

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Monday, July 18, 2016 at 4:00 PM in the City Building, 220 North Hastings Avenue, City Council Chambers, Hastings, Nebraska.

AGENDA:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Motion to adopt the current agenda for the Planning Commission Meeting
5. Public Notice Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, July 15, 2016. Pursuant to the Nebraska Revised Statute Section 841412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.
6. Approval of Minutes
 - a. Meeting of June 20, 2016
7. Special Order of Business
8. Unfinished Business
 - a. Continued Applications - None
 - b. Tabled Applications - None
 - c. Postponed Applications - None
 - d. Unfinished Applications - None
9. Public Hearings.
 - a. **2016-524.** 16-026 Conditional Use Permit – Request from Pastor Rev Elder Barahona for a Conditional Use Permit to locate and operate a church at 1609 North Kansas Avenue.
 - b. **2016-525.** 16-027 Street Vacation Request from Ron Wissing of Johnson Concrete Products to vacate part of East “C” Street right-of-way.
10. Subdivisions
11. Reports
 - a. Committee Reports
 - b. Chairman Comments

Planning Commission Agenda

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c. Staff Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Monday, June 20, 2016

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, City Council Chambers, Hastings, Nebraska, on June 20, 2016.

The meeting was called to order at 4:00 p.m. by Vice Chair Chuck Rosenberg with the following members present: Marshall Gaines, Lou Kully, Chuck Rosenberg, Sandra Shutt, Dave Johnson, Dale Hamburger, Paul Hamelink. Absent: Keith Napier, Corey Stutte.

Vice Chair Chuck Rosenberg led the group in recital of the Pledge of Allegiance to the United States of America.

Moved by Paul Hamelink, seconded by Dale Hamburger to adopt the current agenda for the Planning Commission meeting. Roll Call: Ayes: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Nays: None. Absent: Keith Napier, Corey Stutte. The motion carried.

Vice Chair Chuck Rosenberg read the Public Notice - The Open Meetings Act is posted on the southeast wall of the City Council Chambers and that prior to this meeting a notice was placed in the Hastings Tribune, that notice was posted in three public places, that each Planning Commission member received a copy of the proposed agenda and that an agenda for such meeting, kept continuously current, is available for public inspection and that said meeting is held in open session.

Moved by Lou Kully, seconded by Sandra Shutt to approve minutes of May 16, 2016 meeting as amended. Roll Call: Ayes: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Nays: None. Absent: Keith Napier, Corey Stutte. The motion carried.

8.a. CONTINUED APPLICATIONS:

16-016. Request from Keith and Gail Dreher, property owners, to rezone a residential lot at 1255 North Adams Central Avenue from District R-1S, Single-Family Suburban Acreage Residential to District R-1A, Single-Family Large Lot Residential, property approximately 1.498 acres and described as Lot 5, Block One, Country Estates Subdivision located in the City of Hastings, Adams County, Nebraska.

Vice Chair Chuck Rosenberg declared the public hearing open.

Staff reported this is zoned R1-S. The request was to rezone to facilitate an administrative lot split so the applicant can reduce the size of the lot they have to maintain. Staff feels a rezone is not the best planning approach, and staff is not in support of the rezone.

Bill Bliefernich, 1345 N. Adams Central Ave. Lots were intended to be large in this subdivision. Safety reasons are a concern and he is in opposition to the application.

Mark Barfkneck, 1535 N Adams Central Ave. The rural atmosphere and large lot is what the residents wanted at the time. Visibility is poor at the intersection and with the addition to Adams Central School, traffic will only increase. He is in opposition.

Blake Peshek, 1395 N Adams Central Ave. Safety is a big concern and he is opposed to the rezone. The rezone would change the aesthetics of the neighborhood and may reduce the value of the homes.

Paul Hamelink has concerns, which include a very busy intersection and another drive would be difficult at that location.

Gail Dreher, applicant. She and her husband want to divide and sell part of their property due to their age and health. They cannot maintain such a large lot. Lance Lang, City Planner met with her several weeks ago and stated Staff would not support the request. She gave some examples of other properties that were similar in nature to this property. She did agree the intersection is busy.

Vice Chair Chuck Rosenberg declared the public hearing closed.

Moved by Lou Kully, seconded by Dale Hamburger to approve 16-016.

Roll Call: Ayes: None. Nays: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Absent: Keith Napier, Corey Stutte. The motion failed.

Vice Chair Chuck Rosenberg stated the Commission's recommendation to Council is the application be denied and requested a motion.

Moved by Dave Johnson, seconded by Lou Kully to deny 16-016. Roll Call: Ayes: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Nays: None. Absent: Keith Napier, Corey Stutte. The motion carried.

9. PUBLIC HEARINGS.

9.d. 16-023. Request from Thomas Kluver representing Steeple Brewing Company, for a Conditional Use Permit to operate a craft brewery to be known as "Steeple Brewing Company" on property zoned C-2, Central Business District, located at 717 West 1st Street.

Vice Chair Chuck Rosenberg declared the public hearing open.

Staff stated a Conditional Use Permit is required for a craft brewer and they will partner with a pizza parlor. Staff recommends approval.

Thomas Kluver, Fairfield, Nebraska, and a partner representing Steeple Brewing. This will not be a production brewery, but will sell the product in-house.

Dave Rippe 125 N Lincoln Ave. He is the owner of the building and is in full support of the Conditional Use Permit.

Vice Chair Chuck Rosenberg declared the public hearing closed.

