

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Monday, October 21, 2019 at 4:00 PM in the City Building, 220 North Hastings Avenue.

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, October 18, 2019. Pursuant to Nebraska Revised Statute Section 84-1412, 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 September 16, 2019
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. **2019-042.** Public hearing to consider Resolution #2019-51 concerning Plan Modification No. 2019-3 to Redevelopment Area #14 for Lots One through Sixteen of Pioneer Trail Flats Second Subdivision of the City Hastings, Adams County, Nebraska.
 - b. **2019-043.** Public hearing to consider Resolution #2019-52 concerning Plan Modification No. 2019-4 to Redevelopment Area #14 for Trail Ridge Addition Phase 1 to the City Hastings, Adams County, Nebraska.
 - c. **2019-044.** Public hearing to consider Ordinance #4613, a change of zoning from I-2 Heavy Industrial to C-3 Commercial Business for Lots 7-12 of Block 2, Dawes and Foss First and Second Addition to the City of Hastings, Adams County, Nebraska.
 - d. **2019-045.** Public hearing to consider a recommendation for Ordinance #4607, a text amendment to Chapter 34 Zoning, to address conversions of zone districts for properties entering city jurisdiction from Adams County jurisdiction.

Planning Commission Agenda

October 21, 2019

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10. Subdivisions

- a. **2019-046.** Consider a recommendation for Ordinance #4614, vacation of the alley between 16th and 17th Street in Block 2 of Dawes and Foss Second Addition and Hardee's Subdivision to the City of Hastings, Adams County, Nebraska.
- b. **2019-047.** Consider a recommendation to approve a Preliminary/Final Plat for Casey's Subdivision of the City of Hastings, Adams County, Nebraska, generally located north of 16th Street and east of Osborne Drive.
- c. **2019-048.** Consider a recommendation to approve a Preliminary/Final Plat for Lakeview 9th Subdivision of the City of Hastings, Adams County, Nebraska.

11. Reports

- a. Committee Reports
- b. Chairman Comments
- c. Staff Reports - NPZA Conference

Adjourn

Department: Development Services
Staff Contact: Randy Chick, Donald Threewitt
Planning Commission Meeting Date: 10/21/2019
File No: 2019-042
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider Resolution #2019-51 concerning Plan Modification No. 2019-3 to Redevelopment Area #14 for Lots One through Sixteen of Pioneer Trail Flats Second Subdivision of the City Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the people of Hastings, and the City.

Why Planning Commission action is required:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall submit such plan to the planning commission or board of the city in which the redevelopment project area is located for review and recommendations as to its conformity with the general plan for the development of the city as a whole. The planning commission or board shall submit its written recommendations with respect to the proposed redevelopment plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or board or, if no recommendations are received within such thirty days, then without such recommendations, an authority may recommend the redevelopment plan to the governing body of the city for approval .

Type of action requested:

Resolution

Suggested motion:

Motion to recommend approval for Resolution 2019-51 concerning Plan Modification No. 2019-3 to Redevelopment Area #14 for Lots One through Sixteen of Pioneer Trail Flats Subdivision of the City of Hastings, Adams County, Nebraska.

Deadlines associated with action:

This case is scheduled for consideration at the October 22, 2019 Community Redevelopment Authority meeting and the November 12, 2019 City Council meeting.

Department head comments:

Hastings Economic Development Corporation intends to develop up to sixteen paired townhouse units on a sixteen lot property abutting West Laux Drive. The intent is to construct workforce housing.

The applicant intends to utilize Tax Increment Financing (TIF) to aid in site preparation, infrastructure and paving installation, design and construction of a public park, architectural, engineering, and planning costs, capitalized interest, legal fees, and other eligible public improvements in accordance with the Redevelopment Plan.

Eligible project costs are estimated to be \$597,300, with total infrastructure, site improvement and unit construction costs anticipated to be \$3 Million. The anticipated project valuation upon completion is anticipated at \$2.46 Million, with an incremental valuation increase of \$2.455 Million. The applicant contends that the project would be infeasible but for the use of TIF and developer-donated land.

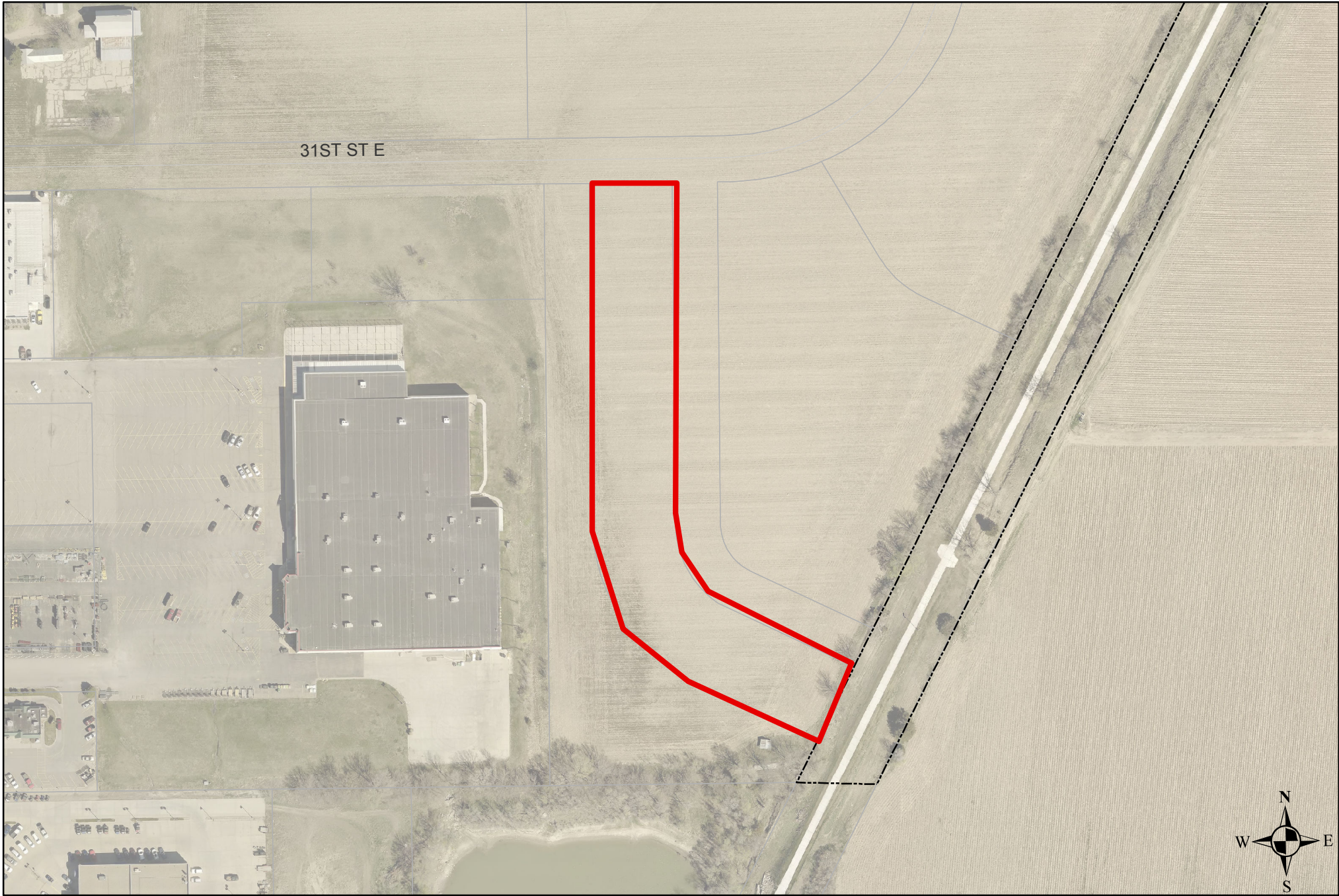
The current and proposed zoning is R-3 Multiple-family Residential, and the future land use designation is MU-N Mixed Use - Neighborhood. The proposed redevelopment project is consistent with both the existing zoning and the future land use contemplated for the area. Development of workforce housing is consistent with the most recent Housing Study completed in 2016.

Plan Modification 2019-3, attached, details further information.

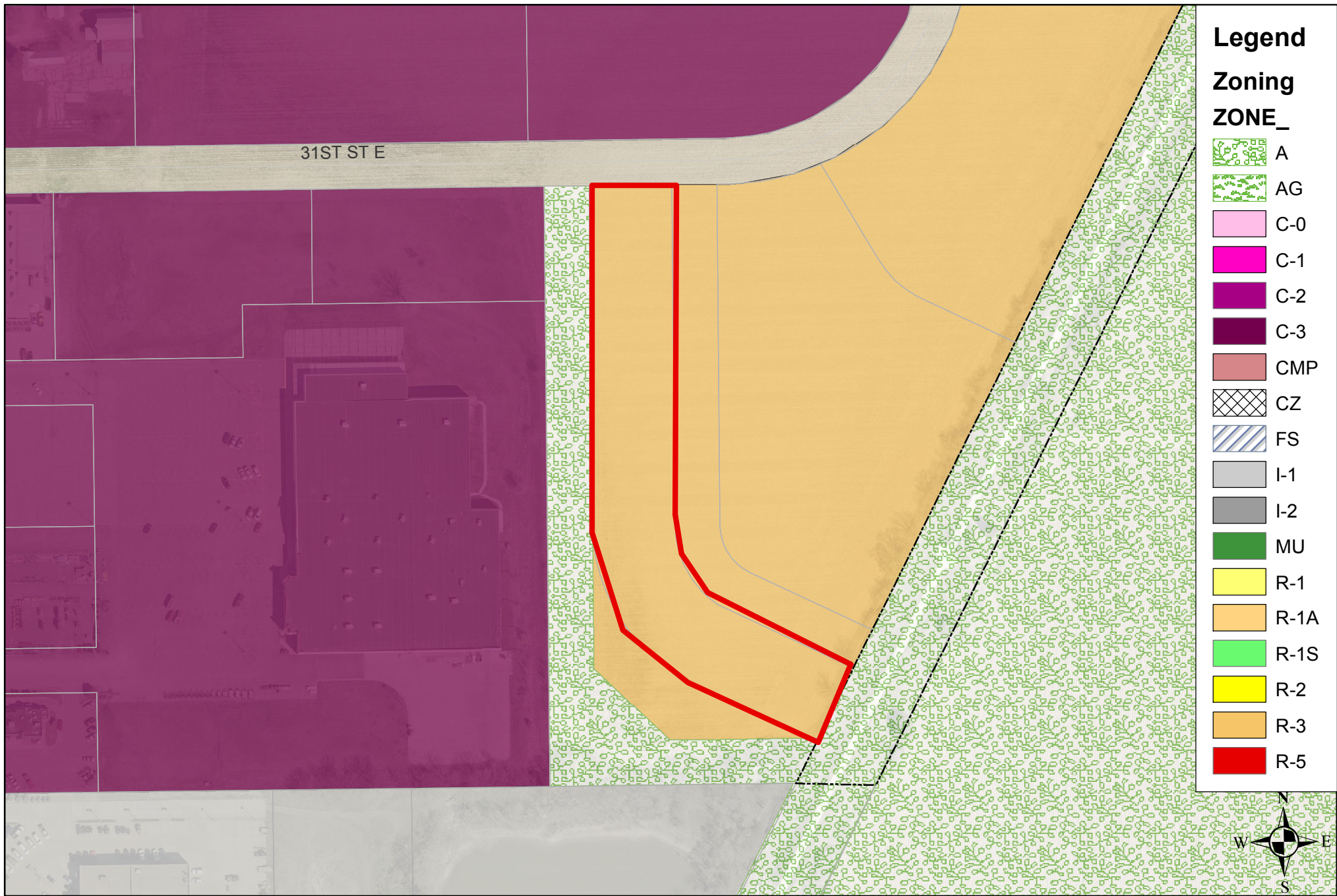
Recommendation:



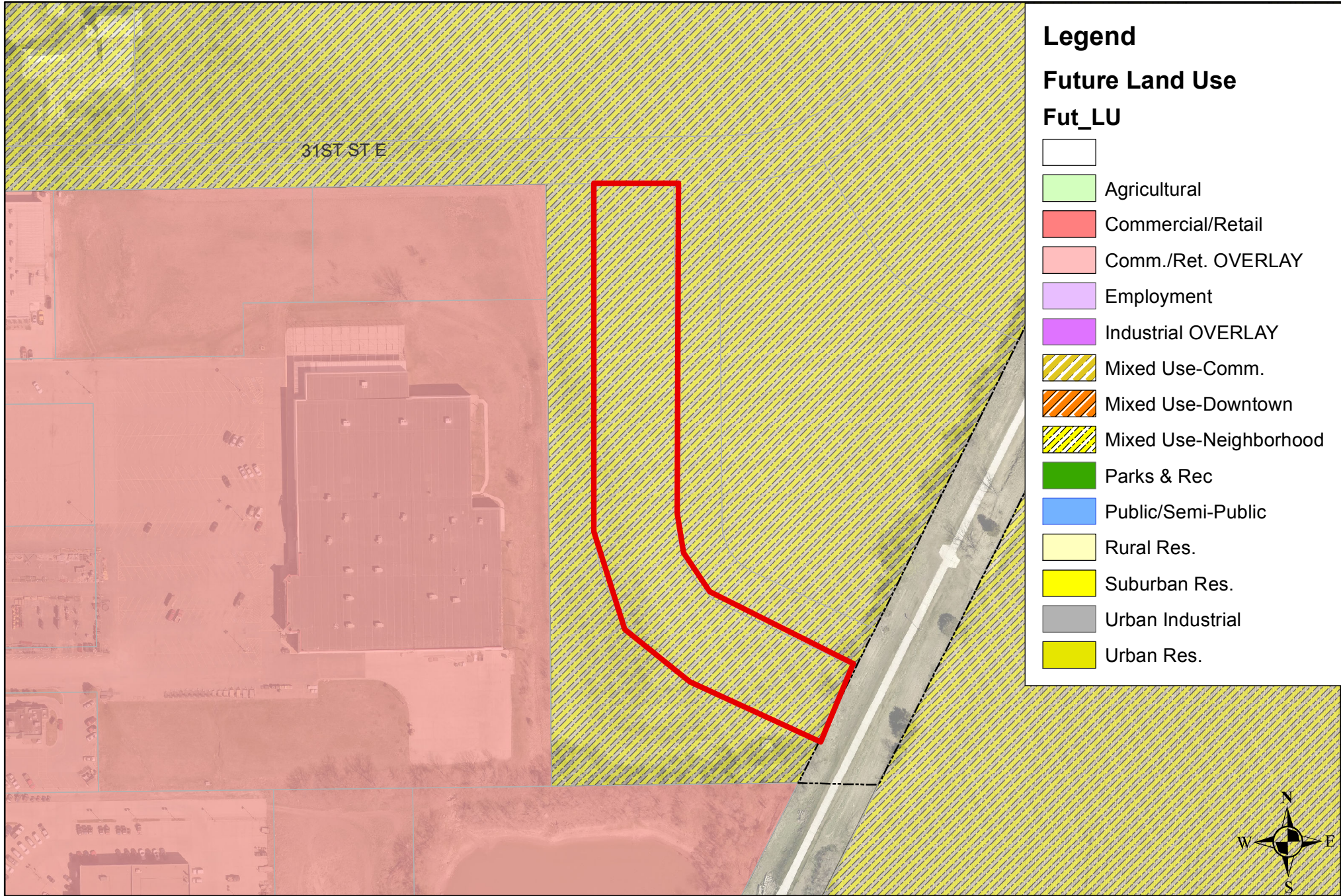
Pioneer Trail Flats 2nd Sub Vicinity Map



Pioneer Trail Flats 2nd Sub Aerial Map



Pioneer Trail Flats 2nd Sub Zoning Map



Pioneer Trail Flats 2nd Sub Future Land Use Map

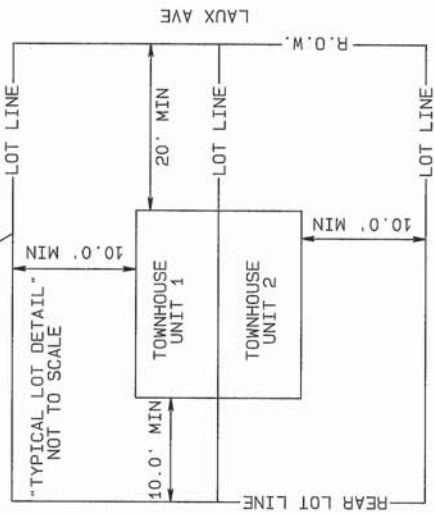
31ST STREET

60.00' P

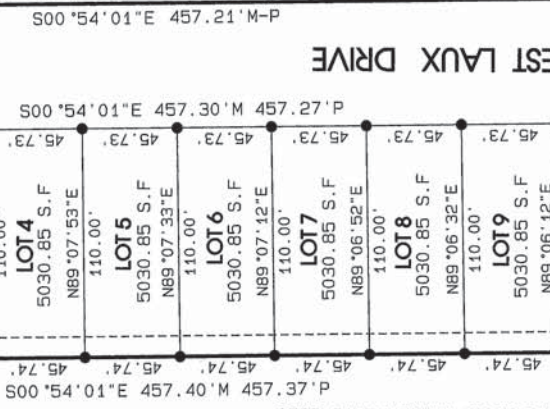
HASTINGS COMMONS SUBDIVISION NUMBER 3

PIONEER TRAIL FLATS
SECOND SUBDIVISION

A REPLAT OF LOT 3, PIONEER TRAIL FLATS
SUBDIVISION, LOCATED IN THE SOUTH 1/2
OF FRACTIONAL SECTION 31-T8N-R9W, OF
THE 6TH P.M., IN THE CITY OF HASTINGS,
ADAMS COUNTY, NEBRASKA.



EXISTING
10' UTILITY
EASEMENT



WEST LAUX DRIVE

OUTLOT A
PIONEER TRAIL FLATS SUB.

CURRENT AND FUTURE ZONING:
R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS
CURRENT OWNER:
HASTINGS ECONOMIC DEVELOPMENT CORPORATION
PO BOX 1104, HASTINGS, NE 68902

FLOODPLAIN INFORMATION:
NO PORTION OF THE PROPERTY ON
THIS SUBDIVISION PLAT IS LOCATED
WITHIN THE 100 YEAR FLOOD HAZARD
ZONE "A" AS DETERMINED BY THE
FEDERAL EMERGENCY MANAGEMENT
AGENCY AND FIRM MAP COMMUNITY
PANEL NUMBER 31001C0176C,
EFFECTIVE 7/5/2018.

LOT 2
PIONEER TRAIL FLATS SUB.

HIKE/BIKE TRAIL

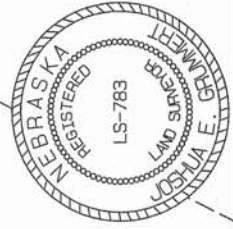
LEGAL DESCRIPTION:

LOT 3, PIONEER TRAIL FLATS SUBDIVISION AND ALL
OF WEST LAUX DRIVE LOCATED IN THE SOUTH 1/2 OF
FRACTIONAL SECTION 31-T8N-R9W OF THE 6TH P.M.
IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA,
HEREAFTER KNOWN AS PIONEER TRAIL FLATS SECOND
SUBDIVISION CONTAINING 3.16 ACRES MORE OR LESS, AND
IS SUBJECT TO ANY EXISTING RIGHT OF WAY OR EASEMENTS OF RECORD.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER
MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE,
AND THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS
OF THE STATE OF NEBRASKA, COMPLETED ON 08/12/2019.

JOSHUA E. GRUMMERT | LS-783



GRUMMERT PROFESSIONAL SERVICES, LLC
2837 WEST HIGHWAY 6, SUITE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrumert@yahoo.com
WEBSITE www.grummersurveying.com

VICINITY SKETCH
ADAMS COUNTY
GPS PROJECT # 040-2019 SHEET 1 OF 3
LEGEND:
● FOUND 5/8" REBAR
○ LS-630 CAP UNLESS NOTED OTHERWISE
○ CALCULATED POINT
● SET 1/2" X 24" REBAR
○ WITH BLUE LS-783 CAP
○ UNLESS NOTED OTHERWISE
M-MEASURED DISTANCE
R-RECORD DISTANCE
G-GOVERNMENT DISTANCE
P-PLATTED DISTANCE
D-DEED DISTANCE

OWNERS CERTIFICATE AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT HASTINGS ECONOMIC DEVELOPMENT CORPORATION, A NEBRASKA NONPROFIT CORPORATION, BEING THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAVE CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "PIONEER TRAIL FLATS SECOND SUBDIVISION" A SUBDIVISION WITHIN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, LOCATED IN THE SOUTH 1/2 OF FRACTIONAL SECTION 31, TOWNSHIP 8 NORTH, RANGE 9 WEST OF THE SIXTH P.M., ADAMS COUNTY, NEBRASKA, AND THAT SAID SURVEYING, SUBDIVIDING, PLATTING AND DESIGNATION WAS DONE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS, BE IT FURTHER KNOWN, THAT SAID OWNER DOES HEREBY DEDICATE ALL STREETS AND EASEMENTS SHOWN ON THE PLAT TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

SIGNED THIS _____ DAY OF _____, 2019.

HASTINGS ECONOMIC DEVELOPMENT CORPORATION

SCOTT STERLING (PRESIDENT)

MICHAEL KRINGS (EXECUTIVE DIRECTOR)

WAIVER:

APPLICANTS HEREBY WAIVES ANY AND ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS AND ALLEYS TO CONFORM TO SAID GRADES AS ESTABLISHED.

SIGNED THIS _____ DAY OF _____, 2019.

HASTINGS ECONOMIC DEVELOPMENT CORPORATION

SCOTT STERLING (PRESIDENT)

MICHAEL KRINGS (EXECUTIVE DIRECTOR)

ACKNOWLEDGEMENT

STATE OF NEBRASKA }
COUNTY OF _____ } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY

OF _____, 2019, BY SCOTT STERLING (PRESIDENT) AND
MICHAEL KRINGS, (EXECUTIVE DIRECTOR) OF HASTINGS ECONOMIC DEVELOPMENT
CORPORATION, (A NONPROFIT NEBRASKA CORPORATION)

MY COMMISSION EXPIRES THE _____ DAY OF _____

(SEAL)

NOTARY

MAYOR AND CITY COUNCIL ACTION

THIS PLAT OF PIONEER TRAIL FLATS SECOND SUBDIVISION, A SUBDIVISION WITHIN
THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, IS

HEREBY _____, DATED THIS _____ DAY OF _____,

MAYOR

CITY CLERK

COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR DELINQUENT UPON THE PROPERTY IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF THIS _____ DAY OF _____.

ADAMS COUNTY TREASURER _____

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS ARE DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT.

CITY OF HASTINGS TREASURER _____

CITY ENGINEER'S APPROVAL

I, THE UNDERSIGNED, DO HEREBY _____ THIS PLAT OF PIONEER TRAIL FLATS SECOND SUBDIVISION, A SUBDIVISION WITHIN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

CITY ENGINEER _____

CITY PLANNING COMMISSION RECOMMENDATION

THIS PLAT OF PIONEER TRAIL FLATS SECOND SUBDIVISION, A SUBDIVISION WITHIN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING COMMISSION FOR APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, WITH THE

RECOMMENDATION THAT SAID PLAT BE _____ AS PROPOSED

DATED THIS _____ DAY OF _____.

CHAIRMAN _____

DIRECTOR _____

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA }
COUNTY OF ADAMS } SS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE OF ADAMS COUNTY, NEBRASKA

DATE: _____ TIME: _____ INSTRUMENT NO.: _____

REGISTER OF DEEDS _____

REDEVELOPMENT PLAN #14
PLAN MODIFICATION NO. 2019-3
(Hastings Economic Development Corporation
West Laux Drive Redevelopment Project)

The Community Redevelopment Authority (CRA) of the City of Hastings intends to amend the Redevelopment Plan for Area #14 within the city, pursuant to the Nebraska Community Development Law (the "Act") and provide for the financing of a specific redevelopment related project in Area #14.

Executive Summary:

Project Description

THE PROJECT CONSISTS OF REDEVELOPMENT OF LAND LOCATED ON THE WEST SIDE OF WEST LAUX DRIVE LOCATED IN PIONEER TRAIL FLATS SECOND SUBDIVISION. THE DEVELOPER HAS ACQUIRED THE PROPERTY AND PLANS TO BUILD OUT INFRASTRUCTURE ALONG WEST LAUX DRIVE INCLUDING SITE PREPARATION, WATER, SEWER AND STREETS. THE DEVELOPER PLANS TO SELL THE LOTS TO LOCAL BUILDERS WHO WILL CONSTRUCT WORKFORCE HOUSING.

Hastings Economic Development Corporation (HEDC) will utilize Tax Increment Financing to pay for site preparation, water, sewer and paving and other infrastructure expenses associated with the development of 16 lots on West Laux Drive. The use of Tax Increment Financing is an integral part of the development plan and necessary to make this project affordable. The project will result in the sale of 16 lots and the construction of 16 townhouse residential homes for workforce housing. The addition of workforce housing is consistent with the 2016 Hastings Housing Study and this project would not be possible without the use of TIF.

TAX INCREMENT FINANCING TO PAY FOR SITE PREPARATION AND INSTALLATION OF WATER, SEWER AND PAVING ON THE PROPERTY WILL COME FROM THE FOLLOWING REAL PROPERTY:

Property Description (the "Redevelopment Project Area")

Legal Description: Lots One thru Sixteen, Pioneer Trail Flats Second Subdivision in the City of Hastings, Adams County Nebraska.

HEDC will utilize Tax Increment Financing to aid in infrastructure costs including site preparation, water, sewer and paving, design and construction of a public park, architectural, engineering and planning costs, capitalized interest, and legal fees, and any other eligible public improvements essential for public uses in accordance with the Redevelopment Plan.

Legend

Zoning

ZONE_

- A
- AG
- C-1
- C-2
- C-3
- CMP
- GZ
- FS
- I-1
- I-2
- MU
- R-1
- R-1A
- R-1S
- R-2
- R-3
- R-5



HASTINGS
DEVELOPMENT SERVICES

[illegible]

The real property ad valorem taxes on the current valuation will continue to be paid to the normal taxing entities. The increase in value will come from the construction of up to 16 owner occupied townhouse residential homes as permitted in the R-3 Residential Zoning District. The tax increment will be captured for the tax years 2021 through 2035 inclusive. Provided, however, if there is no increase in valuation for the 2021 tax year, the increment will be captured beginning in the year when an increase in value is available for capture and ending fifteen years later.

Project costs for the preparation of the site and the installation of water, sewer and paving are estimated to be \$597,300. The developer intends to sell 16 lots to local builders who will construct 16 townhouse residential homes for workforce housing. When site improvements and each townhome is completed the total project costs are anticipated to be \$3,000,000. The anticipated project valuation when completed is \$2,462,000 and the developer projects an incremental valuation increase of approximately \$2,455,056.

Statutory Pledge of Taxes.

