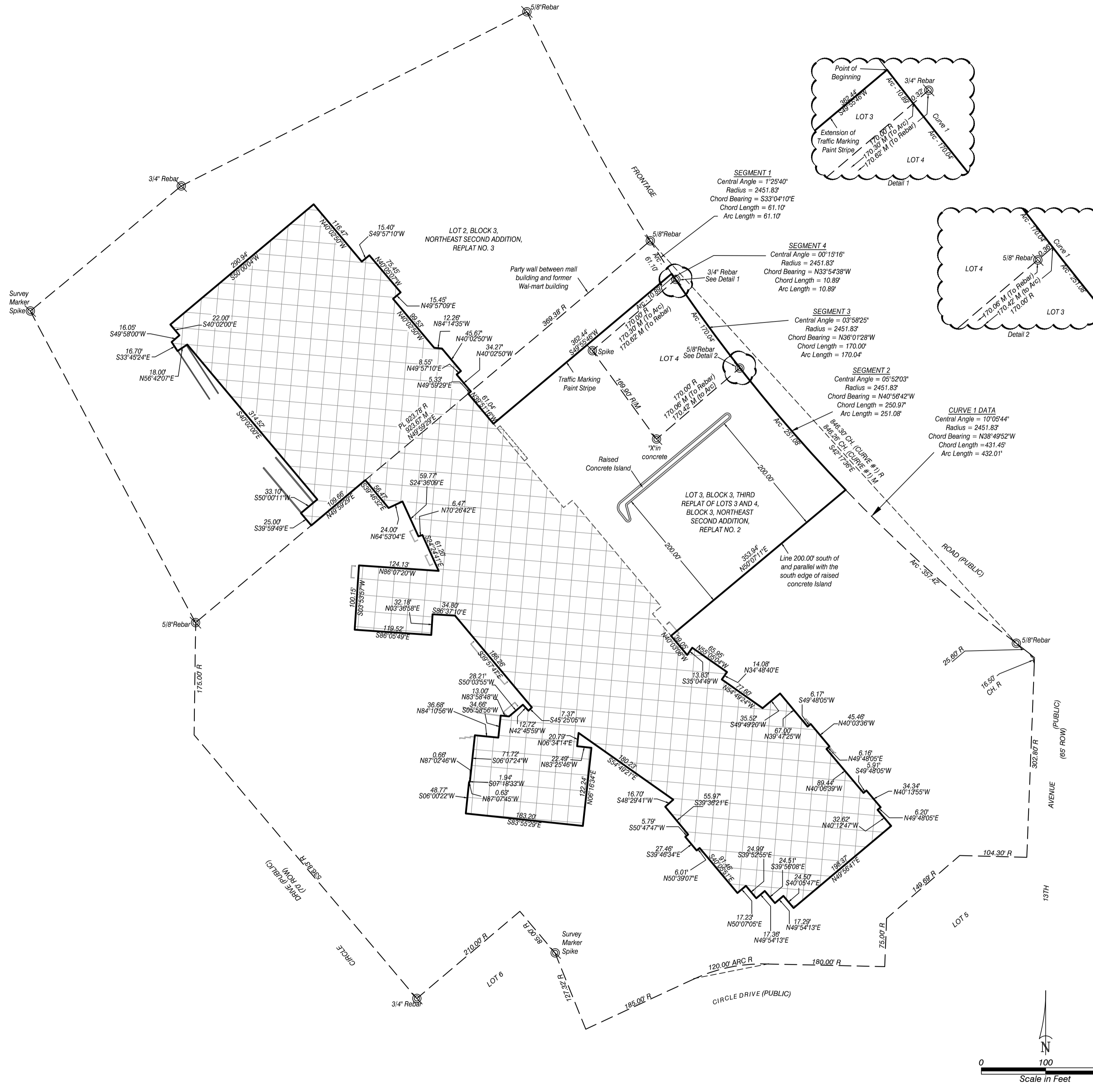
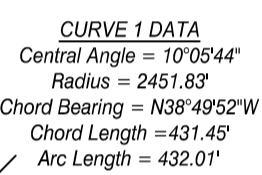
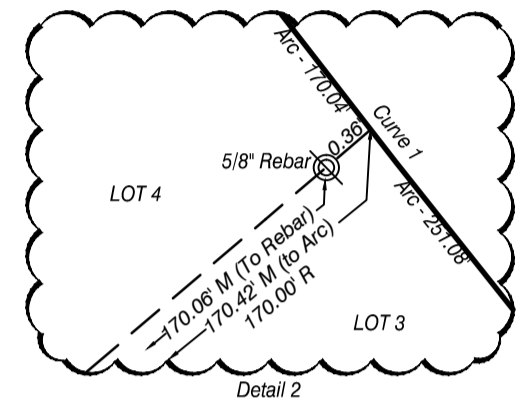
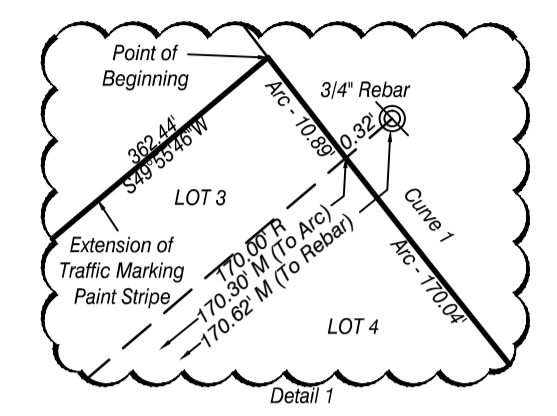




SURVEYOR'S CERTIFICATE

A building and portion of parking lot situated in Lot 2, Block 3, Northeast Second Addition Replat No. 2, and part of Lot 3, Block 3, Third Replat of Lots 3 and 4, Block 3, Northeast Second Addition, Replat Number 2, to the City of Scottsbluff, Scotts Bluff County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of Lot 3, Block 3, as monumented by a 5/8" Rebar, thence southeasterly on the arc of a curve to the left, said curve having a central angle of 01°25'40", a radius of 2451.83, a chord bearing of S33°04'10"E and a chord length of 61.10 feet, thence continuing southeasterly on the arc of said curve, a distance of 61.10 feet, to the point of intersection with the extension of a traffic control paint stripe, said point also being the Point of Beginning, thence bearing S49°55'46"W, on the extension of a traffic control paint stripe, a distance of 362.44 feet, to the point of intersection of a building wall, thence northwesterly on said building wall, bearing N39°51'16"W, a distance of 61.04 feet to the point of intersection with the south line of Lot 2, Block 3, Northeast Second Addition, Replat No. 2, thence northeasterly on said south line and on said building wall, bearing N49°59'29"E, a distance of 5.33 feet, thence bearing N40°02'50"W, on said wall, a distance of 34.27 feet, thence bearing N49°57'10"E, on said wall, a distance of 12.26 feet, thence bearing N40°02'50"W, on said wall, a distance of 99.53 feet, thence bearing N49°57'09"E, on said wall, a distance of 15.45 feet, thence bearing N40°02'50"W, on said wall, a distance of 116.47 feet, thence bearing S50°00'04"W, on said wall, a distance of 290.94 feet, thence bearing S40°02'00"E, on said wall, a distance of 22.00 feet, thence bearing S49°58'00"W, on said wall, a distance of 16.05 feet, thence bearing S33°45'24"E, on said wall, a distance of 16.70 feet, thence bearing N56°42'07"E, on said wall, a distance of 18.00 feet, thence bearing S39°59'49"E, on said wall, a distance of 25.00 feet, to the point of intersection with the south line of Lot 2, Block 3, Northeast Second Addition, Replat No. 2, thence bearing N49°59'29"E, on the south line of Lot 2, Block 3, Northeast Second Addition, Replat No. 2, and on said wall, a distance of 109.66 feet, thence bearing S39°46'32"E, on said wall, a distance of 56.47 feet, thence bearing N64°53'04"E, on said wall, a distance of 24.00 feet, thence bearing S24°24'41"E, on said wall, a distance of 59.77 feet, thence bearing N86°07'20"W, on said wall, a distance of 6.47 feet, thence bearing S03°53'57"W, on said wall, a distance of 100.15 feet, thence bearing S86°05'49"E, on said wall, a distance of 119.52 feet, thence bearing N03°36'58"E, on said wall, a distance of 32.18 feet, thence bearing S86°37'10"E, on said wall, a distance of 34.80 feet, thence bearing S39°57'47"E, on said wall, a distance of 186.26 feet, thence bearing S45°25'05"W, on said wall, a distance of 7.37 feet, thence bearing N42°45'59"W, on said wall, a distance of 13.00 feet, thence bearing S05°58'56"W, on said wall, a distance of 34.66 feet, thence bearing N84°10'56"W, on said wall, a distance of 36.68 feet, thence bearing S08°07'24"W, on said wall, a distance of 71.72 feet, thence bearing N87°02'46"W, on said wall, a distance of 0.66 feet, thence bearing S07°18'33"W, on said wall, a distance of 1.94 feet, thence bearing N87°07'45"W, on said wall, a distance of 0.63 feet, thence bearing S06°00'22"W, on said wall, a distance of 48.77 feet, thence bearing S83°55'29"E, on said wall, a distance of 183.20 feet, thence bearing N06°16'34"E, on said wall, a distance of 122.24 feet, thence bearing N83°25'46"W, on said wall, a distance of 22.49 feet, thence bearing N06°34'14"E, on said wall, a distance of 20.79 feet, thence bearing S54°49'21"E, on said wall, a distance of 180.23 feet, thence bearing S48°29'41"W, on said wall, a distance of 16.70 feet, thence bearing S39°36'21"E, on said wall, a distance of 55.97 feet, thence bearing S50°47'47"W, on said wall, a distance of 5.79 feet, thence bearing S39°46'34"E, on said wall, a distance of 27.46 feet, thence bearing N50°39'07"E, on said wall, a distance of 6.01 feet, thence bearing S40°05'51"E, on said wall, a distance of 91.46 feet, thence bearing N50°07'05"E, on said wall, a distance of 17.23 feet, thence bearing S39°52'55"E, on said wall, a distance of 24.99 feet, thence bearing N49°54'13"E, on said wall, a distance of 17.36 feet, thence bearing S39°56'08"E, on said wall, a distance of 24.51 feet, thence bearing N49°54'13"E, on said wall, a distance of 17.29 feet, thence bearing S40°05'47"E, on said wall, a distance of 32.62 feet, thence bearing N49°48'05"E, on said wall, a distance of 6.20 feet, thence bearing N40°13'55"W, on said wall, a distance of 34.34 feet, thence bearing N49°48'05"E, on said wall, a distance of 6.16 feet, thence bearing N40°03'36"W, on said wall, a distance of 45.46 feet, thence bearing S49°48'05"W, on said wall, a distance of 6.17 feet, thence bearing N39°47'25"W, on said wall, a distance of 67.00 feet, thence bearing S49°49'20"W, on said wall, a distance of 14.08 feet, thence bearing N55°05'04"W, on said wall, a distance of 65.95 feet, thence bearing S35°04'49"W, on said wall, a distance of 13.83 feet, thence bearing N40°03'06"W, on said wall, a distance of 39.05 feet, to the point of intersection with the extension of a line being 200.00 feet south of and parallel with a raised concrete island, thence northwesterly on the extension of a line being 200.00 feet south of and parallel with a raised concrete island, bearing N50°07'11"E, a distance of 353.94 feet, to the point of intersection with a non-tangent curve to the right, said curve having a central angle of 05°52'03", a radius of 2451.83 feet, a chord bearing of N40°56'42"W and a chord length of 250.97 feet, thence northwesterly on the arc of said curve, a distance of 251.08 feet, to the point of intersection with the southeast corner of Lot 4, as monumented by a 5/8" Rebar, thence continuing northwesterly on the same curve, said segment having a central angle of 3°58'25", a radius of 2451.83 feet, a chord bearing of N36°01'28"W and a chord length of 170.00 feet, thence northwesterly on the arc of said curve, a distance of 170.04 feet, to the point of intersection with the northeast corner of Lot 4, as monumented by a 3/4" Rebar, thence continuing northwesterly on the arc of said curve, whose segment has a central angle of 00°15'16", a radius of 2451.83 feet, a chord bearing of N33°54'38"W and a chord length of 10.89 feet, thence northwesterly on the arc of said curve segment, a distance of 10.89 feet, to the Point of Beginning, containing an area of 11.86 Acres, more or less.



LEGEND
EXISTING PROPERTY CORNER, AS NOTED
LEGAL DESCRIPTION BOUNDARY
CONCRETE
STRUCTURES
RECORD MEASURED
NOTE: Easements of Record, if any, are not shown on this survey plat.

M. C. SCHAFF & ASSOCIATES, INC.
818 SOUTH BELTLINE HIGHWAY EAST
SCOTTSBLUFF, NEBRASKA 69361
ENGINEERS PLANNERS DESIGNERS LAND SURVEYORS
PH: 308-635-1926 FAX: 308-635-7807 INTERNET: WWW.MCSCHAFF.COM

PROJECT: LEGAL DESCRIPTION, PART OF LOT 2, BLK. 3, NORTHEAST 2ND ADDITION, REPLAT NO. 2 AND LOTS 3 AND 4, BLOCK 3, REPLAT OF LOTS 3&4, BLK 3, NORTHEAST 2ND ADDITION REPLAT NO. 2
CLIENT: ROCKSTEP SCOTTSBLUFF, LLC

PROJECT NUMBER: RM150133-00
PROJECT DATE: APRIL 14, 2015
PROJECT MGR: D.P.S.
PROJECT TEAM: DS-TD-AB

Table with columns for DATE and REVISION.



**ALTA/ACSM LAND TITLE SURVEY (2011)**  
**PART OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE SIXTH PRINCIPAL MERIDIAN**  
**CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, STATE OF NEBRASKA**  
**MONUMENT MALL - 2302 FRONTAGE ROAD, SCOTTSBLUFF NEBRASKA 69361**

**PER COMMITMENT NUMBER NCS-640232-OMHA:**

LEGAL DESCRIPTION PER FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-640232-OMHA REVISION 2, EFFECTIVE DATE DECEMBER 4, 2013 AT 8:00 AM.

THE LAND REFERRED TO IS SITUATED IN THE STATE OF NEBRASKA, COUNTY OF SCOTTS BLUFF AND IS DESCRIBED AS FOLLOWS:

**PARCEL I:**  
 LOT 3, BLOCK 3, THIRD REPLAT OF LOTS 3 AND 4, BLOCK 3, NORTHEAST SECOND ADDITION REPLAT NO. 2, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.

**PARCEL IA:**  
 LOT 2, BLOCK 3, NORTHEAST SECOND ADDITION REPLAT NO. 2, AN ADDITION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.

**PARCEL II:**  
 TOGETHER WITH THE NON-EXCLUSIVE RECIPROCAL EASEMENTS SET OUT IN THE OPERATING AGREEMENT OF RECORD IN MISC. BOOK 114 AT PAGE 351, AND FIRST AMENDMENT OF RECORD IN MISC. BOOK 114 AT PAGE 514;

**PARCEL III:**  
 TOGETHER WITH NON-EXCLUSIVE APPURTENANT EASEMENTS AS SET FORTH IN DECLARATION OF RESTRICTIONS RECORDED AS INSTRUMENT NO. 2004-02057, AND THAT CERTAIN MUTUAL EASEMENT DATED MARCH 27, 2006 AND RECORDED APRIL 21, 2006 AS INSTRUMENT NO. 2006-002364, RECORDS, SCOTTS BLUFF COUNTY, NEBRASKA.

**PARCEL IV:**  
 TOGETHER WITH THE APPURTENANT ACCESS EASEMENT SET OUT IN THE AGREEMENT FIELD JULY 21, 1998 AND RECORDED IN BOOK 142 AT PAGE 456, RECORDS, SCOTTS BLUFF COUNTY, NEBRASKA.

THE PROPERTY DESCRIBED HEREON (THE "PROPERTY") IS THE SAME AS THE PROPERTY DESCRIBED IN COMMITMENT NO. NCS-640232-OMHA WITH AN EFFECTIVE DATE OF NOVEMBER 7, 2013 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS REFERENCED IN SAID TITLE COMMITMENT OR APPARENT FROM A PHYSICAL INSPECTION OF THE PROPERTY OR OTHERWISE KNOWN TO ME HAVE BEEN PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE PROPERTY.

**SCHEDULE B - SECTION II EXCEPTIONS PER AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-640232-OMHA REVISION 2, EFFECTIVE DATE DECEMBER 4, 2013 AT 8:00 AM.**

1-8. STANDARD EXCEPTIONS.

9. TERMS AND PROVISIONS OF UTILITY EASEMENT TO K N ENERGY, INC., FILED APRIL 1, 1986 IN BOOK 116 AT PAGE 363, MISCELLANEOUS RECORDS, SCOTTS BLUFF COUNTY, NEBRASKA. (AFFECTS PARCEL I)  
 {AS SHOWN}

10. INTENTIONALLY DELETED

11. EASEMENTS AND SETBACKS AS SET FORTH ON THE PLAT AND DEDICATION OF NORTHEAST SECOND ADDITION REPLAT NO. 2, FILED APRIL 9, 1985 IN BOOK 178 AT PAGE 536, DEED RECORDS, SCOTTS BLUFF COUNTY, NEBRASKA. (AFFECTS PARCELS I AND IA)  
 {AS SHOWN}

12. TERMS AND PROVISIONS OF OPERATING AGREEMENT AND THE TERMS AND CONDITIONS THEREOF, FILED APRIL 25, 1985 IN BOOK 114 AT PAGE 351, AND FIRST AMENDMENT FILED MAY 10, 1985 IN BOOK 114 AT PAGE 514, MISCELLANEOUS RECORDS, SCOTTS BLUFF COUNTY, NEBRASKA. (AFFECTS PARCELS I AND IA)  
 {THIS AGREEMENT DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE}

13. INTENTIONALLY DELETED

14. INTENTIONALLY DELETED

15. TERMS AND PROVISIONS OF MUTUAL EASEMENT DATED MARCH 27, 2006 AND RECORDED APRIL 21, 2006 AS INSTRUMENT NO. 2006-002364, RECORDS, SCOTTS BLUFF COUNTY, NEBRASKA. (AFFECTS PARCELS I AND IA)  
 {THIS AGREEMENT DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE.}

16. EASEMENTS AND SETBACKS AS SET FORTH ON THE PLAT AND DEDICATION OF THIRD REPLAT OF LOTS 3 AND 4, BLOCK 3, NORTHEAST SECOND ADDITION REPLAT NO. 2, FILED APRIL 2, 2001, AS INST. NO. 2001-01820, OFFICIAL RECORDS, SCOTTS BLUFF COUNTY, NEBRASKA. (AFFECTS PARCEL I)  
 {AS SHOWN}

17. INTENTIONALLY DELETED

18. INTENTIONALLY DELETED

19. TERMS AND CONDITIONS OF AGREEMENT FILED JULY 21, 1998, AS BOOK 142, PAGE 456, OFFICIAL RECORDS, SCOTTS BLUFF COUNTY, NEBRASKA. (AFFECTS PARCEL IA)  
 {AS SHOWN}

20. INTENTIONALLY DELETED

21. TERMS AND CONDITIONS OF SUBDIVIDER'S AGREEMENT FILED JANUARY 3, 1985, AS BOOK 113, PAGE 459, OFFICIAL RECORDS, SCOTTS BLUFF COUNTY, NEBRASKA. (AFFECTS PARCEL IA)  
 {NOT SURVEY RELATED. SEE DOCUMENT FOR FURTHER INFORMATION.}

22. INTENTIONALLY DELETED



VICINITY MAP - SCALE: 1" = 500'

**SURVEYOR'S CERTIFICATE:**

TO: ROCKSTEP SCOTTSBLUFF LLC, A TEXAS LIMITED LIABILITY COMPANY AND ITS SUCCESSORS AND ASSIGNS  
 MFP MONUMENT MALL LLC, A DELAWARE LIMITED LIABILITY COMPANY  
 FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10(a), 11(a), 13, 16, 17, 18 AND 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 19, 2013.