Moved by Lou Kully seconded by Marshall Gaines to approve 16-023.

Dave Ptak, City Attorney, questioned 2nd and 3rd conditions of restriction on total volume and how it would be measured. The condition is not fitting for a zoning permit. A state license will be issued and production volume will be regulated by the state.

Lou Kully amended the motion to remove the restrictions on total permissible gallons, seconded

by Marshall Gaines.

Paul Hamelink stated the materials storage condition also needs to be removed.

Vice Chair Chuck Rosenberg declared the public hearing closed.

Lou Kully amended his amended motion to include the removal of the materials storage condition, seconded by Marshall Gaines. Roll Call: Ayes: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Nays: None. Absent: Keith Napier, Corey Stutte. The motion carried.

9e. 16-024. Request from Matt Robinette of Bluestem Energy Solutions partnering with Hastings Central Community College Energy Project with a request for approval of a Conditional Use Permit to locate and operate a 432-foot tall wind turbine near the southwest corner of the Southwest Quarter of Section 15, Township 7 North, Range 9 West of the 6th Principal Meridian in Adams County, Nebraska, entire tract containing 151.51 acres, more or less.

Vice Chair Chuck Rosenberg declared the public hearing open.

Staff stated the Conditional Use Permit requested is for a 432' Wind Energy Turbine System. Bluestem Energy Solutions will partner with Hastings Central Community College Energy Project. Electricity will stay within the community. Staff recommends approval.

Matt Robinette, Project Manager, Bluestem Energy Solutions, a renewable energy developer and operator based out of Omaha. The project is good for the City of Hastings, Hastings Utilities, meets goals for CCC, and Bluestem, the developer. CCC has joined a coalition of universities and community colleges across the United States with the goal of trying to reduce their carbon footprint and become more environmental friendly; secondly, trying to enhance their wind technician program with a real life laboratory as a training tool.

Vice Chair Chuck Rosenberg declared the public hearing closed.

Moved by Lou Kully seconded by Marshall Gaines to approve 16-024.

Roll Call: Ayes: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Nays: .None. Absent: Keith Napier, Corey Stutte. The motion carried.

9.f. 16-025. Rezoning request from The City of Hastings Development Services Department to rezone the following tracts of land as described below:

1. Lot 1, Tri K Second Subdivision
2. Lot 1, Tri K Subdivision
3. All vacated Lots and Alleys in Blocks 1, 2, 3 & 6, and the East 51.51 feet more or less of Block 5 along with vacated South Chicago Ave., South Bellevue Ave., West "G" Street and that portion of South Lexington Ave., in Hamshers South Side Addition, City of Hastings, Adams County, Nebraska
4. Lot 2, Lincoln Heights Subdivision
5. Lot 2, Wolfe Cycle Subdivision
6. Lots 1 thru 8, Block 1, Loda Addition

Vice Chair Chuck Rosenberg declared the public hearing open.

Staff explained this is a multiple property rezoning. The properties are zoned C-2, Central Business district, but located a mile or so from downtown. A total of 6 properties are zoned C-2 in that area. Staff decided to rezone all 6 properties to C-3. This allows residential uses as well as commercial. Letters were sent explaining the process to the property owners. Staff feels C-2 is out of place and C-3 is appropriate.

Dave Ptak, City Attorney, commented none of the existing uses would be made non-conforming by this zoning change. All are permitted uses and legally allowable. The Comprehensive Plan does not need to be amended.

Vice Chair Chuck Rosenberg declared the public hearing closed.

Moved by Lou Kully seconded by Dale Hamburger to approve 16-025. Roll Call: Ayes: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Nays: None. Absent: Keith Napier, Corey Stutte. The motion carried.

9.a. 16-020. Request from Randal Chick, Director of the Community Redevelopment Authority, for review of consistency with the Hastings Comprehensive Plan and request for approval of Plan Modification #5.17.16.1 to Redevelopment Plan VII, Redline Properties L.L.C. Redevelopment Project, said property located north of 2411 East Osborne Drive, and legally described as Lot 2, Garden Subdivision in the City of Hastings, Adams County, Nebraska, according to the recorded plat thereof.

Vice Chair Chuck Rosenberg declared the public hearing open.

Staff explained the plan modification for Redline Pharmacy. A 14,000 office and retail building is proposed. The Planning Commission role is to review the plan modification to confirm it is in conformance with the City's goals and Comprehensive Plan. Staff recommends approval.

Vice Chair Chuck Rosenberg declared the public hearing closed.

Moved by Paul Hamelink, seconded by Dave Johnson to approve 16-020.

Roll Call: Ayes: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Nays: None. Absent: Keith Napier, Corey Stutte. The motion carried.

9.b. 16-021. Request from Randal Chick, Director of the Community Redevelopment Authority, for review of consistency with the Hastings Comprehensive Plan and request for approval of Plan Modification #5.17.16.2 to Redevelopment Plan V, Furrow Plumbing Redevelopment Project, said property located at 122 South Ash Avenue, and legally described as Lot 1, Furrow/Johnson Subdivision in the City of Hastings, Adams County, Nebraska, according to the recorded plat thereof.

Vice Chair declared the public hearing open.

Staff explained the CRA Plan Modification at 122 S. Ash Ave. for Furrow Plumbing. A 2400 sq. ft. shop building. Funds would be used for demolition, site prep, and alley improvements at \$100,000. The Planning Commission's role is to review the plan modification to confirm it is in conformance with the City's goals and Comprehensive Plan. Staff recommends approval.