In accordance with Section 18-2147 of the Act and the terms of the Resolution providing for the issuance of the TIF Note, the Authority hereby provides that any ad valorem tax on the Redevelopment Project Area for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as set forth in the Redevelopment Contract, consistent with this Redevelopment Plan, Said taxes shall be divided as follows:

- a) That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; 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 pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on 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 premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

- 1. The Redevelopment Project Area was first declared blighted and substandard by action of the Hastings City Council on September 11, 2017. Such declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act.**
- 2. Conformation to the General Plan for the Municipality as a whole.**

Hastings adopted a Comprehensive Plan on February 24, 2009. This redevelopment plan amendment and

project are consistent with the Comprehensive Development Plan, in that no changes in the Comprehensive Development Plan elements are intended. This plan merely provides funding for the developer to construct workforce housing for residential uses on this property as defined by the current and effective zoning regulations. The Hastings Planning Commission held a public hearing at their meeting on October 21, 2019 and approved Plan Modification No. 2019-3 to Redevelopment Plan #14 confirming that this project is consistent with the Comprehensive Development Plan for the City of Hastings. (This language assumes approval by the Planning Commission)

3. The Redevelopment Plan must be sufficiently complete to address the following items:

a. Land Acquisition:

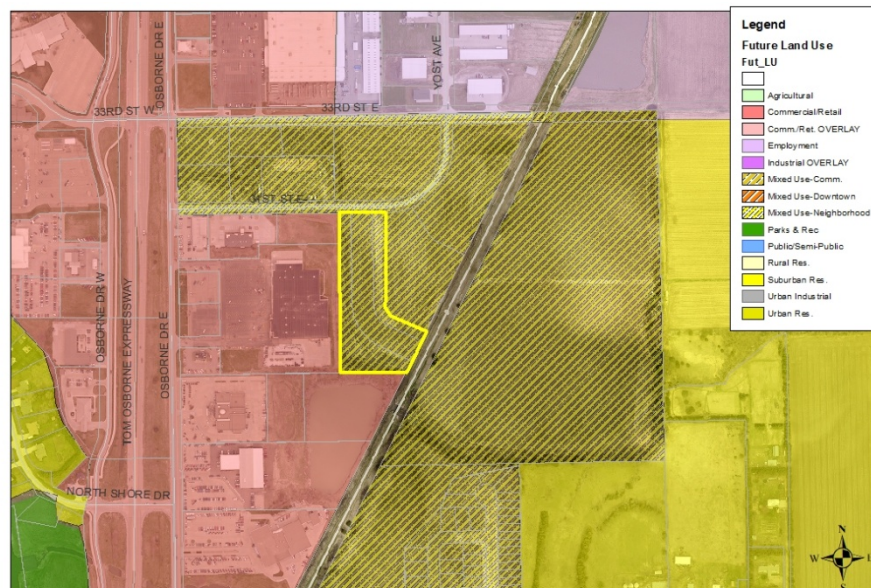
The Redevelopment Plan for Area #14 provides for real property acquisition and this plan amendment does not prohibit such acquisition. HEDC is the current owner of the property on which the Project will be constructed.

b. Demolition and Removal of Structures:

The project to be implemented with this plan does not provide for the demolition and removal of any structures on this property.

c. Future Land Use Plan

See the attached map from the 2009 Hastings Comprehensive Development Plan. All of the area around the site in private ownership is planned for residential development and ancillary uses; this includes housing and commercial development. This property is owned by the Hastings Economic Development Corporation. The attached map also is an accurate site plan of the area after redevelopment.



West Laux/Pioneer Trail Flats Future Land Use



d. Changes to zoning, street layouts and grades or building codes or ordinances or other planning changes

This area was previously zoned agriculture and has been changed to R-3 Residential in anticipation of this project as well as other multi-family housing projects in the area. The property will be graded and new streets will be constructed in conjunction with the plat to be filed with the City of Hastings. No changes are anticipated in building codes or ordinances, nor are any other planning changes contemplated.

e. Site Coverage and intensity of Use

The developer is proposing to construct up to 16 townhomes and plans to meet the applicable regulations regarding site coverage and intensity of use.

f. Additional Public Facilities or Utilities

Sewer, water and paving will be installed by the developer to support this development. Sufficient electric utilities and gas lines will also be installed by the developer for the proposed construction of these townhomes. The individual builders will be responsible for installing any sidewalks required for the project. No other utilities would be impacted by the development.

4. The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation. This property has previously been utilized for farm ground and agriculture related uses and no relocation is contemplated or necessary.

5. No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area.

6. Section 18-2114 of the Act requires that the Authority consider:

1. Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.

The land is owned by the developer (HEDC) who intends to provide the land for the project at no cost in order to buy down the cost of each home to meet the community's workforce housing needs. The development costs for infrastructure are estimated to be \$597,300 which will be paid for by TIF revenue and the sale of lots estimated at \$2,000 per lot. The City will create sewer, water and paving districts and assess the infrastructure costs to the property owner/developer. TIF revenue created by the development of 16 townhomes will be used to pay for a portion of the water, sewer and paving assessments.

Financing for the townhomes will be secured by the builders and is anticipated to be in the form of a conventional construction loan. Based on current projections, the Developer is seeking \$565,300 in TIF to make the Project economically viable and the Developer believes the project is not feasible without the assistance of TIF.

The total TIF eligible expenses for this project are \$597,300. The property is owned by HEDC and the developer and or local builders will provide and secure all necessary financing for the construction of townhomes.

2. Statement of proposed method of financing the redevelopment project.

The developer will provide the land at no cost and the individual builders will provide all necessary financing for the construction of the townhomes. Funding for the 16 townhomes will come from builder equity and conventional construction loans. The Authority will assist the project by providing \$565,300 from the proceeds of tax increment financing which after TIF loan interest is paid will result in approximately \$823,000 of direct aid to the project. This indebtedness will be repaid from the Tax Increment Revenues generated from the project. TIF revenues shall be made available to repay the original debt and associated interest after January 2022 provided, however, if there is no increase in

valuation for the 2021 tax year, TIF Revenues will be available beginning twelve months after the year in which an increase in value is available for capture.

3. Statement of feasible method of relocating displaced families.

No families will be displaced as a result of this plan.

7. Section 18-2113 of the Act requires:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the Hastings Comprehensive Development Plan by providing the quality housing that will help meet the needs of the Hastings workforce.

8. Time Frame for Development

Development of this project is anticipated to be completed between January of 2020 and December of 2024. Excess valuation should be available for this project for 15 years beginning with the 2021 tax year, provided, however, if there is no increase in valuation for the 2021 tax year, the excess valuation will be available beginning in the year when an increase in value is available for capture.

9. Justification of Project

Extension of utilities, substantial site grading and installation of streets are necessary to facilitate redevelopment of this site. The redevelopment of this property will result in increased workforce housing opportunities and increased sales tax and is another step in the creation of workforce housing opportunities for the Hastings community. The Hastings Economic Development Corporation and the Hastings City Council have made it clear with previous decisions that they support development that will increase residential workforce opportunities.

10. Cost Benefit Analysis

Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the plan amendment in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law the City of Hastings has analyzed the costs and benefits of the proposed Redevelopment Project, including:

Project Sources and Uses.

Approximately \$565,300 in public funds from tax increment financing will be provided by the Hastings Community Redevelopment Authority. The land for this project is being provided by HEDC at no cost in order to further buy down the cost of each individual townhome and make the cost of purchasing a home more affordable for the Hastings workforce. This investment by the Authority and HEDC will leverage \$2,400,000 in private sector financing; a private investment of \$4.02 for every public/TIF dollar of investment.

USE OF FUNDS	SOURCE OF FUNDS			
Description	TIF Funds	Other Grants	Lot Sales	Totals
Land provided by HEDC	\$ -	\$ -	\$ -	\$ -
Site Grading	\$ 54,600	\$ -	\$ 32,000	\$ 86,600
Sanitary Sewer	\$ 179,800	\$ -	\$ -	\$ 179,800
Water Service	\$ 82,800	\$ -	\$ -	\$ 82,800
Street Paving	\$ 248,100	\$ -	\$ -	\$ 248,100
TOTALS	\$ 565,300	\$ -	\$ 32,000	\$ 597,300

Tax Revenue. The property to be redeveloped is anticipated to have a January 1, 2019, valuation of approximately \$6,944. Based on the 2019 levy of 0.022358 this would result in real property taxes of approximately \$155.25 which will be paid out to all the existing taxing entities. It is anticipated that the assessed value will increase by \$2,455,056 upon full completion, as a result of the construction of 16 homes. This development will result in an additional estimated tax increase of over \$54,890 annually. This tax increment gained from the Redevelopment Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible private redevelopment costs to enable this project to be realized.

Estimated 2018 assessed value:	\$6,944
Estimated value after completion	\$2,462,000
Increment value	\$2,455,056
Annual TIF generated (estimated)	\$54,890
TIF bond issue	\$565,300

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing for proposed Project:

A large financial gap exists on this project after conventional financing is utilized. A combination of the owner provided land and TIF are needed to make the project feasible. The developer and the individual builders are contributing land and owner equity/bank financing of \$2,400,000 and TIF funding is intended to fill the remaining gap, making this project feasible. The project is asking for \$565,300 in a TIF loan amortized over 15 years. Without the availability of TIF funding for the project the individual lot cost is \$37,331 and it would not be feasible for the developer to proceed with this redevelopment.

(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;

The redevelopment project area currently has an estimated valuation of \$6,944. The proposed redevelopment will create additional valuation of \$2,455,056. No tax shifts are

anticipated from the project. The project creates new valuation from the construction of 16 townhouse residential homes for workforce housing.

(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;

No additional public service needs have been identified. Existing water and waste water facilities will not be impacted by this development. The electric utility has sufficient capacity to support the development. Fire and police protection are available and should not be negatively impacted by this development.

(c) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project; and

This project will not have a negative impact on employers and employees of firms locating within the boundaries of the redevelopment area. The project will provide additional opportunities for workforce housing which should have a positive impact on local employers.

(d) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and

This project will have a positive impact on local employers as many local companies have indicated that over 50% of their workforce does not live in the city and commutes daily from surrounding communities. The addition of workforce housing should be a benefit to local employees by providing local housing options.

(e) Impacts on student populations of school districts within the City or Village:

This development will have a minimal impact on the Hastings area school systems as the addition of 16 townhomes will likely not result in a significant increase in attendance. The units to be developed with this project are likely to draw families with school age children but it is anticipated that the local school systems will be able to absorb any students from this additional development without adding to school facilities or staffing. HEDC and the Community Redevelopment Authority have discussed this development with local school superintendents and school officials are in support of the project.

(f) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

This project is consistent with the goals of the City Council, HEDC and the Community Redevelopment Authority to create additional workforce housing units. The project will create additional housing opportunities for the local workforce and hopefully decrease the number of employees that commute from nearby communities. This project is consistent with the goals of the City's Comprehensive Plan, and the Hastings Housing Study of 2016.

Time Frame for Development

Development of this project is anticipated to be completed between January of 2020 and December of 2024. The base tax year should be calculated on the value of the property as of January 1, 2019. Excess valuation should be available for this project for 15 years beginning in 2020 with taxes due in 2021. Excess valuation will be used to pay the TIF Indebtedness issued by the CRA per the contract between the CRA and the developer for a period not to exceed 15 years on an amount not to exceed \$565,300 the projected amount of increment based upon the anticipated value of the project and

current tax rate. Excess valuation should be available for this project for 15 years beginning with the 2021 tax year, provided, however, if there is no increase in valuation for the 2021 tax year, the excess valuation will be available beginning in the year when an increase in value is available for capture. Based on the estimates of the expenses of the infrastructure costs the developer will spend at least \$565,300 on TIF eligible activities. The CRA will reserve the right to issue additional debt in the form of a second bond issuance for construction of a public park and other public improvements to benefit the Hastings Economic Development Corporation West Laux Avenue Redevelopment Project upon verification that there is sufficient valuation to support such debt.

RESOLUTION 2019-51

WHEREAS, the Area 14 Redevelopment Plan prepared by the Community Redevelopment Authority of the City of Hastings, Nebraska has previously been approved by the Mayor and City Council of the City of Hastings; and

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska has prepared Redevelopment Plan Modification #2019-3 for Redevelopment Area 14; and

WHEREAS, the Community Redevelopment Authority forwarded said Plan Modification to the Hastings City Planning Commission for its review and recommendations as to the consistency with the Redevelopment Plan and development objectives for Redevelopment Area 14 and also its conformity with the Comprehensive Development Plan of the City of Hastings; and

WHEREAS, the Hastings City Planning Commission conducted a review of the Plan Modification #2019-3 and held a public hearing on October 21, 2019 to solicit testimony from the community regarding said plan modification and at the conclusion thereof determined it was consistent with the general plan and development objectives for Redevelopment Area 14, and also consistent with the goals, policies, and objectives of the Comprehensive Development Plan of the City, and took action to recommend approval of the Plan Modification to the Community Redevelopment Authority; and

WHEREAS, on October 22, 2019 the Community Redevelopment Authority recommended approval of the Redevelopment Plan Modification and forwarded the Redevelopment Plan Modification to the Hastings City Council; and

WHEREAS, the Hastings City Council held a public hearing on November 12, 2019 on the Redevelopment Plan Modification.

NOW THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby approve the Redevelopment Plan Modification #2019-3 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 Redevelopment Plan Modification #2019-3 for the West Laux Drive Redevelopment Project in Redevelopment Area 14 as provided herein, a copy of said Redevelopment Plan Modification of which is attached hereto marked "Exhibit A" and incorporated herein by this reference.

PASSED AND APPROVED this ____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(S E A L)

Approved as to form: _____
City Attorney

Department: Development Services
Staff Contact: Randy Chick, Donald Threewitt
Planning Commission Meeting Date: 10/21/2019
File No: 2019-043
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider Resolution #2019-52 concerning Plan Modification No. 2019-4 to Redevelopment Area #14 for Trail Ridge Addition Phase 1 to the City Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the people of Hastings, and the City.

Why Planning Commission action is required:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall submit such plan to the planning commission or board of the city in which the redevelopment project area is located for review and recommendations as to its conformity with the general plan for the development of the city as a whole. The planning commission or board shall submit its written recommendations with respect to the proposed redevelopment plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or board or, if no recommendations are received within such thirty days, then without such recommendations, an authority may recommend the redevelopment plan to the governing body of the city for approval .

Type of action requested:

Resolution

Suggested motion:

Motion to recommend approval of Resolution #2019-52 concerning Plan Modification No. 2019-4 to Redevelopment Area #14 for Trail Ridge Addition Phase 1 to the City Hastings, Adams County, Nebraska.

Deadlines associated with action:

This case is scheduled for consideration at the October 22, 2019 Community Redevelopment Authority meeting and the November 12, 2019 City Council meeting.

Department head comments:

Hastings Economic Development Corporation intends to develop infrastructure along East Laux Drive and a portion of West Laux Drive, and prepare 41 single family home sites for construction. The intent is to construct workforce housing.

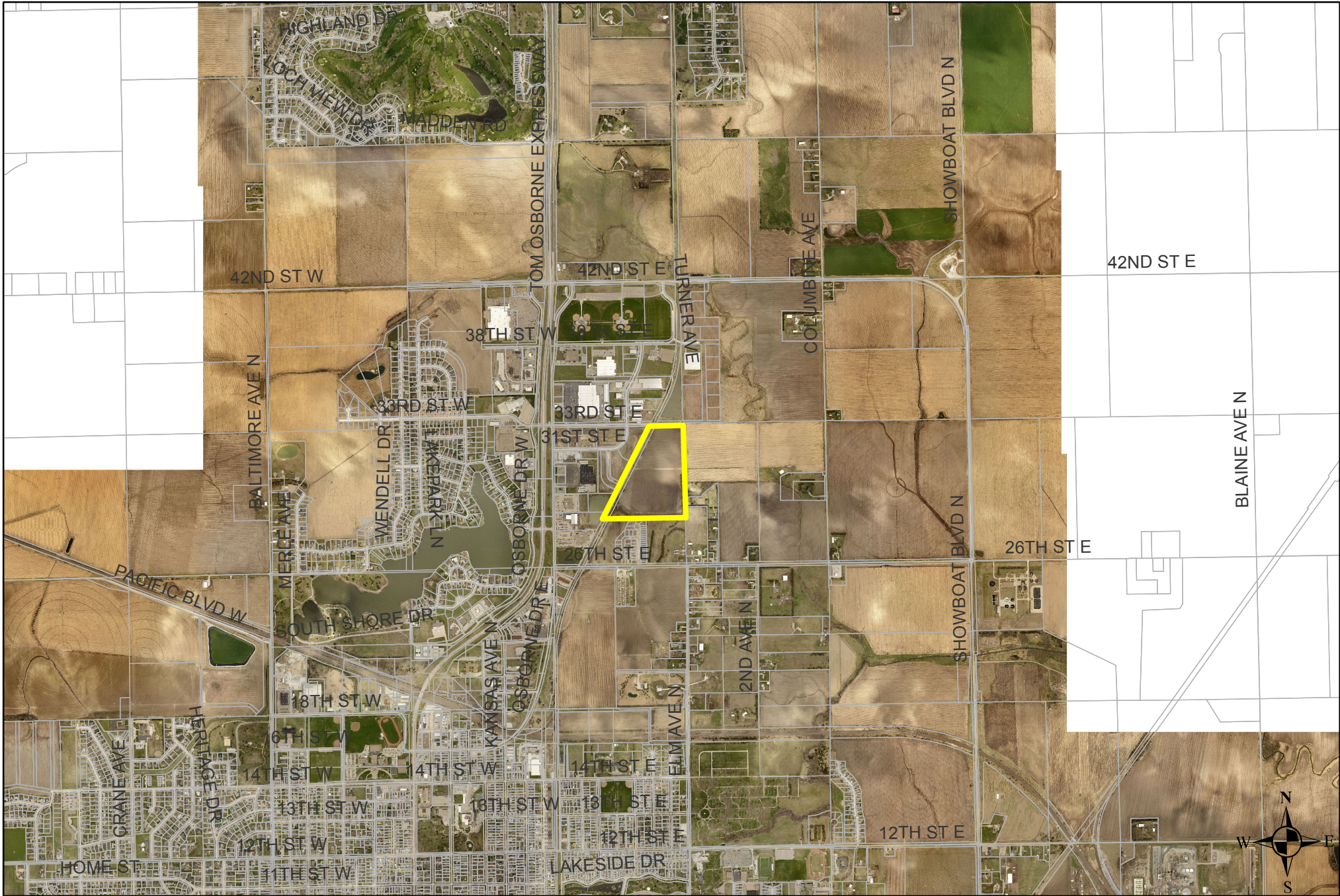
The applicant intends to utilize Tax Increment Financing (TIF) to aid in site preparation, infrastructure and paving installation, design and construction of a public park, architectural, engineering, and planning costs, capitalized interest, legal fees, and other eligible public improvements in accordance with the Redevelopment Plan.

Eligible project costs are estimated to be \$1.9 Million, with total infrastructure, site improvement and unit construction costs anticipated to be \$10.51 Million. The anticipated project valuation upon completion is anticipated at \$8.61 Million, with an incremental valuation increase of \$8.48 Million. The applicant contends that the project would be infeasible but for the use of TIF and developer-donated land.

The current zoning is A Agricultural and proposed zoning is R-1 Single-family Residential, and the future land use designation is MU-N Mixed Use - Neighborhood. The proposed redevelopment project is consistent with both the proposed zoning and the future land use contemplated for the area. Development of workforce housing is consistent with the most recent Housing Study completed in 2016. A zone change action is anticipated once the owner finalizes protective covenants.

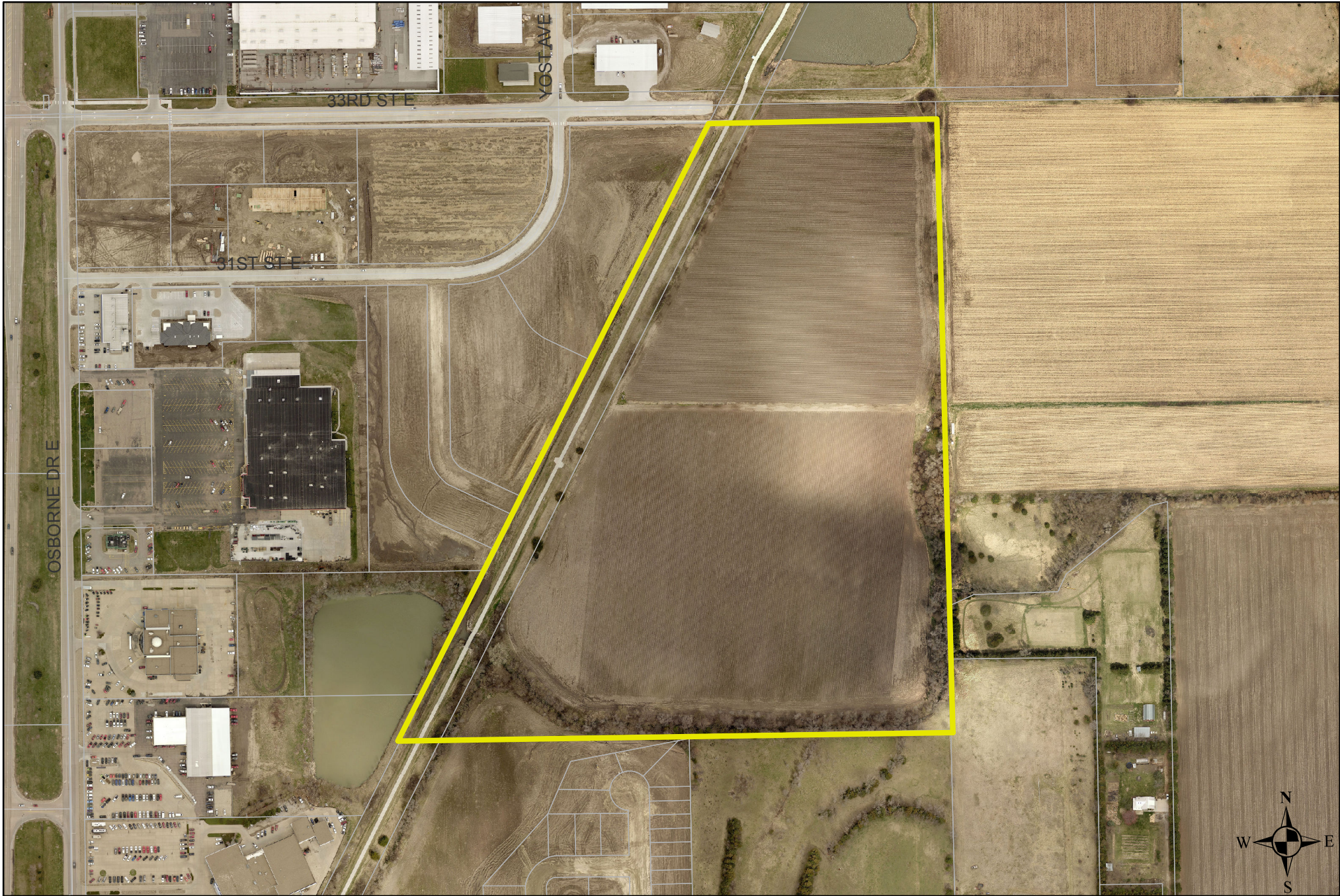
Plan Modification 2019-4, attached, details further information.

Recommendation:

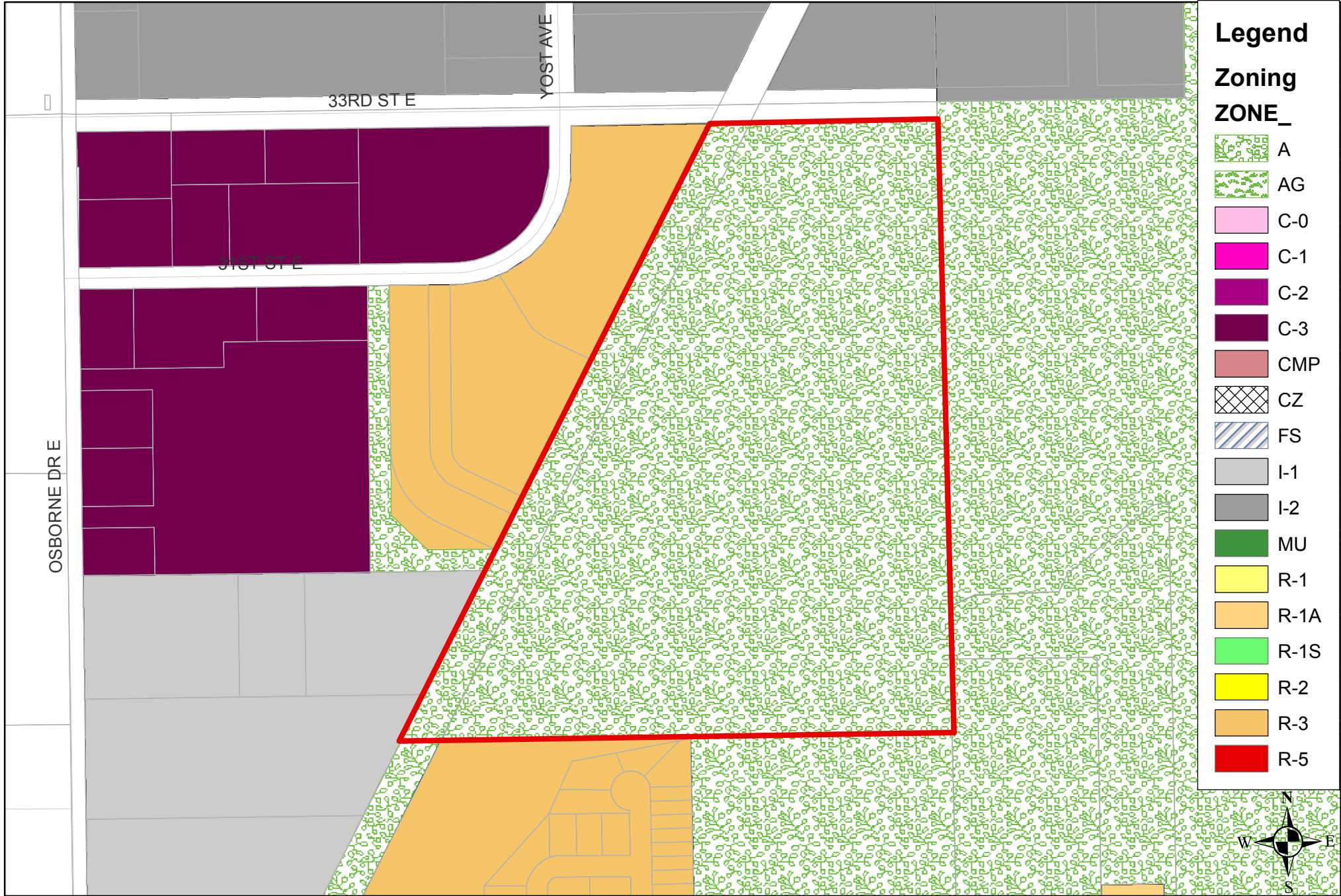


Trail Ridge Addition, Vicinity Map

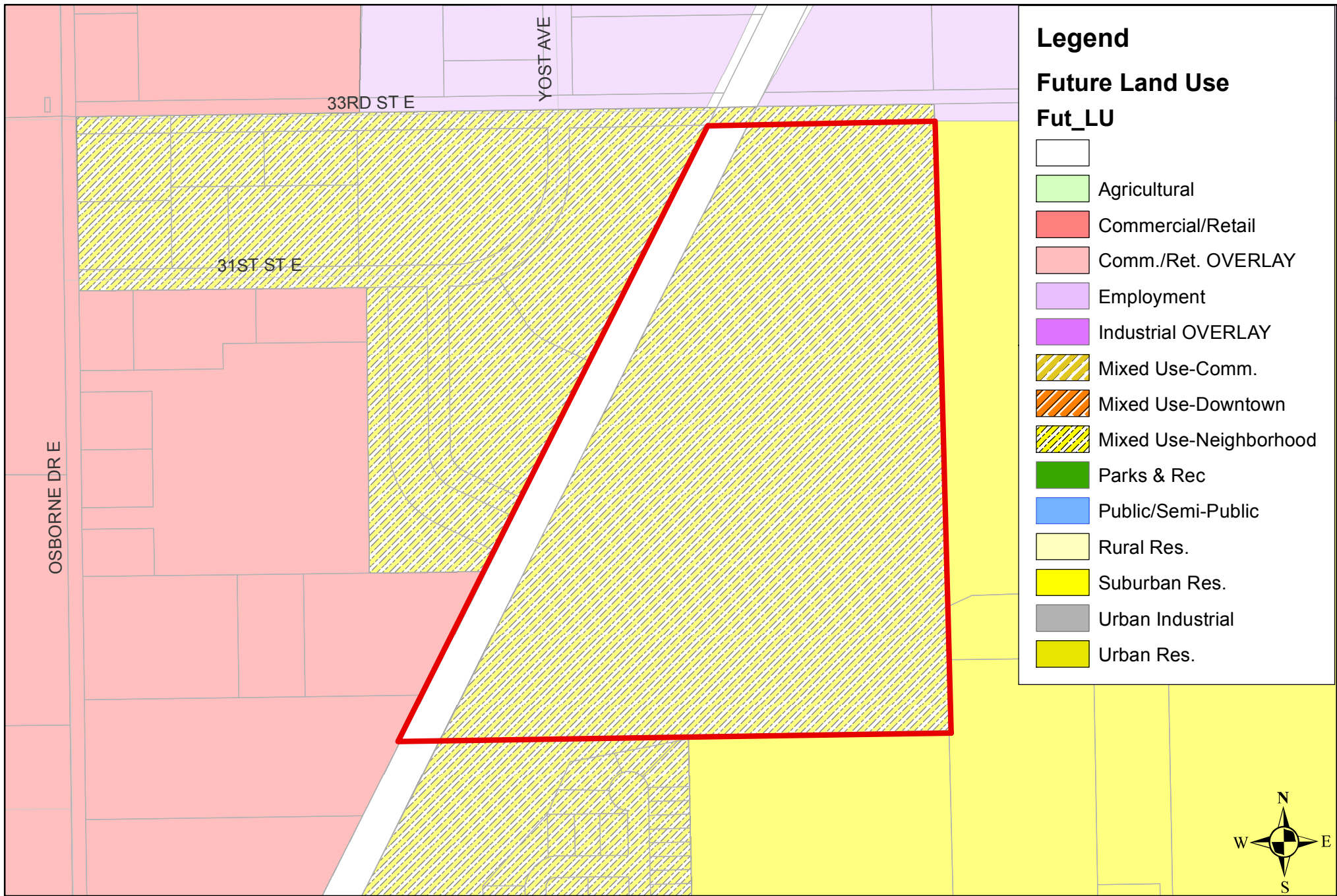




Trail Ridge Addition, Aerial Map



Trail Ridge Addition, Zoning Map



Trail Ridge Addition, Future Land Use Map

FINAL REPEAT

LEGAL DESCRIPTION

REPEAT PRESENTATION

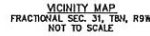
A REPEAT OF A TRACT OF LAND CONSISTING OF ALL OF LOT 1, BLOCK 3, NORTH PARK COMMONS ADDITION AND PART OF A TRACT DESCRIBED IN INST. NO. 20065675, FILED DEC. 19, 2006, IN PART OF THE SOUTH HALF (S1/2) OF FRACTIONAL SECTION 31, T8N, R9W OF THE 6TH P.M., IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH CORNER OF SAID LOT 1, BLOCK 3, NORTH PARK COMMONS ADDITION, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S01°26'59"E, ALONG THE EAST LINE OF SAID S1/2, A DISTANCE OF 1704.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 3; THENCE S89°09'53"W, ALONG THE SOUTH LINE OF SAID LOT 1, BLOCK 3, A DISTANCE OF 1423.81 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 3 AND ALSO BEING A POINT ON THE EASTERLY LINE OF SAID PIONEER FLATS SUBDIVISION, A DISTANCE OF 1393.42 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 3; THENCE N89°14'40"E, ALONG SAID SOUTH-OF-WAY LINE, A DISTANCE OF 664.78 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 1,797,757.41 SQUARE FEET OR 41.271 ACRES MORE OR LESS OF WHICH 5.666 ACRES ARE NEW DEDICATED ROAD RIGHT-OF-WAY.

