

City of Seward, NE
Tuesday, September 15, 2015
Regular Session

Item G6

**PUBLIC HEARING - 7:00 P.M. - CONSIDERATION OF
PRELIMINARY AND FINAL PLAT OF TWIN OAKS
DEVELOPMENT 6TH ADDITION - John Hughes**

Consideration of an Ordinance approving the final plat

Administrative Report: Following the public hearing, review and discussion of the request, a motion to adopt the Ordinance would be in order.

Staff Contact:

NOTICE OF PUBLIC HEARING

Public notice is hereby given by Planning Commission of the City of Seward, Nebraska, that a public hearing will be held at 7:30 p.m. on Monday September 14, 2015, and the City Council of the City of Seward, Seward County, Nebraska on Tuesday September 15, 2015 at 7:00 p.m. in the Council Chambers at the Municipal Building, 142 North 7th Street, Seward, Nebraska. Said Public Hearings will be to obtain public comment regarding proposed Preliminary and Final Plat of Twin Oaks Development 6th Addition by the Planning Commission and City Council.

This parcel, which is the subject of this notice and of the public hearing is described as follows (1 lot on the north side of Birch Street, between Pine Street and 285th Road).

Legal Description: A REPLAT OF LOT 6, TWIN OAKS DEVELOPMENT 5TH ADDITION AND LOT "C" ADMINISTRATIVE REPLAT OF LOT 6, TWIN OAKS DEVELOPMENT 3RD ADDITION TO THE CITY OF SEWARD, SEWARD COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 11 NORTH, RANGE 3 EAST OF THE 6TH P.M., SEWARD COUNTY, NEBRASKA; THENCE IN AN EASTERLY DIRECTION, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, ON AN ASSUMED BEARING OF S 89°41'12" E FOR A DISTANCE OF 445.20' THENCE N 00°18'48" E FOR A DISTANCE OF 82.00' THENCE S 89°41'12" E FOR A DISTANCE OF 982.51' TO THE SOUTHEAST CORNER OF SAID LOT C, ADMINISTRATIVE REPLAT OF LOT 6, TWIN OAKS DEVELOPMENT 3RD ADDITION THENCE N 00°20'15" E, ALONG THE EAST LINE OF SAID LOT C, FOR A DISTANCE OF 600.00 FEET TO THE NORTHEAST CORNER OF SAID LOT C. THENCE S 89°41'12" E, ALONG THE NORTH LINE OF LOT B, ADMINISTRATIVE REPLAT OF SAID LOT 6, FOR A DISTANCE OF 235.64' TO THE SOUTHWEST CORNER OF LOT 14, TWIN OAKS DEVELOPMENT 5TH ADDITION THENCE N 00°20'15" E, PARALLEL TO AND 200' WEST OF THE EAST LINE OF SAID LOT 6, TWIN OAKS DEVELOPMENT 5TH ADDITION, FOR A DISTANCE 920.32' THENCE N 89°39'45" W FOR A DISTANCE OF 575.74' THENCE N 00°01'42" W FOR A DISTANCE OF 80.24' THENCE N 36°29'18" E FOR A DISTANCE OF 185.97' THENCE S 71°52'42" E FOR A DISTANCE OF 132.00' THENCE N 57°17'18" E FOR A DISTANCE OF 114.00' THENCE N 46°44'05" E FOR A DISTANCE OF 287.67' THENCE N 00°20'15" E FOR A DISTANCE OF 98.92' TO A POINT ON THE SOUTH LINE OF COTTONWOOD STREET THENCE N 89°38'29" W, ALONG THE SOUTH LINE OF COTTONWOOD STREET, FOR A DISTANCE OF 185.44' THENCE ON A CURVE TO THE LEFT AN ARC LENGTH OF 147.44', A RADIUS OF 1754.78', A CHORD BEARING OF S 88°03'59" W, A CHORD LENGTH OF 147.40'