Vice Chair Chuck Rosenberg declared the public hearing closed.

Moved by Lou Kully seconded by Sandra Shutt to approve 16-021.

Roll Call: Ayes: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Nays: None. Absent: Keith Napier, Corey Stutte. The motion carried.

9.c. 16-022. Request from Randal Chick, Director of the Community Redevelopment Authority, for review of consistency with the Hastings Comprehensive Plan and request for approval of Plan Modification #5.17.16.3 to Redevelopment Plan V, Steve Johnson Redevelopment Project, said property located south of 126 S. Ash Ave., and legally described as Lot 2, Furrow/Johnson Subdivision in the City of Hastings, Adams County, Nebraska, according to the recorded plat thereof.

Vice Chair Chuck Rosenberg declared the public hearing open.

Staff explained this CRA Plan Modification at 126 S. Ash Ave. Steve Johnson. A 2400 sq. ft. shop building. Funds would be used for water/sewer improvements and alley improvements at \$75,000.00. The Planning Commission's role is to review the plan modification to confirm it is in conformance with the City's goals and Comprehensive Plan. Staff recommends approval.

Moved by Dave Johnson seconded by Dale Hamburger to approve 16-022.

Roll Call: Ayes: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Nays: None. Absent: Keith Napier, Corey Stutte. The motion carried.

11.a. Committee Reports

Ad hoc did not meet.

11.c. Staff mentioned Hastings Fire and Rescue reviews all applications and provides a written summary. There were no concerns on any of these applications.

Moved by Dave Johnson, seconded by Marshall Gaines to adjourn. Roll Call: Ayes: Chuck Rosenberg, Marshall Gaines, Dale Hamburger, Paul Hamelink, Lou Kully, Sandra Shutt, Dave Johnson. Nays: None. Absent: Keith Napier, Corey Stutte. The motion carried.

Chairman

Department: Development Services
Staff Contact: Lance Lang, City Planner
Planning Commission Meeting Date: 07/18/2016
File No: 2016-026
Prepared By: Lance Lang, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Request from Pastor Rev property Elder Barahona, Pastor of Ministerio Internacional Dios Es Armor for a Conditional Use Permit to locate and operate the church known as Ministerio Internacional Dios Es Armor on property zoned I-2, Heavy Industrial District, legally described as Lot 2, Dowd's Subdivision in the City of Hastings, Adams County, Nebraska aka 1609 North Kansas Avenue.

Names of People/Business affected by this action:

Neighboring property owners

Why Planning Commission action is required:

For public hearings involving Conditional Use Permits state law requires that the Planning Commission hold a public hearing, take testimony from citizens, city staff, project representatives and any other interested parties, and then make a recommendation to the City Council based on the findings from the public testimony. The City Council shall then holds another public hearing and makes the final decision.

Type of action requested:

Resolution

Suggested motion:

Motion to recommend approval.

Deadlines associated with action:

None.

Department head comments:

The applicant is requesting approval of a Conditional Use Permit (CUP) to locate and operate a church at 1609 North Kansas Avenue in the shadow of the Osborne Drive overpass. (See Exhibit 'A' - Vicinity Map). This property is zoned I-2, Heavy Industrial zone (see Exhibit 'D' - Zoning). As a public assembly use type, all churches require a CUP, and can be authorized by CUP to locate and operate in any zoning district.

The existing building that the church congregation proposes to occupy is located on Lot 2, Dowd's Subdivision (See Exhibit 'B' for an aerial view). In the past it has been occupied by restaurants. You will notice that the existing building occupies almost the entire surface area of Lot 2, Dowd's Subdivision. There is virtually no parking on this lot. A handful of spaces are partially on the lot on the south and east side of the building but also extend outside the boundary of the lot. As an assembly use type it is important that the church provide off-street parking. The code requires one parking space per three parishioners at the peak time of use. The church is bounded on the north by a lot owned by Union Pacific Railroad and on the south by a lot owned by the City of Hastings. (See Exhibit 'C')

There are existing parking spaces on the city lot, Lot 12 of Dietz Addition and on the adjoining public right-of-way which is also City-owned property. There are some 45 parking spaces in total on City property.

There is a section of the zoning code that allows for parking credits. "Section 34-308, Parking and Loading, (5), Parking Credits, (c) Public Parking Credit," states:

"Public parking within 600 feet of any lot line may be credited at a rate of one credit for every three public parking spaces. Any space eligible towards the credit shall not be leased and must be generally available to the public. The City, or other public entity in charge of management of the public parking facilities reserves the right to restructure the eligibility for parking credits through a parking district management program, subject to approval of the City Council."

A previously mentioned, there are about 45 spaces on the lot owned by the City plus adjacent public right-of-way. If this parking credit formula is applied the church claims 15 spaces. Required church parking is one per 3 parishioners at peak time so the church would be covered for 45 persons. The Pastor said the congregation is quite small so this should be a workable solution to the off-street parking shortage. In reality, no other businesses are close enough to use this parking except for the smaller building closer to the street which is also for sale. Even if both buildings are occupied, parking should not be an issue.

Recommendation:

Staff recommends that the Conditional Use Permit be approved to allow the church to operate at this location subject to the public parking credit section of the code.

City Administrator comments:



EXHIBIT 'A' - VICINITY MAP

City of Hastings

This map is for illustration only.