DANA L. SPERLING  
 REGISTERED LAND SURVEYOR  
 NEBRASKA REGISTRATION NO. 642

**GENERAL NOTES:**

- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY OLSSON ASSOCIATES TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY AND TITLE OF RECORD, OLSSON ASSOCIATES RELIED UPON COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-640232-OMHA REVISION 2, EFFECTIVE DATE DECEMBER 4, 2013 AT 8:00 AM. OLSSON ASSOCIATES HAS EXAMINED THE ABOVE REFERENCED TITLE COMMITMENT AS WELL AS EACH INSTRUMENT LISTED THEREON.
- BASIS OF BEARINGS:** BEARINGS ARE BASED ON THE LOT LINE BETWEEN LOT 2 AND LOT 3 AS HAVING AN ASSUMED BEARING OF N49°58'55"E AND BEING MONUMENTED AT THE THE SOUTHWESTERLY END BY A NO. 6 REBAR AND AT THE NORTHEASTERLY END BY A REBAR. SAID LINE HAS A RECORD DISTANCE OF 923.78 FEET, A MEASURED DISTANCE OF 923.64 FEET AND A CALCULATED DISTANCE OF 924.65 FEET.
- FLOOD ZONE:** THE SUBJECT PROPERTY LIES WITHIN ZONE B (AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD.) ACCORDING TO FEMA FEDERAL INSURANCE RATE MAP NUMBER 310206 0010 C, WITH A EFFECTIVE DATE OF JUNE 15, 1979. {ALTA ITEM NO. 3}
- GROSS LAND AREA:** THE SUBJECT PROPERTY CONTAINS 1,380,635 SQUARE FEET OR 31.695 ACRES, MORE OR LESS. {ALTA ITEM NO. 4}
- ZONING INFORMATION:** THE SUBJECT PROPERTY IS CURRENTLY ZONED "PBC (PLANNED BUSINESS CENTER)" WITH THE FOLLOWING REQUIREMENTS {ALTA ITEM NO. 6(B)}  
**BUILDING SETBACKS:** NO BUILDING OR STRUCTURE MAY BE CONSTRUCTED OR MAINTAINED IN A CENTER WITHIN ONE HUNDRED (100) FEET OF THE BOUNDARY LINE OF AN ABUTTING LOT OR TRACT OF LAND LOCATED IN AN R ZONE NOR WITHIN TWENTY-FIVE (25) FEET OF THE RIGHT-OF-WAY OF A PUBLIC STREET OR ROAD. NO ROADWAY OR PARKING AREA IN A CENTER MAY BE CONSTRUCTED OR MAINTAINED WITHIN TWENTY-FIVE (25) FEET OF THE RIGHT-OF-WAY LINE.  
**BUILDING HEIGHT MAXIMUM:** THREE (3) STORIES OR FORTY-FIVE (45) FEET, WHICHEVER IS LOWER  
**FLOOR SPACE AREA RESTRICTIONS:** NONE LISTED IN THE CITY CODE  
**BUFFER STRIPS:** 25 FEET IN WIDTH, SODDED, AND PLANTED WITH SHRUBS OR OTHER GREENERY, AND WITH A PERMANENT SCREEN AT LEAST 10 FEET HIGH, MUST BE ESTABLISHED AND MAINTAINED ADJACENT TO THE BOUNDARY LINE OF ANY ABUTTING LOT OR TRACT OF LAND LOCATED IN WHOLE OR PART IN A "R" ZONE.  
**ZONING INFORMATION PER SCOTTS BLUFF COUNTY, NEBRASKA WEBSITE AND ZONING AND SITE REQUIREMENTS SUMMARY PREPARED BY THE PLANNING AND ZONING RESOURCE CORPORATION DATED OCTOBER 10, 2013 FOR SITE 70542-10.**
- PARKING INFORMATION:** THE SUBJECT PROPERTY HAS 1,528 REGULAR PARKING SPACES AND 35 HANDICAP SPACES FOR A TOTAL OF 1,563. THERE ARE ALSO 15 PARTIAL PARKING SPACES IN THE LOTS USED FOR THIS MALL - THESE ARE SPACES THAT ARE PARTIALLY INCLUDED IN LOT 4, BLOCK 3, THIRD REPLAT OF LOTS 3 AND 4, BLOCK 3, NORTHEAST SECOND ADDITION, REPLAT NO. 2 AND WERE NOT A PART OF THIS SURVEY. {ALTA ITEM NO. 9}
- UTILITIES INFORMATION:** UTILITIES ARE SHOWN PER VISIBLE SURFACE EVIDENCE, UTILITY LOCATE MARKINGS AND OTHER INFORMATION PROVIDED BY THE CLIENT. OLSSON ASSOCIATES AND THE SURVEYOR OF RECORD MAKE NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. OLSSON ASSOCIATES AND THE SURVEYOR OF RECORD FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. OLSSON ASSOCIATES AND THE SURVEYOR OF RECORD HAVE NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. IF ANY UNDERGROUND UTILITY LOCATIONS ARE REQUIRED, THEY WILL HAVE TO BE VERIFIED BY FIELD POT-HOLING THE UTILITIES. OLSSON ASSOCIATES AND THE SURVEYOR OF RECORD SHALL NOT BE LIABLE FOR THE LOCATION OF OR THE FAILURE TO NOTE THE LOCATION OF NON-VISIBLE UTILITIES. {ALTA ITEM NO. 11}
- THERE DOES NOT APPEAR TO BE RECENT OR CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS ON THE SUBJECT PROPERTY. {ALTA ITEM NO. 16}
- AS OF THE SIGNING OF THIS ALTA/ACSM LAND TITLE SURVEY, THERE ARE NO PROPOSED CHANGES IN STREET RIGHT-OF-WAY LINES TO THE PROFESSIONAL BELIEF AND KNOWLEDGE OF OLSSON ASSOCIATES AND THE SURVEYOR OF RECORD. {ALTA ITEM NO. 17}
- THERE IS NO OBSERVABLE EVIDENCE OF THE SUBJECT PROPERTY BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL. {ALTA ITEM NO. 18}
- PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR IN THE MINIMUM AMOUNT OF \$1,000,000.00 TO BE IN EFFECT THROUGHOUT THE CONTRACT TERM. CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST. {ALTA ITEM NO. 21}
- THE SUBJECT PROPERTY, AS SHOWN HEREON, DOES REPRESENT A MATHEMATICALLY CLOSED FIGURE.
- THE SUBJECT PROPERTY HAS DIRECT ACCESS TO THE FOLLOWING DEDICATED PUBLIC STREETS OR HIGHWAYS: CIRCLE DRIVE, 13TH AVENUE AND FRONTAGE ROAD.
- NO VISIBLE EVIDENCE OF ENCROACHMENTS OR VIOLATIONS WAS OBSERVED DURING THE COURSE OF FIELD WORK.

USER: lgreer

DWG: C:\Temp\AcPublish\_3988\132983\_SALTA.dwg  
 DATE: Dec 16, 2013 2:23pm  
 XREFS:



4690 Table Mountain Drive, Suite 200  
 Golden, CO 80443  
 TEL: 303.237.2072  
 FAX: 303.237.2659  
 www.olssonassociates.com

REV. NO.	DATE	REVISIONS DESCRIPTION
1	12/04/2013	ADD LOT 1 AND FULL ACCESS EASEMENT
2	12/05/2013	NEW TITLE COMMITMENT
3	12/09/2013	PARKING SPACE RECOUNT
4	12/16/2013	ADD PARCEL IV, CERTIFICATE CHANGE

ALTA/ACSM LAND TITLE SURVEY (2011)  
 MONUMENT MALL

LOT 3, BLOCK 3, THIRD REPLAT OF LOTS 3 AND 4,  
 BLOCK 3, NORTHEAST SECOND ADDITION REPLAT NO. 2

SCOTTSBLUFF, NEBRASKA

2013

drawn by: \_\_\_\_\_ LHG  
 checked by: \_\_\_\_\_ DLS  
 approved by: \_\_\_\_\_ DLS  
 GAK/C by: \_\_\_\_\_ DLS  
 project no.: 013-2983  
 drawing no.: 132983\_SALTA  
 date: 11.25.2013

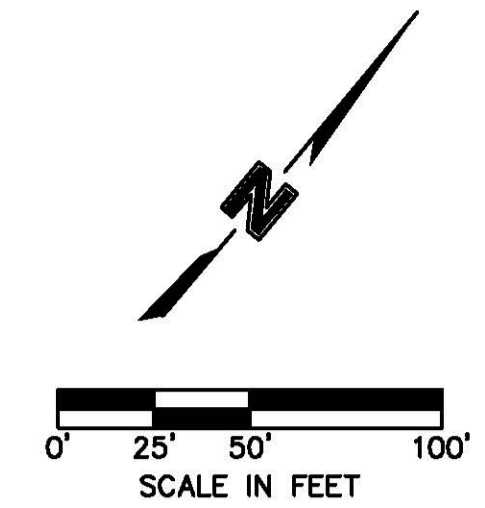
**SHEET**  
 1 of 3



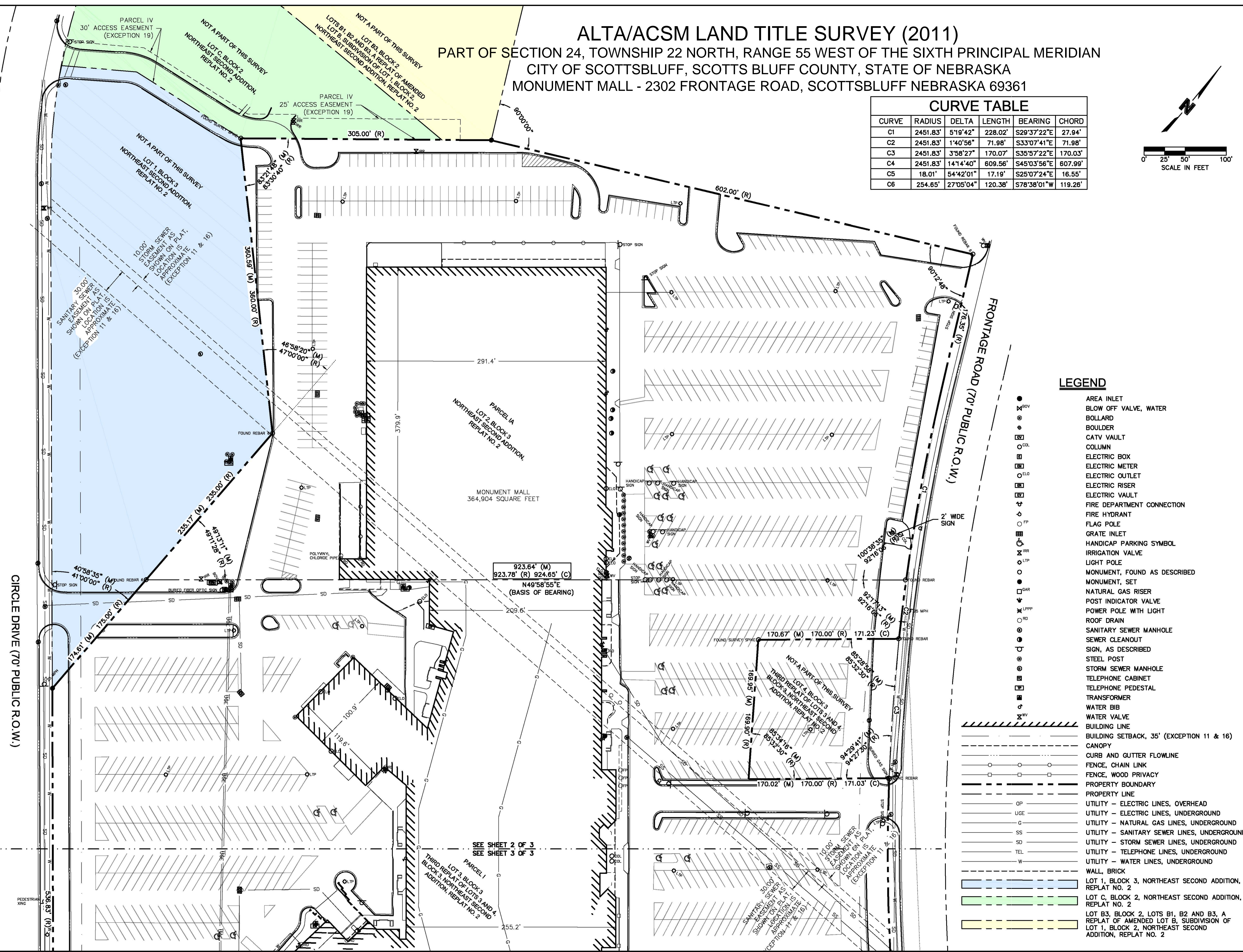
# ALTA/ACSM LAND TITLE SURVEY (2011)

PART OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE SIXTH PRINCIPAL MERIDIAN  
CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, STATE OF NEBRASKA  
MONUMENT MALL - 2302 FRONTAGE ROAD, SCOTTSBLUFF NEBRASKA 69361

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C1	2451.83'	5'19'42"	228.02'	S29°37'22"E	27.94'
C2	2451.83'	1'40'56"	71.98'	S33°07'41"E	71.98'
C3	2451.83'	3'58'27"	170.07'	S35°57'22"E	170.03'
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### LEGEND

- AREA INLET
- BLOW OFF VALVE, WATER
- BOLLARD
- BOULDER
- CATV VAULT
- COLUMN
- ELECTRIC BOX
- ELECTRIC METER
- ELECTRIC OUTLET
- ELECTRIC RISER
- ELECTRIC VAULT
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- FLAG POLE
- GRATE INLET
- HANDICAP PARKING SYMBOL
- IRRIGATION VALVE
- LIGHT POLE
- MONUMENT, FOUND AS DESCRIBED
- MONUMENT, SET
- NATURAL GAS RISER
- POST INDICATOR VALVE
- POWER POLE WITH LIGHT
- ROOF DRAIN
- SANITARY SEWER MANHOLE
- SEWER CLEANOUT
- SIGN, AS DESCRIBED
- STEEL POST
- STORM SEWER MANHOLE
- TELEPHONE CABINET
- TELEPHONE PEDESTAL
- TRANSFORMER
- WATER BIB
- WATER VALVE
- BUILDING LINE
- BUILDING SETBACK, 35' (EXCEPTION 11 & 16)
- CANOPY
- CURB AND GUTTER FLOWLINE
- FENCE, CHAIN LINK
- FENCE, WOOD PRIVACY
- PROPERTY BOUNDARY
- PROPERTY LINE
- UTILITY - ELECTRIC LINES, OVERHEAD
- UTILITY - ELECTRIC LINES, UNDERGROUND
- UTILITY - NATURAL GAS LINES, UNDERGROUND
- UTILITY - SANITARY SEWER LINES, UNDERGROUND
- UTILITY - STORM SEWER LINES, UNDERGROUND
- UTILITY - TELEPHONE LINES, UNDERGROUND
- UTILITY - WATER LINES, UNDERGROUND
- WALL, BRICK
- LOT 1, BLOCK 3, NORTHEAST SECOND ADDITION, REPLAT NO. 2
- LOT C, BLOCK 2, NORTHEAST SECOND ADDITION, REPLAT NO. 2
- LOT B3, BLOCK 2, LOTS B1, B2 AND B3, A REPLAT OF AMENDED LOT B, SUBDIVISION OF LOT 1, BLOCK 2, NORTHEAST SECOND ADDITION, REPLAT NO. 2

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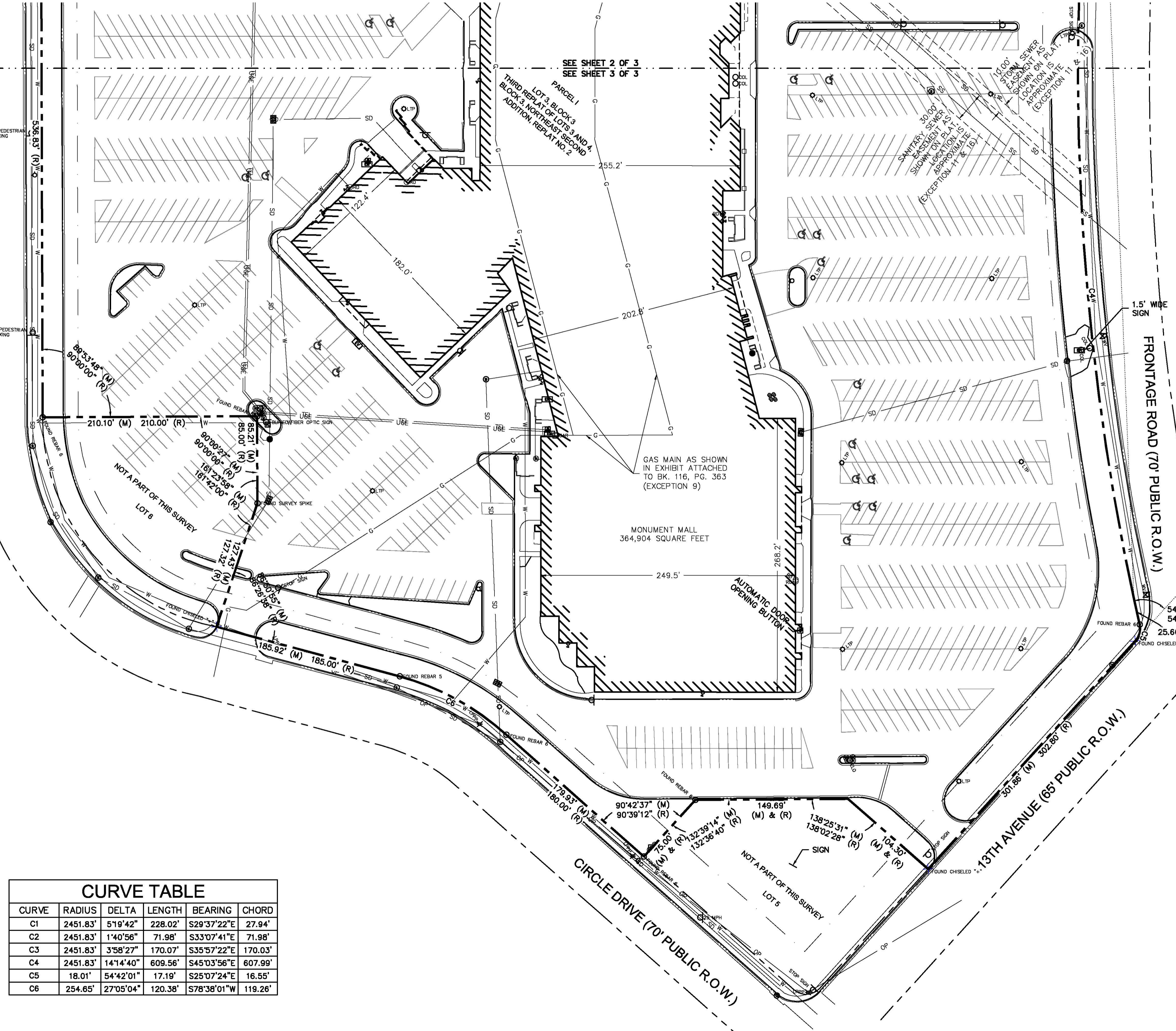
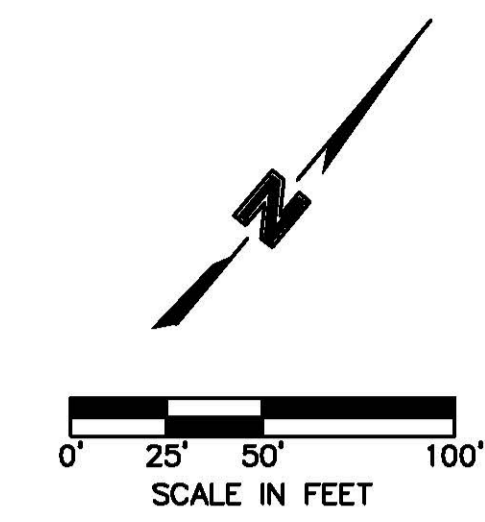
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SCOTTSBLUFF, NEBRASKA			

drawn by: \_\_\_\_\_ LHG  
 checked by: \_\_\_\_\_ DLB  
 approved by: \_\_\_\_\_ DLB  
 project no.: 013-2983  
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**ALTA/ACSM LAND TITLE SURVEY (2011)**  
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- G UTILITY - NATURAL GAS LINES, UNDERGROUND
- SS UTILITY - SANITARY SEWER LINES, UNDERGROUND
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**City of Scottsbluff, Nebraska**  
**Monday, May 11, 2015**  
**Regular Meeting**

**Item NewBiz2**

**Blight & Substandard Study**

*Applicant(s): Webb/Trumbulls*

*Owners(s): n/a*

*Location: S of 42nd St., areas E & W of Avenue I*

Staff Contact: Annie Folck



*SCOTTSBLUFF  
PLANNING COMMISSION  
Staff Report*

**To:** Planning Commission  
**From:** Staff, Development Services  
**Date:** May 11, 2015  
**Subject:** Substandard & Blight Survey  
**Location:** Study Area # 8 – Five Oaks Subd & Adler Tracts

A study has been done and submitted for review in an area located on the SE corner of East 42<sup>nd</sup> Street and Highway 71. Along with an area north of 36<sup>th</sup> Street & Highway 71 (Adler Tracts). Proposed Development in this area by the property owners will improve infrastructure and improve the area overall.