THENCE ON A REVERSE CURVE TO THE RIGHT AN ARC LENGTH OF 35.49', A RADIUS OF 2378.80', A CHORD BEARING OF S 86°05'12" W, A CHORD LENGTH OF 35.49' TO THE NORTHEAST CORNER OF LOT 3, TWIN OAKS DEVELOPMENT 3RD ADDTION THENCE S 20°23'15" W FOR A DISTANCE OF 84.49' THENCE S 59°49'15" W FOR A DISTANCE OF 160.00' THENCE S 00°20'14" W FOR A DISTANCE OF 62.01' THENCE N 89°36'00" W FOR A DISTANCE OF 639.17' THENCE N 00°23'04" E FOR A DISTANCE OF 726.79' TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32 THENCE N 89°36'10" W, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, FOR A DISTANCE OF 446.79' TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 32 THENCE S 00°28'07" W, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, FOR A DISTANCE OF 2649.53' TO THE POINT OF BEGINNING TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.
SAID PROPERTY CONTAINS 74.16 ACRES

All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views regarding the proposed application for Minor Plat and Annexation.

Ed Gonzalez
Building/Zoning Director

Published: 8-26-15



142 N 7th St., PO Box 38 Seward, NE 68434
402-643-4000 Ext. 3 Office
Edward.Gonzalez@CityofSewardNE.com

Ed Gonzalez
Building/Zoning &
Code Enforcement Director

Planning Commission Report for September 14, 2015:

1. 7:30pm Public Hearing;

TIF Application – Project Hot Mill (Seward Rail Site Campus)

This agenda item will most likely be tabled, since the CRA Committee tabled the item at their Sept. 2, 2015 meeting.

2. 7:30pm Public Hearing; Twin Oaks 6th Addition Preliminary and Final Plats

This is a 2 lot addition located north of Birch St. This subdivision involves re-platting 2 lots, making 1 lot bigger and 1 lot smaller. Since the property has already been platted previously, it has to go through the Major Subdivision process, requiring a Preliminary and Final Plat.

The Subdivision conforms to the City's Comprehensive Plan Future Land Use map with the Industrial use type. The Plat conforms to the requirements of the City of Seward's Unified Land Development Ordinance reference Major Subdivision application requirements (11.3804). The area is currently located in the Limited Industrial (I-1) zoning district, and there will be no change in zoning at this time. With the exception of electrical service, the area is currently served with water and sewer utilities.

See enclosed Preliminary and Final Plats, and Subdivision Application.

3. Capital Improvement Projects Review. See enclosed spreadsheet.



Major Subdivision Application

Applications shall be submitted a minimum of 30 days prior to City Planning Commission Meeting. Planning Commission meets the 2nd Monday of each month

Date Submitted: 8-10-15

Preliminary Plat Application Fees:

Filing fee \$400.00 + \$40.00 Per Lot = \$ 480.00 + Notification fee \$100 = \$580.00

Name of Subdivision: Twin Oaks 6th Add.

Owner/Developer: Roger Lindner

Legal Description: see Plat

Project Engineer: Kerry Simonds Number of Lots: 2

Present Zoning: I-1 Requested Zoning: Same

| | | | |
|---------------------------------|---|--|--|
| Within City Limits | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | NA <input type="checkbox"/> |
| Adjacent to City Limits | Yes <input type="checkbox"/> | No <input type="checkbox"/> | NA <input checked="" type="checkbox"/> |
| Within 2 mile area | Yes <input type="checkbox"/> | No <input type="checkbox"/> | NA <input checked="" type="checkbox"/> |
| Annexation Requested | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | NA <input type="checkbox"/> |
| Restrictive covenants provided | Yes <input type="checkbox"/> | No <input type="checkbox"/> | NA <input checked="" type="checkbox"/> |
| Subdivision Agreement submitted | Yes <input type="checkbox"/> | No <input type="checkbox"/> | NA <input checked="" type="checkbox"/> |
| Performance Bond Required | Yes <input type="checkbox"/> | No <input type="checkbox"/> | NA <input checked="" type="checkbox"/> |