C.U.P. for proposed church at 1609 N Kansas Avenue (Lot 2, Dowd's Sub)

City of Hastings

This map is for illustration only.



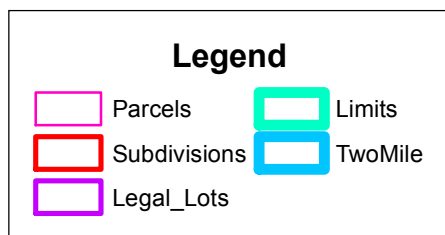
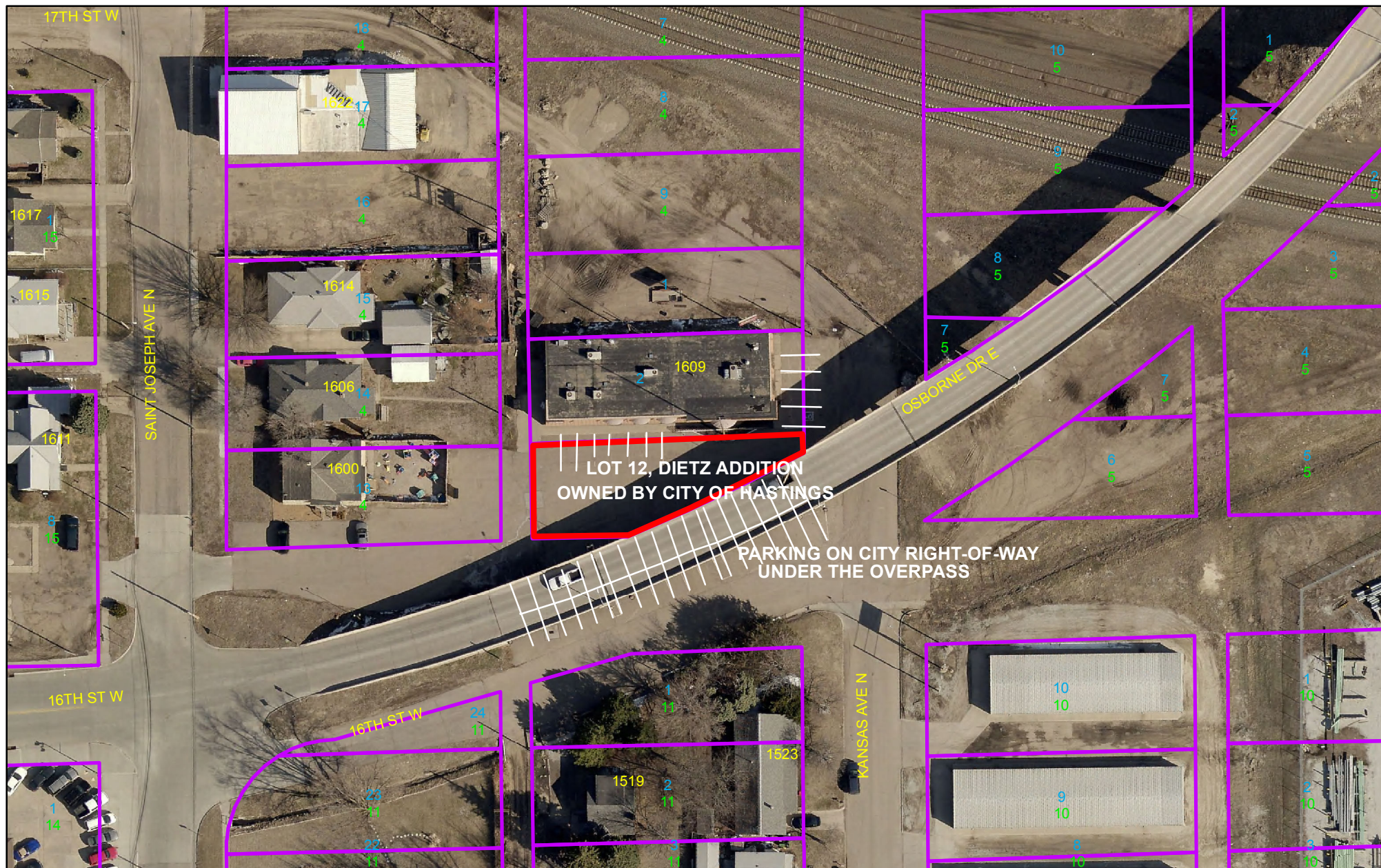
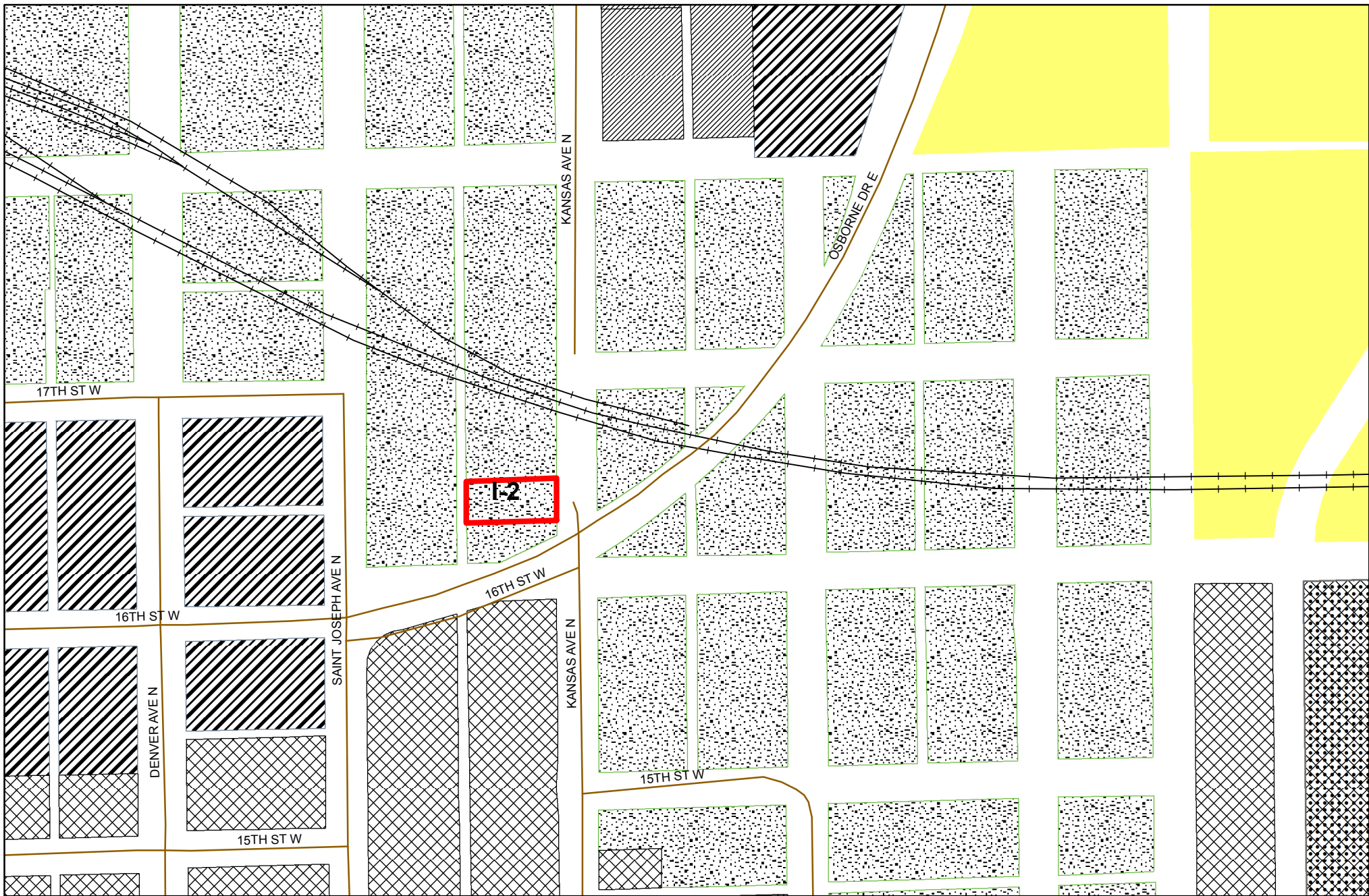