The City is allowed to designate up to 35% of its area within corporate limits as blighted and substandard. Currently, 20.5% of the City is designated as blighted and substandard. The proposed study area is 61.78 acres, which is equal to about 1.5% of our corporate area, so if this study is approved, it will bring the City's total blighted and substandard areas to 22%, well within our allowed limits.

With the area designated as blighted and substandard developers will be able to apply for TIF funds for redevelopment. With TIF funding available the developer can make the necessary improvements to develop the area, extending utility lines and streets within the area. A map of the area is attached, zoning includes C-2 – Neighborhood Commercial, R-1A residential, and Agricultural. Also, attached is the Blight and Substandard Study for your review.

RECOMMENDATION

*Approve*

Make a POSITIVE RECOMMENDATION to the City Council to approve Substandard/Blight Survey Area # 8 Five Oaks Subdivision and Adler Tracts –subject to the following condition(s):

*Deny*

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove Substandard/Blight Survey Area # 8 – Five Oaks Subdivision and Adler Tracts for the following reason(s):

*Table*

Make the motion to TABLE the Substandard/Blight Survey Area # 8 Five Oaks & Adler Tracts for the following reason(s):




## APPROXIMATE BOUNDARY DESCRIPTION

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 14, BEARS SOUTH 02°03'39" WEST, A DISTANCE OF 2675.32 FEET; THENCE ALONG NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14, SOUTH 88°13'30" EAST, A DISTANCE OF 69.51 FEET; THENCE SOUTH 01°46'30" WEST, A DISTANCE OF 33.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY OF 42ND STREET AND TO THE **POINT OF BEGINNING**;

THENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE OF 42ND STREET SOUTH 88°13'30" EAST,

A DISTANCE OF 814.66 FEET TO A POINT ON THE WEST RIGHT OF WAY OF AVENUE G;

THENCE ALONG SAID WEST RIGHT OF WAY OF AVENUE G, SOUTH 02°09'33" WEST, A DISTANCE OF 743.92 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF 40TH STREET;

THENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE OF 40TH STREET, SOUTH 88°19'45" EAST, A DISTANCE OF 598.64 FEET;

THENCE SOUTH 01°40'23" WEST, A DISTANCE OF 107.45 FEET;

THENCE SOUTH 88°19'48" EAST, A DISTANCE OF 110.02 FEET;

THENCE SOUTH 02°05'08" EAST, A DISTANCE OF 389.09 FEET

THENCE NORTH 88°52'32" WEST, A DISTANCE OF 342.69 FEET;

THENCE NORTH 83°57'32" WEST, A DISTANCE OF 117.00 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 318.00 FEET, A CENTRAL ANGLE OF 05°37'57", A DISTANCE OF 31.26 FEET, (A CHORD BEARING NORTH 03°13'30" EAST, A DISTANCE OF 31.25 FEET);

THENCE NORTH 88°26'48" WEST, A DISTANCE OF 180.75 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 159.00 FEET, A CENTRAL ANGLE OF 18°14'20", A DISTANCE OF 50.61 FEET, (A CHORD BEARING NORTH 07°53'39" WEST, A DISTANCE OF 50.40 FEET);

THENCE NORTH 87°18'07" WEST, A DISTANCE OF 56.56 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 22°43'32", A DISTANCE OF 53.15 FEET, (A CHORD BEARING SOUTH 81°20'07" WEST, A DISTANCE OF 52.80 FEET);

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 25°23'50", A DISTANCE OF 59.40 FEET, (A CHORD BEARING SOUTH 57°16'26" WEST, A DISTANCE OF 58.91 FEET);

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 22°13'34", A DISTANCE OF 51.98 FEET, (A CHORD BEARING SOUTH 33°27'44" WEST, A DISTANCE OF 51.66 FEET);

THENCE SOUTH 22°20'57" WEST, A DISTANCE OF 54.48 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 08°21'16", A DISTANCE OF 22.45 FEET, (A CHORD BEARING SOUTH 18°10'19" WEST, A DISTANCE OF 22.43 FEET);

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 22°07'48", A DISTANCE OF 59.48 FEET, (A CHORD BEARING SOUTH 02°55'47" WEST, A DISTANCE OF 59.11 FEET);

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 22°08'04", A DISTANCE OF 59.49 FEET, (A CHORD BEARING SOUTH 19°12'08" EAST, A DISTANCE OF 59.12 FEET);

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 20°46'38", A DISTANCE OF 55.85 FEET, (A CHORD BEARING SOUTH 40°39'29" EAST, A DISTANCE OF 55.54 FEET);

THENCE SOUTH 38°14'05" WEST, A DISTANCE OF 195.53 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 349.00 FEET, A CENTRAL ANGLE OF 08°56'40", A DISTANCE OF 54.48 FEET, (A CHORD BEARING SOUTH 56°14'15" EAST, A DISTANCE OF 54.43 FEET);

THENCE SOUTH 29°17'26" WEST, A DISTANCE OF 146.00 FEET;

THENCE SOUTH 18°00'06" WEST, A DISTANCE OF 123.44 FEET;

THENCE SOUTH 18°00'06" WEST, A DISTANCE OF 154.77 FEET;

THENCE NORTH 59°43'24" WEST, A DISTANCE OF 585.67 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I);

THENCE NORTH 88°00'57" WEST, A DISTANCE OF 115.52 FEET TO A POIN ON THE WEST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I);

THENCE ALONG SAID WEST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I) SOUTH 01°40'36" WEST, A DISTANCE OF 218.26 FEET;

THENCE NORTH 88°51'01" WEST, A DISTANCE OF 1,295.74 FEET;

THENCE NORTH 01°25'21" EAST, A DISTANCE OF 667.22 FEET;

THENCE SOUTH 89°23'08" EAST, A DISTANCE OF 1,301.34 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I);

THENCE SOUTH 89°21'56" EAST, A DISTANCE OF 116.20 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I);

THENCE CONTINUING ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF HIGHWAY 71 THE FOLLOWING 3 COURSES:

1. NORTH 02°03'38" EAST, A DISTANCE OF 564.26 FEET;
2. NORTH 02°03'39" EAST, A DISTANCE OF 262.75 FEET;
3. NORTH 02°37'26" EAST, A DISTANCE OF 475.46 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 2,690,935 SQ. FT. (61.78 ACRES), MORE OR LESS.

## **STUDY OF BLIGHT AND SUBSTANDARD CONDITIONS**

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City of Scottsbluff, Nebraska

May 1, 2015

This report documents the existence of blighted and substandard conditions for an area in Scottsbluff, Nebraska (the “Study Area”) located on the southeast corner of HWY 71 and 42<sup>nd</sup> Street. This Study Area includes single family residences, commercial buildings, several undeveloped lots and abutting street rights of way. This study is intended to review the Study Area for eligibility (as blighted and substandard) pursuant to Section 18-2103 of Nebraska Revised Statutes, as contained in the Nebraska Community Development Law (the “Act”). The Adler Tracts Subdivision is included in this Study Area, as the condition of both its buildings and infrastructure significantly contribute to the blighted and substandard conditions of the specific area within the City of Scottsbluff (the “City”) that is proposed for the blighted and substandard designation. This discussed in more detail below.

### **Legal Description**

The Study Area is described on Exhibit A1, attached hereto and made a part hereof by this reference. The area within the City to be designated as blighted and substandard is described on Exhibit A2, attached hereto and made a part hereof.

### **Relevant Nebraska Statutes**

The constitutional terms, “Substandard” and “Blighted” are statutorily defined in §18-2103, which are set out below:

(10) **Substandard areas** means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;

(11) **Blighted area** means an area, which  
(a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in

## Study of Blight and Substandard Conditions

relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use; and,

(b) in which there is at least one of the following conditions:

- (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average;
- (ii) the average age of the residential or commercial units in the area is at least forty years;
- (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time;
- (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or
- (v) the area has had either stable or decreasing population based on the last two decennial censuses.

### **Analysis of Study Area**

This section reviews the land use, infrastructure, building and economic conditions found within the Study Area. A field survey was completed on July 26, 2014, and a review of conditions on April 12, 2015. The following section identifies such existing conditions and additional factors which contribute to a determination of a blighted and substandard condition. This analysis is based upon the observations during the field survey, available public records and interviews with the owners' representatives.

The inclusion of the Adler Tracts in this Study Area is appropriate as it impacts the adjacent undeveloped area that is within the City of Scottsbluff and should not be ignored. The development potential of property is determined not only by the condition of the property itself, but the condition of the adjacent land. This inclusion finds additional support in the Act. The Act provides that a redevelopment authority has redevelopment powers within its "Area of Operation" in a blighted and substandard area. The city, not the redevelopment authority, determines the boundaries of the blighted and substandard area, pursuant to Section 18-2109 of



## Study of Blight and Substandard Conditions

the Act. This determination is not specifically limited to areas totally within the city. Section 18-2123 of the Act provides in relevant part “that the development of land outside the city, but within a radius of three miles thereof,... or is a necessary adjunct to the general community redevelopment program of the city, the acquisition, planning, preparation for the development or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner provided in the foregoing sections.” Section 18-2153 of the Act further provides in relevant part that the Act “and all grants of power, authority, rights, or discretion to a city or village and to an authority created under the Community Development Law shall be liberally construed, and all incidental powers necessary to carry into effect such sections are hereby expressly granted to and conferred upon a city, village or authority created pursuant to the Community Development Law.” Therefore the inclusion of the area outside but adjacent to the City is both necessary and appropriate for the sound redevelopment planning and program of the City.

### Substandard Area Analysis

As previously set forth in Section 18-2103 (10), the factors which define a **substandard area** include a “preponderance of buildings or improvements, whether nonresidential or residential in character, which, by reason of” the following circumstances:

#### 1. ***Dilapidation or Deterioration***

This subsection considers the building and improvements within the Study Area. The main infrastructure components may include water, sewer, sidewalks, streets, curb and gutter, and accessibility. Public utilities can directly influence a community’s capacity for growth. If infrastructure improvements are outdated or unavailable, land development must await their installation or updating.

While all the above mentioned criteria were evaluated, only some of those determined to contribute to the blight and substandard conditions for the Study Area need be considered here, as follows:

(a) The Adler Tracts is internally served solely by substandard streets known as West Adler Drive. These streets are passible by vehicles, but without curb and gutter drainage and are completely inadequate for the future development of the site. See photo \_\_\_\_\_. The undeveloped

## Study of Blight and Substandard Conditions

area within the City has no internal street system except two streets which are only one-half the required width of normal and are inadequate to serve additional development.

(b) The buildings in the Adler Tracts are primarily residential. All of the lots externally exhibit conditions of dilapidation and deterioration. These include out buildings and trailers. A majority of the buildings either appear or are assessed by the county as badly worn. See photos \_\_\_\_\_. The undeveloped area within the City has no structures.

### Conclusion:

The results of the field survey of building conditions and a review of public records indicate that a majority of the structures have major deficiencies, are deteriorating and need rehabilitation. Due to this fact, a majority of all structures within the Study Area can be classified pursuant to the Act as being substandard. The existence of this level of substandard structures and improvements constitutes a reasonable presence of substandard conditions in this Study Area which inhibits the sound growth of the area within the City.

## 2. ***Age or Obsolescence***

A structure, whether it is a building or part of an infrastructure system, may be considered substandard even though it is not currently in such a dilapidated condition as to be unusable in its present circumstances. The age of a structure may indicate that its useful economic life is limited before expensive repairs or replacement become necessary. A structure may also be well suited for a past purpose, but be economically or functionally obsolete to support a modern use. As discussed above there are both permanent and temporary structures located in the Study Area. The infrastructure, while barely adequate to serve the Adler Tracts, is unsuited to any modern commercial or residential development. This inadequacy indicates both functional and economic obsolescence.

### Conclusion:

The Act specifies that one of the elements of substandard condition is a predominance of older or obsolete structures. Therefore with a majority of the infrastructure and buildings meeting these criteria, the Study Area can be considered to be substandard by reasons of structure age and obsolescence.



### **3. Inadequate Provisions for Ventilation, Light, Air, Sanitation or Open Space**

During the field survey conducted to determine building conditions, building and grounds conditions were also evaluated with regard to factors that present on-going negative conditions or impacts and thus contribute to the physical decline of any developed urban area. The lack of adequate ventilation, sun light, clean air, proper sanitation facilities and open space can be a contributing factor to the decline of any urban area and the presence of any or all of these in reasonable numbers or intensity is considered, under Act, to contribute to the substandard character of any urban area.

The survey did not reveal any appreciable problems with ventilation of structures or where the size of the building on the lot and / or the small lot size itself did contribute to situations where there is a lack of sunlight and lack of open space.

#### Conclusion:

The field investigation documented that there are no properties within the Study Area where the lack of adequate provisions for sunlight and open space contribute to the substandard factors of the Study Area.

### **4. Existence of Conditions which Endanger Life or Property by Fire or other Causes**

The field survey indicated that there are conditions which endanger life or property to varying degrees within the Study Area. These include the deteriorating condition of many of the buildings and debris in the lots. This combination of old, and potentially or probable abandoned structures, presents a substantial potential for endangerment of life and property.

#### Conclusion:

A number of conditions which endanger life or property values (as further discussed in paragraph below) do now exist in this Study Area, and these conditions are sufficient in number and distribution to qualify as a substandard factor.



**5. Any Combination of Factors which are conducive to Ill Health, Transmission of Disease, Infant Mortality, Juvenile Delinquency and Crime, and is Detrimental to the Public Health, Safety, Morals or Welfare**

The above listed factors indicate substandard conditions that do exist in the Study Area. These conditions also present a real potential for detrimental effects on the safety and health of the citizens residing in or near the Study Area when two or more of the substandard conditions occur in the Area. An evaluation of the various combinations of substandard conditions listed above produced the following findings.

Conclusion:

The combination of these types of substandard factors in the Study Area significantly and negatively affects the population working and residing both in and outside the City. This impact on the population is sufficient to conclude that this combination of negative factors is in and of itself a substandard factor in this Study Area. The site conditions retard the development of the undeveloped portion of the Study Area which will continue to result in lower property and sales tax for the jurisdictions. New investment will not reasonably occur unless there is significant public assistance through the redevelopment authority. Considering its prominent location, a successful redevelopment effort is critical. Without redevelopment assistance, it is likely that the site will remain in its substandard or undeveloped condition.

**Blighted Area Analysis**

As previously set forth in Section 18-2103 (11), the factors which define a **blighted area** include:

(a) Any combination of the following factors which “substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability”, to wit:

**1. Presence of a Substantial Number of Deteriorated or Deteriorating Structures**

## Study of Blight and Substandard Conditions

As discussed in the previous analysis of the substandard factors, most of the structures in the Study Area are judged to be deteriorating. The deteriorated and inadequate road and drainage improvements described as substandard above also clearly fit within this definition. These continuing conditions and under-use of the property will lead to further deterioration and the consequent emergence of conditions that constitute an economic liability, which both endanger property and are detrimental to the public welfare.

### Conclusion:

The presence of these substandard structures is a strong factor contributing to the conditions of blight.

## **2. Existence of Defective or Inadequate Street Layout**

The deteriorated and inadequate road/drives discussed in the prior analysis as substandard do not provide adequate infrastructure for development. West Adler Drive consists as two distinct dead-ended drives separated by a drainage ditch. The drives do not have a publically dedicated turn around or connection that a public street or cul-de-sac is required to have. The undeveloped portion of the Study Area has no internal street system, but is served by two streets which are only one-half the required width, and are therefore substandard to serve additional development.

### Conclusion:

The internal street layout is defective and inadequate for further development of the property.

## **3. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness**

The Study Area is platted.

### Conclusion:

Redevelopment of the Adler Tracts may require some platting into urban commercial or residential lots, with additional internal rights-of-way.

## **4. Unsanitary and Unsafe Conditions**

## Study of Blight and Substandard Conditions

As discussed previously in the analysis of substandard factors, there are several instances within the Study Area where unsanitary and unsafe conditions exist. These include both attractive nuisances such as the open or abandoned structures.

### Conclusion:

There are significant unsanitary and unsafe conditions that do, or reasonably will, exist to constitute a condition of blight.

(b) the following conditions (from five objective criteria listed in the statute) are present, to wit:

#### ***The average age of the residential or commercial units in the area is at least forty years***

The majority of the buildings in the Study Area appear to exceed forty (40) years in age. However a further inquiry of public records would be required to validate this observation.

#### ***Decreasing or Stable Population***

The Study Area has displayed a stable or decreasing population between the last two decennial censuses. The portion of the Study Area within the City has had no population between the last two decennial censuses.

#### ***Income Level***

The median income of the census tract is lower than the average median income of Scotts Bluff County and the average of the census tracts within the City.



## Study of Blight and Substandard Conditions

### **Conclusion of Blighted and Substandard Analysis**

Based on this analysis, the property within the Study Area meets the subjective criteria of both blighted and substandard conditions and displays the presence of at least two, and perhaps three, of the objective criteria required for a finding of blighted condition. The requirement of the Act is that at least one of these needs to be present.

### **Conformance with the Comprehensive Plan**

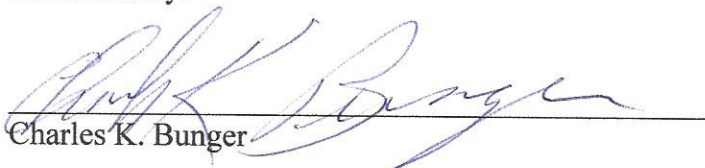
A declaration of blighted and substandard conditions in the Study Area conforms with the City of Scottsbluff Comprehensive Plan because it:

- Is located in an area eligible for such declaration.
- Allows for incentives to keep the employment base and supporting commercial activity in an area currently served by major infrastructure. .
- Is located along an existing major arterial.
- Provides a financing tool for the development of a variety of additional housing units.

### **Blighted and Substandard Area Declaration**

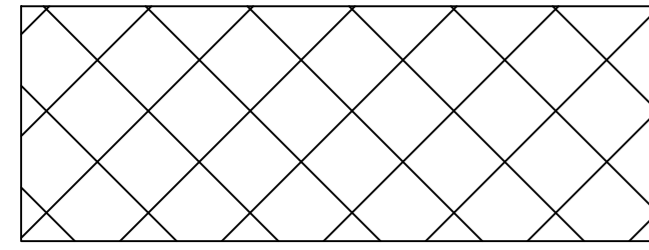
**By virtue of the findings of this study, the Study Area (as amended) may retain the blighted and substandard designation, pursuant to the requirements of the Nebraska Community Development Law.**

Submitted by:

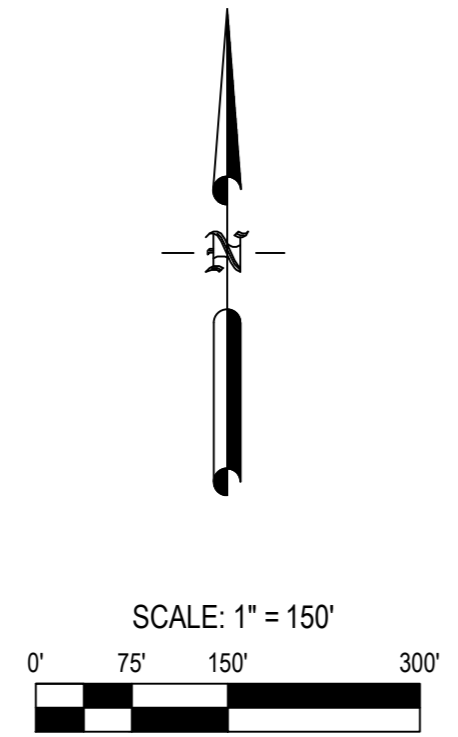
  
Charles K. Bunger



TOTAL BLIGHTED AREAS  
2,690,935 S.F.  
61.78 ACRES



BLIGHTED AREAS W/  
STRUCTURES  
739,123 S.F.  
16.97 ACRES



**APPROXIMATE BOUNDARY DESCRIPTION**

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 14, BEARS SOUTH 02°03'39" WEST, A DISTANCE OF 2675.32 FEET; THENCE ALONG NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14, SOUTH 88°13'30" EAST, A DISTANCE OF 69.51 FEET; THENCE SOUTH 01°46'30" WEST, A DISTANCE OF 33.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY OF 42ND STREET AND TO **THE POINT OF BEGINNING**;

THENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE OF 42ND STREET SOUTH 88°13'30" EAST, A DISTANCE OF 844.66 FEET TO A POINT ON THE EAST RIGHT OF WAY OF AVENUE G;  
 THENCE ALONG SAID EAST RIGHT OF WAY OF AVENUE G, SOUTH 02°09'33" WEST, A DISTANCE OF 673.92 FEET TO A POINT ON THE EXISTING NORTH RIGHT OF WAY LINE OF 40TH STREET;  
 THENCE ALONG SAID EXISTING NORTH RIGHT OF WAY LINE OF 40TH STREET, SOUTH 88°19'45" EAST, A DISTANCE OF 568.64 FEET;  
 THENCE SOUTH 01°40'23" WEST, A DISTANCE OF 177.45 FEET;  
 THENCE SOUTH 88°19'48" EAST, A DISTANCE OF 110.02 FEET;  
 THENCE SOUTH 02°05'08" EAST, A DISTANCE OF 389.09 FEET;  
 THENCE NORTH 88°52'32" WEST, A DISTANCE OF 342.69 FEET;  
 THENCE NORTH 83°57'32" WEST, A DISTANCE OF 117.00 FEET;  
 THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 318.00 FEET, A CENTRAL ANGLE OF 05°37'57", A DISTANCE OF 31.26 FEET, (A CHORD BEARING NORTH 03°13'30" EAST, A DISTANCE OF 31.25 FEET);  
 THENCE NORTH 88°26'48" WEST, A DISTANCE OF 180.75 FEET;  
 THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 159.00 FEET, A CENTRAL ANGLE OF 18°14'20", A DISTANCE OF 50.61 FEET, (A CHORD BEARING NORTH 07°53'39" WEST, A DISTANCE OF 50.40 FEET);  
 THENCE NORTH 87°18'07" WEST, A DISTANCE OF 56.56 FEET;  
 THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 22°43'32", A DISTANCE OF 53.15 FEET, (A CHORD BEARING SOUTH 81°20'07" WEST, A DISTANCE OF 52.80 FEET);  
 THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 25°25'50", A DISTANCE OF 59.40 FEET, (A CHORD BEARING SOUTH 57°16'26" WEST, A DISTANCE OF 58.91 FEET);  
 THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 22°13'34", A DISTANCE OF 51.98 FEET, (A CHORD BEARING SOUTH 33°27'44" WEST, A DISTANCE OF 51.66 FEET);  
 THENCE SOUTH 22°20'57" WEST, A DISTANCE OF 54.48 FEET;  
 THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 08°21'16", A DISTANCE OF 22.45 FEET, (A CHORD BEARING SOUTH 18°10'19" WEST, A DISTANCE OF 22.43 FEET);  
 THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 22°07'48", A DISTANCE OF 59.48 FEET, (A CHORD BEARING SOUTH 02°55'47" WEST, A DISTANCE OF 59.11 FEET);  
 THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 22°08'04", A DISTANCE OF 59.49 FEET, (A CHORD BEARING SOUTH 19°12'08" EAST, A DISTANCE OF 59.12 FEET);  
 THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 20°46'38", A DISTANCE OF 55.85 FEET, (A CHORD BEARING SOUTH 40°39'29" EAST, A DISTANCE OF 55.54 FEET);  
 THENCE SOUTH 38°14'05" WEST, A DISTANCE OF 195.53 FEET;  
 THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 349.00 FEET, A CENTRAL ANGLE OF 08°56'40", A DISTANCE OF 54.48 FEET, (A CHORD BEARING SOUTH 56°14'15" EAST, A DISTANCE OF 54.43 FEET);  
 THENCE SOUTH 29°17'26" WEST, A DISTANCE OF 146.00 FEET;  
 THENCE SOUTH 18°00'06" WEST, A DISTANCE OF 123.44 FEET;  
 THENCE SOUTH 18°00'06" WEST, A DISTANCE OF 154.77 FEET;  
 THENCE NORTH 59°43'24" WEST, A DISTANCE OF 585.67 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I);  
 THENCE NORTH 88°00'57" WEST, A DISTANCE OF 115.52 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I);  
 THENCE ALONG SAID WEST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I) SOUTH 01°40'36" WEST, A DISTANCE OF 218.26 FEET;  
 THENCE NORTH 88°51'01" WEST, A DISTANCE OF 1,295.74 FEET;  
 THENCE NORTH 01°25'21" EAST, A DISTANCE OF 867.22 FEET;  
 THENCE SOUTH 89°23'08" EAST, A DISTANCE OF 1,301.34 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I);  
 THENCE SOUTH 89°21'56" EAST, A DISTANCE OF 116.20 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I);  
 THENCE CONTINUING ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF HIGHWAY 71 THE FOLLOWING 3 COURSES:  
 1. NORTH 02°03'38" EAST, A DISTANCE OF 564.26 FEET;  
 2. NORTH 02°03'39" EAST, A DISTANCE OF 262.75 FEET;  
 3. NORTH 02°37'26" EAST, A DISTANCE OF 475.46 FEET, MORE OR LESS, TO **THE POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS 2,742,253 SQ. FT. (62.95 ACRES), MORE OR LESS.



120 East 16th St.  
Scottsbluff, NE 68961  
308.632.3123  
www.baker-inc.com

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**PRELIMINARY PLAN**  
NOT TO BE USED FOR  
CONSTRUCTION

Project Title:  
**FIVE OAKS SUBDIVISION  
2015 REVISED PRELIMINARY PLAT**

C&T Holdings, LLC  
Scottsbluff, Nebraska

Sheet Title:  
**BLIGHTED AREAS**

Date Issued: April 2, 2015

Project: 023-018-14  
CAD File:  
023-018 Preliminary Plat 2015.dwg  
Design Drawing Check  
JWB JES

Sheet No.  
**C-1.01**



**City of Scottsbluff, Nebraska**  
**Monday, May 11, 2015**  
**Regular Meeting**

**Item NewBiz3**

**Revised Preliminary Plat: Five Oaks Subdivision**

*Applicant: C & T Holdings/Baker & Associates*

*Owner(s): C & T Holdings/Jason & Sami Webb*

*Location: S of 42nd and East of Hwy 71*

Staff Contact: Annie Urdiales

# *SCOTTSBLUFF CITY*

## *PLANNING COMMISSION STAFF REPORT*

---

**To:** Planning Commission  
**From:** Development Services Department  
**Date:** April 13, 2015  
**Subject:** Revised Preliminary Plat Five Oaks Subdivision  
**Location:** South of 42nd St., & East of Highway 71 (Ave I)

**Zoning:** Ag & C-2  
**Property Size:**

**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 and Jason Webb, 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 east of US Highway 71. The following lots and blocks on the preliminary plat have changed from last year's preliminary plat.

**Lots 1 and 2, Block 9 (changed (1) and adding (2))**

**Lots, 16, 17 all in Block 6 (changed)**

**Lot 1 Block 11 (changed is smaller)**

**Lots 4, 5, and 6 Block 12 were deleted**

**Lot 18, Block 6 was deleted.**

City staff and Consultants have reviewed the preliminary plat and proposed future infrastructure to the property. The revised preliminary plat includes Block 9 which was annexed, rezoned and final platted last year. This area is being vacated and approximately three acres will be added creating two lots in Block 9. Water and sewer is in place for the revised Block 9 with the stubs to the east of Highway 71, some work will have to be done by the City as the existing sanitary sewer main is in dis-repair. New lines to extend infrastructure into the subdivision will be done at the time the property is developed with districts, all these improvements will be covered under the Developer's Agreement which will be submitted to City Council for approval. The Developer has submitted a final plat for the new Block 9, within the revised preliminary plat along with annexation of the Five Oaks Subdivision, approximately 32.67 acres into the City's corporate boundary, and a rezone for the area added to Block 9 to C-2, the remainder of the area will remain Agricultural until final platting and development is done. The preliminary plat meets the subdivision codes and city standards. Staff met with the Engineering consultants, discussed a few changes and concerns of the preliminary plat and the changes have been made.

**RECOMMENDATION**

*Approve*

**Make a POSITIVE RECOMMENDATION to the City Council to approve revised preliminary plat of Five Oaks Subdivision 2015 subject to the following condition(s):**

Preliminary/Final Plat Request, Page 1

*Deny*

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove revised preliminary plat Five Oaks Subdivision 2015 for the following reason(s):**

*Table*

**Make the motion to TABLE the revised preliminary plat Five Oaks Subdivision 2015 for the following reason(s):**



# FIVE OAKS SUBDIVISION - 2015 PRELIMINARY PLAT

SCOTTSBLUFF, NEBRASKA

120 East 16th St.  
Scottsbluff, NE 69361  
308.632.3123  
www.baker-inc.com

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PRELIMINARY PLAT  
NOT TO BE USED FOR  
CONSTRUCTION

Project Title:  
**FIVE OAKS SUBDIVISION  
2015 REVISED PRELIMINARY PLAT**

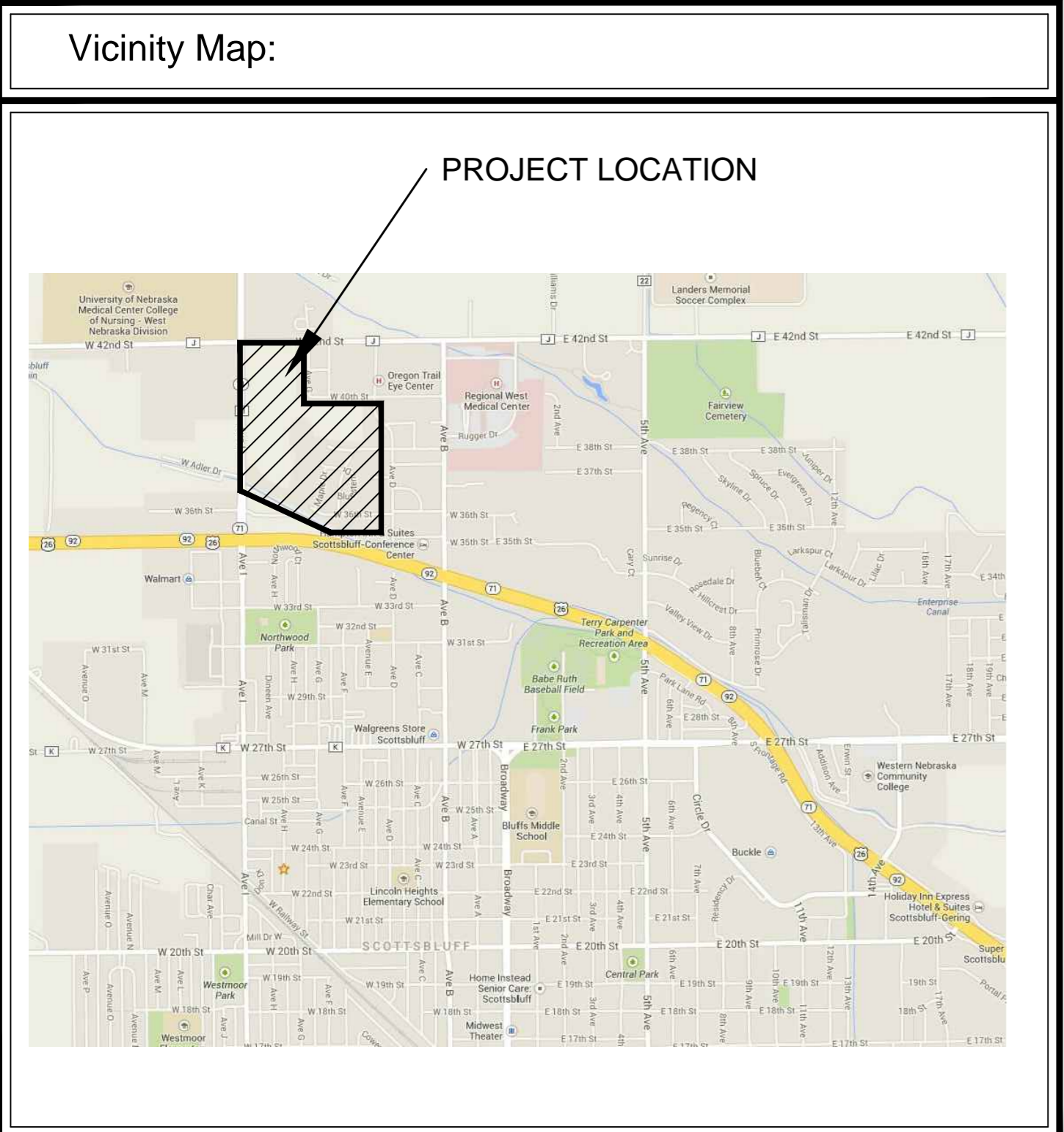
C&T Holdings, LLC  
Scottsbluff, Nebraska

Sheet Title:  
**COVER SHEET**

Date Issued: April 2, 2015

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

Sheet No.  
**0**



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	VACATED LOT PLAN
C-1.02	LOT PLAN
C-1.03	STREET PLAN
C-1.04	GRADING AND DRAINAGE PLAN
C-1.05	UTILITY PLAN

Property Description:

A PARCEL OF LAND KNOWN AS THE REMAINDER OF THE UNPLATTED LANDS FOR FIVE OAKS SUBDIVISION, CONTAINING 1,604,562 SQ. FT. (36.836 ACRES), MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 14, BEARS SOUTH 02°03'39" WEST, A DISTANCE OF 2675.52 FEET, THENCE ALONG NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14, SOUTH 88°13'30" EAST, A DISTANCE OF 69.51 FEET, THENCE SOUTH 01°46'30" WEST, A DISTANCE OF 33.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY OF 42ND STREET AND TO THE POINT OF BEGINNING.

THENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE OF 42ND STREET SOUTH 88°13'30" EAST, A DISTANCE OF 814.66 FEET TO A POINT ON THE WEST RIGHT OF WAY OF AVENUE G.

THENCE ALONG SAID WEST RIGHT OF WAY OF AVENUE G, SOUTH 02°09'33" WEST, A DISTANCE OF 743.92 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF 40TH STREET.

THENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY LINE OF 40TH STREET, SOUTH 88°19'45" EAST, A DISTANCE OF 313.58 FEET TO A POINT OF INTERSECTION WITH THE DESCRIPTION RECORDED IN INSTRUMENT 2009-5025 FILED IN THE SCOTTS BLUFF COUNTY RECORDS;

THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID INSTRUMENT 2009-5025:

1. SOUTH 03°37'31" WEST, A DISTANCE OF 123.15 FEET;
2. THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 97.00 FEET, A CENTRAL ANGLE OF 36°16'17", A DISTANCE OF 61.41 FEET, (A CHORD BEARING SOUTH 15°26'16" EAST, A DISTANCE OF 60.39 FEET);
3. THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 487.00 FEET, A CENTRAL ANGLE OF 39°05'20", A DISTANCE OF 332.25 FEET, (A CHORD BEARING SOUTH 14°01'45" EAST, A DISTANCE OF 325.84 FEET) TO A POINT OF INTERSECTION WITH THE EXISTING RIGHT OF WAY FOR MULBERRY STREET.

THENCE NORTH 88°52'32" WEST, A DISTANCE OF 52.17 FEET;

THENCE NORTH 83°57'32" WEST, A DISTANCE OF 117.00 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 318.00 FEET, A CENTRAL ANGLE OF 05°37'57", A DISTANCE OF 31.26 FEET, (A CHORD BEARING NORTH 03°13'30" EAST, A DISTANCE OF 31.25 FEET);

THENCE NORTH 88°26'48" WEST, A DISTANCE OF 180.75 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 159.00 FEET, A CENTRAL ANGLE OF 18°14'20", A DISTANCE OF 50.61 FEET, (A CHORD BEARING NORTH 07°53'28" WEST, A DISTANCE OF 50.40 FEET);

THENCE NORTH 67°18'07" WEST, A DISTANCE OF 66.56 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 22°43'32", A DISTANCE OF 53.15 FEET, (A CHORD BEARING SOUTH 81°20'07" WEST, A DISTANCE OF 52.80 FEET);

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 25°23'50", A DISTANCE OF 59.40 FEET, (A CHORD BEARING SOUTH 57°16'26" WEST, A DISTANCE OF 58.91 FEET);

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 134.00 FEET, A CENTRAL ANGLE OF 22°13'34", A DISTANCE OF 51.98 FEET, (A CHORD BEARING SOUTH 33°37'44" WEST, A DISTANCE OF 51.68 FEET);

THENCE SOUTH 22°20'57" WEST, A DISTANCE OF 54.48 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 08°21'16", A DISTANCE OF 22.45 FEET, (A CHORD BEARING SOUTH 18°10'19" WEST, A DISTANCE OF 22.43 FEET);

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 02°10'48", A DISTANCE OF 59.48 FEET, (A CHORD BEARING SOUTH 02°59'47" WEST, A DISTANCE OF 59.11 FEET);

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 22°08'04", A DISTANCE OF 59.49 FEET, (A CHORD BEARING SOUTH 19°12'08" EAST, A DISTANCE OF 59.12 FEET);

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 154.00 FEET, A CENTRAL ANGLE OF 20°46'38", A DISTANCE OF 55.85 FEET, (A CHORD BEARING SOUTH 40°39'29" EAST, A DISTANCE OF 55.54 FEET);

THENCE SOUTH 38°14'05" WEST, A DISTANCE OF 195.53 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 349.00 FEET, A CENTRAL ANGLE OF 08°56'40", A DISTANCE OF 54.48 FEET, (A CHORD BEARING SOUTH 56°14'19" EAST, A DISTANCE OF 54.43 FEET);

THENCE SOUTH 29°17'28" WEST, A DISTANCE OF 146.00 FEET;

THENCE SOUTH 18°00'06" WEST, A DISTANCE OF 123.44 FEET;

THENCE SOUTH 18°00'06" WEST, A DISTANCE OF 154.77 FEET;

THENCE NORTH 59°43'24" WEST, A DISTANCE OF 585.67 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I);

THENCE CONTINUING ALONG SAID EXISTING EAST RIGHT OF WAY LINE OF HIGHWAY 71 THE FOLLOWING 3 COURSES:

1. NORTH 02°03'39" EAST, A DISTANCE OF 1,028.18 FEET;
2. NORTH 02°03'39" EAST, A DISTANCE OF 282.75 FEET;
3. NORTH 02°37'26" EAST, A DISTANCE OF 475.46 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1,604,562 SQ. FT. (36.836 ACRES), MORE OR LESS.

