

City of Scottsbluff, Nebraska

Monday, April 13, 2015

Regular Meeting

Item NewBiz8

Annexation Five Oaks

Annexation: Five Oaks Subd (32 acres)

Applicant(s): C&T Holdings L.L.C. & Clark Nation L.L.C.

Location: S of 42nd Street, E of Hwy 71 to current City Limits

Staff Contact: Annie Folck

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To: Planning Commission
From: Development Services Department
Date: April 13, 2015
Subject: Annexation
Location: S. of W 42nd St & E of Hwy 71 to existing
City Limits - Five Oaks Subdivision

Zoning: C-2 & A
Property Size: 32.67± acres
Lots/Units:

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 Clark Nation have requested annexation of approximately 32.67± acres into the City's corporate boundaries. The properties are situated south of 42nd Street, East of Highway 71 to the current city limits, and north of the Scottsbluff Drain. The properties are zoned C-2 - Neighborhood & Retail Commercial, and A - agricultural.

Block 9 has access to City utilities (water & sewer) along 42nd Street to the north and Avenue I to the west. The other properties will be improved with the formation of districts as the area continues to develop, with the possibility of TIF funds, these plans will be noted in the Developers agreement presented at the City Council meeting.

The property is contiguous to existing corporate boundaries, there are no negative effects to surrounding properties from the annexation, new streets and current access have been reviewed by staff and the City Engineering Consultants, the State Highway Department has also reviewed access from Highway 71. The annexation is consistent with the Comprehensive Development Plan map 10-10.

RECOMMENDATION

Approve

Make a **POSITIVE RECOMMENDATION** to the City Council to annex property described as, Five Oaks Subdivision (32.67 acres) into the City's corporate limit boundary subject to the following condition(s):

Deny

Make a **NEGATIVE RECOMMENDATION** to the City Council to annex property described as Five Oaks Subdivision (32.67 acres) into the City's corporate limit boundary for the following reason(s):

Table

Make the motion to **TABLE** the request to annex property described as, Five Oaks Subdivision (32.67 acres) into the City's corporate limit boundary for the following reason(s):

ORDINANCE NO. _____

AN ORDINANCE ANNEXING A PARCEL OF LAND CONSISTING OF 1,423,091 SQ. FT. (32.67 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 BELOW.

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

Section 1. The owners of the following described real estate (the "real estate") have filed a written request that the real estate be annexed into the City of Scottsbluff, Nebraska (the "City"). The real estate described below is hereby found and declared to be contiguous and adjacent to the corporate limits of the City, to be urban or suburban in character, and not to be agricultural land which is rural in character:

A parcel of land consisting of 1,423,091 sq. ft. (32.67 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 2675.32 feet; Thence along the north line of the northwest quarter of said Section 14, South 88°13'30" East, a distance of 502.95 feet; Thence South 01°46'30" East, 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 381.22 feet to a point of the existing 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 to a point on the west line of Five Oaks Block 16;

Thence along said west line of Block 16, South 01°40'30" West, a distance of 107.50 feet;

Thence along the south line of Five Oaks Block 16, South 88°19'45" East, a distance of 110.02 feet to a point on the west right of way line of an existing alley;

Thence along said west of right of way line, South 02°05'08" West, a distance of 389.08 feet;

Thence departing said west right of way line, North 87°55'06" West, a distance of 290.53 feet to a point at the northeast corner of the existing right of way of Mulberry Street dead end;

Thence along the north line of the end of the existing Mulberry Street, North 88°52'18" West, a distance of 52.17 feet;

Thence departing said Mulberry Street 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 56.57 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 22.46 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 to a point on the North right of way of the Scottsbluff Drain;

Thence along said north right of way line, North 59°43'24" West, a distance of 585.67 feet to a point on the east right of way line of Highway 71;

Thence along said east right of way line of Highway 71, North 02°03'39" East, a distance of 1,028.19 feet;

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" 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 to a point on the existing south right of way line of 42nd Street, said point also being the **POINT OF BEGINNING**.

The above described parcel contains 1,423,091 sq. ft. (32.67 acres), more or less.

Section 2. The real estate described in paragraph 1 is hereby annexed to and included within the corporate limits of the City, and hereafter shall be and remain a part of the City for all purposes whatsoever.