EXHIBIT 'C' - PARKING ON CITY OWNED LOT AND R.O.W.

City of Hastings

This map is for illustration only.





City Limits	R-3: Multiple-family	C-1: Local business
subdivision	R-1A: Single family large lot	C-2: Central business
A: Agricultural district	R-1S: Single family suburban	C-3: Commercial business
R-1: Urban single family	R-5: Urban single family undersized lot	C-0: Commercial office
R-2: Two-family	CMP: Campus institutional	I-1: Light industrial
R-3G: Garden apartment	CZ: Clear zone	I-2: Heavy industrial

EXHIBIT 'D' - EXISTING ZONING

City of Hastings Zoning

RESOLUTION NO. 2016-xx

WHEREAS, the City of Hastings Municipal Code establishes regulations, requirements, and specific conditions for approving and issuing Conditional Use Permits (CUP) for development projects that require conditional approval by resolution approved by the Mayor and City Council; and

WHEREAS, applicant Pastor Rev Elder Barahona, Pastor for Ministerio Internacional Dios Es Amor, a church, has submitted an application for the approval of a Conditional Use Permit to locate and operate the church on property at 1609 North Kansas Avenue, legally described as Lot2, Dowd's Subdivision in the City of Hastings, Adams County, Nebraska, and

WHEREAS, the Planning Commission and City Council have conducted public hearings as required by law and recommended approval of the CUP with certain conditions to be attached to this Resolution;

NOW THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby approve the CUP and the recommended conditions, and further do hereby adopt the following resolution:

BE IT RESOLVED by the Mayor and City Council of the City of Hastings, Nebraska, does hereby approve the Conditional Use Permit for Pastor Rev Elder Barahona and Ministerio Internacional Dios Es Amor, located at 1609 North Kansas Avenue, Hastings, Nebraska, subject to the following conditions:

- 1) The members, parishioners, visitors, and guests of Ministerio Internacional Dios Es Amor have permission to use fifteen (15) parking spaces located to the south of the building, on property owned by the City of Hastings per Hastings Municipal Code, Section 34-308, (5), (c) "Public Parking Credit."

PASSED AND APPROVED this _____ day of _____, 2016.

Mayor

ATTEST:

City Clerk

(S E A L)

Approved as to form: _____

City Attorney

Department: Development Services
Staff Contact: Lance Lang, City Planner
Planning Commission Meeting Date: 07/18/2016
File No: 2016-027
Prepared By: Lance Lang, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Request from Ron Wissing of Johnson Concrete Products to vacate that portion of East "C" Street right-of-way, seventy feet (70') in width, between South Pine Avenue and east of the old Union Pacific right-of-way line and between Block 6 and Block 9, all in M.J. Smith's Addition, City of Hastings, Adams County, Nebraska. Said portion of vacated street right-of-way to be retained by the City of Hastings for a utility easement.