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

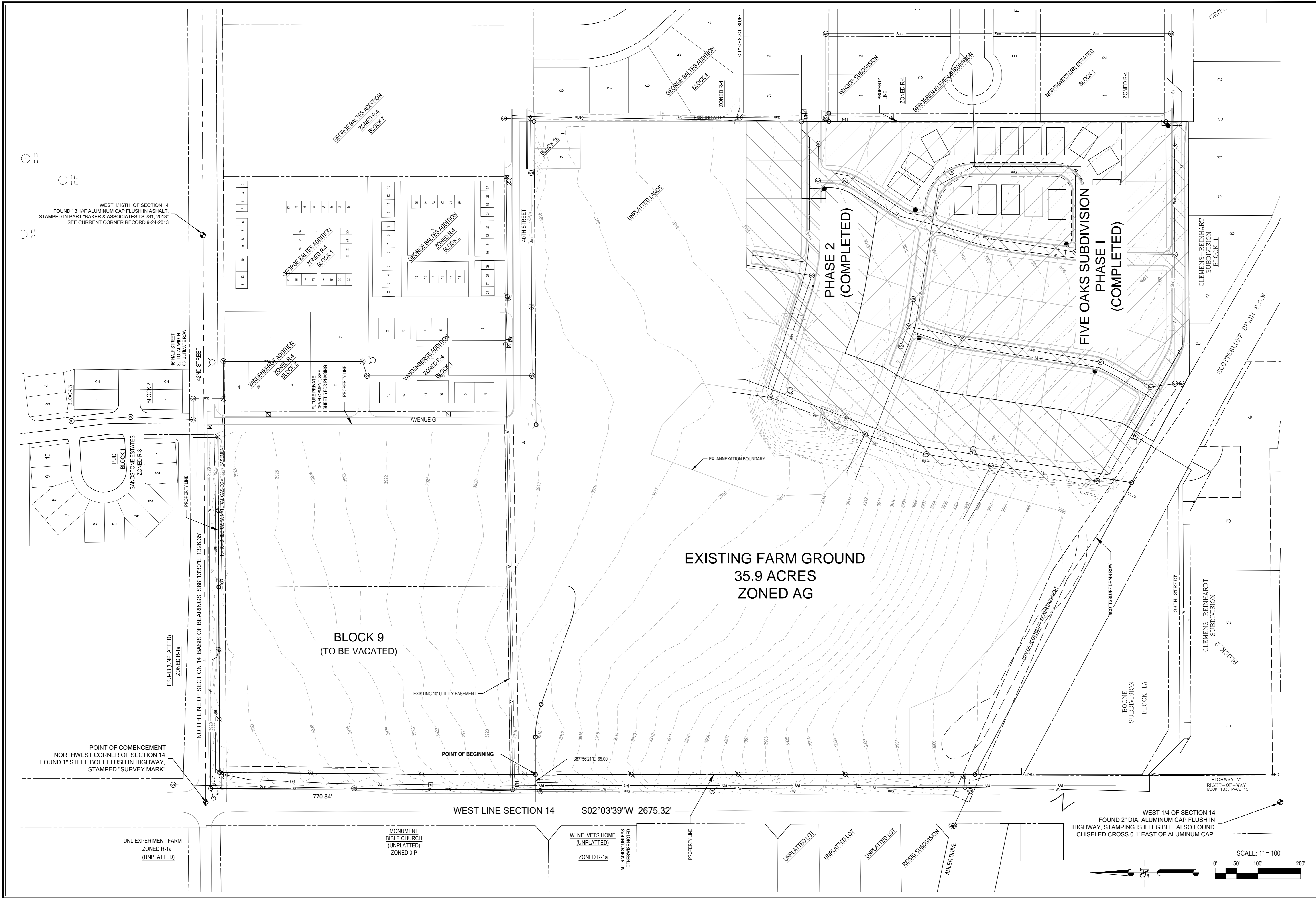
SYMBOL LEGEND		LINETYPE DESIGNATION	
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	EXISTING LIGHT POLE WITH POWER		EXISTING UNDERGROUND POWER LINE
	EXISTING POWER POLE		EXISTING OVERHEAD TELEPHONE LINE
	EXISTING ELECTRICAL METER BOX		EXISTING UNDERGROUND TELEPHONE LINE
	EXISTING ELECTRICAL TRANSFORMER		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		LIMITS OF CONSTRUCTION
	EXISTING WATER VALVE IN MANHOLE		EXISTING CONTOUR LINE
	EXISTING CURB STOP		PROPOSED CONTOUR LINE
	EXISTING WATER METER PIT		EASEMENT LINE
	EXISTING WELL		PROPERTY LINE
	EXISTING YARD HYDRANT		SECTION LINE

OWNER INFORMATION:

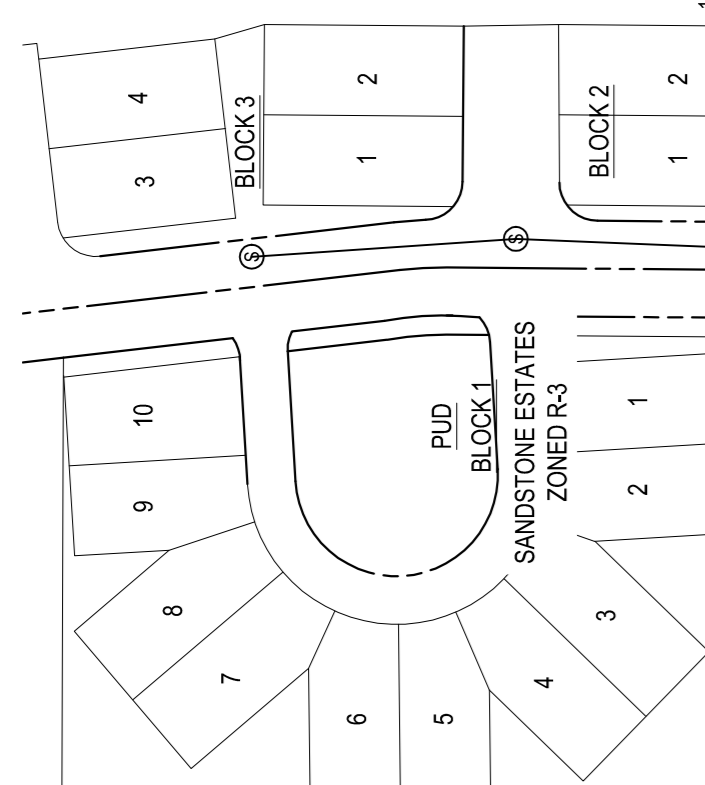
C&T Holdings, LLC  
1320 Circle Drive  
Scottsbluff, NE 69361

Jason & Sami Webb  
1602 West 42nd Street  
Scottsbluff, NE 69361

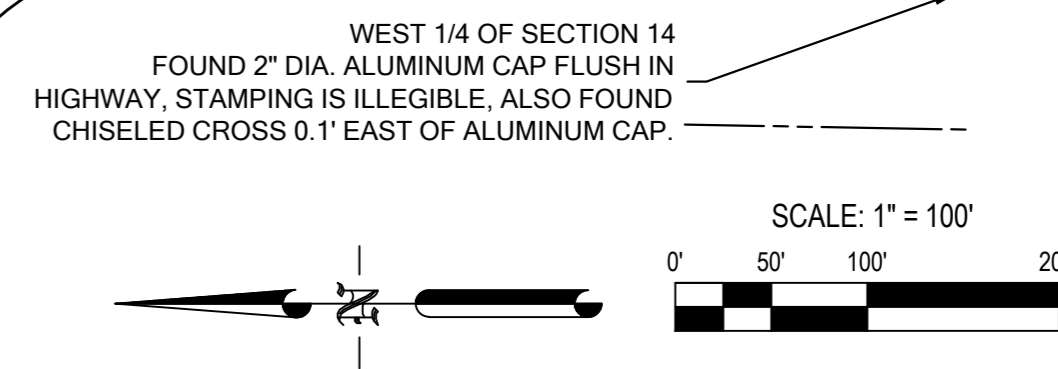




PP  
PP  
PP  
WEST 1/16TH OF SECTION 14  
FOUND "3 1/4" ALUMINUM CAP FLUSH IN ASPHALT,  
STAMPED IN PART "BAKER & ASSOCIATES 4/8 731, 2013"  
SEE CURRENT CORNER RECORD 9-24-2013



POINT OF COMMENCEMENT  
NORTHWEST CORNER OF SECTION 14  
FOUND 1" STEEL BOLT FLUSH IN HIGHWAY,  
STAMPED "SURVEY MARK"



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**PRELIMINARY PLAN**  
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CONSTRUCTION

Project Title:  
**FIVE OAKS SUBDIVISION  
2015 REVISED PRELIMINARY PLAT**  
C&T Holdings, LLC  
Scottsbluff, Nebraska

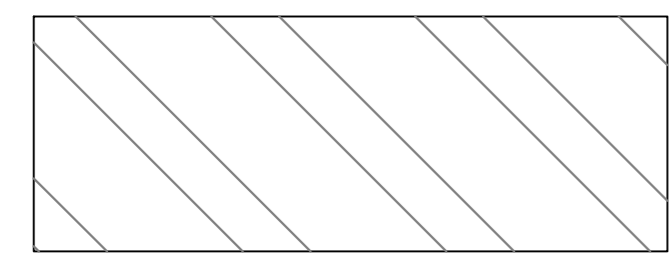
Sheet Title:  
**EXISTING SITE PLAN**

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

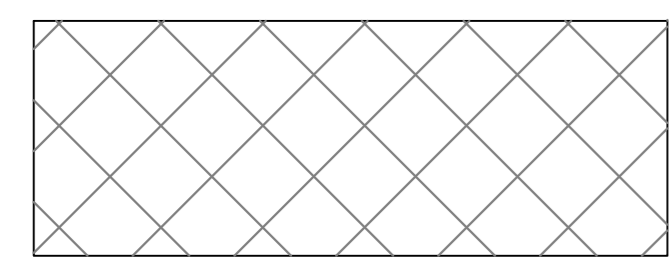
Sheet No.  
**C-1.00**

Date issued: April 2, 2015

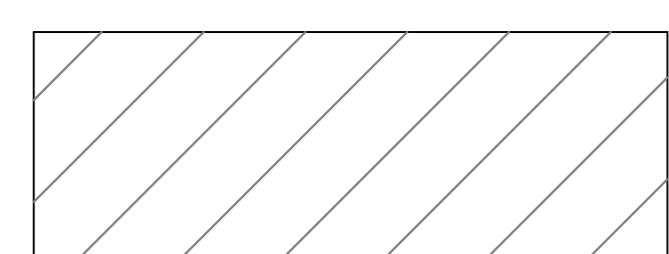
AREA TO BE ANNEXED  
BUT NOT RE-ZONED  
(CURRENT ZONING AG.)



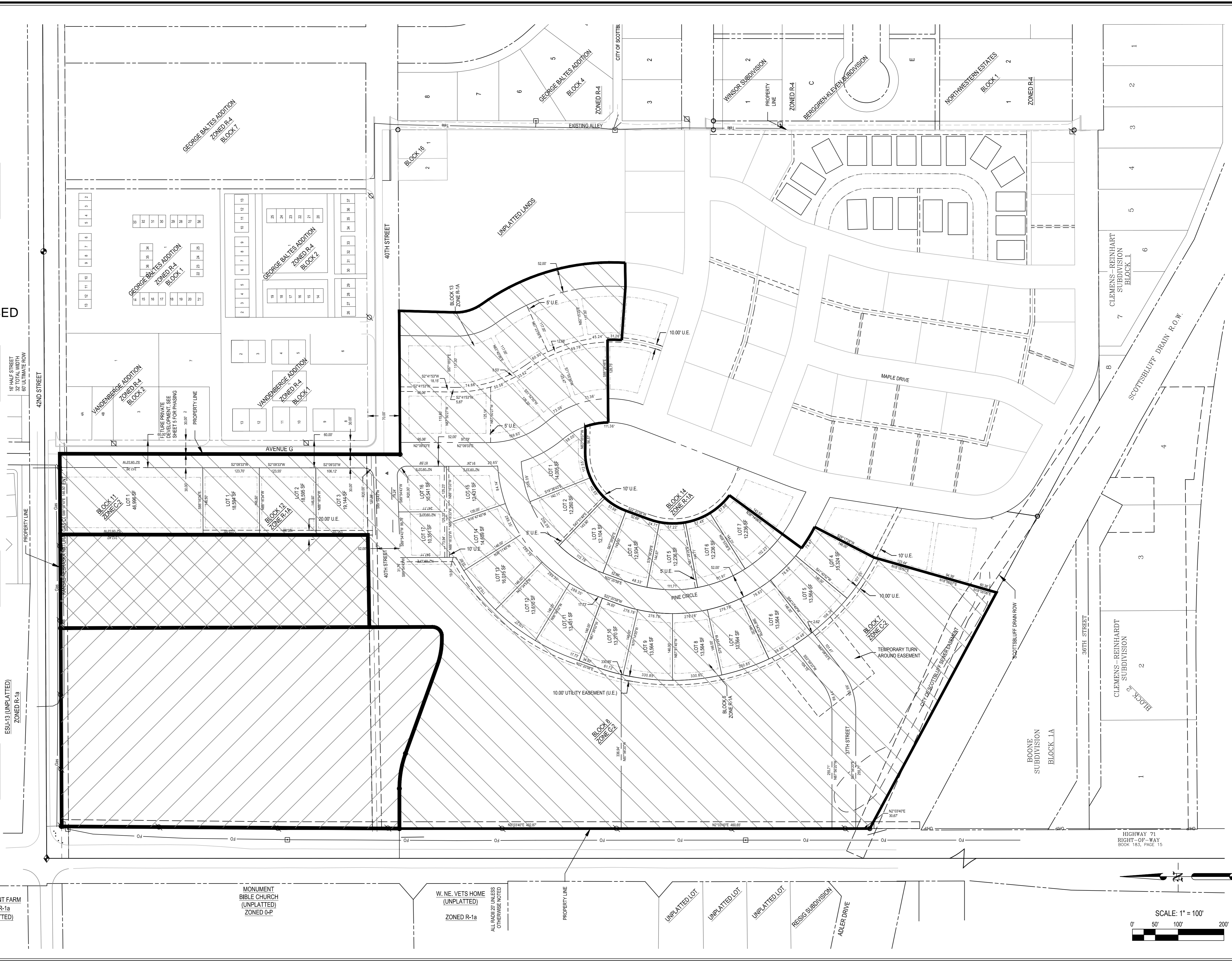
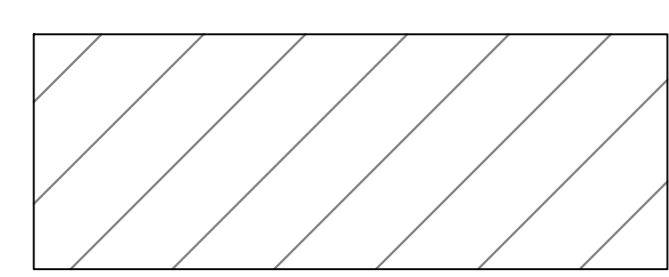
AREA TO BE ANNEXED  
AND RE-ZONED FROM  
AG. TO COMMERCIAL &  
INCLUDED IN THE REVISED  
BLOCK 9



AREA TO BE ANNEXED  
BUT NOT RE-ZONED  
(CURRENT ZONING  
COMMERCIAL)



AREA PREVIOUSLY  
PLATTED AS BLOCK 9  
THAT WILL BE VACATED  
AND PLATTED AS LOTS  
1 & 2, BLOCK 9

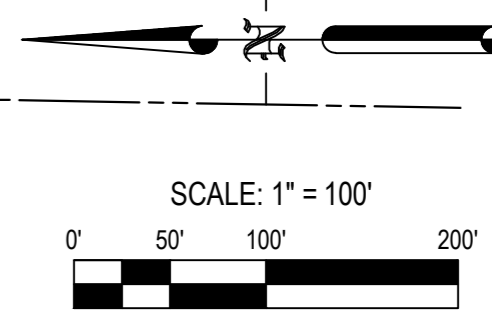


UNL EXPERIMENT FARM  
ZONED R-1a  
(UNPLATTED)

MONUMENT BIBLE CHURCH  
(UNPLATTED)  
ZONED O-P

W. NE. VETS HOME  
(UNPLATTED)  
ZONED R-1a  
ALL BASED ON UNLESS  
OTHERWISE NOTED

UNPLATTED LOT  
UNPLATTED LOT  
UNPLATTED LOT  
REISIG SUBDIVISION  
ADLER DRIVE



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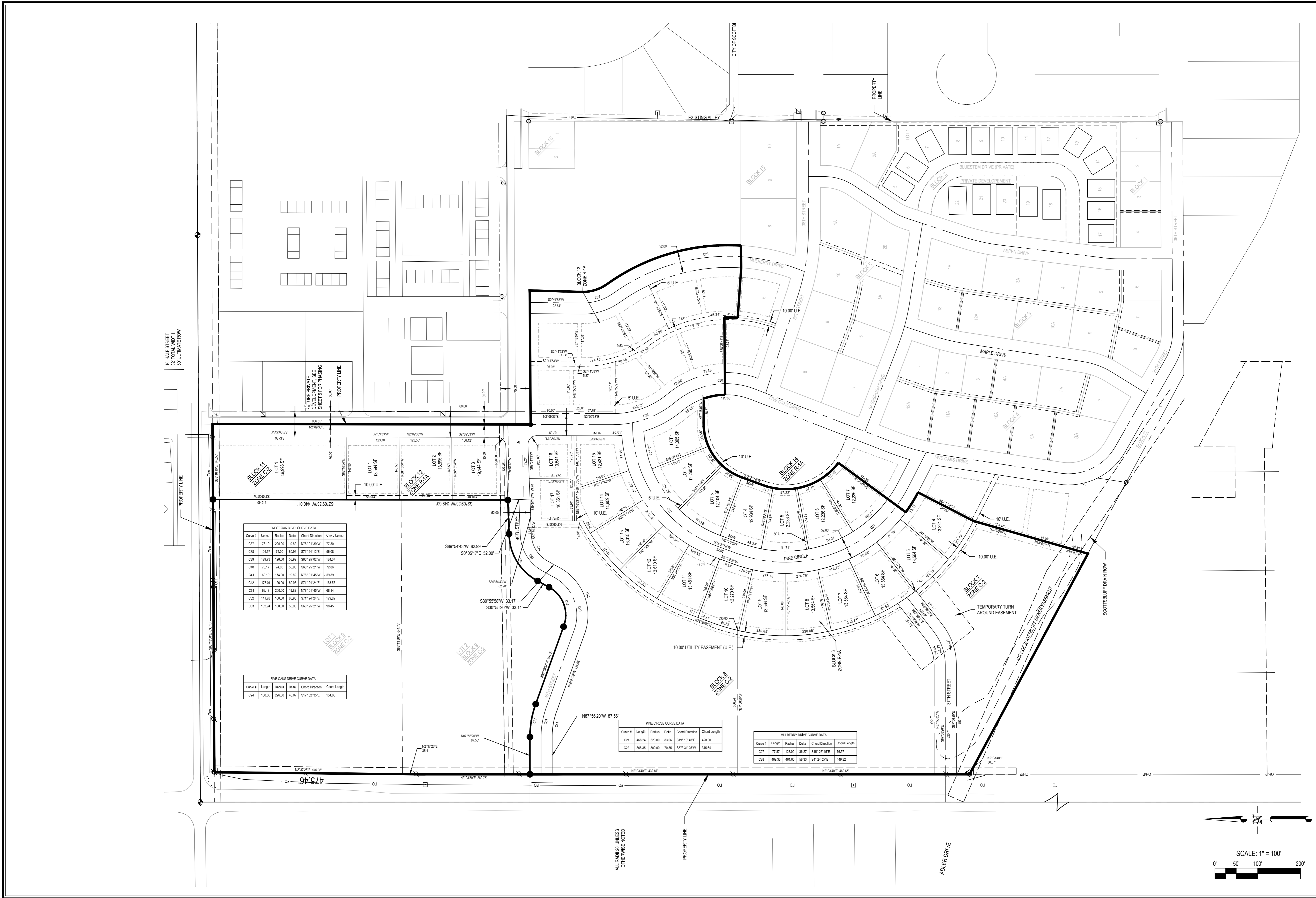
Project Title:  
**FIVE OAKS SUBDIVISION  
2015 REVISED PRELIMINARY PLAT**  
C&T Holdings, LLC  
Scottsbluff, Nebraska

Sheet Title:  
**VACATED LOT PLAN**  
Date Issued: April 2, 2015

Project: 023-018-14  
CAD File:  
023-018 Preliminary Plat 2015.dwg  
Design Drawing Check  
JWB JES

Sheet No.  
**C-1.01**





WEST OAK BLVD. CURVE DATA

Curve #	Length	Radius	Data	Chord Direction	Chord Length
C37	78.19	230.00	19.82	N70° 01' 35"W	77.80
C38	104.57	74.00	80.94	S71° 24' 12"E	86.06
C39	126.73	126.00	56.89	S80° 22' 02"W	124.07
C40	76.17	74.00	56.88	S80° 22' 21"W	72.86
C41	60.19	174.00	19.82	N70° 01' 47"W	59.89
C42	178.01	126.00	80.86	S71° 24' 24"E	183.57
C43	69.18	200.00	19.82	N70° 01' 47"W	68.84
C44	141.28	100.00	80.86	S71° 24' 24"E	139.82
C45	102.84	100.00	56.88	S80° 22' 21"W	96.45

FIVE OAKS DRIVE CURVE DATA

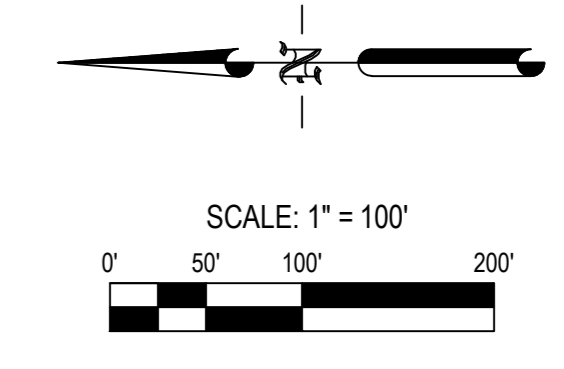
Curve #	Length	Radius	Data	Chord Direction	Chord Length
C24	156.06	226.00	40.07	S17° 52' 35"E	154.86

PINE CIRCLE CURVE DATA

Curve #	Length	Radius	Data	Chord Direction	Chord Length
C21	482.24	303.00	60.06	S10° 10' 48"E	432.39
C22	388.35	300.00	70.16	S87° 31' 25"W	345.84

MULBERRY DRIVE CURVE DATA

Curve #	Length	Radius	Data	Chord Direction	Chord Length
C27	77.87	123.00	36.17	S15° 26' 15"E	76.57
C28	489.33	461.00	58.33	S4° 24' 27"E	449.32