Signed by Developer X Roger Lindner

Preliminary Plat Review

Staff Review

| | |
|---------------|-------------------------------------|
| Electric Dept | <input checked="" type="checkbox"/> |
| Street Dept | <input checked="" type="checkbox"/> |
| Water/Waste | <input checked="" type="checkbox"/> |
| Police Dept | <input checked="" type="checkbox"/> |
| Park/Rec Dept | <input checked="" type="checkbox"/> |

Agency Review

| | |
|--------------|--------------------------|
| Cable TV | <input type="checkbox"/> |
| Gas Co | <input type="checkbox"/> |
| Telephone Co | <input type="checkbox"/> |
| School Board | <input type="checkbox"/> |
| County P.C. | <input type="checkbox"/> |

Final Plat Application fees:

Filing fee \$100.00 + \$10.00 Per Lot (\$.20.00) = \$120.00

Aid to Construction for Electric Dept fees (City of Seward Resolution 8-07):

Developer fees \$400 Per Lot = \$ 800.00 + \$4.00 per foot of electrical line installation for lots (335')
\$1340.00 = \$2140.00

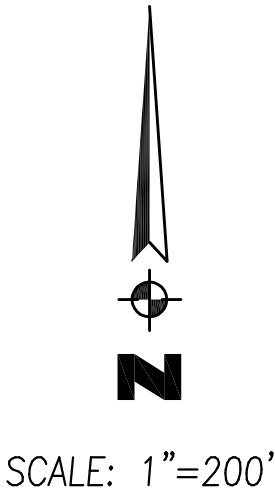
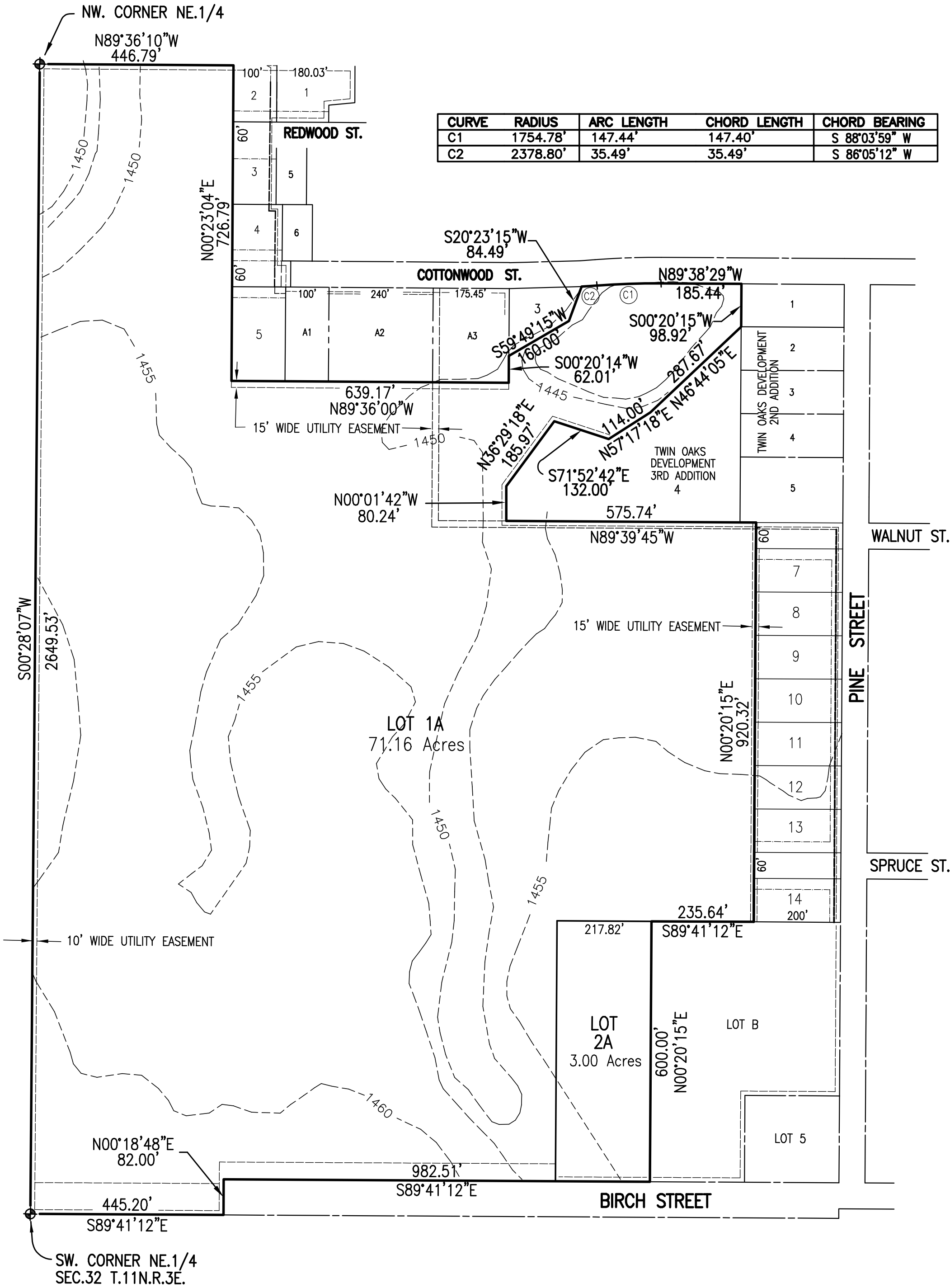
Date and action taken:

Planning Commission: _____ City Council: _____

TWIN OAKS DEVELOPMENT SIXTH ADDITION

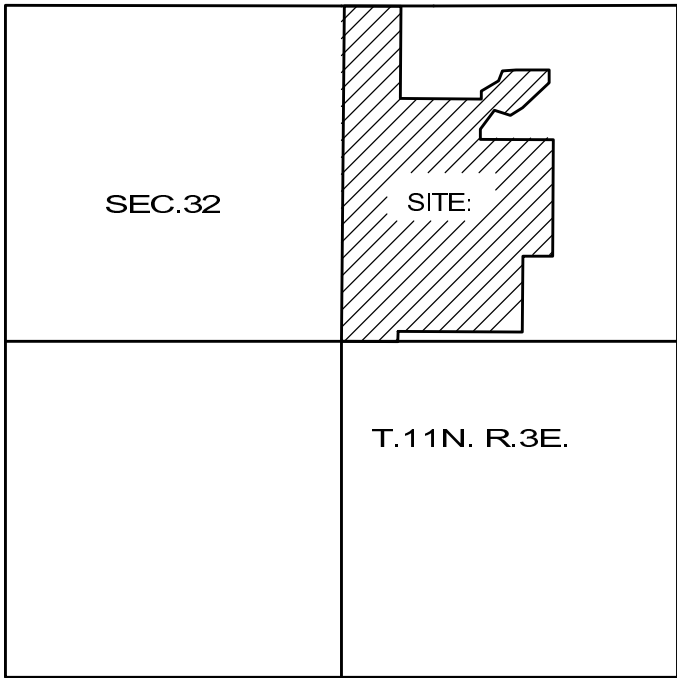
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THE CITY OF SEWARD, SEWARD COUNTY, NEBRASKA

PRELIMINARY PLAT



LEGEND

- = Set 5/8" Capped Rebar
- = Found corner as recorded
- M = Measured distance
- P = Plat distance



VICINITY MAP:

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SAID PROPERTY CONTAINS 74.16 ACRES

SURVEYOR'S CERTIFICATE:

I, KERRY W. SIMONDS HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION, THAT ANY CHANGES FROM THE DESCRIPTION APPEARING IN THE LAST RECORD TRANSFER OF THE LAND CONTAINED IN THIS PLAT ARE SO INDICATED, THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST AS DESCRIBED OR WILL BE INSTALLED AND THEIR POSITION IS CORRECTLY SHOWN AND THAT ALL DIMENSIONAL AND GEODETIC DATA IS CORRECT.