Names of People/Business affected by this action:

Adjacent property owners.

Why Planning Commission action is required:

For public hearings involving vacation of road right-of-ways state law requires that the Planning Commission hold a public hearing, take testimony from citizens, city staff, project representatives and any other interested parties, and then make a recommendation to the City Council based on the findings from the public testimony. The City Council shall then holds another public hearing and make the final decision.

Type of action requested:

Ordinance

Suggested motion:

Motion to recommend approval.

Deadlines associated with action:

None.

Department head comments:

The applicant is requesting part of East C Street right-of-way be vacated so that it can be used for on-site storage of materials. This is the 100 Block of East C Street. (See Exhibit 'A' - Vicinity

Map) The portion of the right-of-way to be vacated extends west from South Pine Avenue to the Union Pacific Railroad property, 35 feet north of the center line of East C Street to Block 6, M.J. Smiths Addition and 35 feet south of the center line to Block 9, M.J. Smiths Addition for a total of seventy feet (70') of right-of-way width. (See Exhibit 'B' - Aerial View)

As evidenced in Exhibit 'B,' the right-of-way is already being used for outdoor storage of PVC pipe. Vacation of the right-of-way would legitimize this use of the property. In the future, the applicant would like to construct a large storage building generally located as shown on Exhibit 'D'. City staff has reviewed this request for vacation of part of East C Street as requested and recommend approval, however, this land needs to be retained for future public utility easements to the City of Hastings.

Recommendation:

City staff recommends approval of the requested street right-of-way, subject to all of the vacated property being reserved for future public utility easements to the City of Hastings.

City Administrator comments:

Recommend Approval



EXHIBIT 'A' - VICINITY MAP

City of Hastings

This map is for illustration only.