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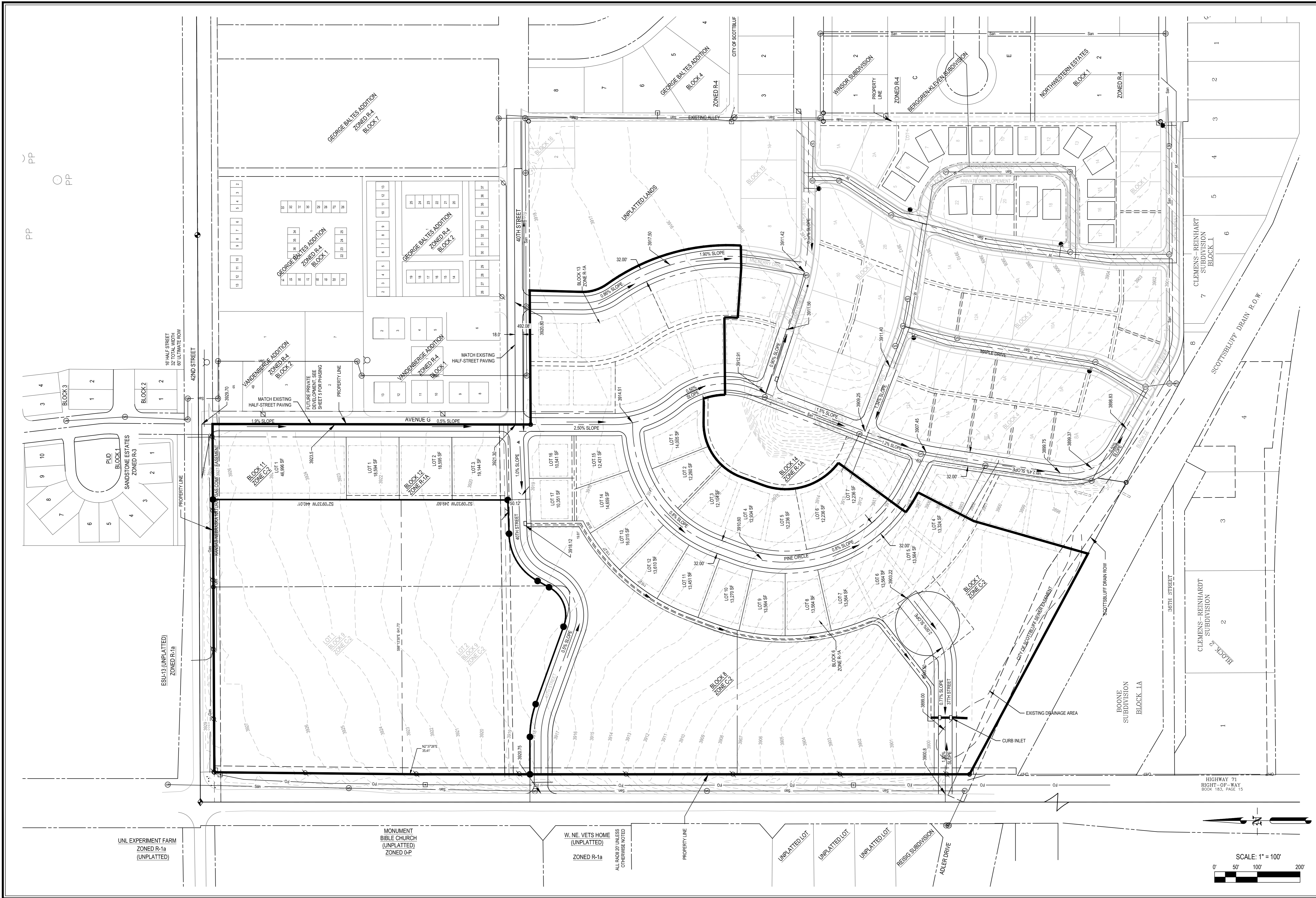
**PRELIMINARY PLAN**  
 NOT TO BE USED FOR  
 CONSTRUCTION

Project Title:  
**FIVE OAKS SUBDIVISION**  
**2015 REVISED PRELIMINARY PLAT**  
 C&T Holdings, LLC  
 Scottsbluff, Nebraska

Sheet Title:  
**LOT PLAN**  
 Date Issued: MARCH 31, 2015

Project: 023-018-14  
 CAD File:  
 023-018 Preliminary Plat 2015.dwg  
 Design Drawing Check  
 JWB JES

Sheet No.  
**C-1.02**



UNL EXPERIMENT FARM  
ZONED R-1a  
(UNPLATTED)

MONUMENT BIBLE CHURCH  
(UNPLATTED)  
ZONED O-P

W. NE. VETS HOME  
(UNPLATTED)  
ZONED R-1a  
ALL DIMENSIONS UNLESS OTHERWISE NOTED

UNPLATTED LOT  
UNPLATTED LOT  
UNPLATTED LOT

REISIG SUBDIVISION  
ADLER DRIVE

BOONE SUBDIVISION  
BLOCK 1A

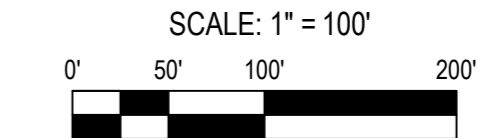
CLEMENS-REINHARDT SUBDIVISION  
BLOCK 2

CLEMENS-REINHARDT SUBDIVISION  
BLOCK 1

CLEMENS-REINHARDT SUBDIVISION  
BLOCK 1

CLEMENS-REINHARDT SUBDIVISION  
BLOCK 1

CLEMENS-REINHARDT SUBDIVISION  
BLOCK 1



Sheet Title:  
**STREETS PLAN**

Project: 023-018-14  
CAD File:  
023-018 Preliminary Plat 2015.dwg  
Design Drawing Check  
JWB JES

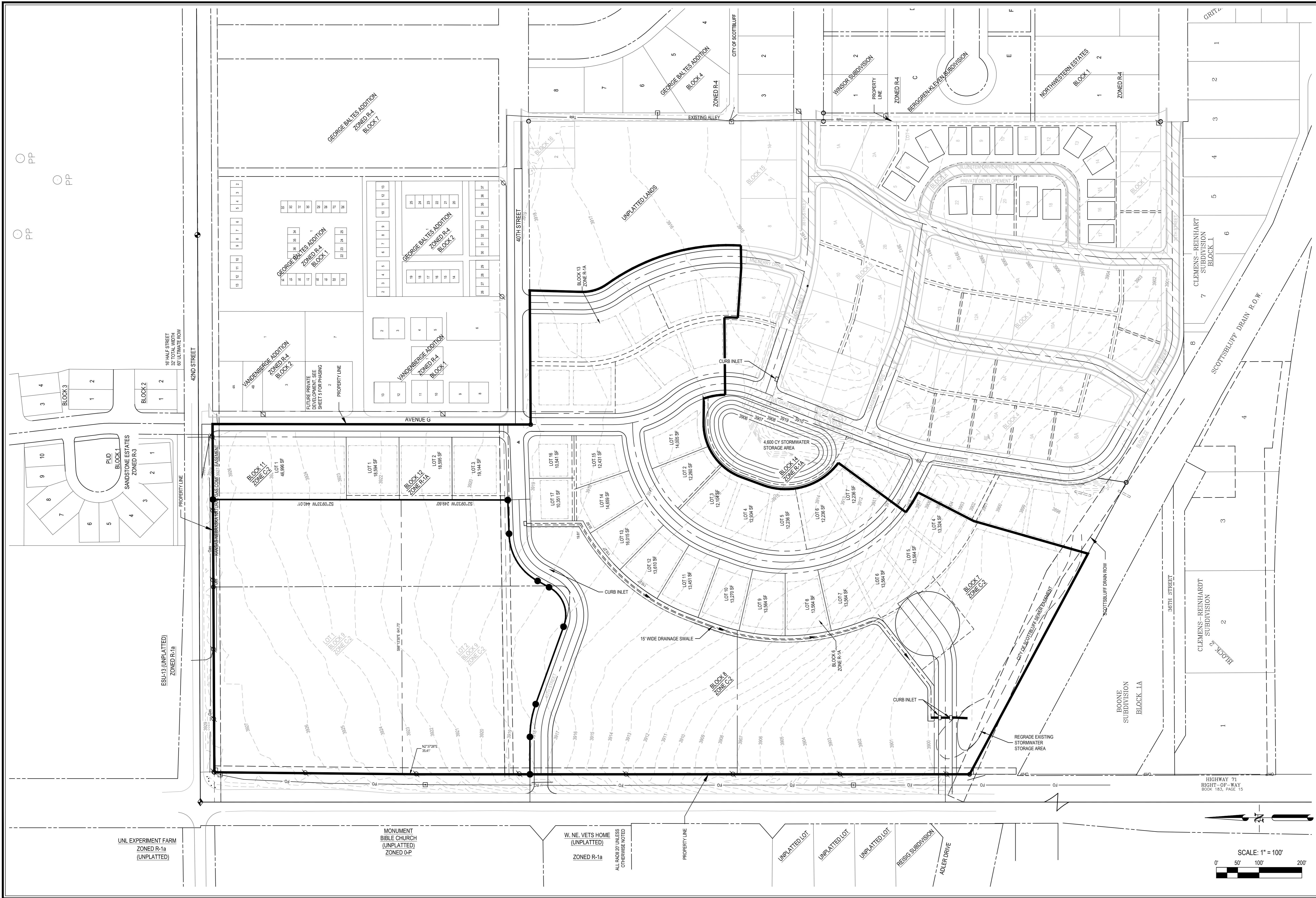
Sheet No.  
**C-1.03**

Project Title:  
**FIVE OAKS SUBDIVISION  
2015 REVISED PRELIMINARY PLAT**  
C&T Holdings, LLC  
Scottsbluff, Nebraska

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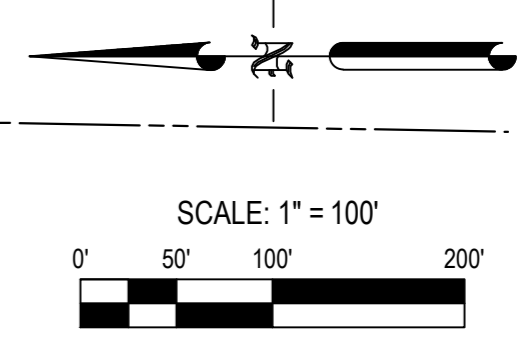


UNL EXPERIMENT FARM  
ZONED R-1a  
(UNPLATTED)

MONUMENT BIBLE CHURCH  
(UNPLATTED)  
ZONED O-P

W. NE. VETS HOME  
(UNPLATTED)  
ZONED R-1a  
ALL LOTS UNLESS OTHERWISE NOTED

UNPLATTED LOT  
UNPLATTED LOT  
UNPLATTED LOT  
REISIG SUBDIVISION  
ADLER DRIVE



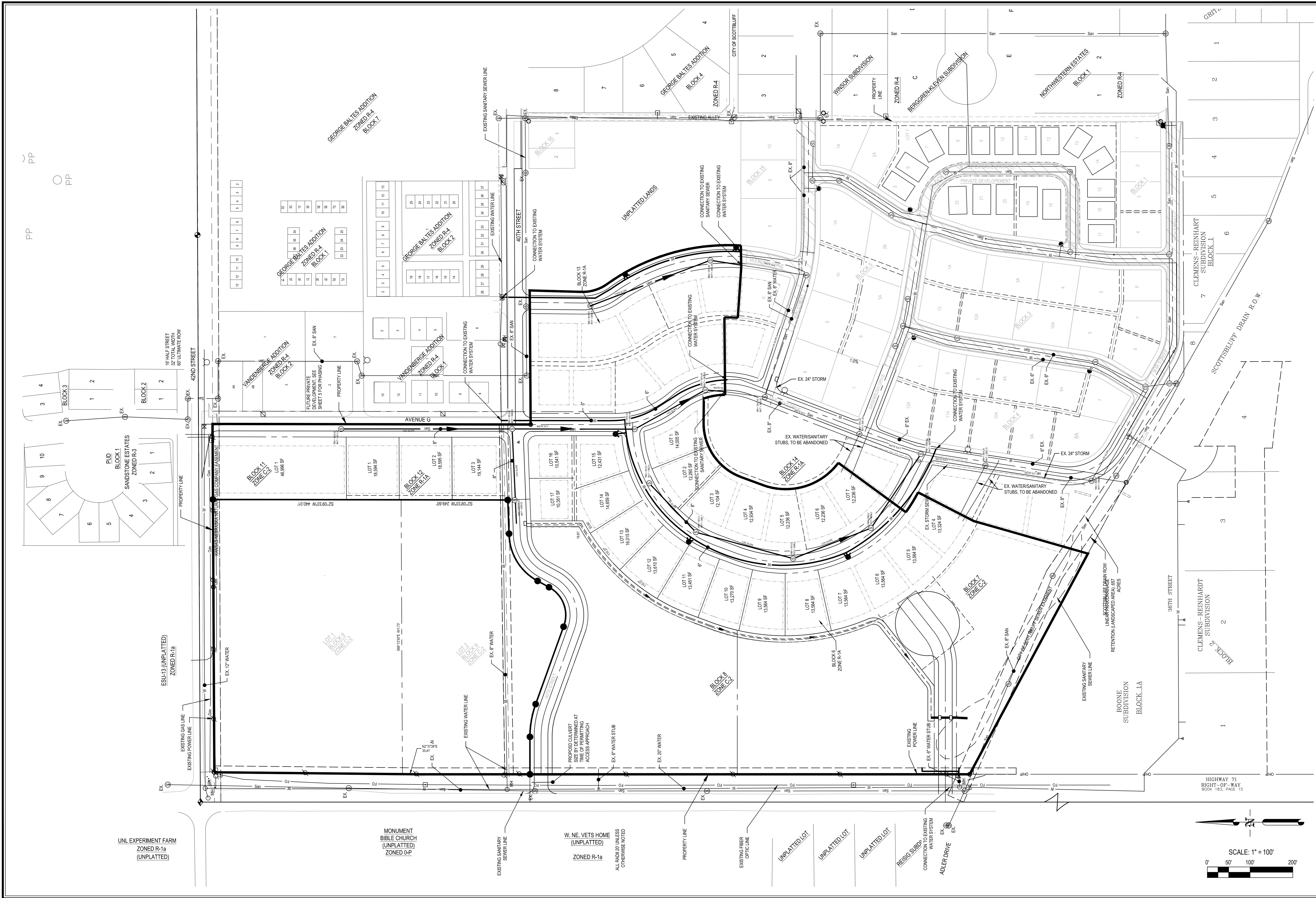
Sheet Title:  
**GRADING AND  
DRAINAGE PLAN**

Date Issued: April 2, 2015

Project Title:  
**FIVE OAKS SUBDIVISION  
2015 REVISED PRELIMINARY PLAT**  
C&T Holdings, LLC  
Scottsbluff, Nebraska

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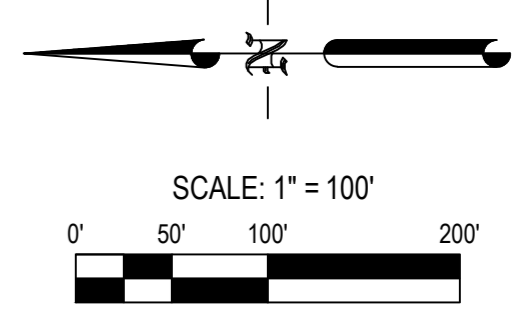


PP ○ PP

UNL EXPERIMENT FARM  
ZONED R-1a  
(UNPLATTED)

MONUMENT  
BIBLE CHURCH  
(UNPLATTED)  
ZONED O-P

W. NE. VETS HOME  
(UNPLATTED)  
ZONED R-1a  
ALL LOTS 20' UNLESS  
OTHERWISE NOTED



Sheet Title:  
**UTILITY PLAN**

Project: 023-018-14  
CAD File:  
023-018 Preliminary Plat 2015.dwg  
Design Drawing Check  
JWB JES

Sheet No.  
**C-1.05**

Project Title:  
**FIVE OAKS SUBDIVISION  
2015 REVISED PRELIMINARY PLAT**  
C&T Holdings, LLC  
Scottsbluff, Nebraska

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# **City of Scottsbluff, Nebraska**

**Monday, May 11, 2015**

**Regular Meeting**

## **Item NewBiz4**

### **Ordinance/Plat to Vacate Block 9, Five Oaks Subdivision**

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

*Owner(s): Jason & Sami Webb*

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

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>	7.7± acres
<b>Date:</b>	April 13, 2015		
<b>Subject:</b>	Vacation Plat with ordinance to vacate Block 9, 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), Jason & Sami Webb, represented by Baker and Associates, have requested approval of ordinance to vacate with a vacation plat of Block 9, Five Oaks Subdivision. This will allow for a new final plat of Block 9 which will consist of two parcels of approximately 11.08± acres. The property is situated south of 42<sup>nd</sup> Street, east of Highway 71, (SE corner of Avenue I and 42<sup>nd</sup> St.).

**RECOMMENDATION**

***Approve***

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the vacation plat and ordinance to vacate of Block 9, 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 subject to the following condition(s):

***Deny***

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** the vacation plat and ordinance to vacate Block 9, 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 for the following reason(s):

***Table***

**Make the motion to TABLE the** vacation plat of Block 9, Five Oaks Subdivision situated in the NW¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, Scotts Bluff County, Nebraska for the following reason(s):

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA, VACATING BLOCK 9, FIVE OAKS SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA AND UNPLATTED LANDS SITUATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6<sup>TH</sup> P.M., IN SCOTTS BLUFF COUNTY, NEBRASKA.**

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

Section 1. The owners of the property involved have requested the City of Scottsbluff vacate the following property to allow for a replat:

Block 9, Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska and unplatted lands situated in the Northwest Quarter of Section 14, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., in Scotts Bluff County, Nebraska.

As more fully set forth in the vacation plat, marked as Exhibit "A", to this Ordinance and incorporated by this reference.

Section 2. The City Council finds that the requesting parties are the Owners and that it is in the best interest of the City that the property be vacated as requested.

Section 3. Block 9, Five Oaks Subdivision, City of Scottsbluff, Scotts Bluff County, Nebraska and unplatted lands situated in the Northwest Quarter of Section 14, Township 22 North, Range 55 West of the 6<sup>th</sup> P.M., in Scotts Bluff County, Nebraska, is hereby vacated to allow for a replat of the property.

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

PASSED AND APPROVED on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk (Seal)

APPROVED TO FORM:

\_\_\_\_\_  
City Attorney

**VACATION PLAT OF  
BLOCK 9, FIVE OAKS SUBDIVISION,  
CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA  
AND UNPLATTED LANDS**

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

**BLOCK 9 PROPERTY DESCRIPTION (FOR VACATION)**

A PARCEL OF LAND KNOWN AS BLOCK 9 OF THE FIVE OAKS FINAL PLAT, CONTAINING 340,728 SQ. FT. (7.82 ACRES), MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, BEING A FOUND 1" DIAMETER STEEL BOLT, FLUSH IN THE SURFACE OF HIGHWAY 71, STAMPED IN PART "SURVEY MARK", WHENCE THE WEST QUARTER CORNER OF SAID SECTION 14, BEING A FOUND 2" DIAMETER ALUMINUM CAP, FLUSH IN THE SURFACE OF HIGHWAY 71, NO STAMPING FOUND, BEARS SOUTH 02°03'39" WEST, A DISTANCE OF 2675.32 FEET; THENCE ALONG SAID WEST LINE OF SECTION 14, SOUTH 02°03'39" WEST, A DISTANCE OF 770.84 FEET; THENCE SOUTH 87°56'21" EAST, A DISTANCE OF 65.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT OF WAY OF STATE HIGHWAY 71 AND TO THE POINT OF BEGINNING;

THENCE ALONG THE SAID EXISTING EAST RIGHT OF WAY LINE, NORTH 02°03'39" EAST, A DISTANCE OF 262.75 FEET;  
THENCE CONTINUING ALONG SAID EXISTING EAST RIGHT OF WAY LINE NORTH 02°37'26" EAST, A DISTANCE OF 475.46 FEET;  
THENCE ALONG THE EXISTING SOUTH RIGHT OF WAY LINE OF 42ND STREET, SOUTH 88°13'30" EAST, A DISTANCE OF 433.44 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF RED CEDAR DRIVE;  
THENCE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°52'51" WEST, A DISTANCE OF 813.15 FEET;  
THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 31.42 FEET, (A CHORD BEARING SOUTH 46°52'51" WEST, A DISTANCE OF 28.28 FEET) TO A POINT ON NORTH RIGHT OF WAY LINE OF WEST OAK BLVD.;  
THENCE CONTINUING THE FOLLOWING (5) FIVE COURSES ALONG THE SAID NORTH RIGHT OF WAY LINE:

1. NORTH 88°07'09" WEST, A DISTANCE OF 5.05 FEET;
2. THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 174.00 FEET, A CENTRAL ANGLE OF 20°00'00", A DISTANCE OF 60.74 FEET, (A CHORD BEARING NORTH 78°07'09" WEST, A DISTANCE OF 60.43 FEET);
3. THENCE NORTH 68°07'09" WEST, A DISTANCE OF 204.03 FEET;
4. THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 226.00 FEET, A CENTRAL ANGLE OF 19°49'11", A DISTANCE OF 78.18 FEET, (A CHORD BEARING NORTH 78°01'45" WEST, A DISTANCE OF 77.79 FEET);
5. THENCE NORTH 87°56'20" WEST, A DISTANCE OF 87.56 FEET TO A POINT ON THE EXISTING EAST RIGHT OF WAY LINE OF STATE HIGHWAY 71 AND TO THE POINT OF BEGINNING.