I HEREBY CERTIFY THAT ON _____, I COMPLETED AN ACCURATE SURVEY, UNDER MY PERSONAL SUPERVISION OF A TRACT OF LAND CONSISTING OF ALL OF LOT 1, BLOCK 3, NEW PART, CANTONMENT ADDITION AREA, PART OF A TRACT DESCRIBED IN INST. NO. 20065675, FILED DEC. 19, 2006, CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, SHOWING AN ACCOMPANYING PLAT THEREOF; THAT IRON MARKERS, EXCEPT WHERE INDICATED, WERE FOUND AT ALL CORNERS; THAT THE DIMENSIONS ARE AS SHOWN ON THE PLAT; AND THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS.

JAI JASON ANDRIST, REGISTERED LAND SURVEYOR NUMBER: LS-630



VICINITY MAP
FRACTIONAL SEC. 31, T8N, R9W
NOT TO SCALE

SET CORNER (5/8"x24" REBAR W/CAP)
FOUND CORNER (5/8" IRON PIPE)
EXISTING PROPERTY LINE
NEW SUBDIVISION LINE
NEW PROPERTY LINE
NEW EASEMENT LINE
EXISTING EASEMENT LINE
MEASURED DISTANCE
RECORDED DISTANCE
DEEDED DISTANCE
PLATTED DISTANCE NORTH PARK COMMONS ADD
EASEMENT DISTANCE

ZONING DISTRICTS
EXISTING ZONING: A AGRICULTURE
PROPOSED ZONING R-1 RESIDENTIAL

THE PROPERTY SHOWN ON THE SURVEY LIES WITH FLOOD ZONE DESIGNATION ZONE X "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ZONES AS DESCRIBED ON THE FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 31001C0157C, BEARING AN EFFECTIVE DATE OF JULY 5, 2018 AND FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 31001C0176C, BEARING AN EFFECTIVE DATE OF JULY 5, 2018 FOR THE COMMUNITY IN WHICH THE SUBJECT PROPERTY IS LOCATED.

ENGINEER/LAND SURVEYOR
OLSSON
201 E. 2ND ST.
GRAND ISLAND, NE 68802

OWNER
HASTINGS ECONOMIC
DEVELOPMENT CORPORATION,
A NONPROFIT NEBRASKA CORPORATION
301 S. BURLINGTON AVENUE
HASTINGS, NE 68901



101 East 2nd Street
Grand Island, NY 11734

[illegible]

FINAL PLAT

019

HASTINGS, NE

drawn by: JMJ
checked by: GISVY
approved by: JJA
QA/QC by: _____
project no.: 2018-1522
drawing no.: _____
date: 08.12.2018

SHEET
1 of 2

REDEVELOPMENT PLAN #14
PLAN MODIFICATION NO. 2019-4
(Hastings Economic Development Corporation
Trail Ridge Addition Phase 1 Redevelopment Project)

The Community Redevelopment Authority (CRA) of the City of Hastings intends to amend the Redevelopment Plan for Area #14 within the city, pursuant to the Nebraska Community Development Law (the "Act") and provide for the financing of a specific redevelopment related project in Area #14.

Executive Summary:

Project Description

THE PROJECT CONSISTS OF REDEVELOPMENT OF LAND SOUTH OF N. 33RD STREET LOCATED IN TRAIL RIDGE ADDITION. THE DEVELOPER HAS ACQUIRED THE PROPERTY AND PLANS TO BUILD OUT INFRASTRUCTURE ALONG EAST LAUX DRIVE AND A PORTION OF WEST LAUX DRIVE INCLUDING SITE PREPARATION, WATER, SEWER AND STREETS. THE DEVELOPER PLANS TO SELL THE LOTS TO LOCAL BUILDERS WHO WILL CONSTRUCT WORKFORCE HOUSING.

Hastings Economic Development Corporation (HEDC) will utilize Tax Increment Financing to pay for water, sewer and paving and other infrastructure expenses associated with the development of East Laux Drive and a portion of West Laux Drive. The use of Tax Increment Financing is an integral part of the development plan and necessary to make this project affordable. The project will result in the sale of 41 lots and the construction of 41 single family homes for workforce housing. The addition of workforce housing is consistent with the 2016 Hastings Housing Study and this project would not be possible without the use of TIF.

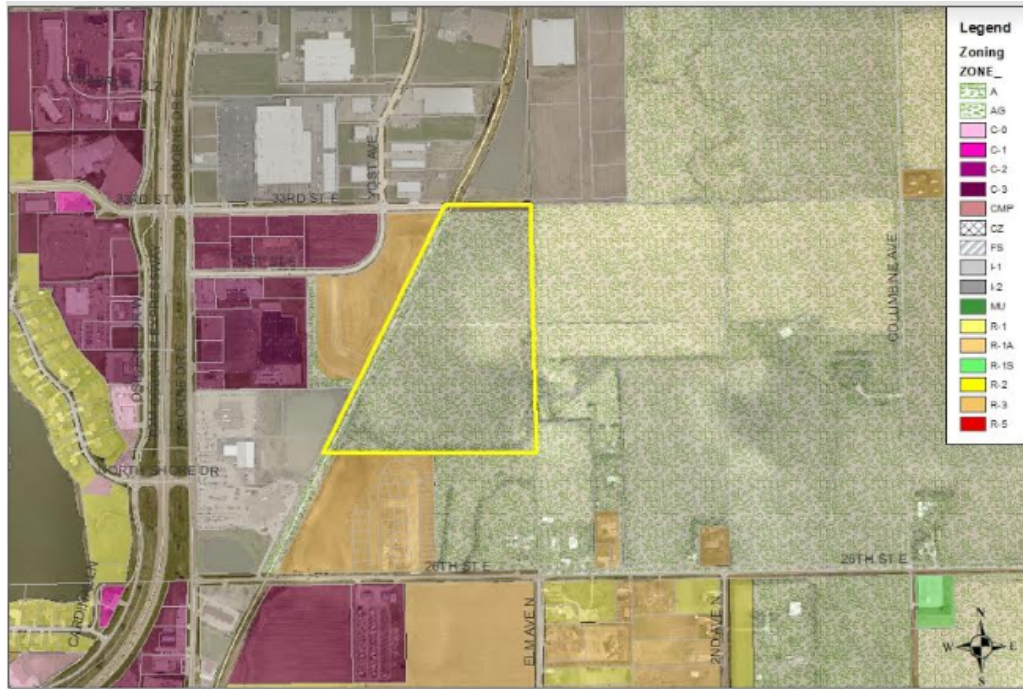
TAX INCREMENT FINANCING TO PAY FOR INSTALLATION OF WATER, SEWER AND PAVING ON THE PROPERTY WILL COME FROM THE FOLLOWING REAL PROPERTY:

Property Description (the "Redevelopment Project Area")

Legal Description: Lots 1, 8, 9, 10, and 24, Block 1 Trail Ridge Addition, Lots 5 and 6, Block 2 Trail Ridge Addition, Lots 6 thru 13, Block 3 Trail Ridge Addition, Lots 1 thru 3, Block 4 Trail Ridge Addition, Lots 1 thru 23, Block 5 Trail Ridge Addition all in the City of Hastings, Adams County, Nebraska according to the recorded plats thereof.

HEDC will utilize Tax Increment Financing to aid in infrastructure costs including site preparation, water, sewer and paving, design and construction of a public park, architectural, engineering and planning costs, capitalized interest, and legal fees, and any other eligible public improvements essential for public uses in accordance with the Redevelopment Plan.

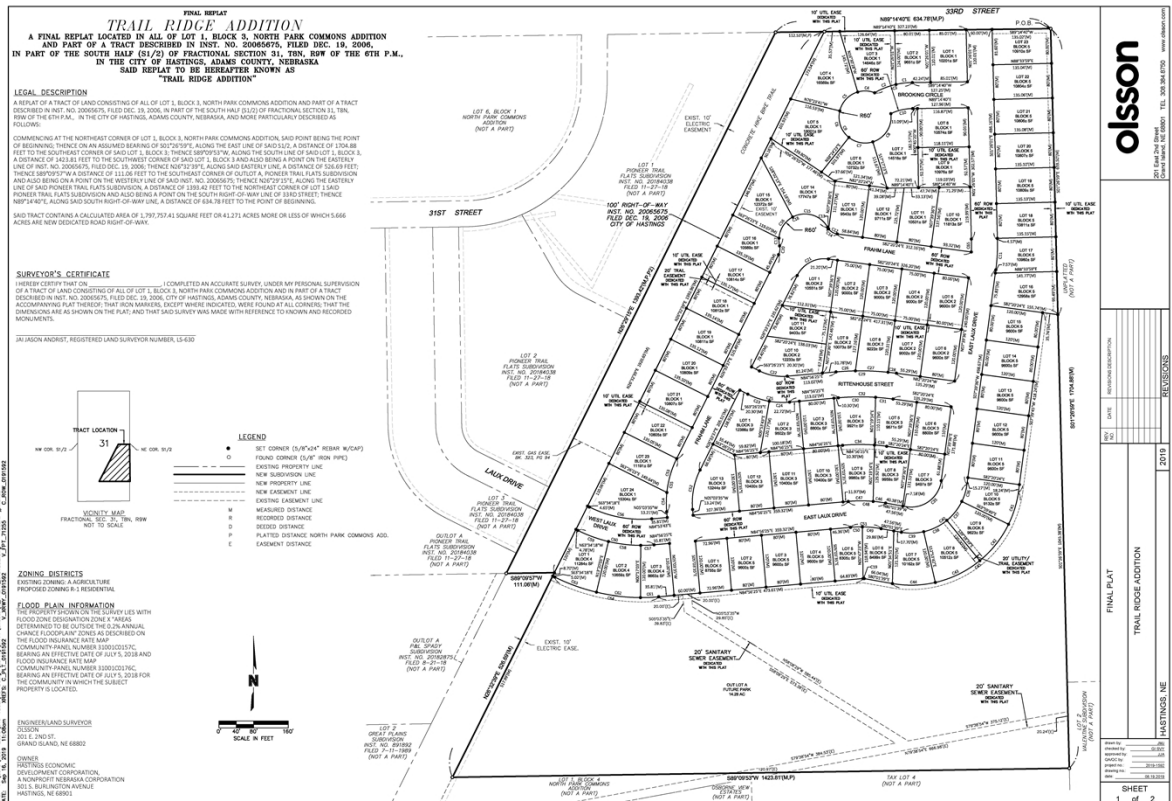
Map of Existing Land Use and Proposed Redevelopment Site



Trail Ridge Existing Land Use



Proposed Redevelopment Site



The real property ad valorem taxes on the current valuation will continue to be paid to the normal taxing entities. The increase in value will come from the construction of up to 41 single family homes as permitted in the R-1 Residential Zoning District. The tax increment will be captured for the tax years 2021 through 2035 inclusive. Provided, however, if there is no increase in valuation for the 2021 tax year, the increment will be captured beginning in the year when an increase in value is available for capture and ending fifteen years later.

Project costs for the preparation of the site and the installation of water, sewer and paving are estimated to be \$1,900,000. The developer intends to sell 41 lots to local builders who will construct 41 single family homes for workforce housing. When site improvements and the 41 homes are completed the total project costs are anticipated to be \$10,510,000. The anticipated project valuation when completed is \$8,610,000 and the developer projects an incremental valuation increase of approximately \$8,408,370.

Statutory Pledge of Taxes.

In accordance with Section 18-2147 of the Act and the terms of the Resolution providing for the issuance of the TIF Note, the Authority hereby provides that any ad valorem tax on the Redevelopment Project Area for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as set forth in the Redevelopment Contract, consistent with this Redevelopment Plan, Said taxes shall be divided as follows:

- a) That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; 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 pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on 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 premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

- 1. The Redevelopment Project Area was first declared blighted and substandard by action of the Hastings City Council on September 11, 2017. Such declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act.**
- 2. Conformation to the General Plan for the Municipality as a whole.**

Hastings adopted a Comprehensive Plan on February 24, 2009. This redevelopment plan amendment and

project are consistent with the Comprehensive Development Plan, in that no changes in the Comprehensive Development Plan elements are intended. This plan merely provides funding for the developer to construct workforce housing for residential uses on this property as defined by the current and effective zoning regulations. The Hastings Planning Commission held a public hearing at their meeting on October 21, 2019 and approved Plan Modification No. 2019-4 to Redevelopment Plan #14 confirming that this project is consistent with the Comprehensive Development Plan for the City of Hastings.

3. The Redevelopment Plan must be sufficiently complete to address the following items:

a. Land Acquisition:

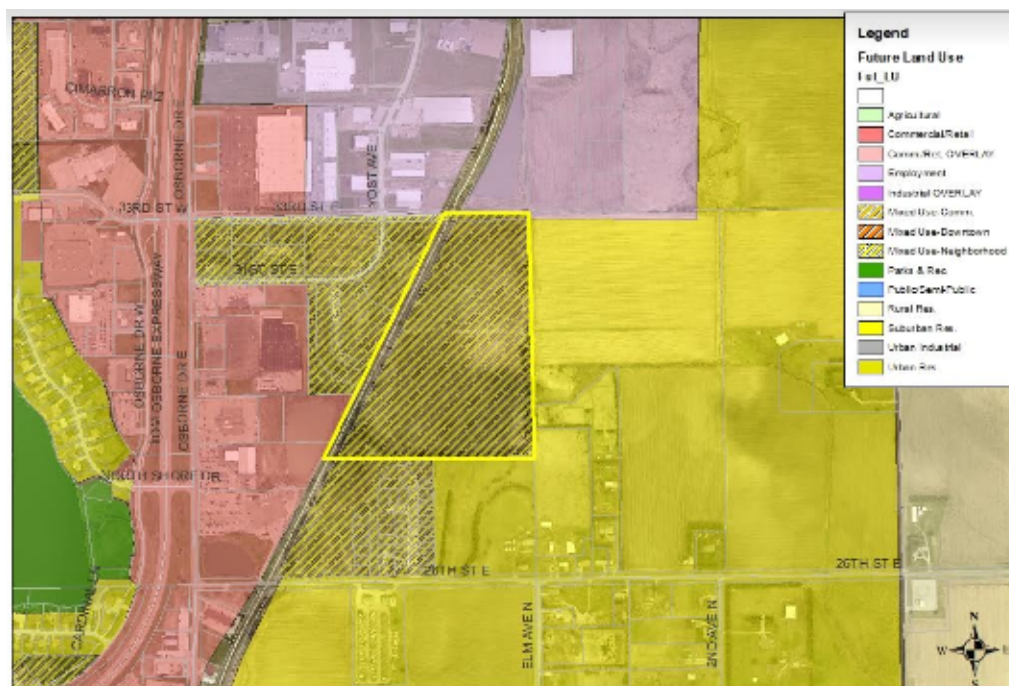
The Redevelopment Plan for Area #14 provides for real property acquisition and this plan amendment does not prohibit such acquisition. HEDC is the current owner of the property on which the Project will be constructed.

b. Demolition and Removal of Structures:

The project to be implemented with this plan does not provide for the demolition and removal of any structures on this property.

c. Future Land Use Plan

See the attached map from the 2009 Hastings Comprehensive Development Plan. All of the area around the site in private ownership is planned for residential development and ancillary uses; this includes housing and commercial development. This property is owned by the Hastings Economic Development Corporation. The attached map also is an accurate site plan of the area after redevelopment.



Trail Ridge Future Land Use

d. Changes to zoning, street layouts and grades or building codes or ordinances or other planning changes

This area is zoned agriculture and will be changed to R-1 Single Family Residential in anticipation of this project. The property will be graded and new streets will be constructed in conjunction with the plat filed with the City of Hastings on September 24, 2019. No changes are anticipated in building codes or ordinances, nor are any other planning changes contemplated.

e. Site Coverage and intensity of Use

The developer is proposing to construct up to 41 single family homes and plans to meet the applicable regulations regarding site coverage and intensity of use.

f. Additional Public Facilities or Utilities

Sewer, water and paving will be installed by the developer to support this development. Sufficient electric utilities and gas lines will also be installed by the developer for the proposed construction of these single family homes. The individual builders will be responsible for installing any sidewalks required for the project. No other utilities would be impacted by the development.

4. The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation. This property has previously been utilized for farm ground and agriculture related uses and no relocation is contemplated or necessary.

5. No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area.

6. Section 18-2114 of the Act requires that the Authority consider:

1. Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.

The land is owned by the developer (HEDC) who intends to provide the land for the project at no cost in order to buy down the cost of each home to meet the community's workforce housing needs. The development costs for infrastructure are estimated to be \$1,900,000 which will be partially paid for by TIF revenue and the sale of lots estimated at \$5,000 per lot. The City will create sewer, water and paving districts and assess the infrastructure costs to the property owner/developer. TIF revenue created by the development of 41 single family homes will be used to pay for a portion of the water, sewer and paving assessments.

Financing for the construction of the single family homes will be secured by the builders and is anticipated to be in the form of conventional construction loans. Based on current projections, the Developer is seeking \$1,435,000 in TIF to make the Project economically viable and the Developer believes the project is not feasible without the assistance of TIF.

The total TIF eligible expenses for this project are \$1,900,000. The property is owned by HEDC and the developer and or local builders will provide and secure all necessary financing for the construction of homes.

2. Statement of proposed method of financing the redevelopment project.

The developer will provide the land at no cost and the individual builders will provide all necessary financing for the construction of the homes. Funding for the 41 single family homes will come from builder equity and conventional construction loans. The Authority will assist the project by providing

\$1,435,000 from the proceeds of tax increment financing which after TIF loan interest is paid will result in approximately \$2,089,515 of direct aid to the project. This indebtedness will be repaid from the Tax Increment Revenues generated from the project. TIF revenues shall be made available to repay the original debt and associated interest after January 2022 provided, however, if there is no increase in valuation for the 2021 tax year, TIF Revenues will be available beginning twelve months after the year in which an increase in value is available for capture.

3. Statement of feasible method of relocating displaced families.

No families will be displaced as a result of this plan.

7. Section 18-2113 of the Act requires:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the Hastings Comprehensive Development Plan by providing the quality housing that will help meet the needs of the Hastings workforce.

8. Time Frame for Development

Development of this project is anticipated to be completed between January of 2020 and December of 2024. Excess valuation should be available for this project for 15 years beginning with the 2021 tax year, provided, however, if there is no increase in valuation for the 2021 tax year, the excess valuation will be available beginning in the year when an increase in value is available for capture.

9. Justification of Project

Extension of utilities, substantial site grading and installation of streets are necessary to facilitate redevelopment of this site. The redevelopment of this property will result in increased workforce housing opportunities and increased sales tax and is another step in the creation of workforce housing opportunities for the Hastings community. The Hastings Economic Development Corporation and the Hastings City Council have made it clear with previous decisions that they support development that will increase residential workforce opportunities.

10. Cost Benefit Analysis

Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the plan amendment in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law, §18-2147, Neb. Rev. Stat. (2012), the City

of Hastings has analyzed the costs and benefits of the proposed Redevelopment Project, including:

Project Sources and Uses.

Approximately \$1,435,000 in public funds from tax increment financing will be provided by the Hastings Community Redevelopment Authority. The land for this project is being provided by HEDC at no cost in order to further buy down the cost of each individual home and make the cost of purchasing a home more affordable for the Hastings workforce. This investment by the Authority and HEDC will leverage \$8,610,000 in private sector financing; a private investment of \$4.12 for every public/TIF dollar of investment.

USE OF FUNDS	SOURCE OF FUNDS			
Description	TIF Funds	HEDC	Lot Sales	Totals
Land provided by HEDC	\$ -	\$ -	\$ -	\$ -
Site Grading	\$ -	\$ -	\$ 150,000	\$ 150,000
Engineering	\$ 45,000	\$ -	\$ 55,000	\$ 100,000
Sanitary Sewer	\$ 293,000	\$ 130,000	\$ -	\$ 423,000
Water Service	\$ 208,000	\$ 130,000	\$ -	\$ 338,000
Street Paving	\$ 889,000	\$ -	\$ -	\$ 889,000
TOTALS	\$ 1,435,000	\$ 260,000	\$ 205,000	\$ 1,900,000

Tax Revenue. The property to be redeveloped is anticipated to have a January 1, 2019, valuation of approximately \$201,630. Based on the 2019 levy of 0.01673613 this would result in real property taxes of approximately \$3,374.50 which will be paid out to all the existing taxing entities. It is anticipated that the assessed value will increase by \$8,408,370 upon full completion, as a result of the construction of 41 homes. This development will result in an additional estimated tax increase of over \$140,724 annually. This tax increment gained from the Redevelopment Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible private redevelopment costs to enable this project to be realized.

Estimated 2018 assessed value:	\$201,630
Estimated value after completion	\$8,610,000
Increment value	\$8,408,370
Annual TIF generated (estimated)	\$140,724
TIF bond issue	\$1,435,000

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing for proposed Project:

A large financial gap exists on this project after conventional financing is utilized. A combination of the owner provided land and TIF are needed to make the project feasible. The developer and the individual builders are contributing land and owner equity/bank financing of \$8,610,000 and TIF funding along with owner financing is intended to fill the remaining gap, making this project feasible. The project is asking for \$1,435,000 in a TIF loan amortized over 15 years. Without the availability of TIF funding for the project the individual lot cost is \$41,341 and it would not be feasible for the developer to proceed with this redevelopment.

(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;

The redevelopment project area currently has an estimated valuation of \$201,630. The proposed redevelopment will create additional valuation of \$8,408,370. No tax shifts are anticipated from the project. The project creates new valuation from the construction of 41 single family residential homes for workforce housing.

(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;

No additional public service needs have been identified. Existing water and waste water facilities will not be impacted by this development. The electric utility has sufficient capacity to support the development. Fire and police protection are available and should not be negatively impacted by this development.

(c) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project; and

This project will not have a negative impact on employers and employees of firms locating within the boundaries of the redevelopment area. The project will provide additional opportunities for workforce housing which should have a positive impact on local employers.

(d) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and

This project will have a positive impact on local employers as many local companies have indicated that over 50% of their workforce lives outside the city and commutes daily from surrounding communities. The addition of workforce housing should be a benefit to local employees by providing local housing options.

(e) Impacts on student populations of school districts within the City or Village:

Over the time frame of the project this development will have a moderate impact on the Hastings area school systems. While the addition of 41 homes is likely to result in an increased attendance, this increase will be spread out over grades 1-12 and will not result in a significant increase in attendance. The units to be developed with this project are likely to draw families with school age children but it is anticipated that the three local school systems will be able to absorb any students from this additional development without adding to school facilities or staffing. HEDC and the Community Redevelopment Authority have reviewed this development with local school superintendents and school officials are in support of the project.

(f) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

This project is consistent with the goals of the City Council, HEDC and the Community Redevelopment Authority to create additional workforce housing units. The project will create additional housing opportunities for the local workforce and hopefully decrease the number of employees that commute from nearby communities. This project is consistent with the goals of the City's Comprehensive Plan, and the Hastings Housing Study of 2016.

Time Frame for Development

Development of this project is anticipated to be completed between January of 2020 and December of 2024. The base tax year should be calculated on the value of the property as of January 1, 2019. Excess valuation should be available for this project for 15 years beginning in 2021 with taxes due in 2022. Excess valuation will be used to pay the TIF Indebtedness issued by the CRA per the contract between the CRA and the developer for a period not to exceed 15 years on an amount not to exceed \$1,435,000 the projected amount of increment based upon the anticipated value of the project and current tax rate. Excess valuation should be available for this project for 15 years beginning with the 2021 tax year, provided, however, if there is no increase in valuation for the 2021 tax year, the excess valuation will be available beginning in the year when an increase in value is available for capture. Based on the estimates of the expenses of the infrastructure costs the developer will spend at least \$1,900,000 on TIF eligible activities. The CRA will reserve the right to issue additional debt in the form of a second bond issuance for construction of a public park and other public improvements to benefit the Hastings Economic Development Corporation Trail Ridge Addition Phase 1 Redevelopment Project upon verification that there is sufficient valuation to support such debt.

RESOLUTION 2019-52

WHEREAS, the Area 14 Redevelopment Plan prepared by the Community Redevelopment Authority of the City of Hastings, Nebraska has previously been approved by the Mayor and City Council of the City of Hastings; and

WHEREAS, the Community Redevelopment Authority of the City of Hastings, Nebraska has prepared Redevelopment Plan Modification #2019-4 for Redevelopment Area 14; and

WHEREAS, the Community Redevelopment Authority forwarded said Plan Modification to the Hastings City Planning Commission for its review and recommendations as to the consistency with the Redevelopment Plan and development objectives for Redevelopment Area 14 and also its conformity with the Comprehensive Development Plan of the City of Hastings; and

WHEREAS, the Hastings City Planning Commission conducted a review of the Plan Modification #2019-4 and held a public hearing on October 21, 2019 to solicit testimony from the community regarding said plan modification and at the conclusion thereof determined it was consistent with the general plan and development objectives for Redevelopment Area 14, and also consistent with the goals, policies, and objectives of the Comprehensive Development Plan of the City, and took action to recommend approval of the Plan Modification to the Community Redevelopment Authority; and

WHEREAS, on October 22, 2019 the Community Redevelopment Authority recommended approval of the Redevelopment Plan Modification and forwarded the Redevelopment Plan Modification to the Hastings City Council; and

WHEREAS, the Hastings City Council held a public hearing on November 12, 2019 on the Redevelopment Plan Modification.