SIGNED THIS _____ DAY OF _____, 2015

KERRY W. SIMONDS L.S. #333



FLOOD ZONE:

THIS PROPERTY APPEARS TO BE LOCATED IN ZONE "X" ON FLOOD RATE MAP, COMMUNITY NO, 310210, PANEL NO. 0010 C, EFFECTIVE DECEMBER 30,1993

BENCH MARK:

CHISELED SQUARE IN EAST ISLAND NOSE @ HWY. 15 & BIRCH ROAD, W. SIDE HWY.15 ELEV. 1476.67

BUILDING SETBACK LINES:

FRONT YARD: 25'
SIDE YARD: 0
REAR YARD: 0

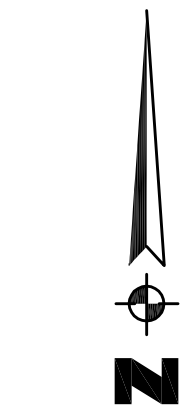
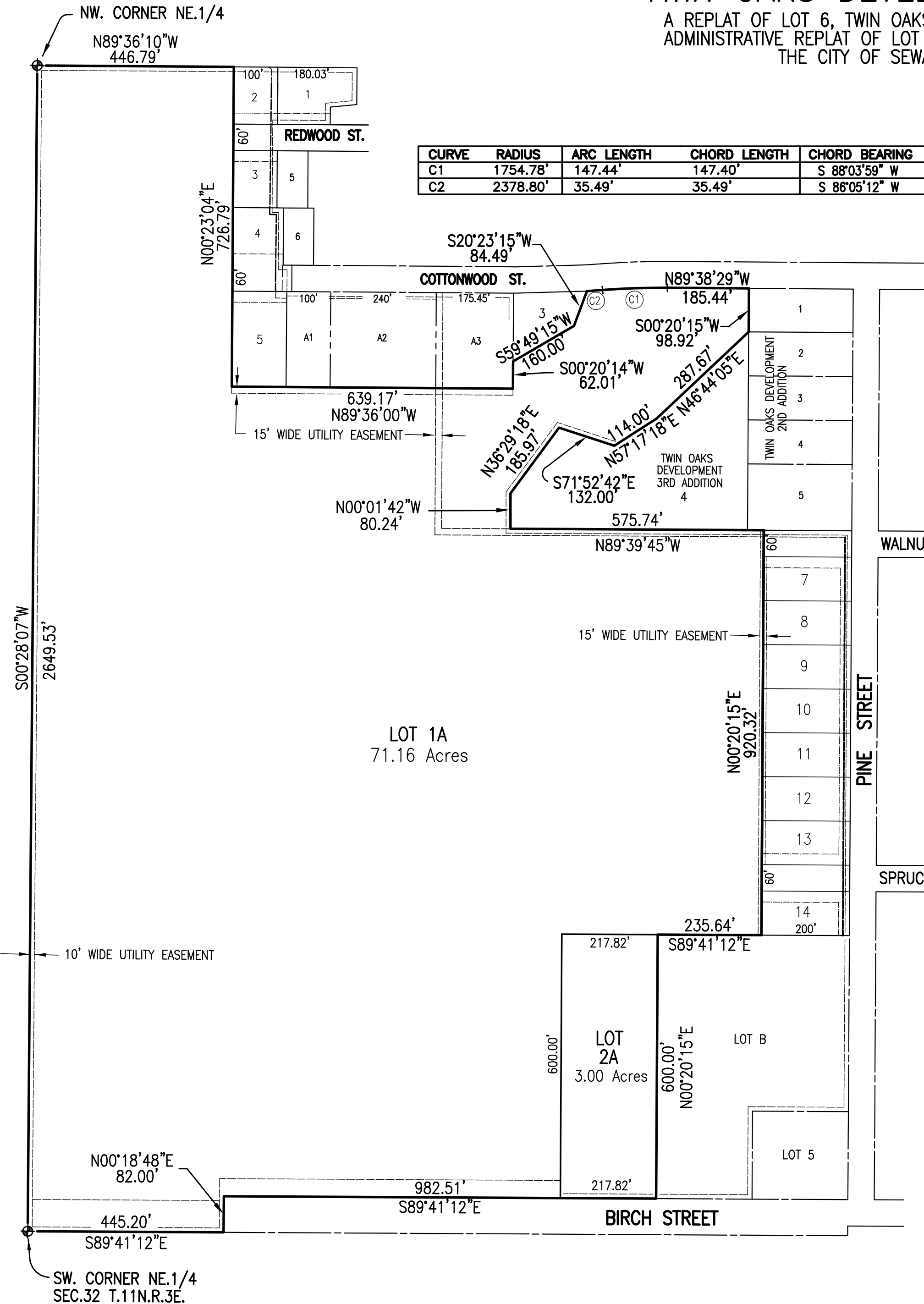
TOTAL NUMBER OF LOTS: 2