**RED CEDAR DRIVE AND WEST OAK BLVD. ACCESS EASEMENT (FOR VACATION)**

A STREET RIGHT OF WAY KNOWN AS RED CEDAR DRIVE AND WEST OAK BLVD. OF THE FIVE OAKS FINAL PLAT, CONTAINING 69,809 SQ. FT. (1.60 ACRES), MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, BEING A FOUND 1" DIAMETER STEEL BOLT, FLUSH IN THE SURFACE OF HIGHWAY 71, STAMPED IN PART "SURVEY MARK", WHENCE THE WEST QUARTER CORNER OF SAID SECTION 14, BEING A FOUND 2" DIAMETER ALUMINUM CAP, FLUSH IN THE SURFACE OF HIGHWAY 71, NO STAMPING FOUND, BEARS SOUTH 02°03'39" WEST, A DISTANCE OF 2675.32 FEET; THENCE ALONG SAID WEST LINE OF SECTION 14, SOUTH 02°03'39" WEST, A DISTANCE OF 770.84 FEET; THENCE SOUTH 87°56'21" EAST, A DISTANCE OF 65.00 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT OF WAY OF STATE HIGHWAY 71 AND TO THE POINT OF BEGINNING;

THENCE SOUTH 87°56'20" EAST, A DISTANCE OF 87.56 FEET;  
THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 226.00 FEET, A CENTRAL ANGLE OF 19°49'11", A DISTANCE OF 78.18 FEET, (A CHORD BEARING SOUTH 78°01'45" EAST, A DISTANCE OF 77.79 FEET);

THENCE SOUTH 68°07'09.09" EAST, A DISTANCE OF 204.03 FEET;  
THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 174.00 FEET, A CENTRAL ANGLE OF 20°00'00", A DISTANCE OF 60.74 FEET, (A CHORD BEARING SOUTH 78°07'09" EAST, A DISTANCE OF 60.43 FEET);  
THENCE SOUTH 88°07'09" EAST, A DISTANCE OF 5.04 FEET;  
THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 31.42 FEET, (A CHORD BEARING NORTH 46°52'51" EAST, A DISTANCE OF 28.28 FEET);

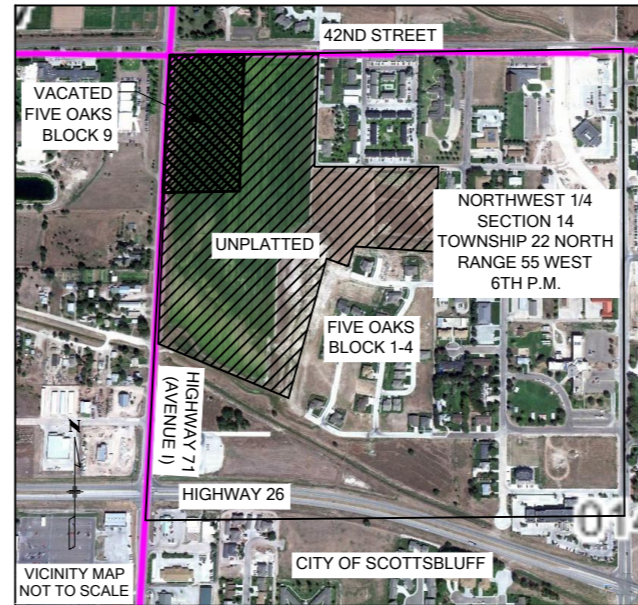
THENCE NORTH 01°52'51" EAST, A DISTANCE OF 813.15 FEET;  
THENCE SOUTH 88°13'30" EAST, A DISTANCE OF 52.00 FEET;  
THENCE SOUTH 01°52'51" WEST, A DISTANCE OF 885.25 FEET;  
THENCE NORTH 88°07'09" WEST, A DISTANCE OF 77.04 FEET;  
THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 226.00 FEET, A CENTRAL ANGLE OF 20°00'00", A DISTANCE OF 78.89 FEET, (A CHORD BEARING NORTH 78°07'09" WEST, A DISTANCE OF 78.49 FEET);  
THENCE NORTH 68°07'09" WEST, A DISTANCE OF 204.03 FEET;  
THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 174.00 FEET, A CENTRAL ANGLE OF 19°49'11", A DISTANCE OF 60.19 FEET, (A CHORD BEARING NORTH 78°01'45" WEST, A DISTANCE OF 59.89 FEET);  
THENCE NORTH 87°56'20" WEST, A DISTANCE OF 87.56 FEET;  
THENCE NORTH 02°03'39" EAST, A DISTANCE OF 52.00 FEET, POINT OF BEGINNING.

Sheet Revisions		
Date	Description	Initials
3-6-2015	DRAFTED VACATION PLAT	BEG

**Baker & Associates Inc.**  
120-EAST-16TH STREET  
SCOTTSBLUFF, NE-68361  
308-632-3123  
www.baker-eng.com  
Engineers \* Architects \* Surveyors  
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Vacation Plat of Block 9, Five Oaks Subdivision			
Title Sheet			
Baker Project Number: 023-005-15			
Project Location: City of Scottsbluff, Nebraska			
Owners: C & T Holdings, L.L.C.			
Project Code	Last Mod. Date	Subset	Sheet No.
023	03-19-2015	1 of 2	1

**PROJECT VICINITY MAP**



**INDEX OF SHEETS**

PAGE 1	TITLE SHEET
PAGE 2	PLAN SHEET

**SURVEY NOTES**

1. THIS SURVEY RELIES ON WESTERN PRAIRIE TITLE & ESCROW CO. LLC, ORDER NO.: 13121653. NO TITLE SEARCH WAS MADE BY BAKER AND ASSOCIATES, INC., TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. ALL TAX INFORMATION, LIENS, LEASES, ASSIGNMENTS, AGREEMENTS, MOTIONS, DECLARATIONS, PROVISIONS, CONDITIONS, RESERVATIONS, RESTRICTIONS, ZONING, COVENANTS, WATER AND MINERAL RIGHTS AND OBLIGATIONS FOR THE PROPERTY SHOWN HEREON ARE REFLECTED IN SAID TITLE COMMITMENT. BAKER AND ASSOCIATES INC. OBTAINED ADDITIONAL RIGHT OF WAY INFORMATION AND DOCUMENTS IN THE COURSE OF THE PLAT PREPARATION THAT ARE SHOWN HEREON AND ARE NOT REFLECTED ON SAID TITLE COMMITMENT

2. THE MONUMENTATION RECOVERED WAS LOCATED BY A COMBINATION OF GLOBAL POSITIONING SYSTEM (GPS) FAST STATIC, RTK AND RTK DATA LOGGING TECHNIQUES. CONVENTIONAL SURVEY METHODS WERE APPLIED WHEN REQUIRED.

3. BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON THE LINE CONNECTING THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN AND THE WEST SIXTEENTH CORNER OF SAID SECTION 14, BEING A GRID BEARING OF SOUTH 88°13'30" EAST A DISTANCE OF 1326.35' FEET AS OBTAINED FROM A GLOBAL POSITIONING SYSTEM (GPS) SURVEY BASED ON THE NEBRASKA HIGH ACCURACY REFERENCE NETWORK (NHARN). SAID GRID BEARING IS NAD 83 (2011) NEBRASKA STATE PLANE ZONE 2600.

4. ALL DIMENSIONS SHOWN HEREON ARE U.S. SURVEY FEET

5. NOTICE: YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION, BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

**APPROVAL AND ACCEPTANCE**

THE FOREGOING VACATION PLAT OF BLOCK 9, FIVE OAKS SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA AND UNPLATTED LANDS, WAS APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA, BY RESOLUTION DULY PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

BY: \_\_\_\_\_

RANDY MEININGER, MAYOR

SEAL

ATTESTED: \_\_\_\_\_

CITY CLERK

**OWNER'S STATEMENT**

WE, THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HEREBY VACATE BLOCK 9, FIVE OAKS SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA AND UNPLATTED LANDS.

BY: \_\_\_\_\_

JASON WEBB

STATE OF NEBRASKA )  
                                  ) SS  
COUNTY OF SCOTTS BLUFF )

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015,

BY \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

BY: \_\_\_\_\_

SAMI WEBB

STATE OF NEBRASKA )  
                                  ) SS  
COUNTY OF SCOTTS BLUFF )

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015,

BY \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

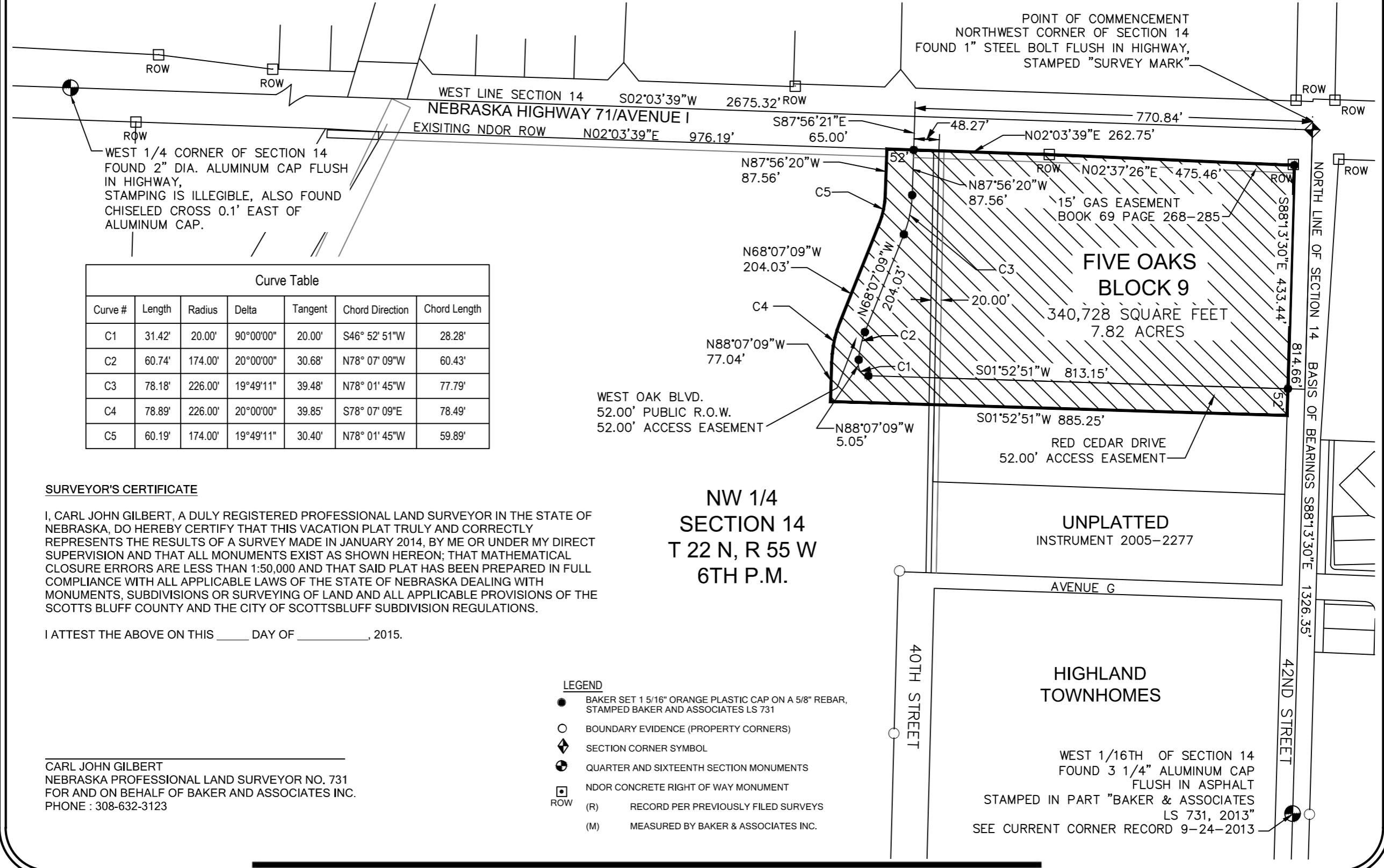
**VACATION PLAT OF  
BLOCK 9, FIVE OAKS SUBDIVISION,  
CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA  
AND UNPLATTED LANDS**

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

Sheet Revisions			Vacation Plat of Block 9, Five Oaks Subdivision Plan Sheet	
Date	Description	Initials	Project Code	Sheet No.
3-6-2015	DRAFTED VACATION PLAT	BEG	023	2

**Baker & Associates Inc.**  
120 EAST 16TH STREET  
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Baker Project Number: 023-005-15			
Project Location: City of Scottsbluff, Nebraska			
Owners: C & T Holdings, L.L.C.			
Project Code	Last Mod. Date	Subset	Sheet No.
023	03-19-2015	2 of 2	2



**SURVEYOR'S CERTIFICATE**

I, CARL JOHN GILBERT, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEBRASKA, DO HEREBY CERTIFY THAT THIS VACATION PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE IN JANUARY 2014, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF NEBRASKA DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE SCOTTS BLUFF COUNTY AND THE CITY OF SCOTTSBLUFF SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

CARL JOHN GILBERT  
NEBRASKA PROFESSIONAL LAND SURVEYOR NO. 731  
FOR AND ON BEHALF OF BAKER AND ASSOCIATES INC.  
PHONE : 308-632-3123

- LEGEND**
- BAKER SET 1 5/16" ORANGE PLASTIC CAP ON A 5/8" REBAR, STAMPED BAKER AND ASSOCIATES LS 731
  - BOUNDARY EVIDENCE (PROPERTY CORNERS)
  - ◆ SECTION CORNER SYMBOL
  - ⊕ QUARTER AND SIXTEENTH SECTION MONUMENTS
  - NDOR CONCRETE RIGHT OF WAY MONUMENT
  - (R) RECORD PER PREVIOUSLY FILED SURVEYS
  - (M) MEASURED BY BAKER & ASSOCIATES INC.

**NW 1/4  
SECTION 14  
T 22 N, R 55 W  
6TH P.M.**

**City of Scottsbluff, Nebraska**  
**Monday, May 11, 2015**  
**Regular Meeting**

**Item NewBiz5**

**Final Plat: Lots 1 & 2, Block 9, Five Oaks Subdivision**

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

*Owner(s): C & T Holdings LLC & Jason & Sami Webb*

*Location: SE Corner of 42nd and Avenue I*

Staff Contact: Annie Folck

# ***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>	11.08±
<b>Date:</b>	April 13, 2015		
<b>Subject:</b>	Final Plat –Lots 1 & 2, Block 9, 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 and T Holdings and Jason & Sami Webb, represented by Baker and Associates, have requested approval of a final plat of Lots 1 & 2, Block 9, Five Oaks Subdivision. The final plat adds approximately three acres to the new Block 9, which will also be rezoned to match the existing C-2 zone and annexed along with the rest of Five Oaks Subdivision. The property is situated south of 42<sup>nd</sup> Street, east of Highway 71, (SE corner of Avenue I and 42<sup>nd</sup> St.).

This parcel is new and includes an ordinance to vacate with a vacation plat of the previous final plat of Block 9, Five Oaks Subdivision. The vacation allows the new plat to be final platted with an extra 3.26 acre added to the land, the new legal is Lots 1 and 2, Block 9, Five Oaks Subdivision the 3.26 acres is to the east of the previous Block 9. The parcel will have access on to lot 1 from 42nd Street and future Avenue G, lot 2 will also have access from the future Avenue G and be able to access existing water and sewer lines along Avenue I and 42<sup>nd</sup> Street. No extension of public water mains and sewer mains are planned at this time.

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 plat to City Council.

### **RECOMMENDATION**

Final Plat Request, Page 1

*Approve*

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the final plat of Block 9, 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 subject to the following condition(s):

*Deny*

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** the final plat of Block 9, 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 for the following reason(s):

*Table*

**Make the motion to TABLE the** final plat of Block 9, Five Oaks Subdivision situated in the NW¼ of Section 14, T22N, R55W of the 6<sup>th</sup> P.M, Scotts Bluff County, Nebraska for the following reason(s):



**FINAL PLAT OF  
BLOCK 9, FIVE OAKS SUBDIVISION,  
CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA  
AND UNPLATTED LANDS**

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



VICINITY MAP  
NOT TO SCALE

**INDEX OF SHEETS**

PAGE 1	TITLE SHEET
PAGE 2	SIGNATURE SHEET
PAGE 3	PLAN SHEET

**WEST OAK BLVD. ACCESS EASEMENT**

A EASEMENT 52.00 FEET IN WIDTH RESERVED FOR FUTURE RIGHT OF WAY FOR WEST OAK BLVD, CONTAINING 37,005 SQ. FT. (0.850 ACRES) MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 14, BEARS SOUTH 02°03'39" WEST, A DISTANCE OF 2675.32 FEET; THENCE ALONG NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14, SOUTH 88°13'30" EAST, A DISTANCE OF 707.67 FEET; THENCE SOUTH 01°46'30" WEST, A DISTANCE OF 33.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY OF 42ND STREET, THENCE SOUTH 02°09'33" WEST, A DISTANCE OF 689.61 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 00°05'17" EAST, A DISTANCE OF 52.00 FEET;

THENCE SOUTH 89°54'43" WEST, A DISTANCE OF 82.98 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 74.00 FEET, A CENTRAL ANGLE OF 58°58'46", A DISTANCE OF 76.17 FEET, (A CHORD BEARING SOUTH 60°25'21" WEST, A DISTANCE OF 72.86 FEET);

THENCE SOUTH 30°55'58" WEST, A DISTANCE OF 33.17 FEET;

THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 126.00 FEET, A CENTRAL ANGLE OF 80°56'53", A DISTANCE OF 178.01 FEET, (A CHORD BEARING SOUTH 71°24'24" WEST, A DISTANCE OF 163.57 FEET);

THENCE NORTH 68°07'09" WEST, A DISTANCE OF 194.52 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 174.00 FEET, A CENTRAL ANGLE OF 19°49'11", A DISTANCE OF 60.19 FEET, (A CHORD BEARING NORTH 78°01'45" WEST, A DISTANCE OF 59.89 FEET);

THENCE NORTH 87°56'20" WEST, A DISTANCE OF 87.56 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 71 (AVENUE I);

THENCE ALONG SAID EXISTING RIGHT OF WAY LINE, NORTH 02°03'39" EAST, A DISTANCE OF 52.00 FEET;

THENCE DEPARTING SAID RIGHT OF WAY LINE, SOUTH 87°56'20" EAST, A DISTANCE OF 87.56 FEET;

THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 226.00 FEET, A CENTRAL ANGLE OF 19°49'23", A DISTANCE OF 78.19 FEET, (A CHORD BEARING SOUTH 78°01'39" EAST, A DISTANCE OF 77.80 FEET);

THENCE SOUTH 68°06'57" EAST, A DISTANCE OF 194.50 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 74.00 FEET, A CENTRAL ANGLE OF 80°57'43", A DISTANCE OF 104.57 FEET, (A CHORD BEARING NORTH 71°24'12" EAST, A DISTANCE OF 96.08 FEET);

THENCE NORTH 30°55'20" EAST, A DISTANCE OF 33.14 FEET;

THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 126.00 FEET, A CENTRAL ANGLE OF 58°59'23", A DISTANCE OF 129.73 FEET, (A CHORD BEARING NORTH 60°25'02" EAST, A DISTANCE OF 124.07 FEET);

THENCE NORTH 89°54'43" EAST, A DISTANCE OF 82.99 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 37,005 SQ. FT. (0.850 ACRES), MORE OR LESS.