NOW THEREFORE, in consideration of the foregoing recitals, the Mayor and City Council of the City of Hastings, Nebraska, hereby approve the Redevelopment Plan Modification #2019-4 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 Redevelopment Plan Modification #2019-4 for the Trail Ridge Addition Redevelopment Project in Redevelopment Area 14 as provided herein, a copy of said Redevelopment Plan Modification of which is attached hereto marked "Exhibit A" and incorporated herein by this reference.

PASSED AND APPROVED this ____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(S E A L)

Approved as to form: _____
City Attorney

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/21/2019
File No: 2019-044
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider Ordinance #4613, a change of zoning from I-2 Heavy Industrial to C-3 Commercial Business for Lots 7-12 of Block 2, Dawes and Foss First and Second Addition to the City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The property owners and tenants, the people of Hastings, and the City.

Why Planning Commission action is required:

Amendments to the zoning map, the text of Chapter 34 Zoning, or any part of the Comprehensive Plan may be made after a public hearing by the Planning Commission. Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council (34-801).

Type of action requested:

Ordinance

Suggested motion:

Motion to recommend approval of Ordinance #4613, a change of zoning for Lots 7 through 12, Block 2 of Dawes and Foss First and Second Addition to the City of Hastings, Adams County, Nebraska.

Deadlines associated with action:

This item is scheduled to be heard at the November 12 regular meeting of City Council.

Department head comments:

Two related actions, an alley vacation and a final replat for Casey's Subdivision, are progressing concurrently with this case. The applicants wish to plat the existing Casey's lot, the alley, and the Hardee's Subdivision into a single-lot for redevelopment.

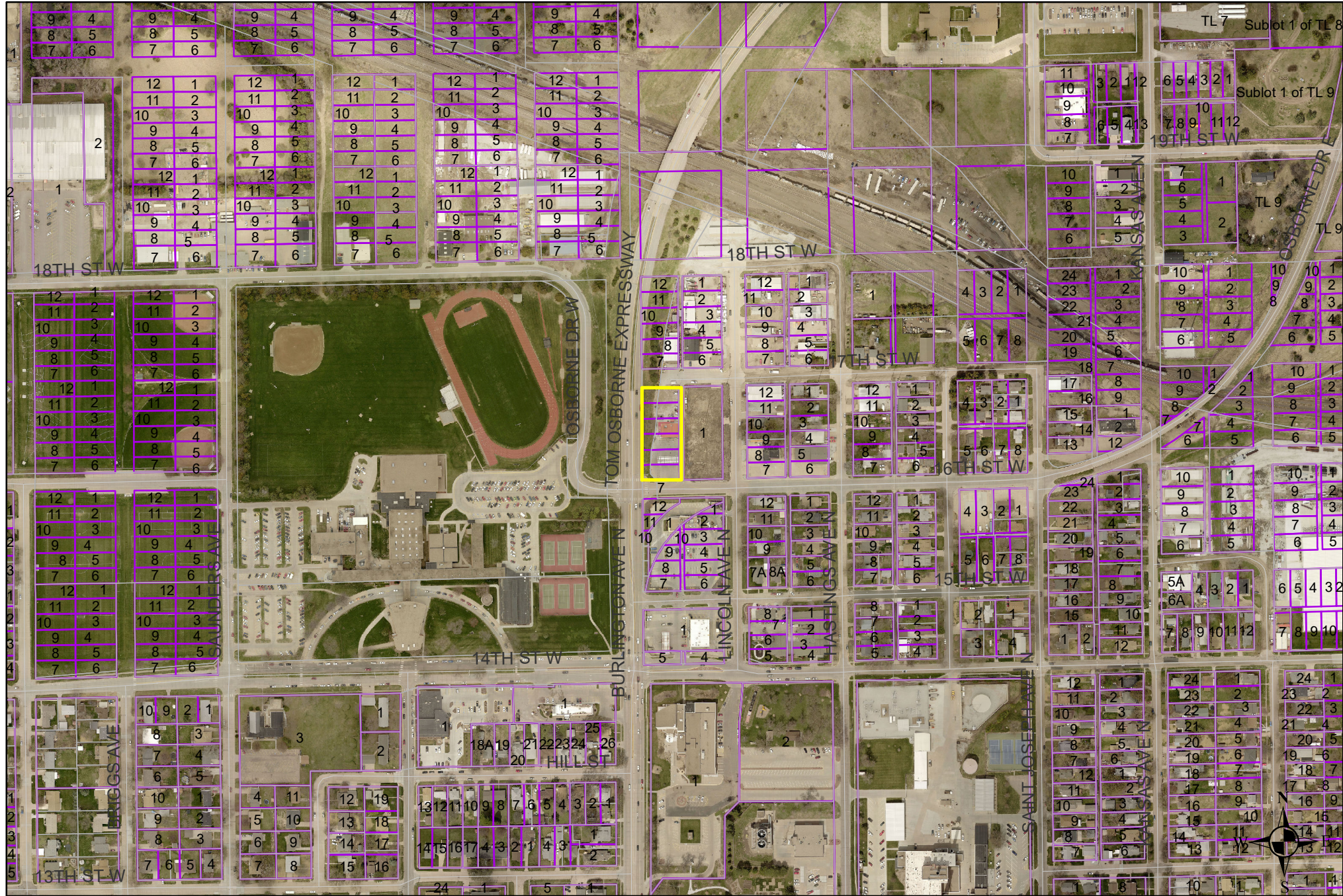
Surrounding zoning is as follows:

North - I-2 Heavy Industrial
South - C-3 Commercial Business
East - C-3 Commercial Business
West - Highway Right-of-Way

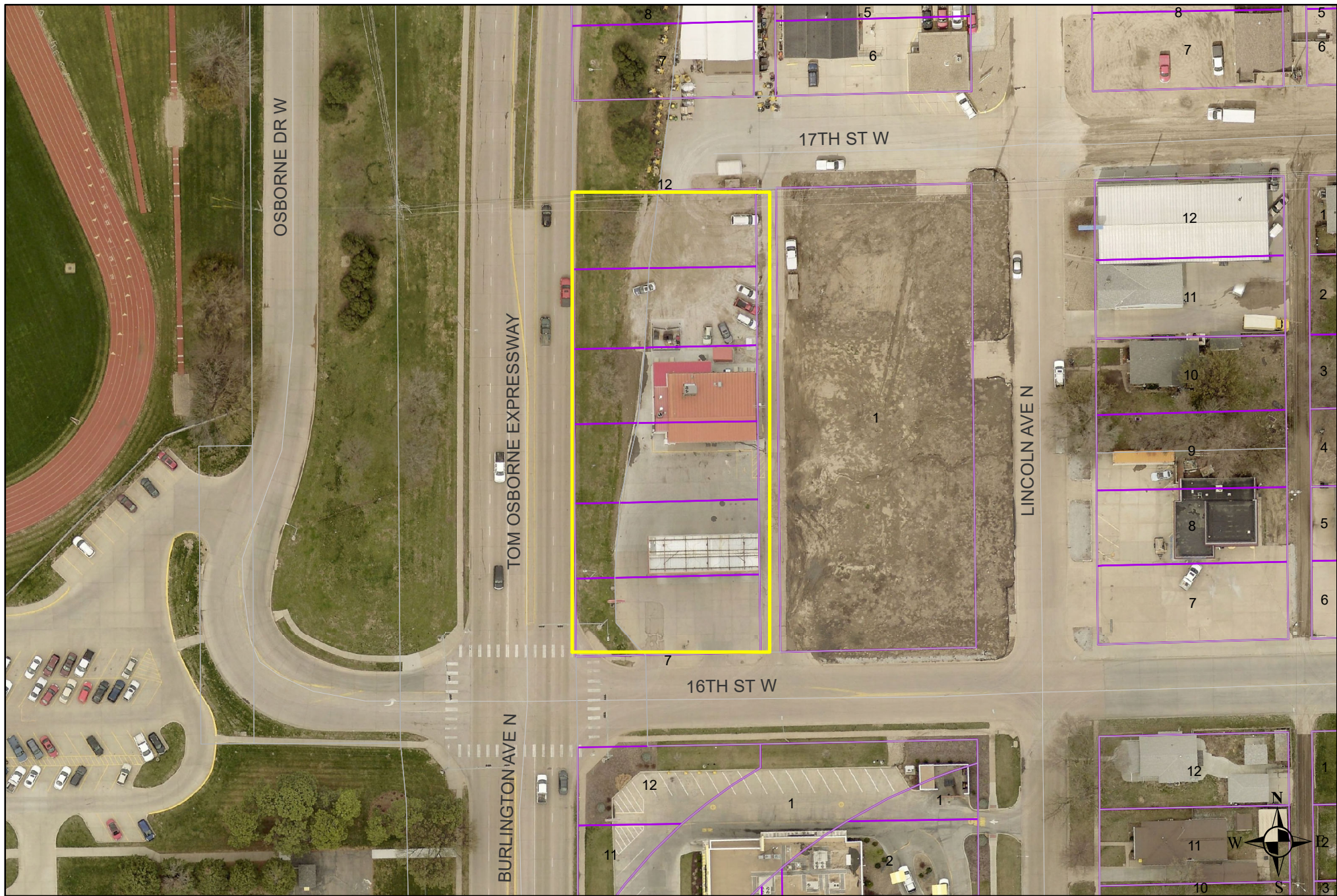
The future land use plan designation for the area is Mixed-Use Community. According to Imagine Hastings, a community-scale mixed-use center provides a general merchandising destination for residents of the community. Depending on their size, community centers need the support of 6,000 to 9,000 households.

This rezone action encompasses land beyond the boundary of the redevelopment subject site. It includes the existing Casey's parcel, and the remainder of Lots 7-12, Block 2 of Dawes and Foss First and Second Addition. The additional land was included in a condemnation action for the Highway 281 expansion project in January, 1980. This action transferred ownership, but did not vacate the existing plat. Therefore, to maintain continuity and integrity of the zoning map, the rezone action will follow the original legal description.

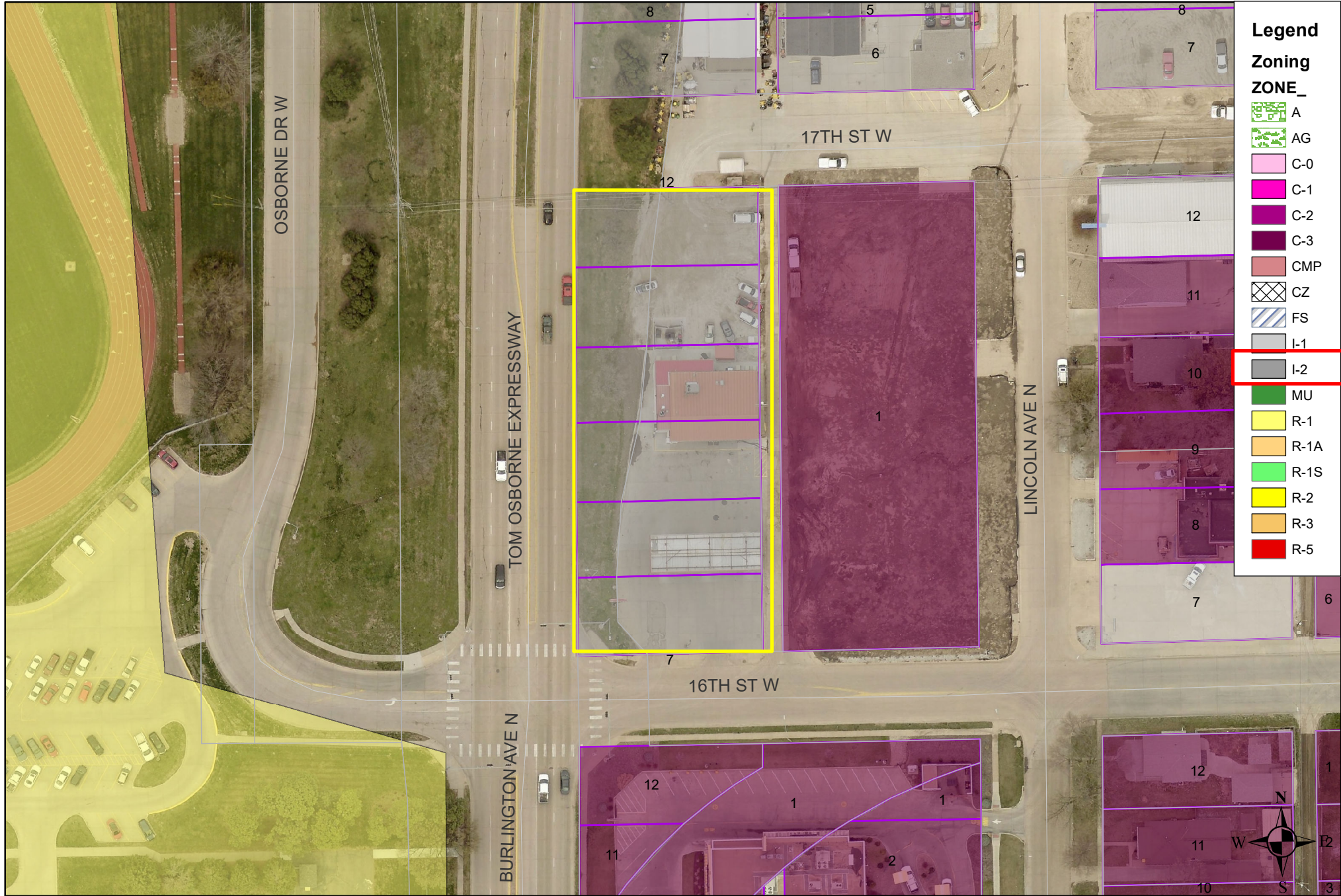
Recommendation:



Dawes and Foss Rezone Vicinity Map



Dawes and Foss Rezone Aerial Map



Dawes and Foss Rezone Zoning Map

ORDINANCE NO. 4613

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF HASTINGS, NEBRASKA TO REZONE A PORTION OF DAWES AND FOSS SECOND ADDITION, FROM “I-2 HEAVY INDUSTRIAL DISTRICT” TO “C-3 COMMERCIAL BUSINESS DISTRICT”; TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE 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 property legally described as follows:

Lots 7, 8, 9, 10, 11 and 12 of Block 2, Dawes and Foss Second Addition to the City of Hastings, Adams County, Nebraska,
currently zoned “I-2 Heavy Industrial District”, be and the same is hereby rezoned to “C-3 Commercial Business District”.

SECTION 2. That the City Engineer is hereby directed to cause the official zoning district map of the City of Hastings, Nebraska to be changed in accordance with the foregoing provisions.

SECTION 3. 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 4. This ordinance shall take effect and be in full force from and after its passage, approval and pamphlet form, said effective date being the ____ day of _____, 2019, 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 _____, 2019.

ATTEST:

Mayor

City Clerk

(S E A L)
APPROVED TO FORM:

City Attorney

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/21/2019
File No: 2019-045
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider a recommendation for Ordinance #4607, a text amendment to Chapter 34 Zoning, to address conversions of zone districts for properties entering city jurisdiction from Adams County jurisdiction.

Names of People/Business affected by this action:

Property owners and tenants within or proposed to enter the City of Hastings zoning jurisdiction from Adams County zoning jurisdiction, Adams County, and the City of Hastings.

Why Planning Commission action is required:

Amendments to the zoning map, the text of Chapter 34 Zoning, or any part of the Comprehensive Plan may be made after a public hearing by the Planning Commission. Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council (34-801).

Type of action requested:

Ordinance

Suggested motion:

Motion to recommend approval of Ordinance #4607, a text amendment to Chapter 34 Zoning, Section 34-319.

Deadlines associated with action:

This item is scheduled to be heard at the October 28 regular meeting of City Council.

Department head comments:

In previous extraterritorial boundary adjustments, there have not been specific zone change actions to explicitly apply city zone districts to parcels entering the jurisdiction. It appears that city zone districts were administratively applied based on Section 34-105 "Interpretation of district boundaries."

Staff reviewed the current Adams County Zoning regulations adopted February 16, 2016, and the current Chapter 34 Hastings City Code as revised through October 10, 2019. The proposed conversion chart applies the closest zone district available in city jurisdiction to the existing county zone district. Adoption of this uniform method of zone district conversion will provide clarity and consistency to landowners as properties are included into the city's zoning jurisdiction.

Recommendation:

ORDINANCE NO. 4607

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO CREATE SECTION 34-219 TO PROVIDE FOR AN ASSIGNMENT OF A ZONING DISTRICT WHEN PROPERTY COMES INTO THE CITY ZONING JURISDICTION BECAUSE OF AN EXTRATERRITORIAL ZONING JURISDICTION EXPANSION; TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE 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 Hastings City Code Section 34-219 of the Official City Code be and is hereby created to read as follows:

34-219. District Assignment – Extraterritorial Jurisdiction Expansion.

In the event of the expansion of the extraterritorial zoning jurisdiction area of the City:

- (1) An unincorporated territory which comes into the extraterritorial jurisdiction of the City shall immediately become classified in conformance with the zones noted herein and shall remain so zoned until an amendment to the official zoning map or this chapter shall place such land in a different zone or zones.

Adams County Zoning District		City of Hastings Zoning District	
AG	Agricultural District	A	Agricultural
TA	Transitional Agricultural District	A	Agricultural
R-1	Residential Estates District	R-1A	Single-family large lot residential
R-2	Urban Residential District	R-3	Multiple-family residential
C-1	Village Development District	-	not applicable
C-2	Highway Commercial District	C-3	Commercial business
C-3	General Commercial District	C-3	Commercial business
MU	Use District	C-2	Central business district
FS	Flex Space District	I-1	Light Industrial District
I-1	Light Industrial District	I-1	Light Industrial District
I-2	Industrial District	I-2	Heavy Industrial District
CMD	Clustered Mixed Use Development District	-	not applicable
DSO	Dark Sky Overlay District	-	not applicable
CO	Conservation Overlay District	-	not applicable
WHO	Wellhead Protection Overlay District	-	not applicable
AHO	Airport Hazard Overlay District	AP	Airport Zoning Regulations

FW/FF	Floodway and Flood Fringe Hazard Overlay District	FD	Flood Hazard District Regulations
HO	Highway Corridor Overlay District	-	not applicable
AHD	Adams-Hastings Joint Use District	AHD	Adams-Hastings Joint Use District

- (2) Extension of the extraterritorial zoning jurisdiction area shall not prohibit prevent or interfere with the conduct of legally existing farming, livestock operations business, or industry.
- (3) All preexisting allowed land uses in the expanded jurisdictional area, which are not by-right uses in the City of Hastings, shall be considered legal nonconforming uses.
- (4) All preexisting land uses which violated Adams County Zoning and Subdivision Regulation before expansion of the extraterritorial zoning jurisdiction, shall be subject to the applicable City of Hastings Zoning and Subdivision Regulations.

SECTION 2. That any ordinance passed and approved prior to the passage of this ordinance, and in conflict with its provision, is hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form, such effective date being the ____ day of _____, 2019, and this ordinance shall thereafter 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 _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)
APPROVED AS TO FORM

City Attorney

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/21/2019
File No: 2019-046
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Consider a recommendation for Ordinance #4614, vacation of the alley between 16th and 17th Street in Block 2 of Dawes and Foss First and Second Addition and Hardee's Subdivision to the City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the people of Hastings, and the City.

Why Planning Commission action is required:

The Mayor and City Council shall have power to open or widen any street, alley or public way and to condemn or purchase private property for such public use as provided by law. Streets and alleys may be vacated as and when the Mayor and Council deem it necessary for the public safety, welfare and convenience. When an alley is vacated the same shall revert to the owner of the adjacent real estate one half on each side thereof (25-101).

When the city vacates all or any portion of a street or alley, the city shall, within thirty days after the effective date of the vacation, file a certified copy of the vacating ordinance with the register of deeds for the county in which the vacated property is located to be indexed against all affected lots (N.R.S. 16-611 (3)).

Type of action requested:

Ordinance

Suggested motion:

Motion to recommend approval of Ordinance #4614, vacation of the alley between 16th and 17th Street in Block 2 of Dawes and Foss First and Second Addition and Hardee's Subdivision to the City of Hastings, Adams County, Nebraska.

Deadlines associated with action:

This Ordinance is scheduled to be considered at the regular November 12, 2019 meeting of City Council.

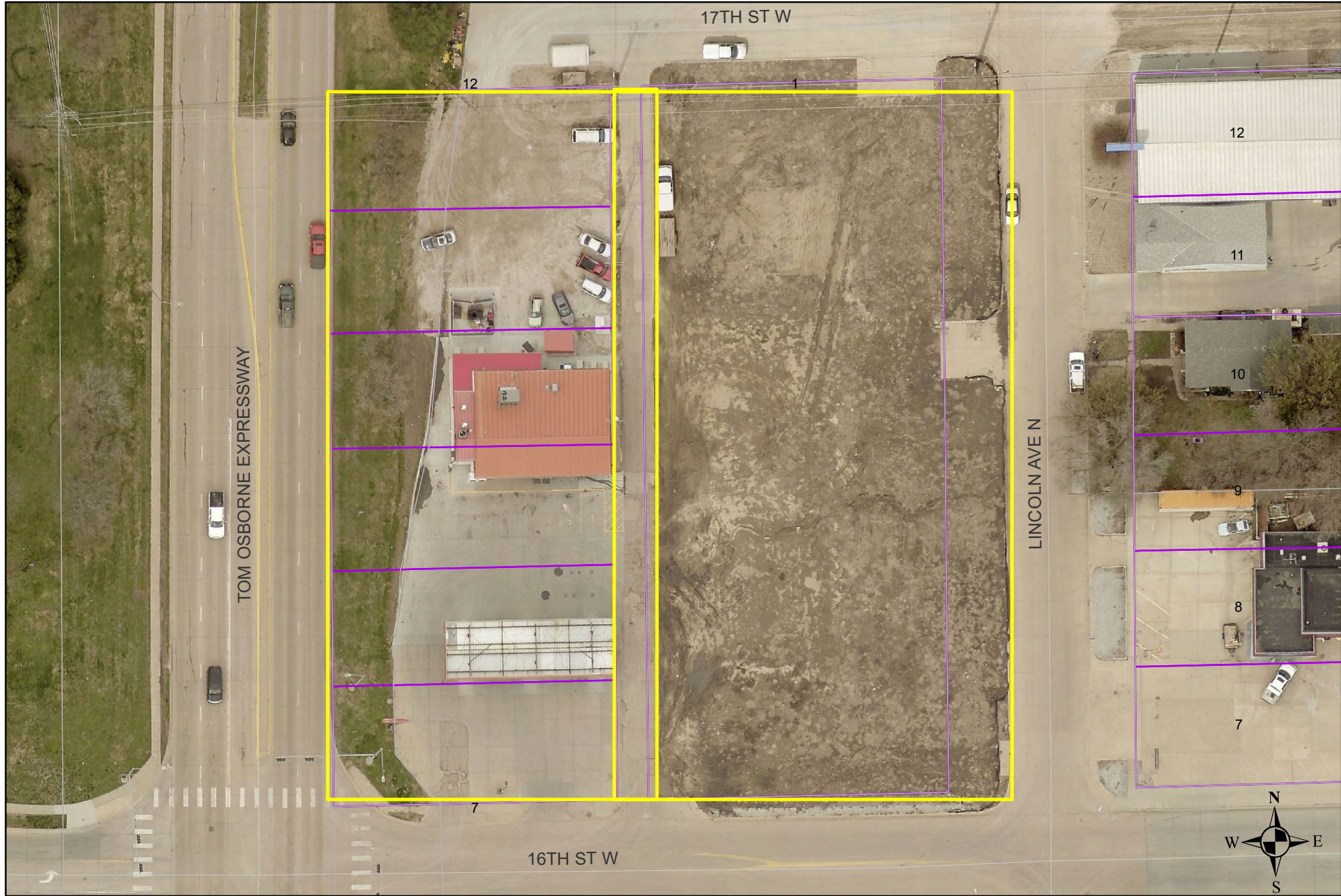
Department head comments:

In Cities of the First Class, no public hearing is required for vacation actions.

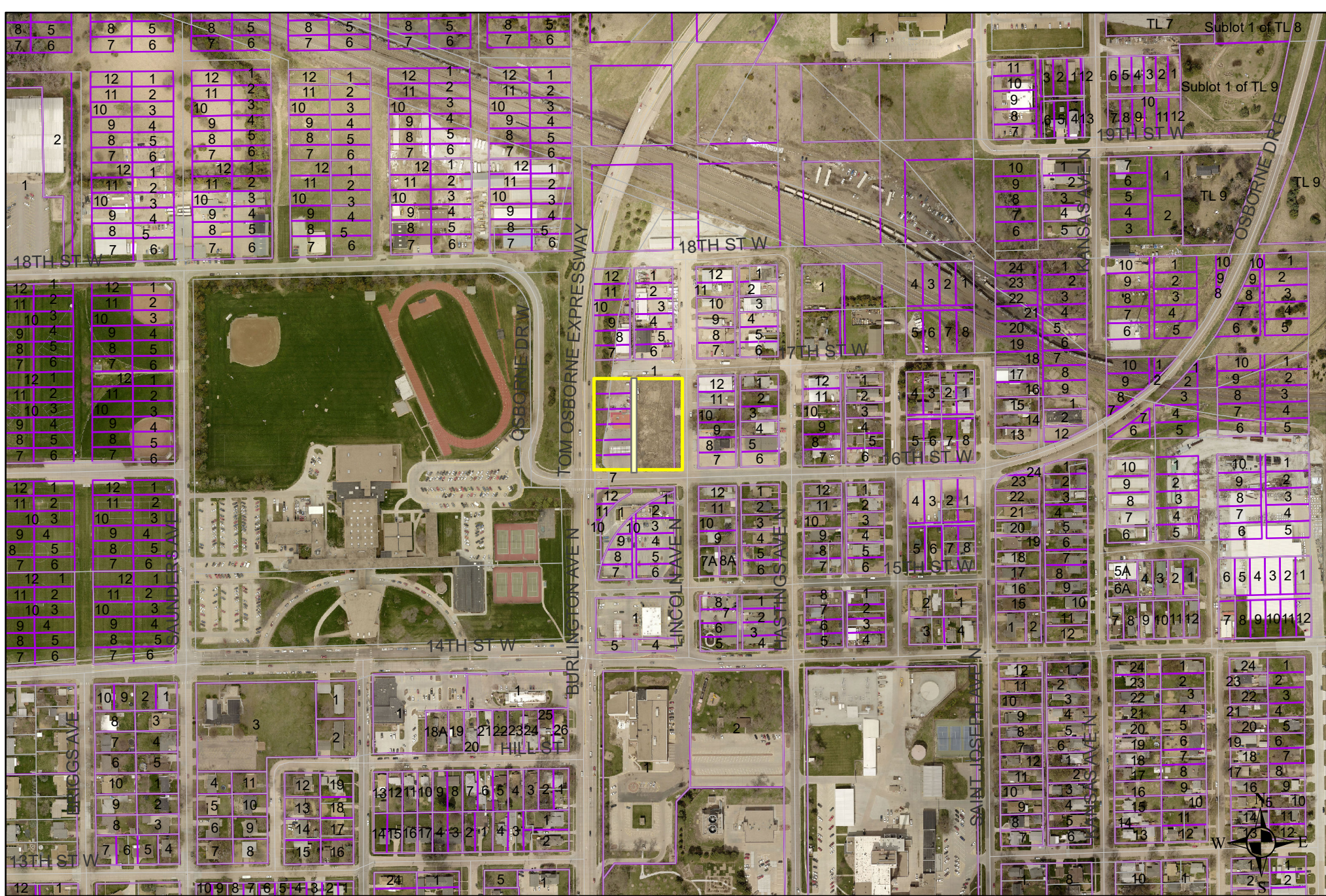
This action is concurrent with and related to the Casey's Subdivision redevelopment. The applicant intends to acquire the Hardee's Subdivision and replat the vacated alley and the acquired property in to a single lot subdivision for redevelopment purposes.