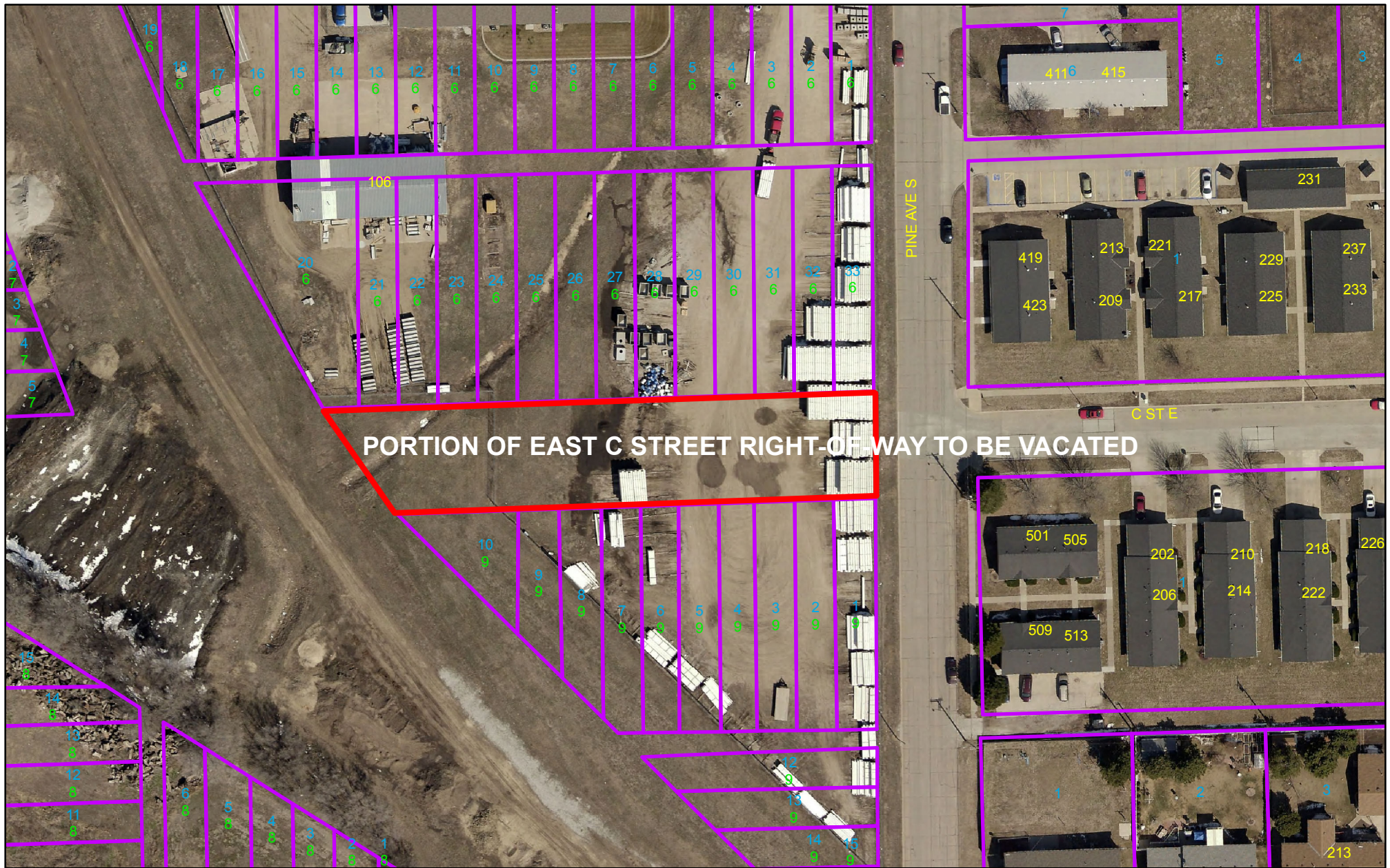
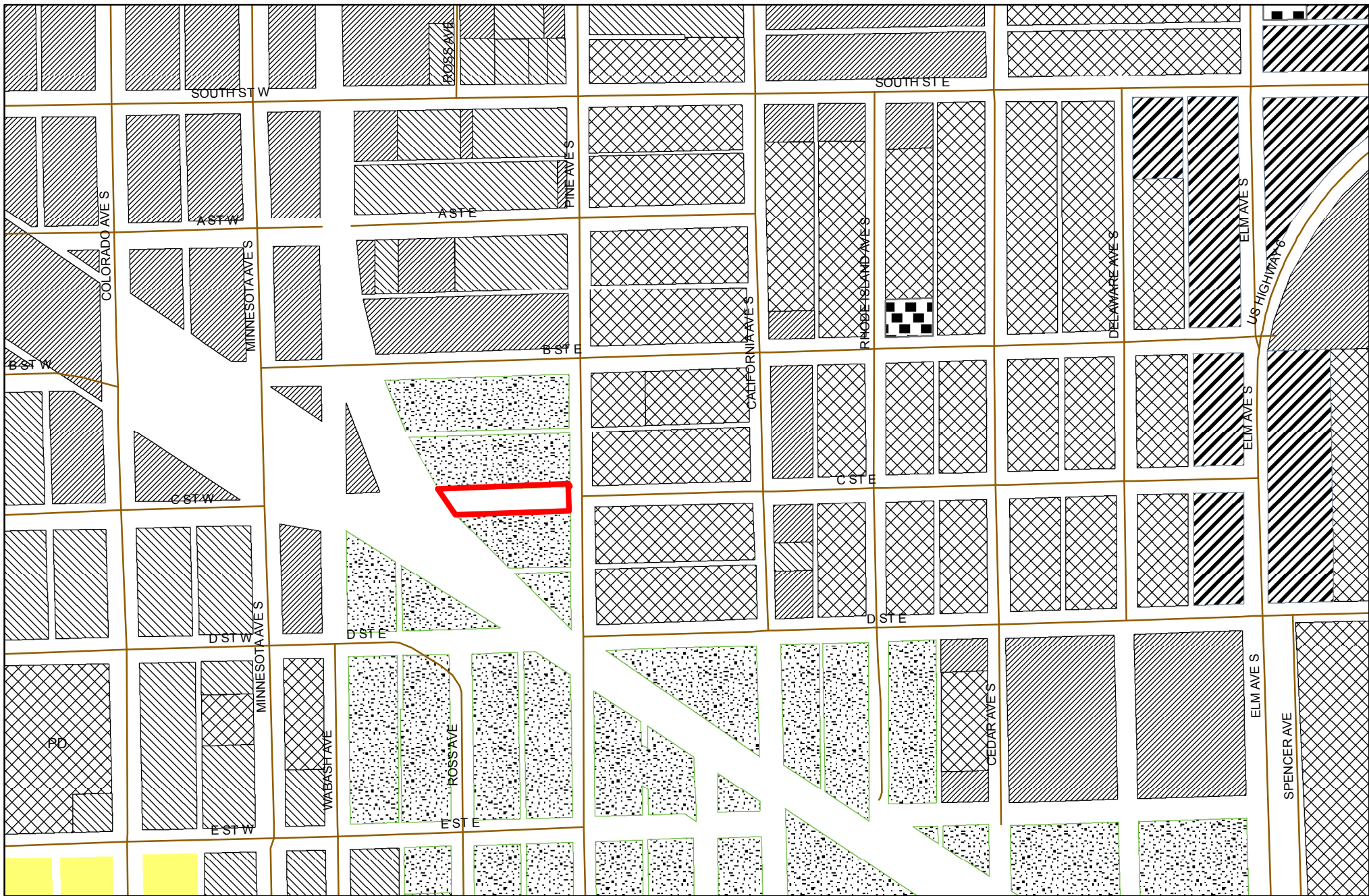


EXHIBIT 'B' - AERIAL VIEW

City of Hastings

This map is for illustration only.





City Limits	R-3: Multiple-family	C-1: Local business
subdivision	R-1A: Single family large lot	C-2: Central business
A: Agricultural district	R-1S: Single family suburban	C-3: Commercial business
R-1: Urban single family	R-5: Urban single family undersized lot	C-0: Commercial office
R-2: Two-family	CMP: Campus institutional	I-1: Light industrial
R-3G: Garden apartment	CZ: Clear zone	I-2: Heavy industrial