Section 3. The owners, occupants and users of the real estate described in paragraph 1 shall be entitled to all the rights and privileges, and subject to all the laws, ordinances, rules and regulations of the City. Such owners, occupants and users shall receive substantially the benefits of other owners, occupants and users of lands within the City as soon as practical, and adequate plans and necessary City Council action, if any, to furnish such benefits as police, fire, snow removal and water service shall be adopted as provided in Neb. Rev. Stat. §16-120 (Reissue 2012).

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

PASSED AND APPROVED on _____, 2015.

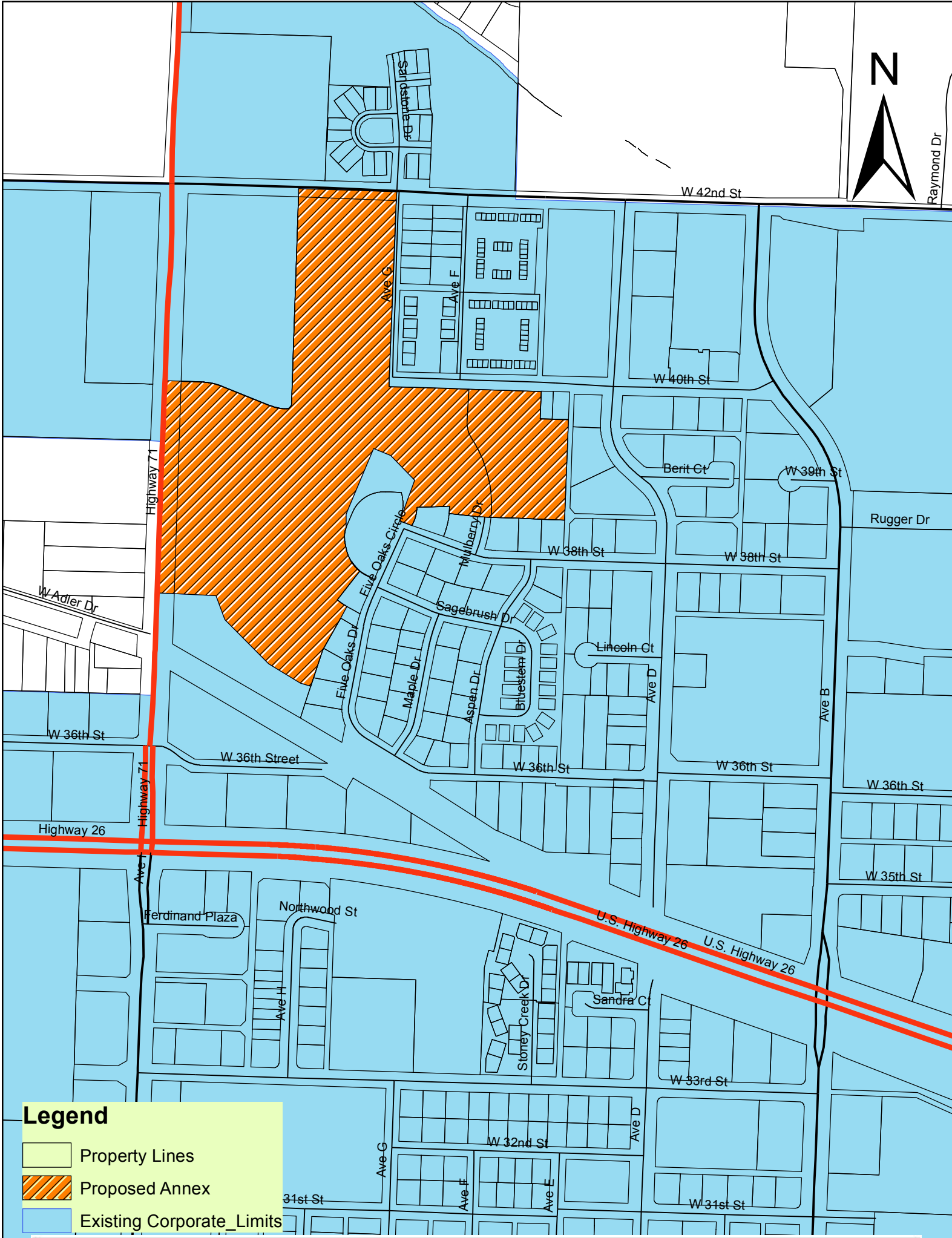
Mayor

ATTEST:




City Clerk (Seal)



Raymond Dr



Legend

-  Property Lines
-  Proposed Annex
-  Existing Corporate Limits