The City Utility department has reviewed the project and has no objections. Existing overhead electric lines serve only this property and are to be buried during redevelopment.

Recommendation:



Dawes and Foss Vacation Aerial Map



Dawes and Foss Vacation Vicinity Map

ORDINANCE NO. 4514

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, VACATING THE NORTH-SOUTH ALLEY LYING BETWEEN 16TH STREET AND 17TH STREET, LOCATED IN BLOCK 2, DAWES AND FOSS FIRST AND SECOND ADDITION AND ALL OF HARDEE'S SUBDIVISION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA; PROVIDING FOR FILING OF SAME WITH THE REGISTER OF DEEDS; REPEALING INCONSISTENT PROVISIONS; TO PROVIDE EFFECTIVE DATE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

SECTION 1. That the alley legally described as:

The North-South alley between 16th Street and 17th Street, located in Block 2, Dawes and Foss First and Second Addition and Hardee's Subdivision to the City of Hastings, Adams County, Nebraska.

pursuant to Neb. Rev. Stat. 16-611 (Reissue 2012) be and the same is hereby vacated, and the alley so vacated shall vest in the owners of the abutting property and become a part of such property, one-half on each side thereof; subject however to the reservations to the City of Hastings provided in Neb. Rev. Stat. 16-611 (4).

SECTION 2. 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 3. 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 4. 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 5. This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form, said effective date being the ____ day of _____, 2019; 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 _____, 2019.

ATTEST:

Mayor

City Clerk
(S E A L)

APPROVED TO FORM:

City Attorney

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/21/2019
File No: 2019-047
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Consider a recommendation to approve a Preliminary/Final Plat for Casey's Subdivision of the City of Hastings, Adams County, Nebraska, generally located north of 16th Street and east of Osborne Drive.

Names of People/Business affected by this action:

The applicant, the people of Hastings, and the City.

Why Planning Commission action is required:

Approval of the preliminary plat by the City Council does not constitute acceptance of the subdivision, but is merely an authorization to proceed with preparation of the final plat of record. No grading of streets, or construction shall be done on the subdivision before the final plat is approved by the Planning Commission and by the City Council, except by special permission of the City Council. (Hastings City Code Section 38-202 (3)).

No plat of or instruments effecting the subdivision of real property shall be recorded or have any force and effect unless the same be approved by the City Council, subject however, to the exceptions set forth in Section 34-106 of the City Code. The City Council shall hold no public meeting, nor take any action upon any plat or instrument affecting a subdivision until it has received the recommendation of the Hastings Planning and Zoning Commission (38-201).

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of a Preliminary/Final Plat for Casey's Subdivision of the City of Hastings, Adams County, Nebraska, generally located north of 16th Street and east of Osborne Drive.

Deadlines associated with action:

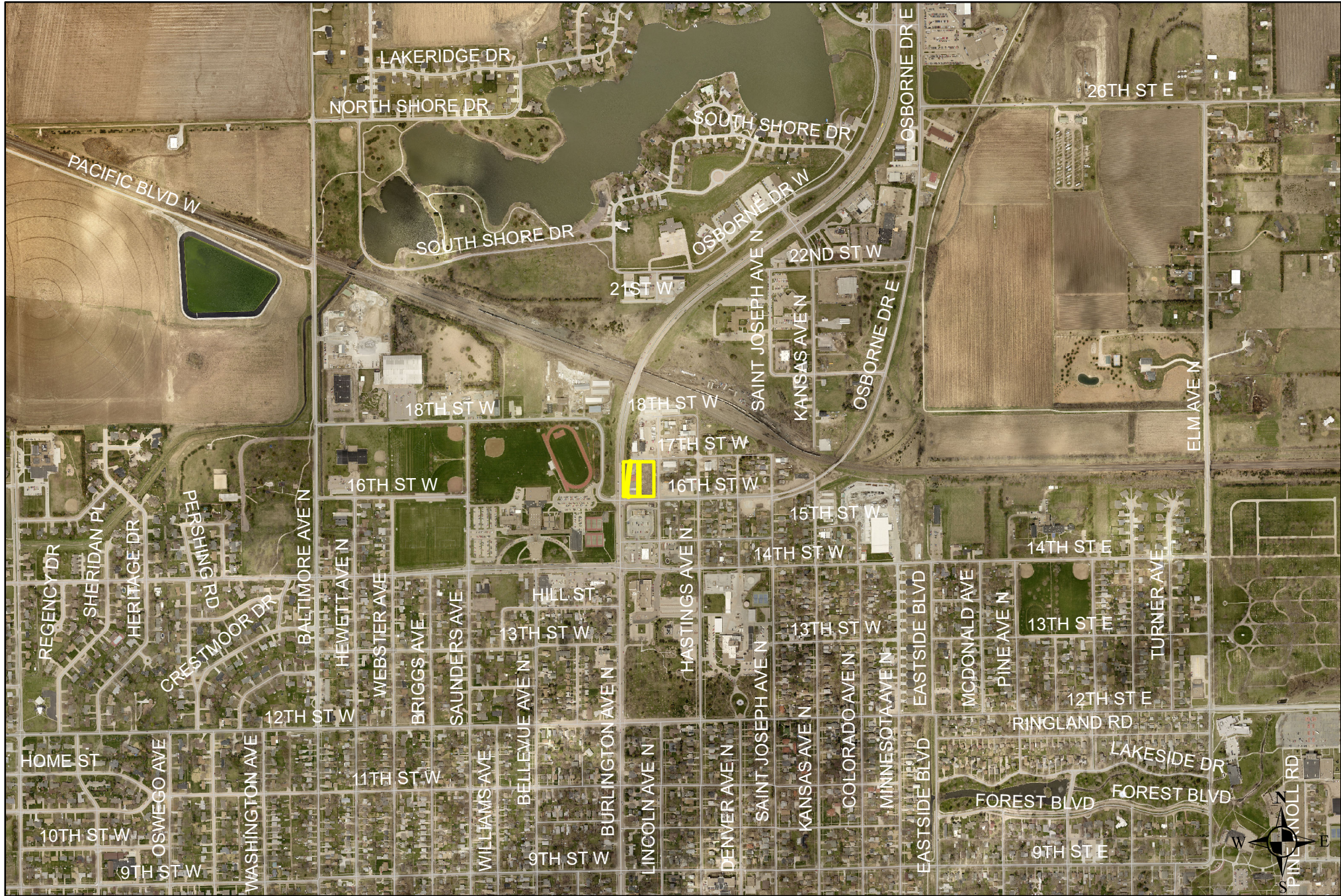
This item is scheduled to be heard at the regular meeting of City Council on November 12, 2019.

Department head comments:

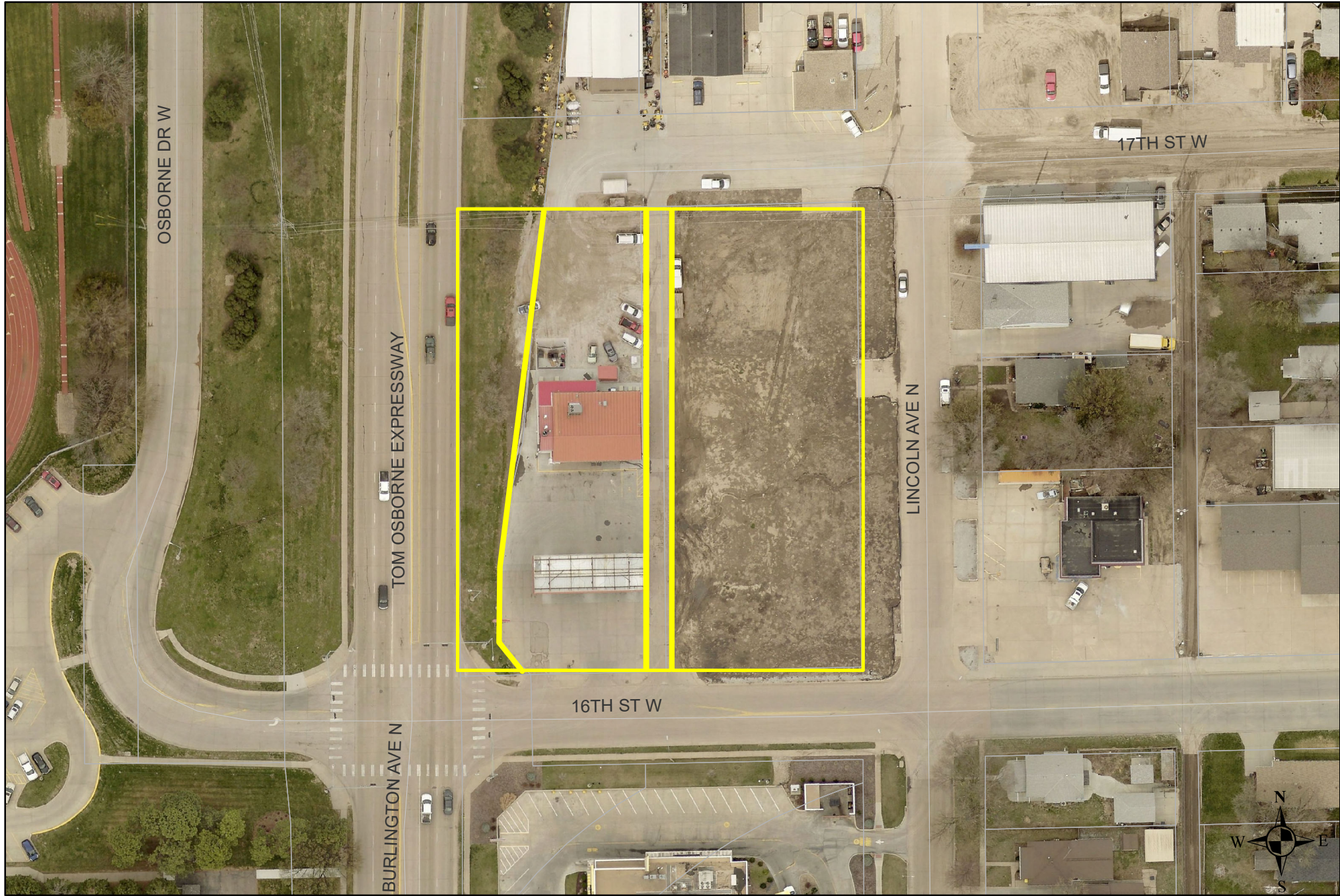
This plat is concurrent with the Dawes and Foss rezoning and vacation actions. The applicant intends to vacate the alley, acquire the Hardee's Subdivision, and along with the existing property, replat into one lot.

The development review team has reviewed the plats and applicant has made suggested revisions. Staff has worked with the applicant to address any outstanding issues with the Preliminary and Final Plats. Staff believes that the submission meets the criteria outlined in City Code Section 38-202 and 38-203.

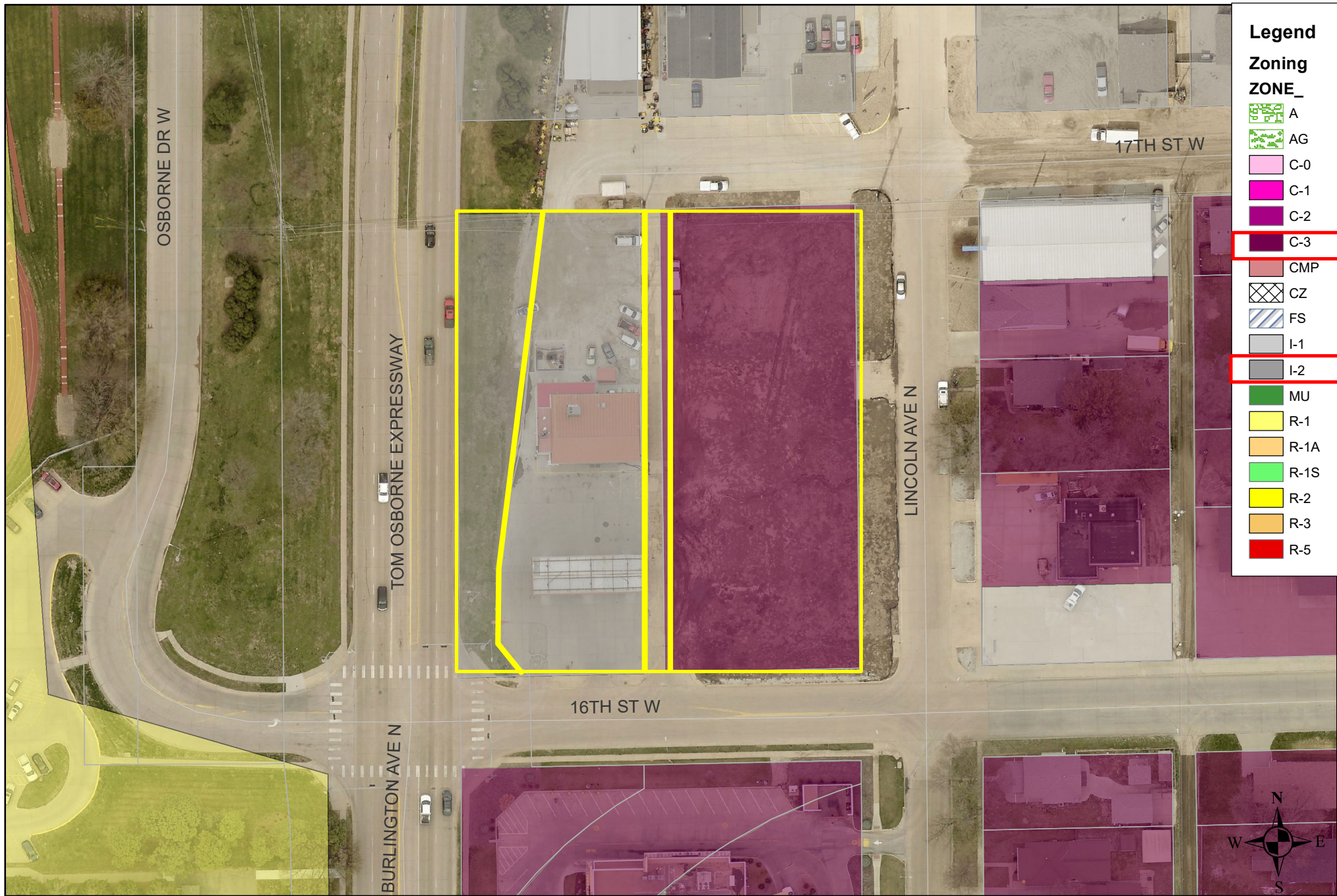
Recommendation:



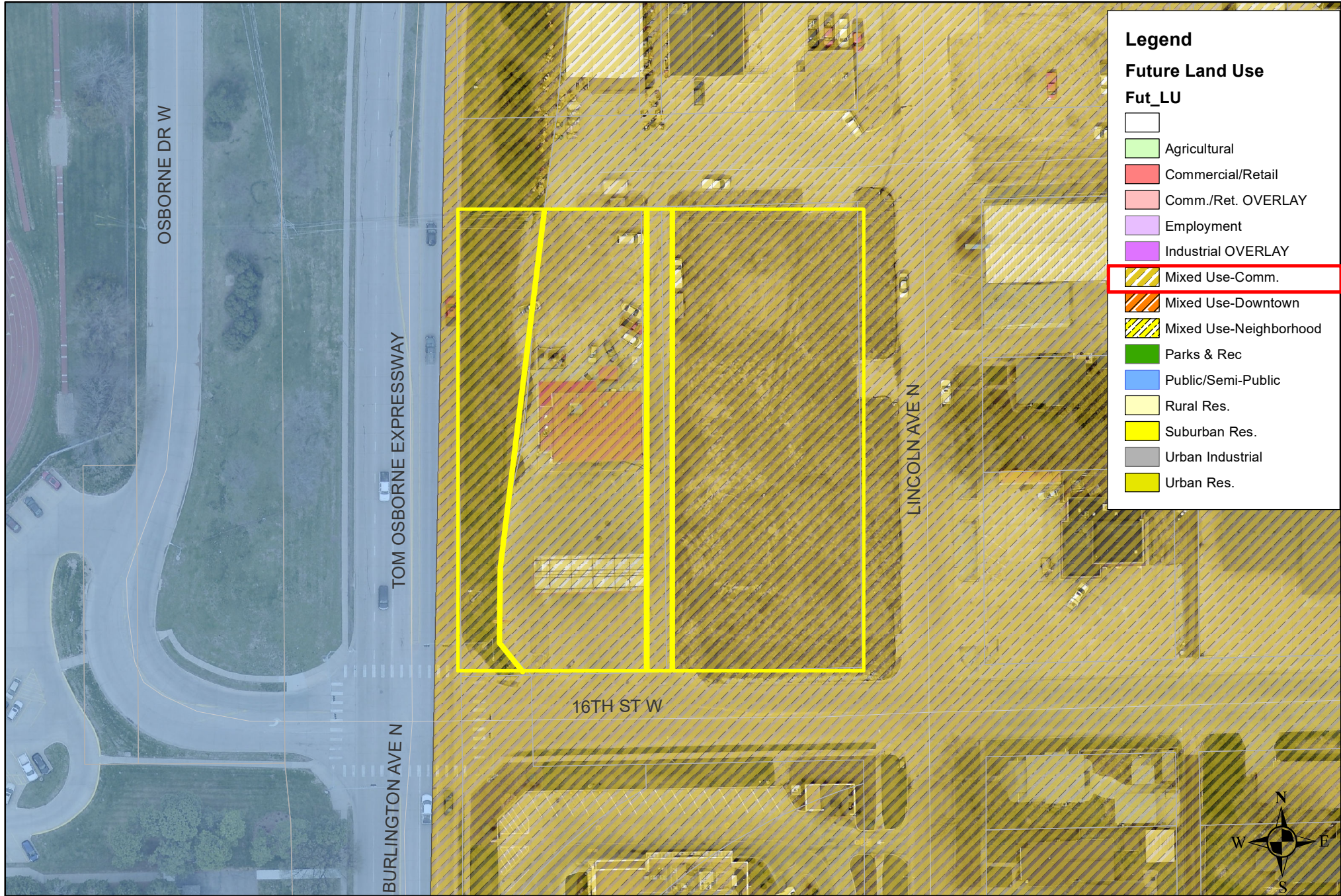
Casey's Subdivision Vicinity Map



Casey's Subdivision Aerial Map



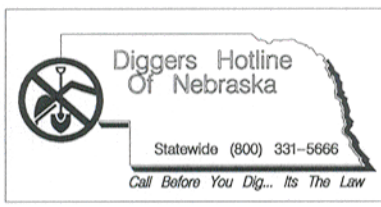
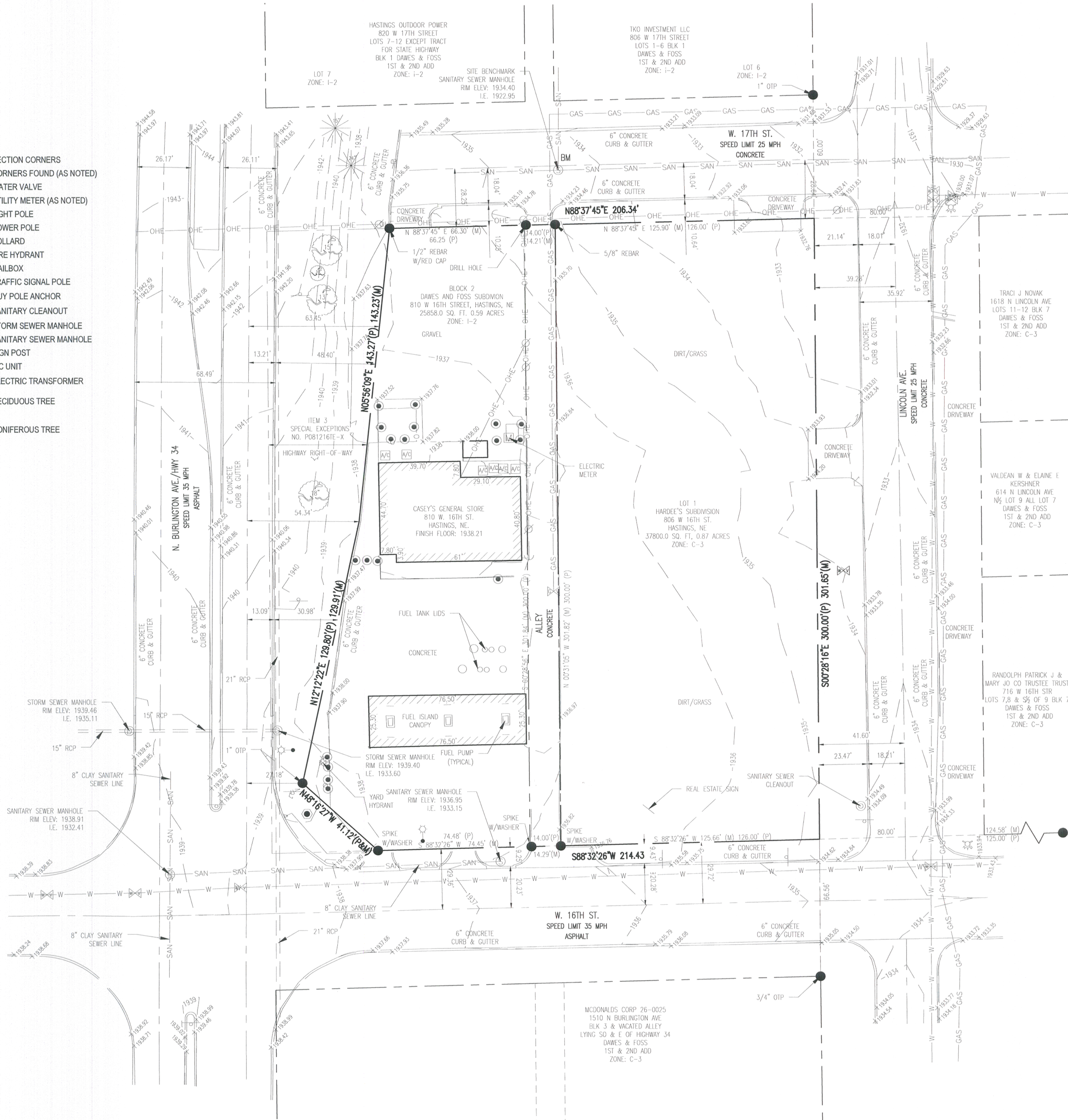
Casey's Subdivision Zoning Map



Casey's Subdivision Future Land Use Map

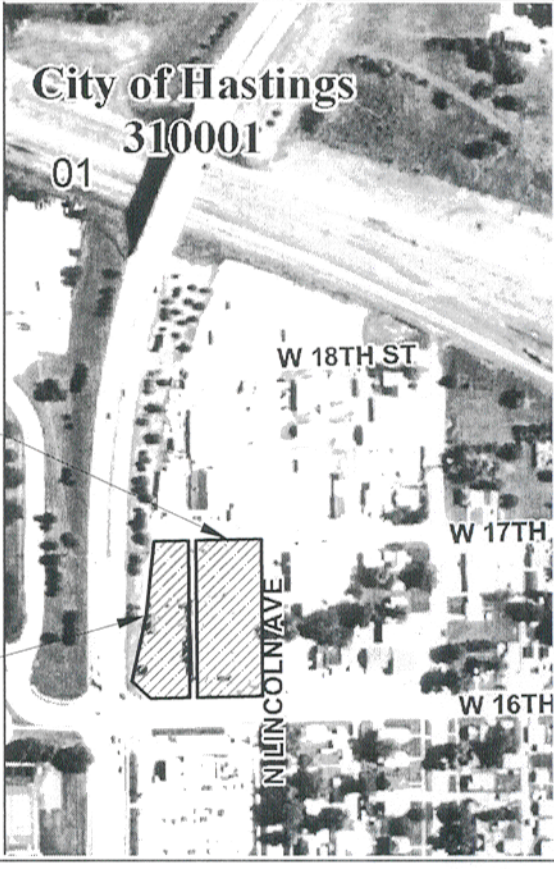
A PART OF LOTS 7, 8, 9, 10, 11 AND 12 BLOCK 2
DAWES AND FOSS FIRST ADDITION TO THE CITY OF HASTINGS
& LOT 1, HARDEE'S SUBDIVISION BOTH LOCATED IN
ADAMS COUNTY, HASTINGS, NEBRASKA.

- LEGEND**
- SUBJECT PROPERTY LIMITS
 - RIGHT-OF-WAY LINE
 - LOT LINE
 - MAJOR CONTOUR
 - MINOR CONTOUR
 - CHAIN LINK FENCE
 - SANITARY SEWER LINE
 - OVERHEAD ELECTRIC LINE
 - WATER LINE
 - GAS LINE
 - SECTION CORNERS
 - CORNERS FOUND (AS NOTED)
 - WATER VALVE
 - UTILITY METER (AS NOTED)
 - LIGHT POLE
 - POWER POLE
 - BOLLARD
 - FIRE HYDRANT
 - MAILBOX
 - TRAFFIC SIGNAL POLE
 - GUY POLE ANCHOR
 - SANITARY CLEANOUT
 - STORM SEWER MANHOLE
 - SANITARY SEWER MANHOLE
 - SIGN POST
 - A/C UNIT
 - ELECTRIC TRANSFORMER
 - DECIDUOUS TREE
 - CONIFEROUS TREE
- P - PLATTED
M - MEASURED
OTP - OPEN TOP PIPE



THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED PER A ONE-CALL LOCATE TICKET #192240217 AND #192240264 AND SHOWN FROM OBSERVED FIELD SURVEY INFORMATION AND RECORD LOCATIONS PROVIDED BY THOSE COMPANIES RESPONDING TO SAID LOCATE TICKET. SCHEMMER MAKES NO GUARANTEE THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. SCHEMMER OWES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE ACCURACY OF THE LOCATION OF THE UNDERGROUND UTILITIES BY SCHEMMER FOR ANY DAMAGE TO UNDERGROUND UTILITIES WHICH MAY OCCUR FROM THE USE OF THE UTILITY INFORMATION PROVIDED HEREON. CONTACT "DIGGERS HOTLINE OF NEBRASKA" (1-800-331-5666) PRIOR TO ANY EXCAVATION ON THIS SITE.

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP
ADAMS COUNTY, NEBRASKA
PANEL 157 of 400
FEMA
Panel Contains:
COMMUNITY: ADAMS COUNTY, NEBRASKA
NUMBER: 330913
PANEL: 0187
SUFFIX: C
VERSION NUMBER: 2.3.3.3
MAP NUMBER: 330913



- FLOOD HAZARD INFORMATION**
- SEE FIS REPORT FOR ZONE DESCRIPTIONS AND INDEX MAP
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT: [HTTP://MSC.FEMA.GOV](http://msc.fema.gov)
- Without Base Flood Elevation (BFE)
 - Special Flood Hazard Areas
 - Regulatory Floodway
 - 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with damage areas of less than one square mile
 - 1% Annual Chance Flood Hazard
 - Areas with Reduced Flood Risk due to Levee
 - Areas Determined to be Outside the 0.2% Annual Chance Flood Hazard
 - Area of Undetermined Flood Hazard
 - Channel, Culvert, or Storm Sewer
 - Accretion or Progradually Accreted Levee, Dike, or Floodwall
 - Non-accreted Levee, Dike, or Floodwall
 - Coastal Truncet
 - Coastal Truncet Baseline
 - Public Roadway
 - Hydrographic Feature
 - Base Flood Elevation Line (BFE)
 - Line of Study
 - Jurisdiction Boundary

FLOOD ZONE:
SUBJECT PROPERTY IS IN FLOOD ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
FLOOD INSURANCE RATE MAP NUMBER 31001C0157C, EFFECTIVE DATE: JULY 5, 2018.