EXHIBIT 'C' - ZONING

City of Hastings Zoning

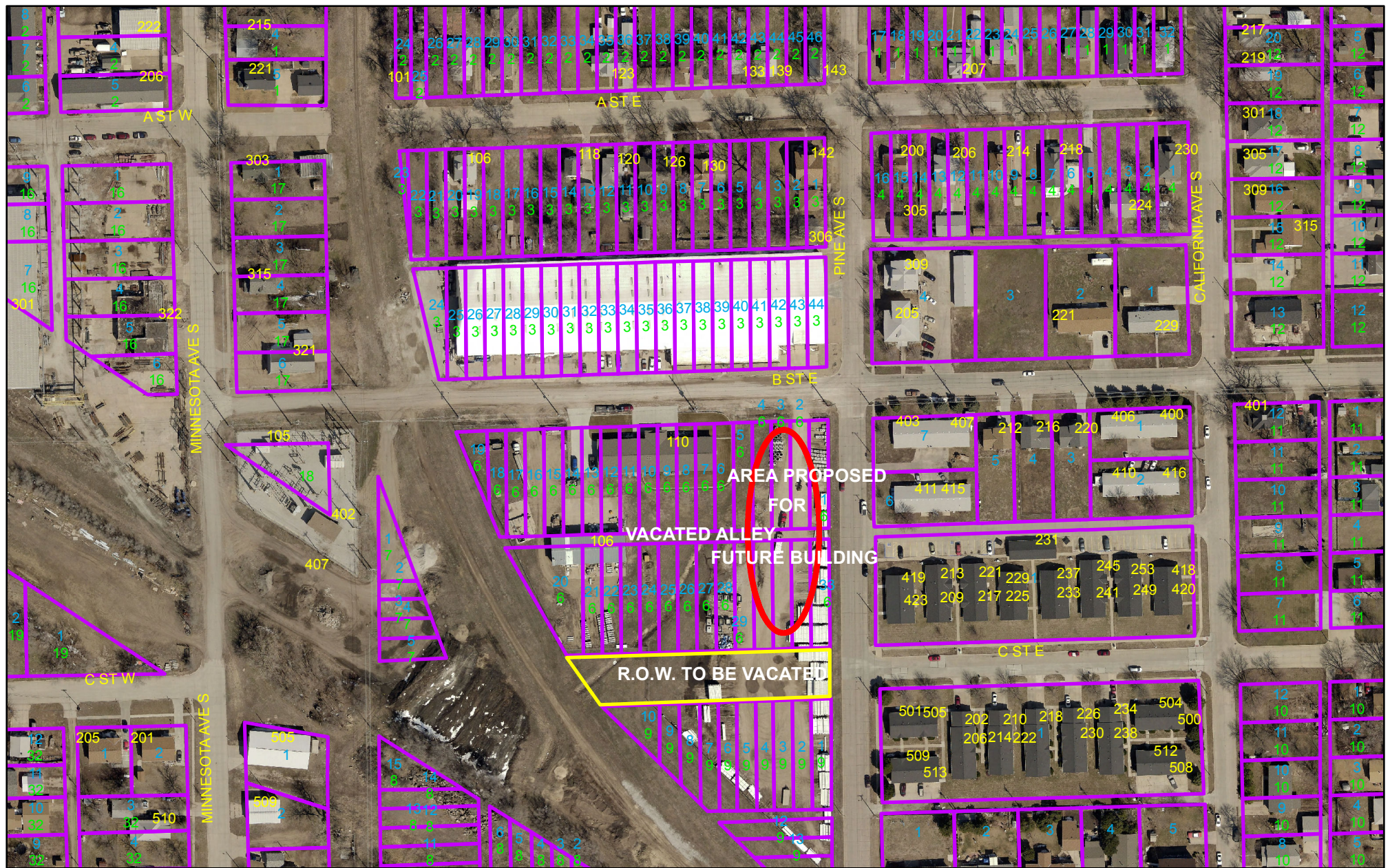


EXHIBIT 'D' - AREA OF FUTURE BUILDING

City of Hastings

This map is for illustration only.



ORDINANCE NO. 44xx

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, VACATING EAST “C” STREET, SEVENTY FEET (70’) IN WIDTH, BETWEEN SOUTH PINE AVENUE AND EAST OF THE OLD UNION PACIFIC RIGHT-OF-WAY LINE, AND BETWEEN BLOCK 6 AND BLOCK 9, ALL IN M.J. SMITHS ADDITION, CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; RESERVING THIS LAND IN ITS ENTIRETY FOR FUTURE PUBLIC UTILITY EASEMENTS ON AND ACROSS SAID PROPERTY; PROVIDING FOR FILING OF SAME WITH THE REGISTER OF DEEDS; REPEALING INCONSISTENT PROVISIONS; AND ESTBLISHING AN EFFECTIVE DATE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

SECTION 1. That the legally described property:

East “C” Street, seventy feet (70’) in width, between South Pine Avenue and east of the old Union Pacific right-of-way line, and between Block 6 and Block 9, all in M.J. Smiths Addition, City of Hastings, Adams County, Nebraska.

SECTION 2. Be and the same is hereby vacated, but reserved in its entirety for future public utility easements.

SECTION 3. The City Clerk is hereby directed to certify this ordinance to the Register of Deeds of Adams County, Nebraska to be recorded, all as provided by law.

SECTION 4. That any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

SECTION 5. The provisions of this ordinance are separable, and in the invalidity of any phrase, clause, or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 6. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law, in its entirety, or in pamphlet form, as the case may be, said effective date being fifteen (15) days from and after the date of this ordinance is passed, approved, said effective date being the ____ day of _____, 2016,

and this ordinance shall not be included in the Hastings City Code Book.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings,
Nebraska, this ____ day of _____, 2016.

ATTEST:

Mayor

City Clerk

(S E A L)

APPROVED TO FORM:

City Attorney

Date

City Surveyor

Date