

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, August 18, 2020 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, August 14, 2020. 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 July 20, 2020
7. Special Order of Business
8. Unfinished Business
 - a. Continued Applications
 - i. **2020-027.** Public hearing to recommend a request to designate approximately 82.61 acres in a portion of the south half of Section 23, T7N, R9W of the 6th P.M. in Adams County, Nebraska, known as Redevelopment Area #15, as a blighted and substandard area, and to determine consistency with the Comprehensive Plan.

Motion to recommend approval of a resolution for adoption of Blight and Substandard Determination for Redevelopment Area #15 and declaring Redevelopment Area #15 as blighted and substandard.
 - b. Tabled Applications - None
 - c. Postponed Applications - None
 - d. Unfinished Applications - None
9. Public Hearings.

Planning Commission Agenda

August 18, 2020

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- a. **2020-028.** Public hearing to recommend a request for a Conditional Use Permit (CUP) for allowance of additional hoofed animals to be located at Lot 1, Hultine Subdivision, Adams County, Nebraska, commonly addressed as 4810 West 12th Street, Hastings, NE 68901.

Motion to recommend approval of a CUP resolution for allowance of additional hoofed animals to be located at Lot 1, Hultine Subdivision, Adams County, Nebraska, commonly addressed as 4810 West 12th Street, Hastings, NE 68901.

10. Subdivisions

- a. **2020-029.** Preliminary/Final plat for Twin T Investments Subdivision, a plat of tax lots 48 & 60 located in the Southeast Quarter of the Southwest Quarter of Section 13, Township 7 North, Range 10 West of the 6th P.M in the City of Hastings, Adams County, Nebraska.

11. Reports

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

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Monday, July 20, 2020

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, on July 20, 2020.

The meeting was called to order at 4:00 p.m. in Regular Session by Chairman Gaines with the following members present: Lou Kully, Marshall Gaines, LaDaun Schoenhals, Ann Hinton, Rakesh Srivastava, Mac Rundle, Michelle Lewis, Eric Arneson, and Alternate Willis Hunt. Absent: Gavin Raitt.

The Chair led the Commission in recital of the Pledge of Allegiance to the United States of America.

Moved by Kully, seconded by Srivastava, to adopt the current agenda for the Planning Commission meeting. Roll Call: Ayes: Arneson, Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton, Hunt. Nays: None. Absent: Raitt. The motion carried.

The Public Notice was read into the record. Pursuant to the 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.

Moved by Hinton, seconded by Hunt, to approve the minutes of the June 15, 2020 meeting. Roll Call: Ayes: Arneson, Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton, Hunt. Nays: None. Absent: Raitt. The motion carried.

7. Special Order of Business

a. Approval of updated City of Hastings Planning Commission Rules and Procedures, Revision dated 7/20/2020.

Lisa Parnell-Rowe explained the amendment to change the meeting date to the third Tuesday of each month.

Hunt questioned Article IV, Section 2, Conduct a. Representation. It states the applicant may appear in person, by agent or supporting witnesses. He questioned the word "may". The Commission has had an application with no one representing the application. Kully agreed with Hunt regarding the applicant being present.

Hinton discussed Article III, Section 4.c.2. Amend. Any member of the commission may offer a motion to modify or amendment. It should read "amend".

Moved by Hinton, seconded by Kully, to amend Article III Section 4.c.2 changing amendment to amend. Roll Call: Ayes: Arneson, Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton, Hunt. Nays: None. Absent: Raitt. The motion carried.

Moved by Rundle, seconded by Hinton, to approve the updated Planning Commission Rules of Procedure with the amendment. Roll Call: Ayes: Arneson, Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton, Hunt. Nays: None. Absent: Raitt. The motion carried.

b. Approval to ratify all actions taken at teleconference/videoconference meetings held as authorized by executive order of the governor in response to COVID-19.

Lisa Parnell-Rowe stated this is to legitimize and ratify all actions taken during the teleconference meetings under the governor's directive. Mr. Schukei stated there is nothing in state law that says you couldn't do these meetings.

Moved by Hunt, seconded by Hinton, to approve ratification of all actions taken at teleconference/videoconference meetings held as authorized by executive order of the governor in response to COVID-19. Roll Call: Ayes: Arneson, Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton, Hunt. Nays: None. Absent: Raitt. The motion carried.

9. Public Hearings.

a. 2020-024. Public hearing on a request to adopt the Redevelopment Plan for an approximate 154.6 acres situated in the southwestern portion of the City of Hastings, Nebraska, generally bound by the western and southern Corporate Limits, "B", "D" and "E" Streets West (North), "F" Street West (South), Baltimore Avenue South (West) and Lexington Avenue South (East), known as Redevelopment Area #16.

Motion to recommend approval of Resolution #2020-43, adoption of Redevelopment Plan for Redevelopment Area #16.

On January 21, 2020, the CRA voted 5-0 in favor of proceeding with the proposed Blight and Substandard Determination Study for Redevelopment Area #16. This was reviewed by Planning Commission for consistency to the Comprehensive Plan on June 15, 2020 and was recommended for approval in a vote of 7-0. On July 13th this matter was heard by City Council and approved 8-0.

As required as a second and separate action, we are now reviewing the related over-reigning Redevelopment Plan for Area #16. The General Redevelopment Plan for Area #16 details Project Planning and Implementation recommendations. There are no specific redevelopment projects pending at this time, but this will lay the groundwork for when one is reviewed as a plan modification to this area.

The Redevelopment Plan prepared by Hanna: Keelan Associates, P.C., as part of their study, recommended general development and redevelopment initiatives. All of these initiatives were suggested to be financed within a Tax Increment Finance (TIF) structure. They also suggested utilization of partnerships with other public and private entities; State, Federal and private foundation grants; Community Development Block grants; special assessments; and general obligation bonds.