NOTE:
THE REFERENCE SYSTEM USED FOR HORIZONTAL CONTROL IS MODIFIED NEBRASKA STATE PLANE, SCALE FACTOR = 0.99967607. THE HORIZONTAL SYSTEM IS NAD 83, VERTICAL CONTROL IS NAVD 1988.
BENCHMARK: CENTER OF SANITARY SEWER MANHOLE RIM LAYING WEST OF THE INTERSECTION OF 17TH STREET AND LINCOLN AVE. ELEVATION 1934.40.

HASTINGS HIGH SCHOOL 1100 W. 14TH ST. LOCATED ON THE WEST SIDE OF THE INTERSECTION OF W. 16TH ST. AND N. BURLINGTON AVE.

SPEED LIMITS: N. BURLINGTON AVE./HWY 34: 35 MPH
16TH STREET: 35 MPH
LINCOLN AVE: 25 MPH

THIS ALTA DOES NOT CERTIFY PAST 2-16-2008 FOR LOTS 7-12 BLOCK 2 DAWES AND FOSS FIRST ADDITION, TITLE COMMITMENT FILE NO. P081216T-X (#38) GNS #38-X FILE EFFECTIVE DATE/FEBRUARY 26, 2008, 8:00 AM

ZONING:
ZONE: I-2 (HEAVY INDUSTRIAL DISTRICT)
ZONING RESTRICTIONS/REQUIREMENTS:
A. MINIMUM LOT AREA: NONE
B. MAXIMUM BUILDING HEIGHT: NONE
C. MINIMUM BUILDING SETBACKS (STATE TRASH ENCLOSURE SETBACK ALSO, IF DIFFERENT)
I. FRONT: NONE, EXCEPT THAT A SETBACK OF NOT LESS THAN FIFTY (50) FEET SHALL BE PROVIDED ALONG ALL FEDERAL AND STATE HIGHWAYS
II. SIDE: NONE, EXCEPT THAT A SETBACK OF NOT LESS THAN FIFTY (50) FEET SHALL BE PROVIDED ALONG ALL FEDERAL AND STATE HIGHWAYS
III. REAR: NONE
D. MINIMUM CANOPY SETBACKS (IDENTIFY IF TO SUPPORT OR CANOPY EDGE)
I. FRONT: NONE, EXCEPT THAT A SETBACK OF NOT LESS THAN FIFTY (50) FEET SHALL BE PROVIDED ALONG ALL FEDERAL AND STATE HIGHWAYS
II. SIDE: NONE, EXCEPT THAT A SETBACK OF NOT LESS THAN FIFTY (50) FEET SHALL BE PROVIDED ALONG ALL FEDERAL AND STATE HIGHWAYS
E. REAR: NONE
F. WHERE DOES EACH SETBACK APPLY:
I. FRONT: NORTH, SOUTH
II. SIDE: EAST, WEST
III. REAR: NONE
G. MINIMUM FRONTAGE: NONE
H. MAXIMUM LOT COVERAGE: NONE
I. MAXIMUM FLOOR AREA RATIO (FAR): N/A
J. MINIMUM FINISH FLOOR ELEVATION (CONFIRM FLOODPLAIN): N/A
K. SPECIFIC REQUIREMENTS FOR BUILDING APPEARANCE/ MATERIALS: NO
L. DO ROOFTOP UNITS NEED TO BE SCREENED? YES
I. WHAT IS THE SCREENING REQUIREMENT (LINE OF SIGHT, HEIGHT OF UNIT, ETC)? LINE OF SIGHT

SPECIAL EXCEPTIONS AS CONTAINED IN TITLE COMMITMENT FILE NO. 31615358 EFFECTIVE DATE: JULY 19, 2019, 8:00AM, SUPPLIED BY CHICAGO TITLE INSURANCE COMPANY

ITEMS 1 & 5 THRU 10 ARE NON SURVEY ITEMS.

ITEM 2: RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS. (AFFECTS SUBJECT PROPERTY)

ITEM 3: EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS. (AFFECTS SUBJECT PROPERTY)

ITEM 4: ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND (AFFECTS SUBJECT PROPERTY)

ITEM 5: ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE, OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. (AFFECTS SUBJECT PROPERTY)

ITEM 10: NO CERTIFICATION IS MADE AS TO SPECIAL ASSESSMENTS EXCEPT THOSE CERTIFIED TO THE OFFICE OF THE COUNTY TREASURER.

ITEM 11: CHAIN OF TITLE:
A) SPECIAL WARRANTY DEED, DATED 11/15/2017, FILED 11/22/2017, DOCUMENT NO. 20174063, EXECUTED BY THOMAS A. QUINN AND JOAN A. QUINN, HUSBAND AND WIFE, JOINT TENANTS, AS GRANTOR(S), IN FAVOR OF 4 G PROPERTIES, LLC, A COLORADO LIMITED LIABILITY COMPANY, AS GRANTEE(S).

LEGAL DESCRIPTION AS CONTAINED IN TITLE COMMITMENT FILE NO. 1615358 EFFECTIVE DATE: JULY 19, 2019, 8:00AM, SUPPLIED BY CHICAGO TITLE INSURANCE COMPANY:
LOT ONE (1), HARDEE'S SUBDIVISION OF HASTINGS, ADAMS COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF.

LOT DESCRIPTION AS SURVEYED
LOT ONE (1), HARDEE'S SUBDIVISION OF HASTINGS, ADAMS COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF.

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, THENCE S 88°32'26" W ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 125.66 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, THENCE N 00°31'05" W ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 301.82 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE N 88°37'45" E ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 125.90 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, THENCE S 02°28'16" E ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 301.63 FEET TO THE POINT OF BEGINNING. CONTAINING 37,945.65 SQUARE FEET OR 0.87 ACRES, MORE OR LESS.

SPECIAL EXCEPTIONS AS CONTAINED IN TITLE COMMITMENT FILE NO. P081216T-X (#38) GNS #38-X EFFECTIVE DATE: FEBRUARY 26, 2008, 8:00AM, SUPPLIED BY SECURITY TITLE INSURANCE COMPANY

ITEM 1 & 2 NOT A SURVEY ITEM.

ITEM 3: TERMS, CONDITIONS, EASEMENTS AND LIMITED ACCESS SET FORTH IN RETURN OF APPRAISER FILED MAY 13, 1980 AT INSTRUMENT NO. 80127 OF THE RECORDS OF ADAMS COUNTY, NEBRASKA.

ITEM 4: SUBJECT TO ANY DESIGNATED CORRIDOR PROTECTED HIGHWAY(S) ESTABLISHED BY THE NEBRASKA DEPARTMENT OF ROADS. (AFFECTS SUBJECT PROPERTY)

ITEM 5: SUBJECT TO ROADS AND/OR HIGHWAYS RIGHT-OF-WAYS. (AFFECTS SUBJECT PROPERTY)

LEGAL DESCRIPTION AS CONTAINED IN TITLE COMMITMENT FILE NO. P081216T-X (#38) GNS #38-X EFFECTIVE DATE: FEBRUARY 26, 2008, 8:00AM, SUPPLIED BY SECURITY TITLE INSURANCE COMPANY

LOTS 7, 8, 9, 10, 11 AND 12, BLOCK 2, DAWES AND FOSS FIRST ADDITION TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, ACCORDING TO THE RECORDED PLAT THEREOF, EXCEPT THAT PART TAKEN FOR HIGHWAY RIGHT OF WAY IN RETURN OF APPRAISERS FILED MAY 13, 1980 AT INSTRUMENT NO. 801257 OF THE RECORDS OF ADAMS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK; THENCE NORTHERLY A DISTANCE OF 298.11 FEET ALONG THE WEST LINE OF SAID BLOCK TO THE NORTHWEST CORNER OF SAID BLOCK; THENCE EASTERLY DEFLECTING 086 DEGREES, 37 MINUTES RIGHT, A DISTANCE OF 59.47 FEET ALONG THE NORTH LINE OF SAID BLOCK; THENCE SOUTHERLY DEFLECTING 087 DEGREES, 55 MINUTES RIGHT, A DISTANCE OF 140.10 FEET; THENCE SOUTHERLY DEFLECTING 086 DEGREES, 12 MINUTES RIGHT, A DISTANCE OF 129.80 FEET; THENCE SOUTHEASTERLY DEFLECTING 080 DEGREES, 30 MINUTES LEFT, A DISTANCE OF 49.42 FEET TO A POINT ON THE SOUTH LINE OF SAID BLOCK; THENCE WESTERLY DEFLECTING 137 DEGREES, 00 MINUTES RIGHT, A DISTANCE OF 51.46 FEET ALONG THE SOUTH LINE OF SAID BLOCK TO THE POINT OF BEGINNING.

PROPERTY DESCRIPTION AS SURVEYED
PART OF LOTS 7, 8, 9, 10, 11 AND 12, BLOCK 2, DAWES AND FOSS FIRST ADDITION TO THE CITY OF HASTINGS, AND LOT 1 HARDEE'S SUBDIVISION, BOTH LOCATED IN ADAMS COUNTY, HASTINGS, NEBRASKA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 2, DAWES AND FOSS FIRST ADDITION, SAID CORNER ALSO BEING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF BURLINGTON AVE./US HIGHWAY 34 AND THE SOUTH RIGHT-OF-WAY LINE OF WEST 17TH STREET; THENCE N88°37'45" (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID BLOCK 2 DAWES AND FOSS FIRST ADDITION AND LOT 1 HARDEE'S SUBDIVISION, SAID LINE ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF WEST 17TH STREET, A DISTANCE OF 206.37 FEET TO THE NORTHEAST CORNER OF SAID LOT 1 HARDEE'S SUBDIVISION, SAID CORNER ALSO BEING THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE OF WEST 17TH STREET AND THE WEST RIGHT-OF-WAY LINE OF LINCOLN AVE; THENCE S02°28'16" E ALONG THE EAST LINE OF SAID LOT 1 HARDEE'S SUBDIVISION, SAID LINE ALSO BEING SAID WEST RIGHT-OF-WAY LINE OF LINCOLN AVE, A DISTANCE OF 301.63 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 HARDEE'S SUBDIVISION, SAID CORNER ALSO BEING THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE OF LINCOLN AVE AND THE NORTH RIGHT-OF-WAY LINE OF WEST 16TH STREET; THENCE S88°32'26" W ALONG THE SOUTH LINE OF SAID LOT 1 HARDEE'S SUBDIVISION AND SAID BLOCK 2 DAWES AND FOSS FIRST ADDITION, A DISTANCE OF 214.43 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 2 DAWES AND FOSS FIRST ADDITION; THENCE ALONG THE WEST LINE OF SAID DAWES AND FOSS FIRST ADDITION, SAID LINE ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF BURLINGTON AVE./US HIGHWAY 34 ON THE FOLLOWING DESCRIBED COURSES; THENCE N48°16'27" W, A DISTANCE OF 49.14 FEET; THENCE N12°12'22" E, A DISTANCE OF 129.91 FEET; THENCE N05°56'09" E, A DISTANCE OF 143.23 FEET TO THE POINT OF BEGINNING.
SAID LOT CONTAINS 68099.7 SQUARE FEET, OR 1.56 ACRES MORE OR LESS.

LAND SURVEYORS CERTIFICATION:
TO: CHICAGO TITLE INSURANCE COMPANY, SECURITY UNION TITLE INSURANCE COMPANY AND CASEY'S RETAIL COMPANY, AN IOWA CORPORATION.
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2016, AND INCLUDES ITEMS 2, 3, 4, 5, 6b, 7a, 8, 11, 13, 14, 17, AND 19 OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS, AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF NEBRASKA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

ANTHONY L. BRUCKNER, RLS 696
DATE: 9-4-19

DESIGNED: []
DRAWN: []
CHECKED: []
BY: []
DATE: []
APPROVED: []
DATE: []
REVISIONS: []

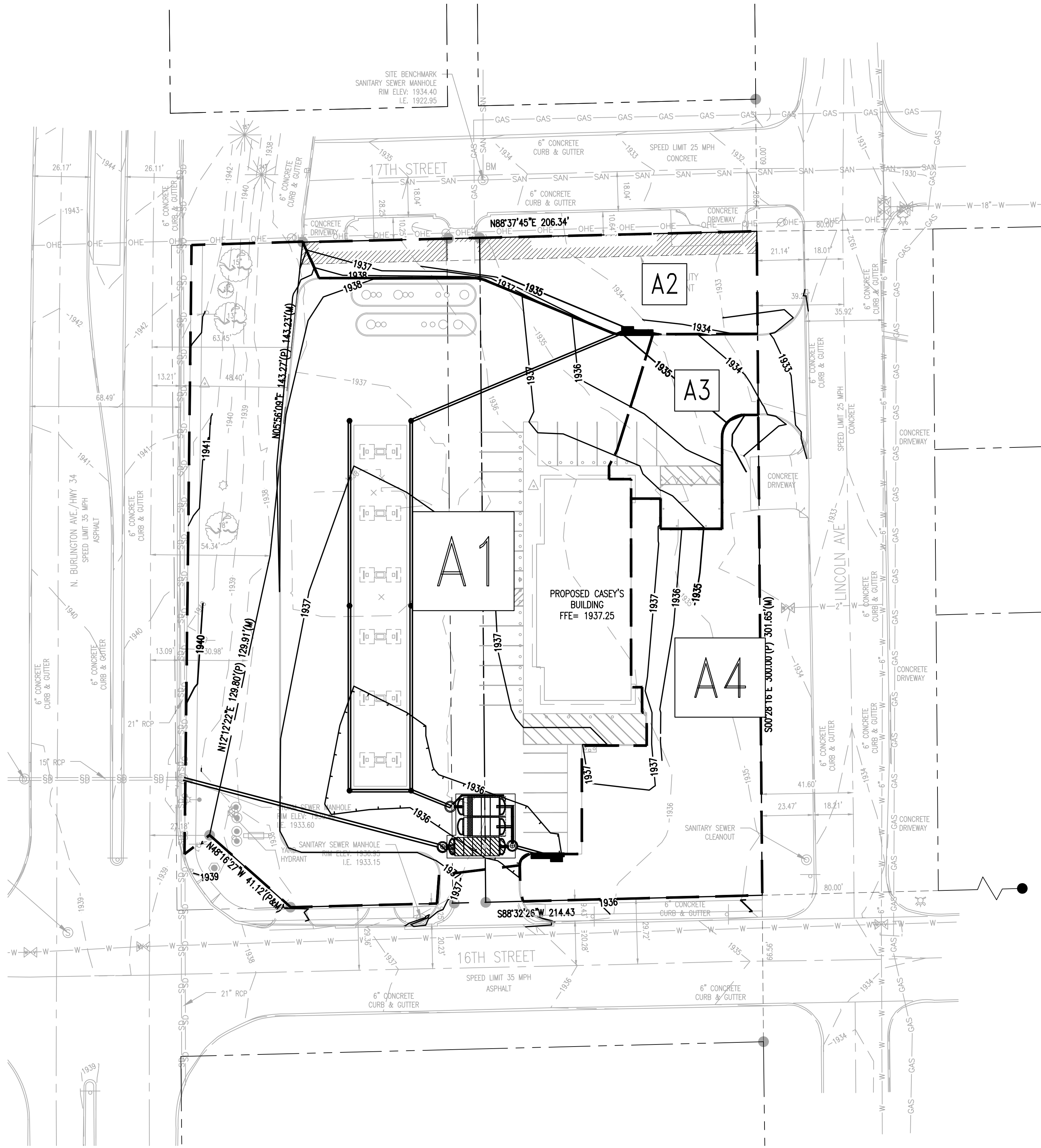
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CASEY'S RETAIL COMPANY
810 W. 16TH ST.
HASTINGS, NEBRASKA 68901

AMERICAN LAND TITLE ASSOCIATION (ALTA) SURVEY

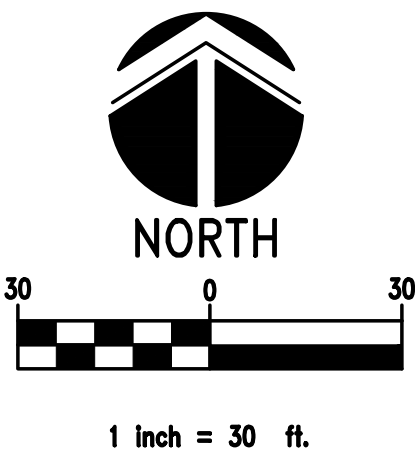
JOB NO.
06754.069

SHEET
1 of 1



LEGEND

- XX PROPOSED CONTOUR
- XX EXISTING CONTOUR
- PROPOSED STORM SEWER
- DRAINAGE BOUNDARY



BMP CALCULATIONS

BMP ID #	TYPE	DRAINAGE AREA	DESIGNED IMPERVIOUS AREA	REQUIRED WATER QUALITY DISCHARGE RATE (CFS)	MAXIMUM TREATMENT RATE (MTR) (CFS)	MAXIMUM HYDRAULIC RATE (MHR) (CFS)
BS-1	BAYSEPARATOR 1/2K	1.41 AC	1.27 AC	1.1	1.1	8.5

DRAINAGE AREA	POST CONSTRUCTION	
	TOTAL AREA	
A1	1.23 AC.	DETAINED AREA
A2	0.14 AC.	UNTREATED AREA
A3	0.01 AC.	UNTREATED AREA
A4	0.30 AC.	UNTREATED AREA



CASEY'S
GENERAL STORE

PROJECT:
CASEY'S GENERAL STORE
810 W 16TH ST
HASTINGS, NE 68901
U3 STORE

PROJECT NUMBER:
06754.069

DRAWN BY:

PUBLISHED:
09/27/2019

REVIEWED ON:

PROJECT NUMBER:
06754.069

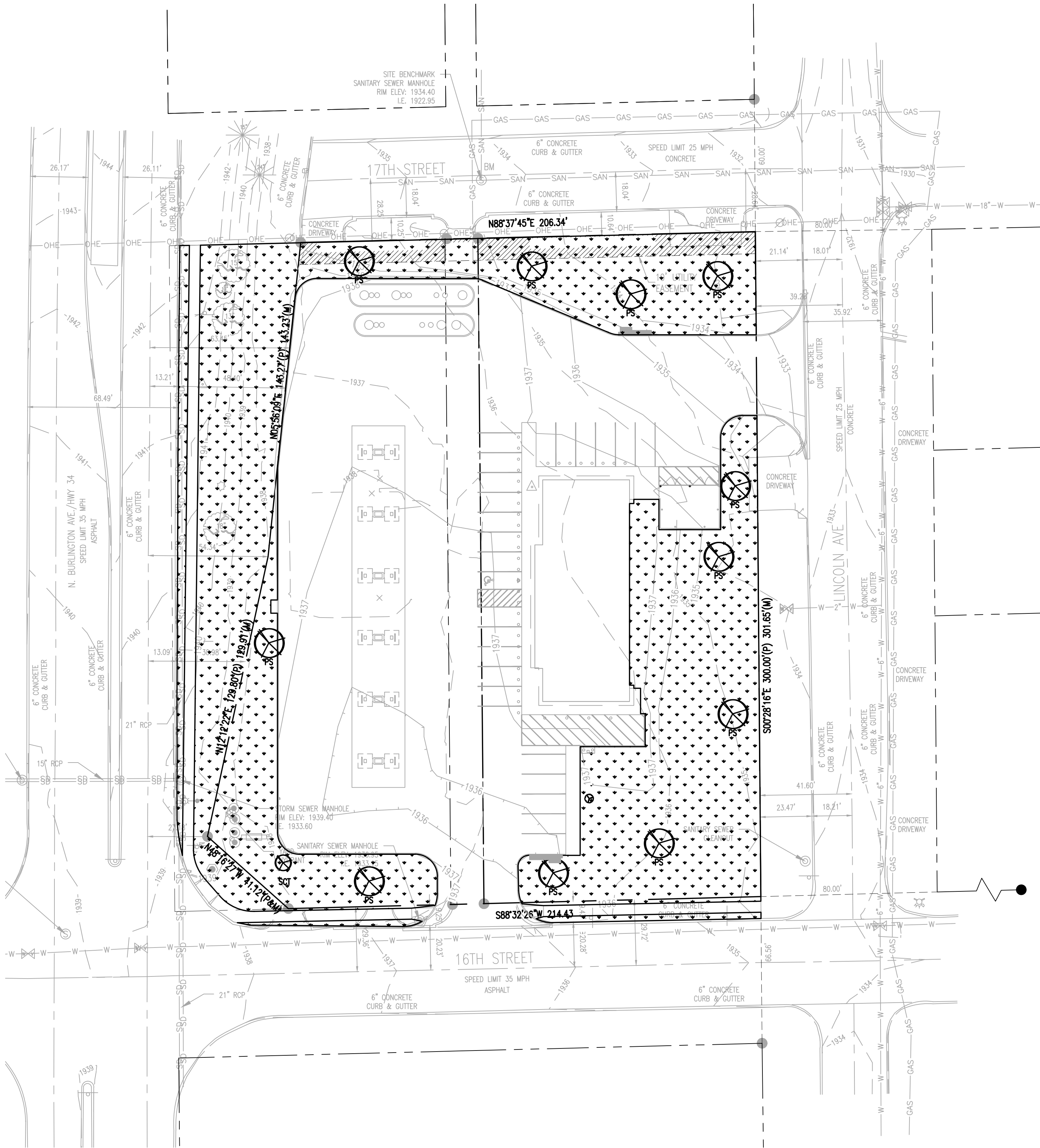
CHECKED BY:

DRAWING INFORMATION:
GRADING & DRAINAGE
PLAN

2 OF 3



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LEGEND

xx

PROPOSED CONTOUR

xx

EXISTING CONTOUR

AREA TO BE SODDED
(BLUEGRASS/FESCUE)

PROPOSED DECIDUOUS TREE

PROPOSED SHRUB

NORTH

300 0 300

1 inch = 30 ft.

GENERAL SODDING/SEEDING NOTES:

- A. ALL SODDING WORK INCLUDING FERTILIZING AND EROSION CONTROL SHALL BE IN ACCORDANCE WITH CHAPTER 30 OF THE CITY OF LINCOLN, NEBRASKA, STANDARD SPECIFICATIONS 2017 EDITION.
- B. THE CONTRACTOR SHALL COORDINATE HIS OPERATIONS SO THAT THE SITE CAN BE SODDED AS SOON AS POSSIBLE FOLLOWING RE-SPREAD OF TOPSOIL.
- C. SOD SHALL BE CERTIFIED TO COMPLY WITH ASPA SPECIFICATIONS. SEED MIX USED IN SOD SHALL BE BLUEGRASS OR FESCUE.
- D. CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER MAINTENANCE UNTIL SODDED AREA IS INSPECTED AND ACCEPTED BY THE ENGINEER.
- E. THE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING SODDED AREAS TWICE PER DAY THROUGH A MINIMUM OF THREE MOWINGS. WATERING TIMES SHALL BE APPROXIMATELY 10 AM AND 7 PM AND SHALL LAST 20 MINUTES IN DURATION. AFTER THREE MOWINGS, THE ENGINEER WILL INSPECT THE SODDED AREAS. ANY AREAS NOT ESTABLISHED SHALL BE RESODDED AND MAINTAINED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE. THE OWNER RESERVES THE RIGHT TO TAKE OVER THE WATERING OPERATIONS AT ANY TIME.
- F. THE CONTRACTOR MAY USE THE IRRIGATION SYSTEM FOR WATERING OPERATIONS. ALL SODDED AREAS OUTSIDE OF THE IRRIGATION LIMITS WILL NEED TO BE WATERED BY THE CONTRACTOR.
- G. IRRIGATION SYSTEM WITH RAIN SENSOR REQUIRED FOR ALL NON-HARDSCAPED AREAS. RAIN SENSOR TO BE MOUNTED ON THE BACK OF THE CANOPY ROOF. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF IRRIGATION SYSTEM FOR OWNER APPROVAL PRIOR TO CONSTRUCTION.

LANDSCAPING PLAN INFORMATION:

CITY OF HASTINGS ZONING DISTRICT: I-2 & C-3
PROPOSED ZONING G-3

PARKING REQUIREMENTS:
PROVIDED PARKING STALLS = 24 STALLS
1 MEDIUM CANOPY TREE FOR EVERY 25 STALLS PROVIDED
1 MEDIUM CANOPY TREE REQUIRED

STREET FRONTAGE REQUIREMENTS:
1 LARGE CANOPY TREE FOR EVERY 75' OF LOT FRONTAGE

NORTH FRONTAGE = 206.15'
3 LARGE CANOPY TREES REQUIRED
EAST FRONTAGE = 301.79'
4 LARGE CANOPY TREES REQUIRED
SOUTH FRONTAGE = 214.40'
3 LARGE CANOPY TREES REQUIRED
WEST FRONTAGE = 322.31'
4 LARGE CANOPY TREES REQUIRED
EXISTING TREES = 4
TREES PROVIDED = 11

OPEN SPACE REQUIREMENTS:
1 SF FOR EVERY 50 SF OF NON-RESIDENTIAL BUILDING FOOTPRINT
BUILDING FOOTPRINT = 4150.70 SF
83 SF OF OPEN SPACE REQUIRED
32,569.5 SF OF OPEN SPACE PROVIDED

PLANT SCHEDULE

ABBREVIATION	COMMON NAME	BOTANICAL NAME	METHOD	SIZE	SPACING	DESIGN WIDTH	DESIGN HEIGHT
PS	PRAIRIE SENTINEL	CELTIS OCCIDENTALIS	B&B	1 1/2" CAL.	SEE PLANS	12'	45'
SCT	SUMMER CHARM TARTARIAN	ACER TATARICUM	B&B	1 1/2" CAL.	SEE PLANS	20'	25'

P:\06754069_00\Civil\06754069-1.dwg
10/15/2019 8:25:48 AM Hanko, Aeg

CASEY'S

GENERAL STORE

PROJECT:
CASEY'S GENERAL STORE
810 W 16TH ST
HASTINGS, NE 68901
U3 STORE

PROJECT NUMBER:
06754.069
DRAWN BY:
APH

09/27/2019

REVIEWED ON:

SITE LANDSCAPE PLAN

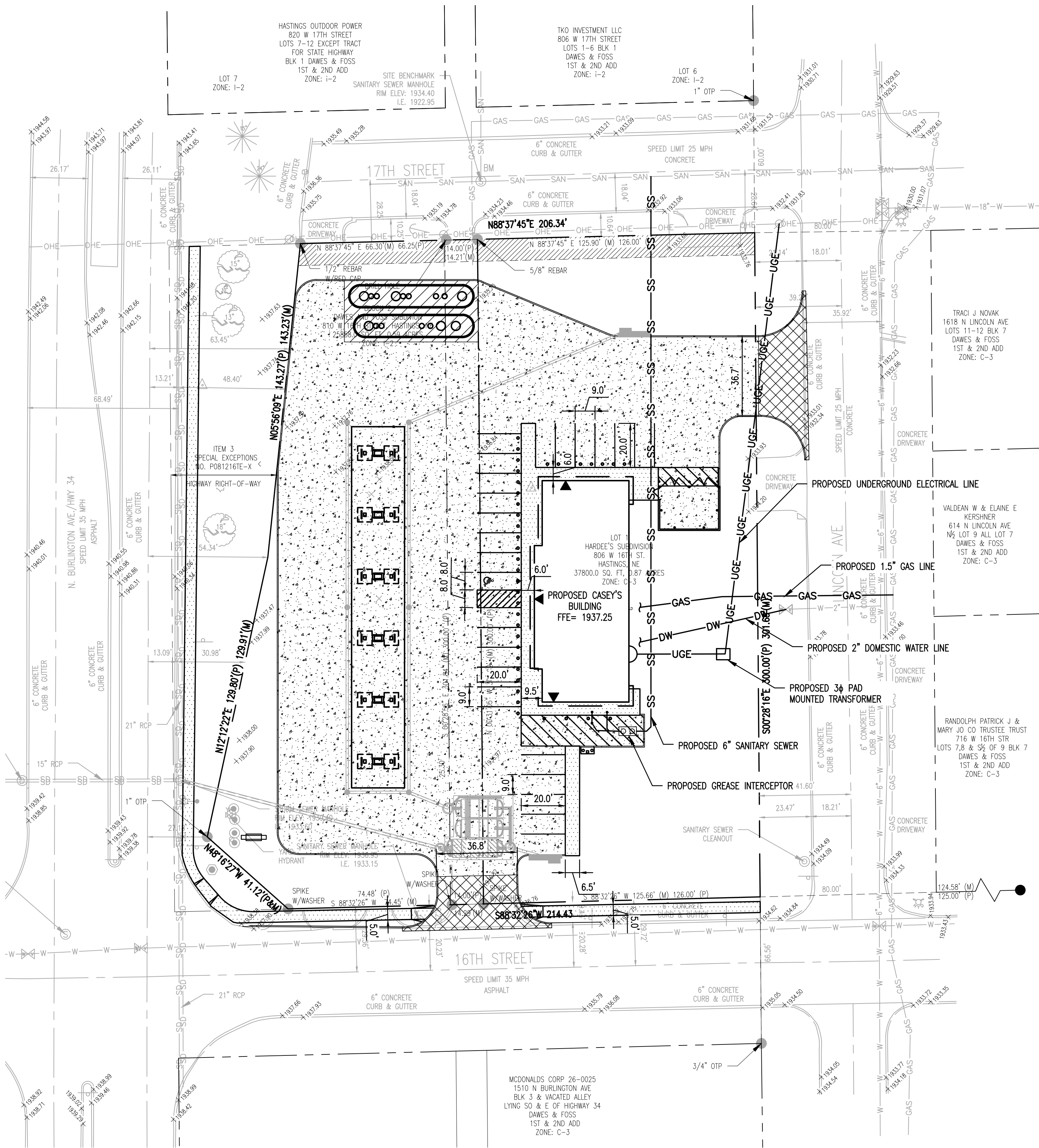
3 OF 3

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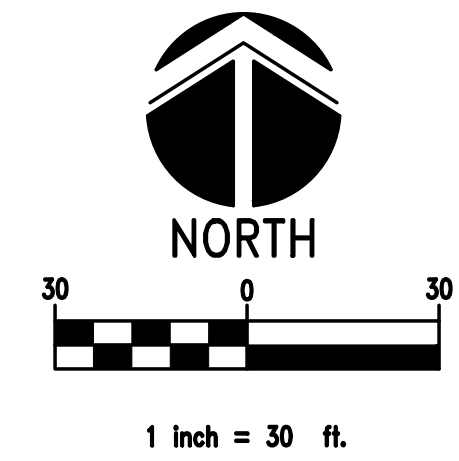
PUBLISHED:
09/27/2019

CHECKED BY:
RMD



LEGEND

- ▼ EXTERIOR DOOR LOCATION
- 6" P.C.C. PAVEMENT W/INTEGRAL CURB & GUTTER
- 4" P.C.C. SIDEWALK
- 8" REINFORCED P.C.C. PAVEMENT W/INTEGRAL CURB & GUTTER
- 9" P.C.C. PAVEMENT W/INTEGRAL CURB & GUTTER
- DW PROPOSED DOMESTIC WATER LINE
- GAS PROPOSED GAS LINE
- SS PROPOSED SANITARY SEWER
- UGE PROPOSED UNDERGROUND ELECTRIC LINE
- STORM SEWER
- W EXISTING WATER MAIN



TOTAL SITE AREA = 1.56 AC.