Sheet Revisions		
Date	Description	Initials
3-6-2015	DRAFTED FINAL PLAT	BEG

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Final Plat of Block 9, Five Oaks Subdivision			
Title Sheet			
Baker Project Number: 023-005-15			
Project Location: City of Scottsbluff, Nebraska			
Owners: C & T Holdings, L.L.C.			
Project Code	Last Mod. Date	Subset	Sheet No.
023	03-19-2015	1 of 3	1

**BLOCK 9 PROPERTY DESCRIPTION**

A PARCEL OF LAND KNOWN AS BLOCK 9 FIVE OAKS SUBDIVISION, CONTAINING 482,821 SQ. FT. (11.08 ACRES) MORE OR LESS, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, IN THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN, WHENCE THE WEST QUARTER CORNER OF SAID SECTION 14, BEARS SOUTH 02°03'39" WEST, A DISTANCE OF 2675.32 FEET; THENCE ALONG NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14, SOUTH 88°13'30" EAST, A DISTANCE OF 69.51 FEET; THENCE SOUTH 01°46'30" WEST, A DISTANCE OF 33.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY OF 42ND STREET AND TO THE POINT OF BEGINNING;

THENCE ALONG SAID EXISTING SOUTH RIGHT OF WAY OF 42ND STREET SOUTH 88°13'30" EAST, A DISTANCE OF 638.16 FEET;

THENCE DEPARTING SAID EXISTING SOUTH RIGHT OF WAY OF 42ND STREET, SOUTH 02°09'33" WEST, A DISTANCE OF 689.61 FEET;

THENCE SOUTH 89°54'43" WEST, A DISTANCE OF 82.99 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 126.00 FEET, A CENTRAL ANGLE OF 58°59'23", A DISTANCE OF 129.73 FEET, (A CHORD BEARING SOUTH 60°25'02" WEST, A DISTANCE OF 124.07 FEET);

THENCE SOUTH 30°55'20" WEST, A DISTANCE OF 33.14 FEET;

THENCE ON THE ARC OF A CURVE TO THE RIGHT, A RADIUS OF 74.00 FEET, A CENTRAL ANGLE OF 80°57'43", A DISTANCE OF 104.57 FEET, (A CHORD BEARING SOUTH 71°24'12" WEST, A DISTANCE OF 96.08 FEET);

THENCE NORTH 68°06'57" WEST, A DISTANCE OF 194.50 FEET;

THENCE ON THE ARC OF A CURVE TO THE LEFT, A RADIUS OF 226.00 FEET, A CENTRAL ANGLE OF 19°49'23", A DISTANCE OF 78.19 FEET, (A CHORD BEARING NORTH 78°01'39" WEST, A DISTANCE OF 77.80 FEET);

THENCE NORTH 87°56'20" WEST, A DISTANCE OF 87.56 FEET TO A POINT ON THE EXISTING EAST RIGHT OF WAY OF HIGHWAY 71 (AVENUE I);

THENCE CONTINUING ALONG SAID EAST RIGHT OF WAY OF HIGHWAY 71 (AVENUE I), NORTH 02°03'39" EAST, A DISTANCE OF 262.75 FEET;

THENCE CONTINUING ALONG SAID EAST RIGHT OF WAY OF HIGHWAY 71 (AVENUE I), NORTH 02°37'26" EAST, A DISTANCE OF 475.46 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

**SURVEYOR'S CERTIFICATE**

I, CARL JOHN GILBERT, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEBRASKA, DO HEREBY CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE IN MARCH 2015, BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL MONUMENTS EXIST AS SHOWN HEREON; THAT MATHEMATICAL CLOSURE ERRORS ARE LESS THAN 1:50,000 AND THAT SAID PLAT HAS BEEN PREPARED IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF NEBRASKA DEALING WITH MONUMENTS, SUBDIVISIONS OR SURVEYING OF LAND AND ALL APPLICABLE PROVISIONS OF THE SCOTTS BLUFF COUNTY AND THE CITY OF SCOTTSBLUFF SUBDIVISION REGULATIONS.

I ATTEST THE ABOVE ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

CARL JOHN GILBERT  
NEBRASKA PROFESSIONAL LAND SURVEYOR NO. 731  
FOR AND ON BEHALF OF BAKER AND ASSOCIATES INC.  
PHONE : 308-632-3123



**FINAL PLAT OF  
BLOCK 9 ,FIVE OAKS SUBDIVISION,  
CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA  
AND UNPLATTED LANDS**

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

**SURVEY NOTES**

1. THIS SURVEY RELIES ON WESTERN PRAIRE TITLE & ESCROW CO. LLC, ORDER NO.: 13121653. NO TITLE SEARCH WAS MADE BY BAKER AND ASSOCIATES, INC., TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. ALL TAX INFORMATION, LIENS, LEASES, ASSIGNMENTS, AGREEMENTS, MOTIONS, DECLARATIONS, PROVISIONS, CONDITIONS, RESERVATIONS, RESTRICTIONS, ZONING, COVENANTS, WATER AND MINERAL RIGHTS AND OBLIGATIONS FOR THE PROPERTY SHOWN HEREON ARE REFLECTED IN SAID TITLE COMMITMENT. BAKER AND ASSOCIATES INC. OBTAINED ADDITIONAL RIGHT OF WAY INFORMATION AND DOCUMENTS IN THE COURSE OF THE PLAT PREPARATION THAT ARE SHOWN HEREON AND ARE NOT REFLECTED ON SAID TITLE COMMITMENT
2. THE MONUMENTATION RECOVERED WAS LOCATED BY A COMBINATION OF GLOBAL POSITIONING SYSTEM (GPS) FAST STATIC, RTK AND RTK DATA LOGGING TECHNIQUES. CONVENTIONAL SURVEY METHODS WERE APPLIED WHEN REQUIRED.
3. BASIS OF BEARINGS: ALL BEARINGS ARE BASED ON THE LINE CONNECTING THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 22 NORTH, RANGE 55 WEST, OF THE 6TH PRINCIPAL MERIDIAN AND THE WEST SIXTEENTH CORNER OF SAID SECTION 14, BEING A GRID BEARING OF SOUTH 88°13'30" EAST A DISTANCE OF 1326.35' FEET AS OBTAINED FROM A GLOBAL POSITIONING SYSTEM (GPS) SURVEY BASED ON THE NEBRASKA HIGH ACCURACY REFERENCE NETWORK (NHARN). SAID GRID BEARING IS NAD 83 (2011) NEBRASKA STATE PLANE ZONE 2600.
4. ALL DIMENSIONS SHOWN HEREON ARE U.S. SURVEY FEET
5. NOTICE: YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION, BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

**APPROVAL AND ACCEPTANCE**

THE FOREGOING PLAT OF BLOCK 9, FIVE OAKS SUBDIVISION, CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA AND UNPLATTED LANDS, WAS APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA, BY RESOLUTION DULY PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

BY:

\_\_\_\_\_  
RANDY MEININGER, MAYOR

SEAL

ATTESTED:

\_\_\_\_\_  
CITY CLERK

Sheet Revisions		
Date	Description	Initials
3-6-2015	DRAFTED FINAL PLAT	BEG

**Baker & Associates Inc.**  
120-EAST-16TH-STREET  
SCOTTSBLUFF, NE-69361  
308-632-3123  
www.baker-eng.com  
Engineers \* Architects \* Surveyors  
COPYRIGHT 2015

Final Plat of Block 9, Five Oaks Subdivision Signature Sheet				
Baker Project Number: 023-005-15				
Project Location: City of Scottsbluff, Nebraska				
Owners: C & T Holdings, L.L.C.				
Project Code	Last Mod. Date	Subset	Sheet No.	
023	03-19-2015	2 of 3	2	

**OWNER'S STATEMENT**

WE, THE UNDERSIGNED, BEING ALL THE OWNERS, MORTGAGEES, BENEFICIARIES OF DEEDS OF TRUST AND HOLDERS OF OTHER INTERESTS IN THE LAND DESCRIBED HEREIN, HAVE LAID OUT, SUBDIVIDED, AND PLATTED SAID LANDS INTO BLOCK 9 OF FIVE OAKS, AS SHOWN HEREON UNDER THE NAME AND SUBDIVISION OF FIVE OAKS BLOCK 9 THE ACCESS EASEMENTS OF WEST OAKS BLVD. AND THE 10' UTILITY EASEMENT, SHOWN HEREON ARE HEREBY DEDICATED FOR PUBLIC USE. THE ENTITIES RESPONSIBLE FOR PROVIDING THE SERVICES FOR WHICH THE RIGHT OF WAYS ARE ESTABLISHED ARE HEREBY GRANTED THE PERPETUAL RIGHT OF INGRESS AND EGRESS FROM AND TO ADJACENT PROPERTIES.

BY: \_\_\_\_\_  
REPRESENTATIVE OF C & T HOLDINGS L.L.C.

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF SCOTTS BLUFF )

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015,

BY \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

BY: \_\_\_\_\_  
JASON WEBB

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF SCOTTS BLUFF )

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015,

BY \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

BY: \_\_\_\_\_  
SAMI WEBB

STATE OF NEBRASKA )  
 ) SS  
COUNTY OF SCOTTS BLUFF )

ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015,

BY \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

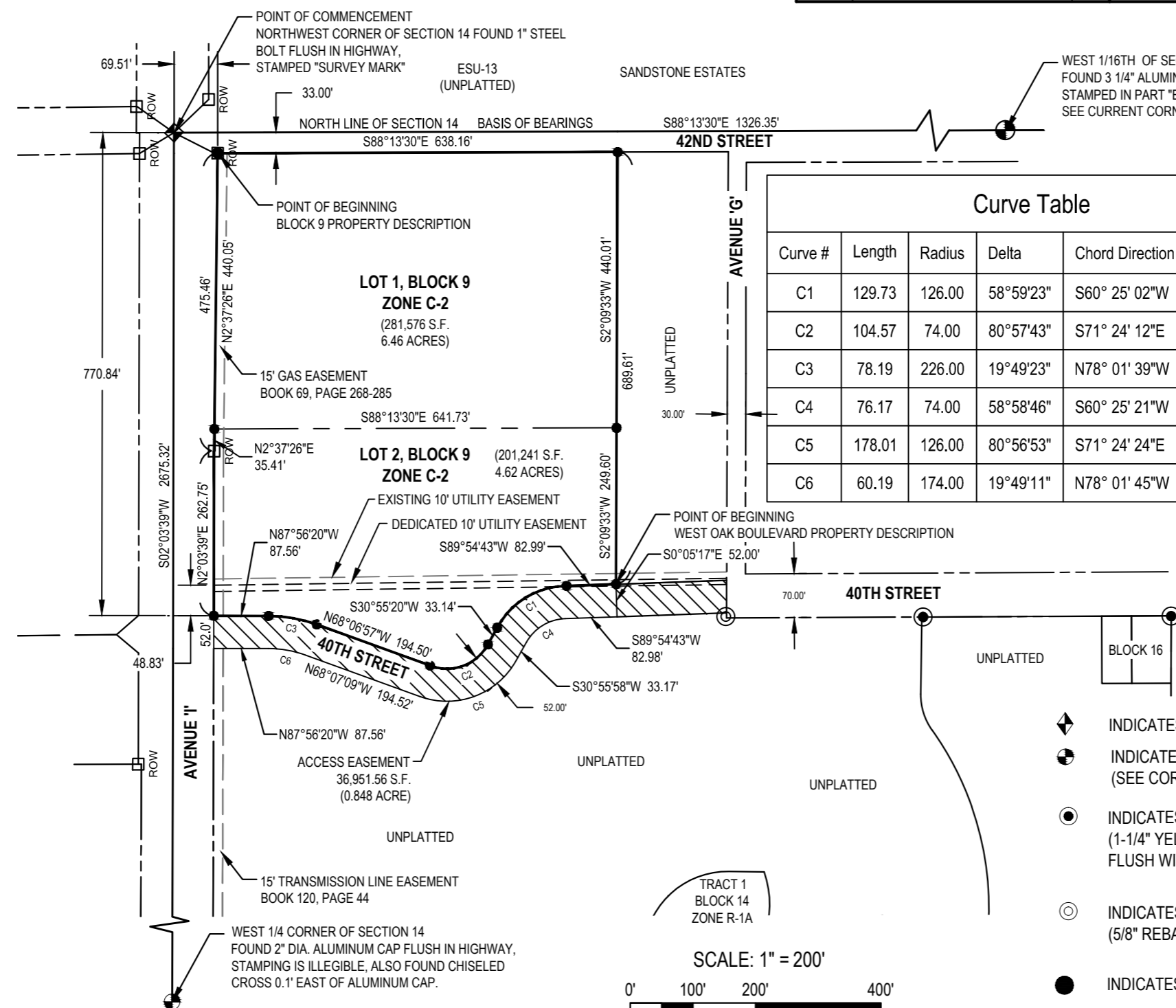
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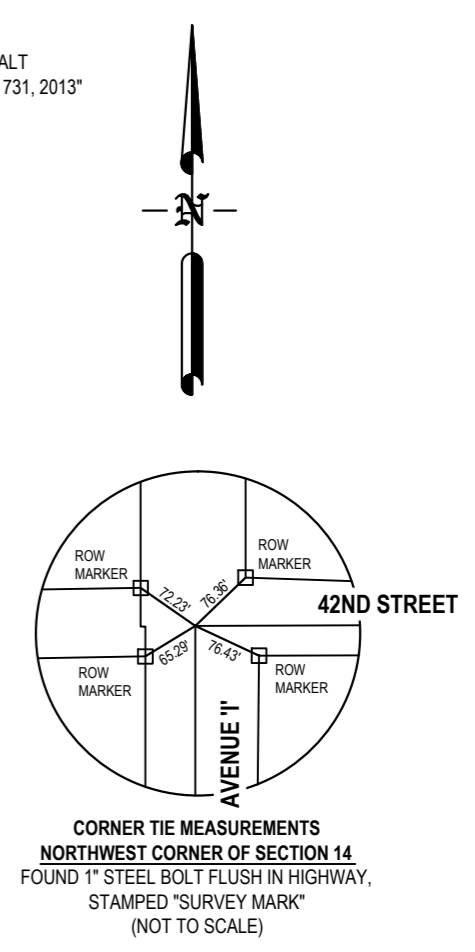
Sheet Revisions		
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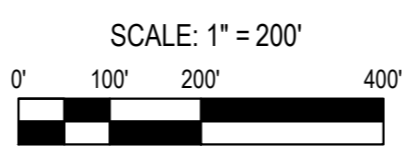
Final Plat of Block 9, Five Oaks Subdivision Plan Sheet				
Baker Project Number: 023-005-15				
Project Location: City of Scottsbluff, Nebraska				
Owners: C & T Holdings, L.L.C.				
Project Code	Last Mod. Date	Subset	Sheet No.	
023	03-19-2015	3 of 3	3	



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	129.73	126.00	58°59'23"	S60°25'02"W	124.07
C2	104.57	74.00	80°57'43"	S71°24'12"E	96.08
C3	78.19	226.00	19°49'23"	N78°01'39"W	77.80
C4	76.17	74.00	58°58'46"	S60°25'21"W	72.86
C5	178.01	126.00	80°56'53"	S71°24'24"E	163.57
C6	60.19	174.00	19°49'11"	N78°01'45"W	59.89



- ◆ INDICATES FOUND SECTION CORNER
- INDICATES FOUND QUARTER CORNER (SEE CORNER RECORDS AND SURVEY FOR DETAILS)
- INDICATES FOUND PROPERTY EVIDENCE (1-1/4" YELLOW PLASTIC CAP ON 5/8" REBAR FLUSH WITH GROUND STAMPED PLS 603)
- INDICATES FOUND PROPERTY EVIDENCE (5/8" REBAR)
- INDICATES SET PROPERTY CORNER
- INDICATES FOUND NDOR CONCRETE RIGHT OF WAY MARKER



# **City of Scottsbluff, Nebraska**

**Monday, May 11, 2015**

**Regular Meeting**

## **Item NewBiz6**

### **Rezone part of Lots 1, & 2, Block 9, Five Oaks Subdivision**

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

*Owner(s): C & T Holdings LLC*

*Location: East 3.293 acres of lots 1 & 2, Block 9, Five Oaks Subd.*

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>	3.29 acres ±
<b>Date:</b>	April 13, 2015	<b># Lots/Units:</b>	
<b>Subject:</b>	Rezone parcel from Ag to C-2		
<b>Location:</b>	East of Hwy 71(Ave. I) & South of 42 <sup>nd</sup> 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), C& T Holdings, has requested a rezone for the east 3.29 acres of proposed Lots 1, & 2, Block 9, Five Oaks Subdivision situated in part of the NW¼ of Section 14 T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff County Nebraska. The parcel is situated on the southeast corner of Highway 71 and 42<sup>nd</sup> Street. The applicant is requesting a change from Agricultural to C-2 Neighborhood & Retail Commercial; this change will bring all of the new Block 9 into the C-2 zoning district. Surrounding property is zoned Ag, to the east and south and R-4 to the north.

Staff has reviewed and makes positive recommendation of the rezone of part of proposed lots 1 & 2, Block 9, Five Oaks Subdivision from Ag to C-2 with the approval of the final plat.

### **RECOMMENDATION**

#### **Approve**

Make a POSITIVE RECOMMENDATION to the City Council to rezone part of proposed Lots 1 & 2, Block 9, Five Oaks Subdivision (3.29 acres±) from A- Agricultural to C-2 Neighborhood & Retail Commercial subject to the following condition(s): Approval of final plat.

#### **Deny**

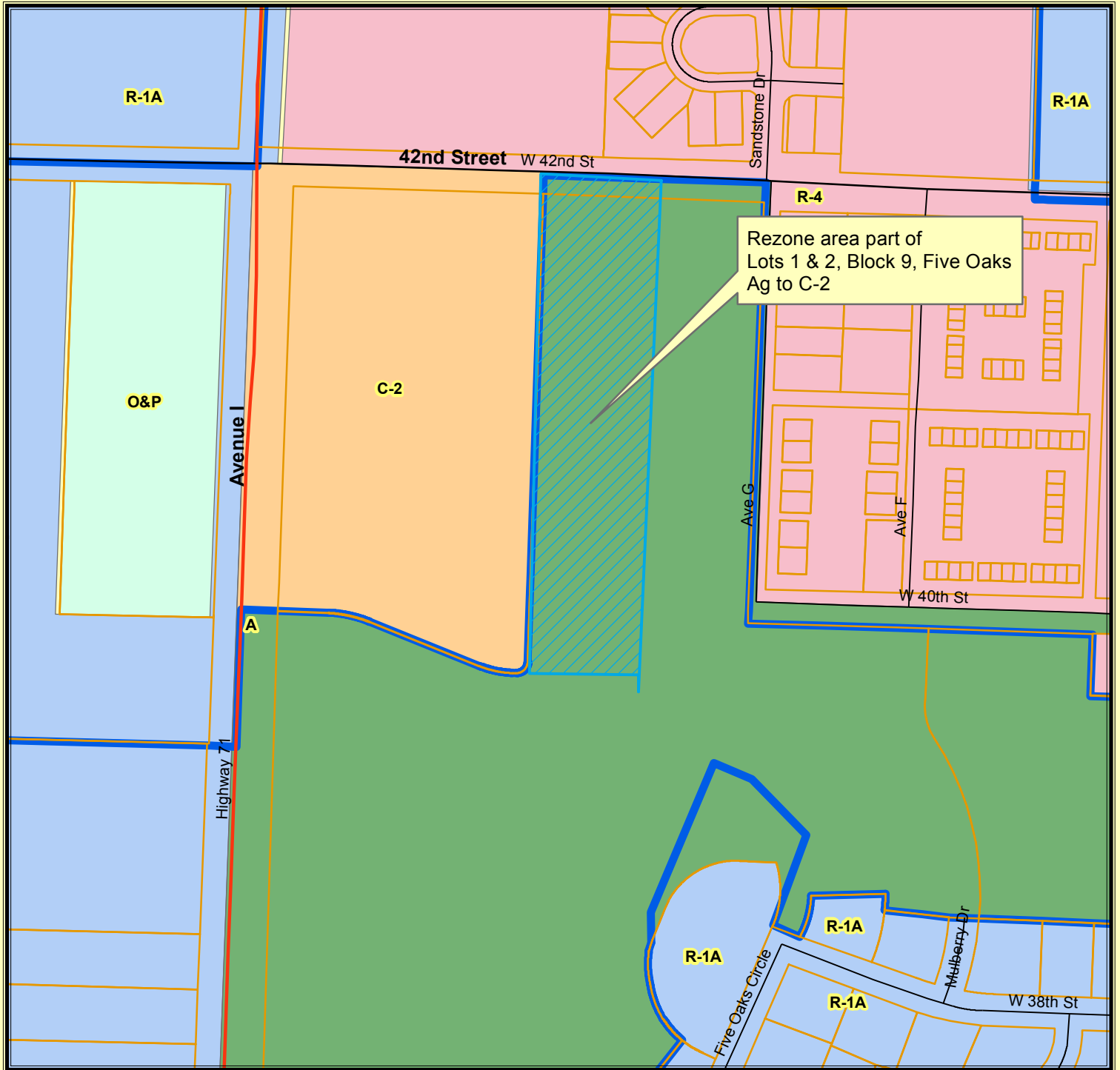
Make a NEGATIVE RECOMMENDATION to the City Council to rezone part of proposed Lots 1, & 2, Block 9, Five Oaks Subdivision (3.29 acres±) from A- Agricultural to C-2 Neighborhood & Retail Commercial for the following reason(s):

#### **Table**

Make the motion to TABLE the rezone request to rezone part of proposed Lots 1&2, Block 9, Five Oaks Subdivision (3.29 acres±) from A- Agricultural to C-2 Neighborhood & Retail Commercial for the following reason(s):

# Pt of Lots 1 & 2, Block 9, Five Oaks Subdivision Rezone

Agricultural to C-2 Neighborhood & Retail



4/13/15

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.