OWNERS OF PROPERTY: ROGER P. LINDNER AND DARCY L. LINDNER

NAME OF SURVEYOR: KERRY W. SIMONDS L.S. #333

TWIN OAKS DEVELOPMENT SIXTH ADDITION

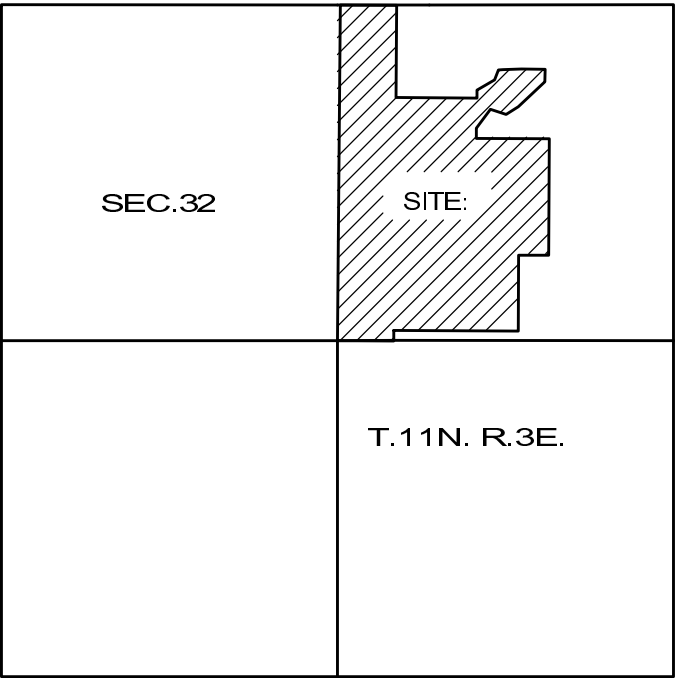
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THE CITY OF SEWARD, SEWARD COUNTY, NEBRASKA
FINAL PLAT



SCALE: 1"=200'

LEGEND

- = Set 5/8" Capped Rebar
- = Found corner as recorded
- M = Measured distance
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VICINITY MAP:

APPROVAL OF SEWARD CITY COUNCIL:

THIS PLAT OF "TWIN OAKS DEVELOPMENT SIXTH ADDITION" HAS BEEN SUBMITTED TO AND APPROVED BY THE SEWARD CITY COUNCIL

SIGNED THIS ____ DAY OF _____, 2015

MAYOR _____

ATTEST: _____

CITY CLERK _____

APPROVAL OF SEWARD PLANNING COMMISSION:

THIS PLAT OF "TWIN OAKS DEVELOPMENT SIXTH ADDITION" HAS BEEN SUBMITTED TO AND APPROVED BY THE SEWARD PLANNING COMMISSION

SIGNED THIS ____ DAY OF _____, 2015

CHAIRPERSON _____

ATTEST: _____

SECRETARY OF THE PLANNING COMMISSION _____

REGISTER OF DEEDS:

ENTERED ON TRANSFER RECORD THIS ____ DAY OF _____, 2015
IN _____, AT _____

REGISTER OF DEEDS _____

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SAID PROPERTY CONTAINS 74.16 ACRES

OWNERSHIP CERTIFICATE

WE, ROGER P. LINDNER, PATRICA J. LINDNER AND DARCY L. LINDNER, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN DO HEREBY CERTIFY THAT WE HAVE LAID OUT, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OUT, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS "TWIN OAKS DEVELOPMENT SIXTH ADDITION" TO THE CITY OF SEWARD, SEWARD COUNTY, NEBRASKA

ALL STREETS AND ALLEYS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC UNLESS SPECIFICALLY NOTED HEREIN.

OTHER PUBLIC LANDS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY RESERVED TO PUBLIC USE.

CLEAR TITLE TO THE LAND CONTAINED IN THIS PLAT IS GUARANTEED. ANY ENCUMBRANCES OR SPECIAL ASSESSMENTS ARE EXPLAINED AS FOLLOWS:

THERE ARE STRIPS OF GROUND SHOWN ON THIS PLAT AND MARKED EASEMENT, RESERVED FOR THE USE OF PUBLIC UTILITIES AND SUBJECT TO THE PARAMOUNT RIGHT OF UTILITY OR CITY TO INSTALL, REPAIR, REPLACE AND MAINTAIN ITS INSTALLATIONS. NO PERMANENT BUILDINGS OR STRUCTURES SHALL BE PLACED ON SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR LANDSCAPING AND OTHER PURPOSES THAT DO NOT NOW OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS GRANTED HEREIN.

WITNESS ARE HAND THIS ____ DAY OF _____, 2015

ROGER P. LINDNER PATRICA J. LINDNER DARCY L. LINDNER

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
) SS
COUNTY OF SEWARD)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED ROGER P. LINDNER, PATRICA J. LINDNER AND DARCY L. LINDNER AND THEY ACKNOWLEDGE THIS EXECUTION OF THE FOREGOING INSTRUMENT AS THEIR VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL THIS ____ DAY OF _____, 2015

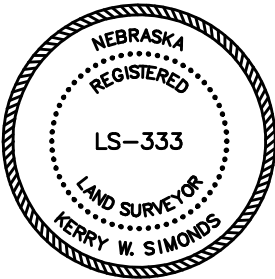
NOTARY PUBLIC _____

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KERRY W. SIMONDS LS. #333



ORDINANCE NO. 2015-

AN ORDINANCE TO APPROVE THE PLAT ENTITLED "TWIN OAKS 6TH ADDITION TO THE CITY OF SEWARD, SEWARD COUNTY, NEBRASKA," AS HEREINAFTER SET FORTH, LOCATED WEST OF PINE STREET, SOUTH OF LOT 6 OF TWIN OAKS 5TH ADDITION, NORTH OF BIRCH STREET; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

Section 1. Plat and Dedication Approved. The Plat and dedication of the following described real estate is hereby approved:

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THENCE N 89°36'10" W, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, FOR A DISTANCE OF 446.79' TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 32

THENCE S 00°28'07" W, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 32, FOR A DISTANCE OF 2649.53' TO THE POINT OF BEGINNING

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 74.16 ACRES

Section 2. Plat Designated. The plat of said real estate is hereby designated as "Twin Oaks 6th Addition, City of Seward, Seward County, Nebraska."

Section 3. Filing and Recording of Plat. An accurate plat of said real estate as platted and dedicated as heretofore set forth, certified to by an Engineer or Surveyor, together with a certified copy of this Ordinance shall be filed in the office of the Seward County Clerk, Seward, Nebraska.

Section 4. Pamphlet form; publication; when operative. This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as provided by law and City Ordinance.

Passed and approved this 15th day of September, 2015.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

Attest:

Bonnie Otte
Assistant Administrator/
Clerk-Treasurer

(SEAL)