VERTICAL DATUM = NAVD 1988

APPROVAL BY HASTINGS CITY COUNCIL
THIS PLAT OF CASEY'S APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA ON THIS _____ DAY OF _____, 2019, IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA.

MAYOR, COREY STUTTE

APPROVAL OF HASTINGS CITY PLANNING COMMISSION
THIS PLAT OF CASEY'S APPROVED BY THE HASTINGS CITY DEVELOPMENT SERVICES DIRECTOR AND CHAIRPERSON ON THIS _____ DAY OF _____, 2019

MARSHALL GAINES
CHAIRPERSON, HASTINGS CITY PLANNING COMMISSION

DONALD THREEWITT
DEVELOPMENT SERVICES DIRECTOR

ENGINEER
THE SCHEMMER ASSOCIATES, INC.
1044 N. 115TH ST, SUITE 300
OMAHA, NE 68154
ROBERT M. DUVAL, PE

SURVEYOR
THE SCHEMMER ASSOCIATES, INC.
1044 N. 115TH ST, SUITE 300
OMAHA, NE 68154
ANTHONY L. BRUCKNER, RLS 696



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PROJECT:
CASEY'S GENERAL STORE
810 W 16TH ST
HASTINGS, NE 68901
U3 STORE

PROJECT NUMBER:
06754.069

DRAWN BY:
APH

PUBLISHED:
09/27/2019

REVISIONS:

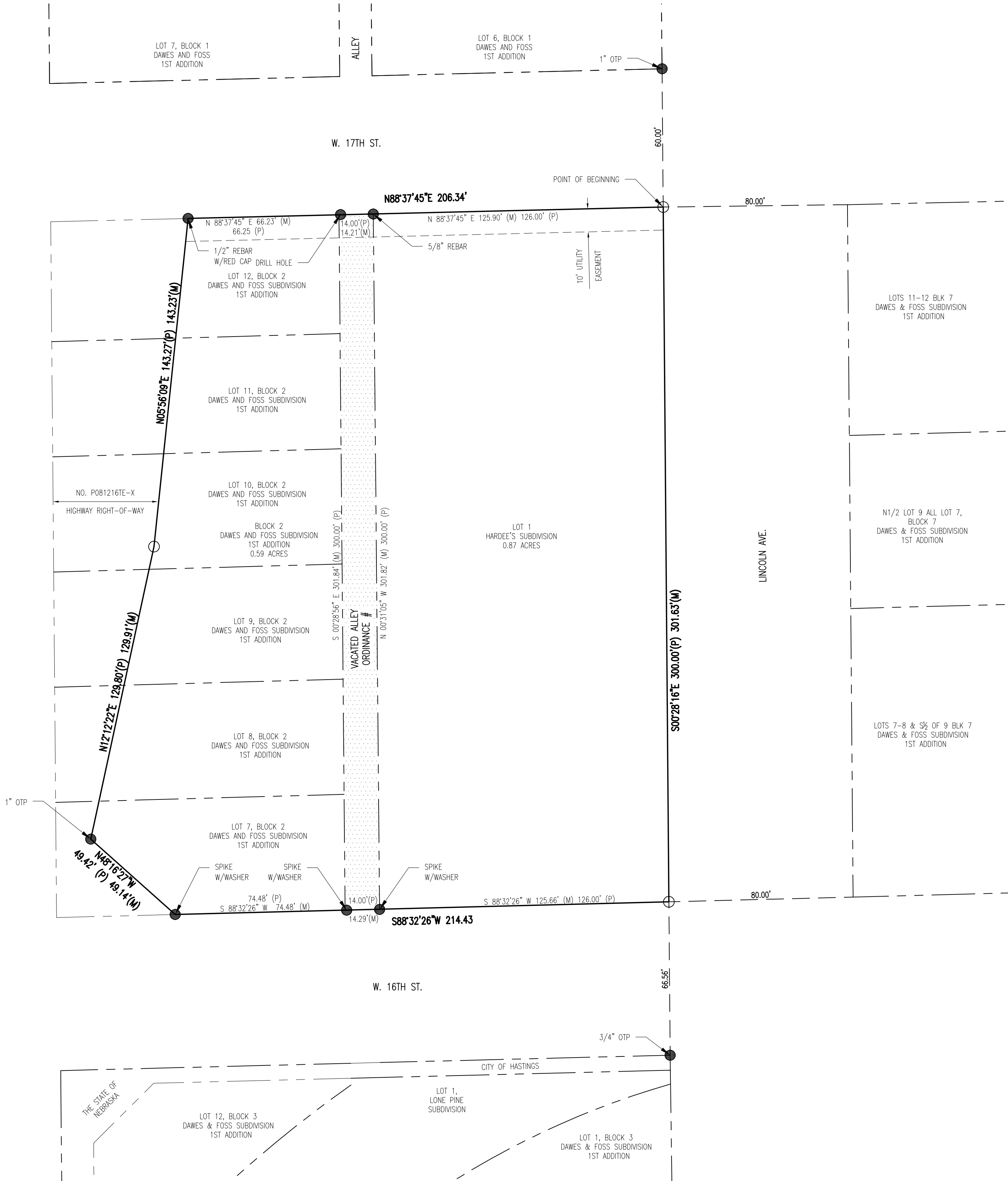
NO.	DESCRIPTION	DATE

PRELIMINARY PLAT

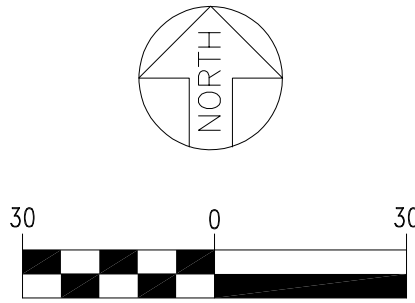
1 OF 3

FINAL PLAT
CASEY'S SUBDIVISION

A REPLAT OF A PART OF LOTS 7, 8, 9, 10, 11 AND 12, BLOCK 2
DAWES AND FOSS FIRST & 2ND ADDITIONS & HARDEE'S SUBDIVISION
TO THE CITY OF HASTINGS,
ADAMS COUNTY, NEBRASKA



NOTE:
THE REFERENCE SYSTEM USED FOR THE HORIZONTAL CONTROL IS MODIFIED
NEBRASKA STATE PLANE, SCALE FACTOR = 0.99967607.
THE HORIZONTAL SYSTEM IS NAD 83.
THE VERTICAL CONTROL IS NAVD 1988.
ZONING: C-3
MIXED-SE COMMERCIAL



- LEGEND**
- -FOUND PROPERTY CORNER (AS NOTED)
 - -SET PROPERTY CORNER (5/8" REBAR WITH CAP RLS 696)
 - -SUBDIVISION BOUNDARY LINE
 - - - -LOT LINE
 - - - -RIGHT-OF-WAY LINE

OWNER'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENT, THAT CASEY'S RETAIL COMPANY, AN IOWA COPORATION, BEING THE OWNER OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, (RE)PLATTED, AND DESIGNATED AS "CASEY'S SUBDIVISION" LOCATED IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AND THAT THE FOREGOING ACTIONS ARE DONE WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGN OWNERS:

SIGNED THIS _____ DAY OF _____, 20____.

OWNER: CASEY'S RETAIL COMPANY
TITLE: _____

OWNER'S DEDICATION:

THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DESCRIBED IN THE ABOVE OWNER'S CERTIFICATE HAVE CAUSED THE TRACT TO BE SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN ON THE PLAT; THE STREETS SHOWN ON SAID PLAT ARE HEREBY DEDICATED TO THE CITY OF HASTINGS, NEBRASKA FOR PUBLIC USE; AND THE EASEMENTS SHOWN ON THE PLAT ARE HEREBY GRANTED TO THE CITY OF HASTINGS, NEBRASKA FOR THE PURPOSE OF INSTALLING AND MAINTAINING PUBLIC UTILITIES IN, UNDER, OR OVER SAID EASEMENTS, AND FOR ASSOCIATED INGRESS/EGRESS.

SIGNED THIS _____ DAY OF _____, 20____.

OWNER: CASEY'S RETAIL COMPANY
TITLE: _____

WAIVER FOR STREET GRADES:

APPLICANT(S) HEREBY WAIVE(S) AND ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS AND ALLEYS TO CONFORM TO SAID GRADES AS ESTABLISHED.

SIGNED THIS _____ DAY OF _____, 20____.

OWNER: CASEY'S RETAIL COMPANY
TITLE: _____

ACKNOWLEDGEMENT

STATE OF _____)
) SS
COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 20____ BY _____ (OWNER/S).

MY COMMISSION EXPIRES THE _____ DAY OF _____, 20____.

SIGNATURE

PRINTED

NOTARY PUBLIC _____ [SEAL]

CONSENT OF LIENHOLDER

I, _____ (PRINT NAME), _____ (TITLE)
OF _____ (INSTITUTION NAME), BEING A LIENHOLDER OF THE
DESCRIBED TRACT OF LAND, HEREBY APPROVE AND AGREE TO THE PLATTING OF
CASEY'S SUBDIVISION, LOT 1 TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.
ON THIS _____ DAY OF _____, 20____, ON BEHALF OF SAID LIENHOLDER.

SIGNATURE OF AUTHORIZED REPRESENTATIVE

PRINT NAME/TITLE

CITY ENGINEER'S APPROVAL

I, THE UNDERSIGNED, DO HEREBY APPROVE/DENY THIS PLAT OF "CASEY'S SUBDIVISION", LOCATED IN PART OF LOTS 7, 8, 9, 10, 11 AND 12, BLOCK 2, DAWES AND FOSS FIRST AND SECOND ADDITION TO THE CITY OF HASTINGS AND LOT 1 HARDEE'S SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

CITY ENGINEER _____

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW SPECIAL ASSESSMENTS ARE DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT.

CITY OF HASTINGS TREASURER _____

COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF THIS
_____ DAY OF _____, 20____.

ADAMS COUNTY TREASURER _____

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA)

) SS

COUNTY OF ADAMS)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE OF ADAMS COUNTY, NEBRASKA.

DATE: _____ TIME: _____

INSTRUMENT NO.: _____

REGISTRAR OF DEEDS _____

CITY PLANNING COMMISSION RECOMMENDATION

THIS PLAT OF "CASEY'S SUBDIVISION", A(N) ADDITION/SUBDIVISION TO/OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING COMMISSION FOR APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, WITH THE RECOMMENDATION THAT SAID PLAT BE APPROVED/DENIED AS PROPOSED.

DATED THIS _____ DAY OF _____, 20____.

CHAIRPERSON, CITY PLANNING COMMISSION _____

DEVELOPMENT SERVICES DIRECTOR _____

MAYOR AND CITY COUNCIL ACTION

THIS PLAT OF "CASEY'S SUBDIVISION", WITHIN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, IS HEREBY APPROVED/DENIED BY MOTION DULY PASSED, DATED THIS
_____ DAY OF _____, 20____.

MAYOR _____

CITY CLERK _____

DESIGNED	DRAWN	CHECKED	BY

THIS DRAWING IS BEING
SUBMITTED FOR RECORD
IN THE REGISTER OF DEEDS
OFFICE OF ADAMS COUNTY,
NEBRASKA. THE DRAWING
IS NOT TO BE USED FOR
ANY OTHER PURPOSE
WITHOUT THE WRITTEN
CONSENT OF THE
REGISTERAR OF DEEDS.
BOOK 734
DATE 10/15/2019

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Design with Purpose. Build with Confidence.

CASEY'S SUBDIVISION
810 W. 16TH ST.
HASTINGS, NEBRASKA 68901

FINAL PLAT

JOB NO.

06754.069

SHEET

1 of 1

ANTHONY L. BRUCKNER, RLS 696

DATE

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 10/21/2019
File No: 2019-048
Prepared By: Donald Threewitt, Development Services Director

AGENDA ITEM SUMMARY SHEET

Description of Item:

Consider a recommendation to approve a Preliminary/Final Plat for Lakeview 9th Subdivision of the City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the people of Hastings and the City.

Why Planning Commission action is required:

Approval of the preliminary plat by the City Council does not constitute acceptance of the subdivision, but is merely an authorization to proceed with preparation of the final plat of record. No grading of streets, or construction shall be done on the subdivision before the final plat is approved by the Planning Commission and by the City Council, except by special permission of the City Council. (Hastings City Code Section 38-202 (3)).

No plat of or instruments effecting the subdivision of real property shall be recorded or have any force and effect unless the same be approved by the City Council, subject however, to the exceptions set forth in Section 34-106 of the City Code. The City Council shall hold no public meeting, nor take any action upon any plat or instrument affecting a subdivision until it has received the recommendation of the Hastings Planning and Zoning Commission (38-201).

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of a Preliminary/Final Plat for Lakeview 9th Subdivision of the City of Hastings, Adams County, Nebraska.

Deadlines associated with action:

This item is scheduled for consideration at the November 12, 2019 regular meeting of City Council.

Department head comments:

The owners wish to acquire the unplatted lot abutting the northern boundary of their existing property. The proposed lot acquisition conforms with the existing preliminary plat for the Lakeview Subdivision, and the plat includes proposed right-of-way extension for Merle Avenue. The attached subdivision agreement outlines responsibilities for deferred improvements associated with Merle Avenue, which will be filed with the plat and will run with the land.

The development review team has reviewed this plat and the applicant has incorporated all suggestions. All requirements of Hastings City Code Sections 38-202 and 38-203 have been met, and the plat may be approved.

Recommendation:



Lakeview 9th Vicinity Map



Lakeview 9th Aerial Map



Lakeview 9th Zoning Map



Lakeview 9th Future Land Use Map

LAKEVIEW 9TH SUBDIVISION

"FINAL PLAT"

A REPLAT OF LOT 6, BLOCK 1, LAKEVIEW 8TH SUBDIVISION, AND A TRACT OF LAND LOCATED IN THE SW 1/4, OF SECTION 36-T8N-R10W, IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

OWNERS' NAMES:

WESTBROOK VILLAGE, LLC
701 NORTH SHORE DRIVE
HASTINGS, NE 68901

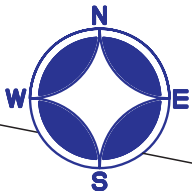
JEFFREY S. & CARLYN P. BYRNES
2913 MERLE AVENUE
HASTINGS, NE 68901

CURRENT AND FUTURE ZONING:
R-1 URBAN SINGLE FAMILY
RESIDENTIAL DISTRICT

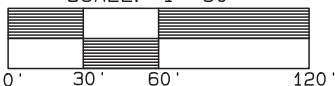
EXISTING 10'
PUBLIC USE
EASEMENT

EXISTING 10'
UTILITY
EASEMENT

LOT 5, BLOCK 1
LAKEVIEW
8TH SUBDIVISION



ALL BEARINGS ARE ASSUMED
SCALE: 1"=60'



LOT 2
AZALEA ACRES

LOT 1
26,680 S.F.

LOT 6, BLOCK 1
LAKEVIEW 8TH

MERLE AVENUE

LAKEVIEW 9TH
PRELIMINARY PLAT

13340
S.F.

60' R.O.W.
DEDICATED
WITH THIS PLAT
FOR THE EXTENSION
OF MERLE AVENUE.

LOT 5, BLOCK 2
LAKEVIEW
8TH SUBDIVISION

LOT 4

LEGAL DESCRIPTION OF THE ENTIRE SUBDIVISION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST, OF THE 6TH P.M., AND ALL THAT PART OF LOT 6, BLOCK 1, LAKEVIEW 8TH SUBDIVISION, ALL IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 5, BLOCK 1, OF SAID LAKEVIEW 8TH SUBDIVISION, THENCE N50°26'39"W (ASSUMED BEARING) ON THE NORTH LINE OF SAID LOT 5 A DISTANCE OF 145.00 FEET TO THE EASTERLY LINE OF LOT 2, AZALEA ACRES SUBDIVISION, THENCE N39°33'21"E ON SAID EASTERLY LINE A DISTANCE OF 184.00 FEET, THENCE S50°26'39"E A DISTANCE OF 145.00 FEET, THENCE S29°52'19"E A DISTANCE OF 64.09 FEET, THENCE S39°33'21"W A DISTANCE OF 98.42 FEET TO THE NORTH LINE OF PLATTED MERLE AVENUE, THENCE N24°41'48"W ON SAID NORTH LINE A DISTANCE OF 66.61 FEET TO THE WEST RIGHT OF WAY LINE OF SAID MERLE AVENUE, THENCE S39°33'21"W ON SAID WEST LINE A DISTANCE OF 92.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.74 ACRES MORE OR LESS.

GPS PROJECT # 068-2019

SHEET 1 OF 4

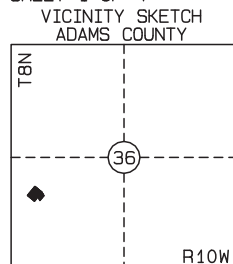
SURVEYOR'S CERTIFICATE:

LEGEND :

M-MEASURED DISTANCE
R-RECORD DISTANCE
G-GOVERNMENT DISTANCE
P-PLATTED DISTANCE
D-DEED DISTANCE

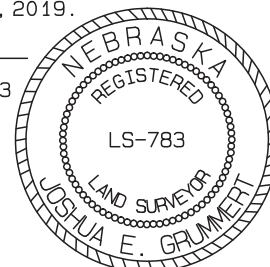
FOUND 1/2" REBAR WITH
BLUE LS-783 CAP UNLESS
NOTED OTHERWISE

SET 1/2" X 24" REBAR
WITH BLUE LS-783 CAP
UNLESS NOTED OTHERWISE



I, HEREBY CERTIFY THAT THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA. COMPLETED ON SEPTEMBER 1ST, 2019.

JOSHUA E. GRUMMERT | LS-783



GRUMMERT PROFESSIONAL SERVICES, LLC

2837 WEST HIGHWAY 6, SUITE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
WEBSITE www.grummerfsurveying.com

OWNERS CERTIFICATE AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WESTBROOK VILLAGE, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, AND JEFFREY S. & CARLYN P. BYRNES HUSBAND AND WIFE, BEING THE OWNERS OF RECORD OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAVE CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "LAKEVIEW 9TH SUBDIVISION", A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AND THAT SAID SURVEYING, SUBDIVIDING, PLATTING AND DESIGNATION WAS DONE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS. BE IT FURTHER KNOWN, THAT SAID OWNERS DO HEREBY DEDICATE ALL STREETS AND EASEMENTS SHOWN ON THE PLAT TO THE CITY OF HASTINGS.

SIGNED THIS _____ DAY OF _____, 2019.

WESTBROOK VILLAGE, LLC

ALAN M. ANDERSON, MANAGING MEMBER

JEFFREY S. BYRNES

CARLYN P. BYRNES

ACKNOWLEDGEMENT

STATE OF NEBRASKA }
COUNTY OF ADAMS } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY
OF _____, 2019, BY ALAN M. ANDERSON (MANAGING MEMBER), MY COMMISSION
EXPIRES THE _____ DAY OF _____.

(SEAL)

NOTARY

ACKNOWLEDGEMENT

STATE OF NEBRASKA }
COUNTY OF ADAMS } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY
OF _____, 2019, BY JEFFREY S. & CARLYN P. BYRNES, HUSBAND AND WIFE
MY COMMISSION EXPIRES THE _____ DAY OF _____.

(SEAL)

NOTARY

WAIVER:

APPLICANTS HEREBY WAIVES ANY AND ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF THE STREETS AND ALLEYS TO CONFORM TO SAID GRADES AS ESTABLISHED.

SIGNED THIS _____ DAY OF _____, 2019.

WESTBROOK VILLAGE, L.L.C.

ALAN M. ANDERSON, MANAGING MEMBER

JEFFREY S. BYRNES

CARLYN P. BYRNES

CONSENT OF LIENHOLDER

I, _____ (PRINT NAME), _____ (TITLE) OF EQUITABLE BANK BEING A LIENHOLDER
OF THE DESCRIBED TRACT OF LAND, HEREBY APPROVE AND AGREE TO THE PLATTING OF LAKEVIEW 9TH
SUBDIVISION, IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, ON THIS _____ DAY OF _____, 2019,
ON BEHALF OF SAID EQUITABLE BANK.

(SIGNATURE)

(PRINTED NAME AND TITLE)

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2019
BY _____ (PRINT NAME) _____ (TITLE) OF EQUITABLE BANK.
MY COMMISSION EXPIRES THE _____ DAY OF _____.

NOTARY (SEAL)

LOT 1 LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 8 NORTH,
RANGE 10 WEST, OF THE 6TH P.M., AND ALL THAT PART OF LOT 6, BLOCK 1, LAKEVIEW 8TH
SUBDIVISION, ALL IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 5, BLOCK 1, OF SAID LAKEVIEW 8TH
SUBDIVISION, THENCE N50°26'39"W (ASSUMED BEARING) ON THE NORTH LINE OF SAID LOT 5 A
DISTANCE OF 145.00 FEET TO THE EASTERLY LINE OF LOT 2, AZALEA ACRES SUBDIVISION,
THENCE N39°33'21"E ON SAID EASTERLY LINE A DISTANCE OF 184.00 FEET, THENCE S50°26'39"E
A DISTANCE OF 145.00 FEET TO THE EXTENDED WEST RIGHT OF WAY LINE OF MERLE AVENUE,
THENCE S39°33'21"W ON SAID WEST RIGHT OF WAY LINE A DISTANCE OF 184.00 FEET TO THE
POINT OF BEGINNING, CONTAINING 26,680.00 SQUARE FEET MORE OR LESS.

MERLE AVENUE LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 8 NORTH,
RANGE 10 WEST, OF THE 6TH P.M., IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 5 BLOCK 2 OF LAKEVIEW 8TH SUBDIVISION,
BEING THE EAST RIGHT OF WAY LINE OF MERLE AVENUE AND ALSO BEING THE NORTH LINE OF
PLATTED MERLE AVENUE, THENCE N24°41'48"W ON SAID NORTH LINE A DISTANCE OF 66.61
FEET TO THE WEST RIGHT OF WAY LINE OF SAID MERLE AVENUE, THENCE N39°33'21"E
EXTENDING SAID WEST RIGHT OF WAY LINE A DISTANCE OF 92.00 FEET, THENCE S29°52'19"E A
DISTANCE OF 64.09 FEET TO THE EASTERLY EXTENSION OF SAID EAST RIGHT OF WAY LINE OF
MERLE AVENUE, THENCE S39°33'21"W ON SAID EXTENDED EAST RIGHT OF WAY LINE A
DISTANCE OF 98.42 FEET TO THE POINT OF BEGINNING, CONTAINING, 5712.55 SQUARE FEET
MORE OR LESS.

CITY ENGINEER'S APPROVAL

I, THE UNDERSIGNED, DO HEREBY _____ THIS PLAT OF LAKEVIEW 9TH SUBDIVISION, A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

CITY ENGINEER

COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR DELINQUENT UPON THE PROPERTY IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF

THIS _____ DAY OF _____, _____.

ADAMS COUNTY TREASURER

CITY PLANNING COMMISSION RECOMMENDATION

THIS PLAT OF LAKEVIEW 9TH SUBDIVISION, A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING COMMISSION FOR APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS, ADAMS

COUNTY, NEBRASKA, WITH THE RECOMMENDATION THAT SAID PLAT BE _____ AS PROPOSED

DATED THIS _____ DAY OF _____, _____.

CHAIRMAN

DIRECTOR

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS ARE DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT.

CITY OF HASTINGS TREASURER

MAYOR AND CITY COUNCIL ACTION

THIS PLAT OF LAKEVIEW 9TH SUBDIVISION, A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY,

NEBRASKA, IS HEREBY _____, DATED THIS _____ DAY OF _____.

MAYOR

CITY CLERK

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA }
 } SS
COUNTY OF ADAMS }

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE OF ADAMS COUNTY, NEBRASKA

DATE: _____ TIME: _____

INSTRUMENT NO.: _____

REGISTER OF DEEDS

LAKEVIEW 9th SUBDIVISION AGREEMENT

Being situated in: **A replat of Lot 6, Block 1 Lakeview 8th Subdivision and a tract of land located in the Southwest Quarter (SW ¼) of Section 36, Township 8 North, Range 10 West of the 6th P.M. in the City of Hastings, Adams County, Nebraska.**

THIS AGREEMENT is made and entered into this _____ day of _____, 20____ (“Effective Date”) by and between Jeffrey S and Carlyn P. Byrnes, and Alan M. Anderson, Managing Member of Westbrook Village, LLC, and the City of Hastings, Nebraska.

PURPOSE

The purpose of this Agreement is to provide for the completion of the Subdivision Improvements as hereinafter defined, for the Subdivision, as hereinafter defined. This Agreement will provide for the completion of the Subdivision Improvements, clarify the parties responsible for said completion, and identify the extent of financial participation among the parties.

RECITALS

A. Jeffrey S and Carlyn P. Byrnes (“Owner”) who own the proposed Lot One (1) of Lakeview 9th Subdivision; and Westbrook Village, LLC (“Developer”) who owns the proposed 60’ right-of-way and adjacent unplatted lands abutting Lot 1 and the right-of-way, each more particularly described on Exhibit “A” attached hereto, are the owners of that certain land within the City of Hastings, Nebraska. Said lands are commonly known as the Lakeview 9th Subdivision in the City of Hastings, and hereinafter referred to as the “Subdivision.”

B. The Planning Commission for the City of Hastings has approved and recommended for approval to the City Council the final plat of the Subdivision.

C. The City of Hastings, by its Mayor and City Council, has passed, approved and adopted on the ____ day of _____, 20____, the admission of the Lakeview 9th Subdivision to the City of Hastings, Nebraska in accordance with the official plat thereof as filed in the office of the County Register of Deeds for Adams County, Nebraska.

D. It is the parties’ intent that the development of the Subdivision and the construction of improvements therein shall be in accordance with the provisions of this agreement and the Code of the City of Hastings, Nebraska.

E. New Subdivisions are subject to certain required minimum improvements as specified by City Ordinances, and

F. The City has developed certain concessions and incentives to improve the overall performance, affordability, and amenities of new Subdivisions.

NOW, THEREFORE, it is mutually agreed that the Owner, the Developer, and the City of Hastings do agree as follows:

DEFINITIONS

The parties mutually agree to the following definition of terms for the purposes of this Agreement.

“City” shall mean the governing body of the City of Hastings, Nebraska, or such person, committee, organization or agency the City of Hastings, Nebraska has or may appoint for the purpose referred to in this Agreement.

“Developer” shall mean Westbrook Village, LLC, a Nebraska Limited Liability Company, or the owners of the Lots within the Subdivision as defined below, which are being developed or improved for business purposes, their employees, agents, personal representatives, assigns or successors in interest.

“Improvements” or “Subdivision Improvements” shall mean the right-of-way dedication, grading, design, and installation of streets, curbs, gutters, sidewalks, water, sanitary and storm sewer systems, street lighting, detention or retention cells, park, public and school-dedicated lands, installed within the limits of the Subdivision per the specifications agreed upon by the Developer and the City of Hastings.

“Owner” or “Owners” shall mean Jeffrey S. and Carlyn P Byrnes, their agents, personal representatives, assigns or successors in interest.

“Subdivision” shall refer to those lands described on Exhibit “A” attached hereto known as Lakeview 9th Subdivision located within the City of Hastings, Adams County, Nebraska.

COMMENCEMENT OF CONSTRUCTION

The obligation of the Developer and Owner to construct and complete the Subdivision Improvements is conditioned upon and shall arise only upon approval by the City and recordation of the final plat of the Subdivision by Adams County.

WARRANTIES OF DEVELOPER

Developer warrants that the Subdivision Improvements shall be installed in a good and workmanlike manner and in substantial compliance with the Plans and requirements of this Agreement and shall be substantially free of defects in materials and workmanship. These warranties of Developer shall remain in full force and effect as to any completed Phase of the Subdivision Improvements until the lapse of two years after the preliminary acceptance of such Phase as hereinafter provided in this Agreement.

RECORDING OF AGREEMENT

After approval of the final plat of the Subdivision by the City, this Agreement shall, at the expense of the applicant, be recorded in the office of the Register of Deeds of Adams County. Upon Final Acceptance of all of the Subdivision Improvements by the City, the City shall deliver to Developer a recordable executed document, which shall release all property within the Subdivision from any further effect of this Agreement.

At such time as the final plat for the Subdivision is approved and adopted by the City and appropriately filed in the office of the Register of Deeds for Adams County, Nebraska, the Owners and Developer shall have the right to enjoy and use the property within the Subdivision even though the construction of Improvements for the Subdivision is not yet complete, provided that the Owners and Developer:

1. Agree that the construction of any substantial property improvements to **Lot 1** of the Subdivision, including but not limited to additional construction to the residence addressed as **2913 Merle Avenue** or the construction of any accessory structures, may trigger construction of the deferred Improvements;
2. Further agree that the sale and development of any adjacent lots may cause the construction of the deferred Improvements and Owners and Developer are responsible for any associated assessments;
3. Further agree to waive the right to object: (1) to any special district formation, and (2) to any associated assessment of costs for the deferred Improvements.

4. Agree that if construction of deferred improvements is triggered, Owner and Developer agree to each pay one-half of the deferred improvement costs, without regard to whether an improvement district is created or not.
5. Agree to pay their respective deferred improvement costs without regard to whether the property owned by Owner or Developer is already served by utilities.

Partial Release. At the time of Preliminary Acceptance of completed Subdivision Improvements, the City shall issue a written release of the plat restriction provided herein.

SPECIFIC ENFORCEMENT

The parties mutually agree that this Agreement shall be specifically enforceable in every respect by a court of competent Jurisdiction with each party paying their respective costs and fees.

ENTIRE AGREEMENT; AMENDMENTS

This Agreement constitutes the entire agreement between the City, the Owner, and the Developer respecting its subject matter. Any agreement, understanding, or representation respecting the Subdivision, this Agreement, or any other matter referenced herein not expressly set forth in this Agreement or a subsequent writing signed by both parties is null and void. This Agreement shall not be modified or amended except in a writing signed by all parties. No purported modifications or amendments, including without limitation any oral agreement (even if supported by new consideration), course of conduct or absence of a response to a unilateral communication shall be binding on either party. Provided that no material default in the performance of Developer's obligations under this Agreement shall have occurred and remain uncured, the City shall cooperate with the Developer in amending this Agreement from time to time to include any provision that may be reasonably requested by others for the purpose of implementing the provisions contained in this Agreement or for the purpose of preserving the security interest of any Assignee, Mortgagee, or Third Party Beneficiary; provided, that the Developer shall obtain the prior written consent of every Mortgagee and every relevant Assignee and Beneficiary to the requested amendment.

INDEMNIFICATION

The Owner and the Developer shall release, indemnify, and hold harmless the City of Hastings and their officers, agents, employees, successors, and assignees from any and all claims, lawsuits, losses, and liability arising out of the Owner or Developer's failure to perform any of the duties and obligations hereunder or in connection with the negligent performance of the Owner or Developer's duties or obligations, including but not limited to any claims, lawsuits, losses, or liability arising out of the Owner or Developer's malpractice or malfeasance.

SEVERABILITY

Should any provision of this Agreement be held, in a final and unappealable decision by a court of competent jurisdiction, to be either invalid, void, or unenforceable, the remaining provisions hereof shall remain in full force and effect, unimpaired by the holding.

THIRD PARTY BENEFICIARIES

The parties mutually agree that those persons who have purchased or may purchase any lot or lots in the subdivision are third party beneficiaries of this Agreement. Materialmen, laborers or others providing work, services, or material for the Subdivision Improvements or lot are not third party beneficiaries to this Agreement.

TERM

This agreement shall remain valid and in effect from the date of execution until one or more of the following instances occurs:

1. the Improvements are constructed and the apportioned costs are paid in full,
2. the Developer or Developer's assignee waives in writing all responsibility by the Owner for the Improvement costs,
3. the Improvements are constructed and the property is assessed its proportionate share.

This agreement, and the terms and duties set forth herein, shall run with the land and shall be binding upon the parties hereto, their successors in interest in the real estate described herein, their heirs, personal representatives, and assigns.

IN WITNESS WHEREOF the parties have hereunto set their hands this ____ day of _____, 20__.

By: _____
Alan M. Anderson, Managing Member, Westbrook Village LLC

STATE OF NEBRASKA)
)
COUNTY OF ADAMS)

The foregoing was acknowledged before me this ____ day of _____, 20____, by _____, who represented to me s/he was duly authorized to execute the foregoing.

Witness my hand and official seal.

Notary Public

My commission expires: _____

By: _____
Jeffrey S Byrnes, Owner

By: _____
Carlyn P. Byrnes, Owner

STATE OF NEBRASKA)
)
COUNTY OF ADAMS)

The foregoing was acknowledged before me this ____ day of _____, 20__, by _____, who represented to me s/he was duly authorized to execute the foregoing.

Witness my hand and official seal.

Notary Public

My commission expires: _____

By: _____

Title: _____
Lienholder Designee

STATE OF _____)
)
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20__, by _____, who represented to me s/he was duly authorized to execute the foregoing.

Witness my hand and official seal.

Notary Public

My commission expires: _____

By: _____
Corey Stutte, Mayor

Attest: _____
City Clerk

STATE OF NEBRASKA)
)
COUNTY OF ADAMS)

The foregoing was acknowledged before me this ____ day of _____, 20__, by _____, who represented to me s/he was duly authorized to execute the foregoing.

Witness my hand and official seal.

Notary Public

My commission expires: _____

LIMITED TITLE REPORT

IT-19-2117

To: Grummert Professional Services
Attn: Josh Grummert, LS-783
2837 W. Hwy 6, Hastings, NE 68901
402-879-5701; jmgrummert@yahoo.com

This Certificate is not an abstract of title in that it is not a complete compilation of all facts of record relative to the property, nor is it a complete chain of title search, and, it is not an opinion on the title nor is it a policy of title insurance.

We hereby certify that we have examined the records in the offices of the County Register of Deeds, County Treasurer and the Clerk of the District Court of Adams County, Nebraska, and from such find as follows:

DESCRIPTION OF REAL ESTATE:

See attached EXHIBIT "A" for legal description.

Property Address: NA, Hastings, NE 68901

GRANTEE IN LAST DEED OF RECORD:

WESTBROOK VILLAGE, L.L.C., a Nebraska limited liability company, pursuant to Warranty Deed from Alan M. Anderson and Mary K. Anderson, husband and wife, dated April 20, 2007 and recorded June 25, 2007 as Instr. No. 20072794 in the records of Adams County, Nebraska.

UNRELEASED MORTGAGES OF RECORD: none of record.

TAXES:

ID#010017445: Real estate taxes for 2018 (\$5,769.88) and prior year's show paid in full.

NOTE: gross tax for the year 2018 before Nebraska Property Tax Credit Act was \$6,151.44

Assessed Value (2019): \$348,132

No unpaid special assessments shown in the County Treasurer's office.

STATE AND FEDERAL LIENS:

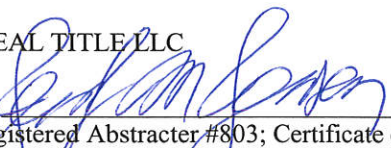
None Against – Westbrook Village, L.L.C.

JUDGEMENTS AND SUITS PENDING:

None Against – Westbrook Village, L.L.C.

WITNESS OUR HAND this 7th day of October 2019, at 7:00 a.m.

IDEAL TITLE LLC

By 

Registered Abstracter #803; Certificate of Authority #642

Address: 354 N Commercial, Superior, NE 68978

Phone: 402-879-4341; Email: idealtitle@yahoo.com

This certificate is made for the benefit of the above addressed and is not to be used by any other entity for any other purpose. No search is done for financing statements and/or security agreements filed with the County Clerk and/or Uniform Commercial Code Office of the Nebraska Secretary of State. If you want to obtain information concerning possible bankruptcy proceedings involving Grantee named above or which bankruptcy proceedings may affect the real estate described above, you should contact the Bankruptcy Court for the District of Nebraska.

EXHIBIT "A"
Legal Description

A tract of land located in the Southwest Quarter (SW¼) of Section Thirty-six (36), Township Eight (8) North, Range Ten (10) West of the 6th P.M., Adams County, Nebraska, said tract being more particularly described as follows:

Commencing at the Southwest Corner of the SW¼ of Sec. 36, T8N-R10W of the 6th P.M., Adams County, Nebraska, running thence North 89°40'16.4" East (assumed bearing) and along the South line of the said SW¼ a distance of 320.80 feet; running thence North 00°15'59.1" West a distance of 33.00 feet to the Southeast Corner of Lot 1 of NORTH SHORE HEIGHTS, a subdivision in the City of Hastings, Adams County, Nebraska, as platted and recorded; thence continuing North 00°15'59.1" West, parallel with and 320.80 feet distance from the West line of the said SW¼ and along the East line of said North Shore Heights a distance of 751.234 feet to a point located on the East line of Lot 2 of said North Shore Heights, said point being the ACTUAL POINT OF BEGINNING; running thence North 89°40'16.4" East and parallel to the South line of the SW¼ a distance of 1851.333 feet to a point located on the West line of BILT-RITE SUBDIVISION, a subdivision in the City of Hastings, Adams County, Nebraska as platted and recorded; running thence North 00°01'1.8" West and along the West line of said Bilt-Rite Subdivision a distance of 146.52 feet; running thence North 28°57'58.2" East and along the said West line of said Bilt-Rite Subdivision, a distance of 344.68 feet; running thence North 00°01'1.8" West and along the West line of said Bilt-Rite Subdivision a distance of 1140.65 feet to a point located on the West line of BILT-RITE 2ND SUBDIVISION, a subdivision in the City of Hastings, Adams County, Nebraska as platted and recorded; said point being located 280.00 feet Southerly of the North line of the said SW¼ of said Sec. 36; running thence South 89°39'33.9" West a distance of 1655.260 feet to a point located on the East line of AZALEA ACRES, a subdivision in the City of Hastings, Adams County, Nebraska as platted and recorded; running thence South 00°15'59.1" East and along the said East line of said Azalea Acres a distance of 603.249 feet; running thence South 39°28'31" West and along the southeasterly line of said Azalea Acres a distance of 329.03 feet to the South-Southeast Corner of said Azalea Acres; running thence South 89°40'16.4" West and along the South line of said Azalea Acres a distance of 160.00 feet; running thence South 00°15'59.1" East a distance of 731.791 feet, more or less, to the ACTUAL POINT OF BEGINNING, said tract containing a calculate area of 65.887 Acres, more or less, and said tract being subject to any easements, restrictions or covenants of record.

AND SAID TRCT ALSO INCLUDING

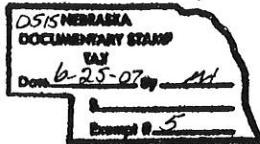
Lakeview 4th Addition to the City of Hastings, Adams County, Nebraska, as platted and recorded.

AND EXCEPT Lakeview 5th Addition to the City of Hastings, Adams County, Nebraska, as platted and recorded March 21, 2011 as Instr. No. 20111111;

AND EXCEPT Lakeview 7th Subdivision to the City of Hastings, Adams County, Nebraska, as platted and recorded September 12, 2017 as Instr. No. 20173185;

AND EXCEPT Lakeview 8th Subdivision to the City of Hastings, Adams County, Nebraska, as platted and recorded February 20, 2018 as Instr. No. 20180552.

NUM PG: 2
DNC TAX _____ CK# _____
FEES 20.00 PD _____ CK# _____
CHG 20.00 ACCT # 078
RET FEES: CASH _____ R.O.D. CK# _____
REC'D Melanie - Charles Title
RETURN Charles Title
Hastings, NE 68901



36-8-10
NUM Lebanon 4th Add
RD. COMP X DDP 4:45
COMPARE ✓ M
CADAS 1-16 DDP AO ✓
OKM

ADAMS COUNTY, NE
FILED
INST. NO. 20072794
Date 6-25-07 Time 2:51 P.M.
Jamie D Johnson
REGISTER OF DEEDS

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT I or WE, Alan M. Anderson and Mary K. Anderson, Husband and Wife, herein called the grantor whether one or more, in consideration of One Dollar and other valuable consideration received from grantee, do hereby grant, bargain, sell, convey and confirm unto Westbrook Village, L.L.C., a Nebraska limited liability company, herein called the grantee whether one or more, the following described real property in Adams County, Nebraska:

See Attached Exhibit

To have and to hold the above described premises together with all tenements, hereditaments, appurtenances and reservations thereto belonging unto the grantee and to grantee's heirs and assigns forever.

And the grantor does hereby covenant with the grantee and with grantee's heirs and assigns that grantor is lawfully seized of said premises; that they are free from encumbrance except covenants, easements and restrictions of record; all regular taxes and special assessments, except those levied or assessed subsequent to date hereof; that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

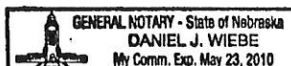
Dated: April 20, 2007

Alan M. Anderson
Alan M. Anderson
Mary K. Anderson
Mary K. Anderson

STATE OF NEBRASKA
COUNTY OF ADAMS

The foregoing instrument was acknowledged before me this 20th day of April, 2007 by Alan M. Anderson and Mary K. Anderson, Husband and Wife.

Daniel J. Wiebe
Notary Public



20072794

20072794

LEGAL DESCRIPTION IN SW 1/4 OF 36-8-10
TRACT NO. A-1

A tract of land located in the Southwest 1/4 (SW 1/4) of Section 36, (Sec. 36) Township Eight North, Range 10 West (T8N-R10W) of the Sixth Principal Meridian (6th P.M.), Adams County, Nebraska, said tract being more particularly described as follows:

Commencing at the Southwest Corner of the SW 1/4 of Sec. 36, T8N-R10W of the 6th P.M., Adams County, Nebraska, running thence North 89°40'16.4" East (assumed bearing) and along the South line of the said SW 1/4 a distance of 320.80 feet; running thence North 00°15'59.1" West a distance of 33.00 feet to the Southeast Corner of Lot 1 of NORTH SHORE HEIGHTS, a subdivision in the City of Hastings, Adams County, Nebraska, as platted and recorded; thence continuing North 00°15'59.1" West, parallel with and 320.80 feet distance from the West line of the said SW 1/4 and along the East line of said NORTH SHORE HEIGHTS a distance of 731.234 feet to a point located on the East line of Lot 2 of said NORTH SHORE HEIGHTS, said point being the ACTUAL POINT OF BEGINNING; running thence North 89°40'16.4" East and parallel to the South line of the said SW 1/4 a distance of 1851.333 feet to a point located on the West line of BILT-RITE SUBDIVISION, a subdivision in the City of Hastings, Adams County, Nebraska, as platted and recorded; running thence North 00°01'18" West and along the West line of said BILT-RITE SUBDIVISION a distance of 146.52 feet; running thence North 28°57'58.2" East and along the said West line of said BILT-RITE SUBDIVISION, a distance of 344.68 feet; running thence North 00°01'18" West and along the West line of said BILT-RITE SUBDIVISION a distance of 1140.64 feet to a point located on the West line of BILT-RITE 2ND SUBDIVISION, a subdivision in the City of Hastings, Adams County, Nebraska, as platted and recorded; said point being located 280.00 feet Southerly of the North line of the said SW 1/4 of said Sec. 36; running thence South 89°39'33.9" West a distance of 1655.260 feet to a point located on the East line of AZALEA ACRES, a subdivision in the City of Hastings, Adams County, Nebraska, as platted and recorded; running thence South 00°15'59.1" East and along the said East line of said AZALEA ACRES a distance of 603.249 feet; running thence South 39°28'31" West and along the southeasterly line of said AZALEA ACRES a distance of 329.03 feet to the South-Southeast Corner of said Azalea Acres; running thence South 89°40'16.4" West and along the South line of said AZALEA ACRES a distance of 160.00 feet; running thence South 00°15'59.1" East a distance of 731.791 feet, more or less, to the ACTUAL POINT OF BEGINNING, said tract containing a calculated area of 65.887 Acres, more or less, and said tract being subject to any easements, restrictions or covenants of record.

AND SAID TRACT ALSO INCLUDING
Lakeview 4th Addition to the City of Hastings, Adams County, Nebraska, as platted and recorded.

2 of 2

LIMITED TITLE REPORT

IT-19-2116

To: Grummert Professional Services
Attn: Josh Grummert, LS-783
2837 W. Hwy 6, Hastings, NE 68901
402-879-5701; jmgrummert@yahoo.com

This Certificate is not an abstract of title in that it is not a complete compilation of all facts of record relative to the property, nor is it a complete chain of title search, and, it is not an opinion on the title nor is it a policy of title insurance.

We hereby certify that we have examined the records in the offices of the County Register of Deeds, County Treasurer and the Clerk of the District Court of Adams County, Nebraska, and from such find as follows:

DESCRIPTION OF REAL ESTATE:

Lot 6, Block 1, Lakeview 8th Subdivision, City of Hastings, Adams County, Nebraska.
Property Address: 2913 Merle Ave., Hastings, NE 68901

GRANTEE IN LAST DEED OF RECORD:

JEFFREY S. BYRNES and CARLYN P. BYRNES, husband and wife, as joint tenants with right of survivorship, pursuant to Survivorship Warranty Deed from Whitsel Custom Homes, L.L.C., a Nebraska limited liability company, dated June 24, 2019 and recorded July 9, 2019 as Instr. No. 20192084 in the records of Adams County, Nebraska.

UNRELEASED MORTGAGES OF RECORD:

Deed of Trust in the amount of \$332,000.00, due 08/01/2049, from Jeffrey S. Byrnes and Carlyn P. Byrnes, husband and wife, Trustors, to Equitable Bank, Trustee and Beneficiary, dated July 8, 2019 and recorded July 9, 2019 as Instr. No. 20192085 in the records of Adams County, Nebraska.

TAXES:

ID#010018812: Real estate taxes for 2018 (\$28.72) and prior year's show paid in full.

NOTE: gross tax for the year 2018 before Nebraska Property Tax Credit Act was \$30.30

Assessed Value (2018): \$1,810

Assessed Value (2019): \$137,877

No unpaid special assessments shown in the County Treasurer's office.

STATE AND FEDERAL LIENS:

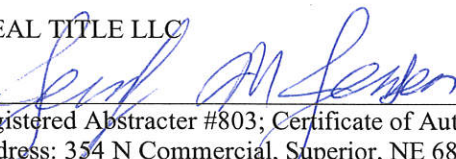
None Against – Jeffrey S. Byrnes and Carlyn P. Byrnes

JUDGEMENTS AND SUITS PENDING:

None Against – Jeffrey S. Byrnes and Carlyn P. Byrnes

WITNESS OUR HAND this 1st day of October 2019, at 7:00 a.m.

IDEAL TITLE LLC

By 

Registered Abstractor #803; Certificate of Authority #642

Address: 354 N Commercial, Superior, NE 68978

Phone: 402-879-4341; Email: idealtitle@yahoo.com

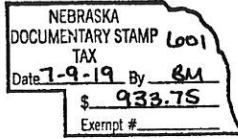
This certificate is made for the benefit of the above addressed and is not to be used by any other entity for any other purpose. No search is done for financing statements and/or security agreements filed with the County Clerk and/or Uniform Commercial Code Office of the Nebraska Secretary of State. If you want to obtain information concerning possible bankruptcy proceedings involving Grantee named above or which bankruptcy proceedings may affect the real estate described above, you should contact the Bankruptcy Court for the District of Nebraska.

NUM PGS 1
DOC TAX 933.75 CK# 9501+
FEES 10.00 PD 10.00 CK# 9501+
CHG _____ ACCT# _____
RET FEES: _____ CASH _____
P & M FUND 2.50 GEN FUND 7.50
REC'D Melanie-Charter Title
RETURN Charter Title
Hastings NE 68901



20192084

ADAMS COUNTY, NE
FILED
INST. NO. 20192084
Date 7-9-19 Time 3:32 PM
Rachel Ormsby
REGISTER OF DEEDS



NUM Lakeview 8th Sub
RD. COMP x BM
COMPARE v KQ
CADAS 1-14-20 BM COMP BM
OK KQ KQ

AFTER RECORDING RETURN TO:
Charter Title & Escrow Services, Inc.
747 North Burlington Avenue
Suite G208
Hastings, NE 68901
402-463-6788

SURVIVORSHIP WARRANTY DEED

KNOW THAT ALL MEN BY THESE PRESENTS THAT
Whitsel Custom Homes, L.L.C., a Nebraska limited liability company, herein called the
grantor whether one or more, in consideration of One Dollar and other valuable consideration
received from grantees, do grant, bargain, sell, convey, and confirm unto

Jeffrey S. Byrnes and Carlyn P. Byrnes, husband and wife, as joint tenants with right of
survivorship,

the following described real property in Adams County, Nebraska:

Lot 6, Block 1, Lakeview 8th Subdivision, City of Hastings, Adams County, Nebraska.

To have and hold above described premises together with all tenements, hereditaments
and appurtenances thereto belonging unto the grantees and to their assigns, or to the heirs and
assigns of the survivor of them forever.

And the grantor does hereby covenant with the grantees and with their assigns and with
the heirs and assigns of the survivor of them that grantor is lawfully seized of said premises; that
they are free from any encumbrance except covenants, easements and restrictions of record; all
regular taxes and special assessments; except those levied or assessed subsequent to date
hereof; that grantor has good right and lawful authority to convey the same; and that grantor
warrants and will defend the title to said premises against the lawful claims of all persons
whomsoever.

It is the intention of all parties hereto that in the event of the death of either of the
grantees, the entire fee simple title to the real estate shall vest in the surviving grantee.

Executed this 24th day of June, 2019.

Whitsel Custom Homes, L.L.C., a Nebraska
limited liability company

[Signature]
By: Earl W. Whitsel
It's: Manager

STATE OF Nebraska
COUNTY OF Adams

The foregoing instrument was acknowledged before me this 24th day of June, 2019 by Earl
W. Whitsel, manager of Whitsel Custom Homes, L.L.C., a Nebraska limited liability
company.

[Signature]
Notary Public





2019 NPZA Fall Workshop

On October 30-31, 2019 NPZA will hold its fifth Fall Workshop. This year's workshop will be at the Kimmel Orchard and Vineyard in Nebraska City. The NPZA Board is making a conscious effort to move the fall workshop around the state in an effort to reach those who normally cannot make it to the annual Nebraska Planning Conference in Kearney.

This year we have a variety of topics including Planning Fundamentals, NEMA and 2019 Disaster Recovery, Community Asset Identification, Comprehensive Plan and Zoning Relationship, Small Town and Rural Economic Development, Ethics for Staff and Planning Commissioners, and more.

[Work shop schedule and registration...](#)

NPZA site at <https://npza.org/conference>

Cost of the workshop is only \$40 for one day or \$50 for both days.

For additional information on the workshop please contact Judy Clark at clarkjm@ci.north-platte.ne.us

Additional Information:

[Kimmel Orchard and Vineyard](#)

[5985 G Road](#)

[Nebraska City, NE 68410](#)

Lodging is at the responsibility of the attendee. (*Remember to ask for the government rate*)



2019 NPZA Fall Workshop

On October 30-31, 2019, NPZA will hold its fifth Fall Workshop. This year's workshop will be at the Kimmel Orchard and Vineyard in Nebraska City.

Wednesday Afternoon 10/30			Thursday morning 10/31		
12:30	Planning Fundamentals Harry Milligan Milligan Associates	NEMA and the 2019 Disasters and Recovery Earl Imler - NEMA	8:00	Comprehensive Plan and Zoning Relationship Keith Marvin AICP- Marvin Planning Consultants	Findings of Fact David Levy-Baird Holm Attorney
	Chad Nabity AICP- Hall County Regional Planning Commission	1.25 hours MCLE 183487		Chad Nabity AICP- Hall County Regional Planning Commission	1.25 hours MCLE 183487
	2.5 hours MCLE 183487				
1:45		Break	9:15	Break	Break
2:00		Community Asset Identification Kurt Mantonya - Nebraska Extension	9:30	Small Town and Rural Economic Development Garry Clark - Great Fremont Area Economic Development	Ethics for Staff and Planning Commissioners David Levy-Baird Holm Attorney 1.25hr Ethics Application
		1.25 hours MCLE 183487			
3:15		Break	10:45	Break	Break
3:30		La Vista Redevelopment Project Chris Solberg AICP- City of LaVista	11:00	Small Cell – What is It? Lash Chaffin - NE League of Municipalities	

MCLE continuing legal education (CLE) activity 183487 for attorneys approved by
Nebraska Supreme Court MCLE Commission - Nebraska.gov