Utilization of existing planning directives such as comprehensive plan and housing study will be important. Development of the vacant and undeveloped land in the western Urban Residential future slated areas, as well as expansion of the areas that currently are residential but not fully developed was highlighted as good infill opportunities. Street, water and sewer installation and upgrades to the area were recommended to entice development in this area. Preservation of existing housing and additional new workforce housing is recommended, as has been voiced in the more recent housing survey by citizens. Establishment of a program to improve existing or add new sidewalks was also noted.

Rundle questioned the procedure for declaring an area blight and substandard and what public notice is given.

Randy Chick, Hastings, Nebraska, stated the appropriate advertising was done. In this case the blight study was advertised twice. The redevelopment plan was also advertised twice. State statutes guide the procedure.

Mr. Schukei stated there is a posting on the City's website.

Mr. Chick further stated the Community Redevelopment Authority on its website calls it redevelopment areas. This designation is not going to devalue property.

Moved by Hunt, seconded by Schoenhals, to recommend to the Mayor and City Council approval of Resolution 2020-43, adoption of Redevelopment Plan for Redevelopment Area #16. Roll Call: Ayes: Arneson, Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton. Nays: Hunt. Absent: Raitt. The motion carried.

b. 2020-025. Public hearing to consider a request for a Conditional Use Permit (CUP) for self-storage and storage area uses to be located at Lot 7, Industrial Park North First Addition to the City of Hastings, Adams County, Nebraska.

Motion to recommend approval of Resolution #2020-044 for a CUP for self-storage and storage area uses to be located at Lot 7, Industrial Park North First Addition to the City of Hastings, Adams County, Nebraska.

1. The proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development.

Surrounding land uses are:

This lot is surrounded in all directions by I-2, Heavy Industrial district. This area is highly industrial with several manufacturing and distribution centers directly southwest of this area. Zoning for this lot is also I-2. According to the Uses & Districts Table in 34-200, self-storage, storage areas are a conditional use in the I-2 District. The description of the intent of the I-2 zone includes the use of storage in its definition as seen in the following, "This district is intended primarily for heavy manufacturing, storage, major shipping terminals and other related uses." Further east of this area is all agriculture land with no structures in the immediate area and, in fact, the area to the east is extra-territorial area shared with the County. The view of this lot from the Smith Softball Complex to the west will be minimal due to an existing large structure already established on adjacent Lot 6 to the west.

Future land use of this area is for Employment/Industrial so establishing this use in this area and district appears to be what is expected and mapped out for future. There are no residential uses or properties in the vicinity of this lot.

2. The use does not have a permanent negative impact that is substantially greater than the impact anticipated from development permitted in the base zone district.

Pedestrian and vehicular traffic circulation and safety. The applicant provided this concept to Staff at the end of May 2020 and it was initially reviewed with engineering staff representing the streets during this time as part of Engineering Meeting. This was also emailed out for formal internal review on 6/3/20, with no feedback from Engineering or Fire, indicating concurrence to project. Effort has been taken on the part of the applicant to ensure the development adheres to International Fire Code (IFC) standards where access for emergency and fire personnel must be figured into the design of the streets within this development. There is a large 40' path in between storage units to allow for ingress, egress and pulling in and out of storage units for

loading and unloading vehicles. This exceeds the 30-foot requirement. In the applicants' narrative, they have stated that they will meet the 75000-pound driving surface requirement also found in the IFC.

Reasonable and economic extension of public utilities and facilities. As this is within City limits and already serviced by the City there is no extension of service required. Utilities has reviewed and approved this site plan.

No noise, fumes and/or environmental pollution are anticipated. The following rules for the use of the self-storage units and area will be included in the lease documents. Violation of the rules will cause cancellation of the contract and immediate removal of stored items in the facility. Monthly inspections by the owners will occur to monitor and enforce these rules. These rules will include but are not limited to the following:

1. The exterior storage of any items or objects will not be permitted to be stored in and around the premises with the exception of specifically approved autos, boats and campers in the defined area.
2. Items such as gasoline, fuel, paint, containers with any flammable liquid or items which can readily cause fire or flame will not be allowed to be stored on the premises or within the storage building.
3. No maintenance, dismantling, construction, reconstruction or repair of any vehicles, boats, RV's or appliances will be allowed within the storage units, or the exterior of the building grounds or in any part of this facility.

Applicant is also requesting 7 parking spaces which would be designated as outdoor storage of campers/RVs. The self-service storage facility standards for conditional use found in Section 34-404 (9) do not allow for outdoor storage. However, outdoor storage for campers and RVs (recreation vehicles) is not specifically addressed in the Table of Uses and Districts. There are similar uses found in Section 34-404 (5) for Storage of vehicles in impound yard and 34-404 (6) for Off-street parking spaces and structures. These sections do include some applicable standards, though there are many standards that are not applicable. As allowable under 34-104, Director of Development Services has made a determination that these are comparable uses and provide standards towards this proposed supplementary use that are similar enough after consideration of the intensity and scale of the use relative to this site and that fact that this site and all adjacent properties are zoned I-2 and can accommodate heavier more industrial uses. Adding to this decision is the fact that there are no residential properties in the vicinity that this use would have an adverse impact on. Future slated zoning for this area will continue to be established for this heavy industrial use so there would be no reason to assume a negative impact would potentially be caused on future developments. The applicant was provided a hybrid of standards from both of these similar use standards to meet for his auxiliary outdoor storage of campers. The following are additional standards that were placed on this development as required by this hybrid of requirements:

1. Rule #3 added to lease by applicant to ensure no dismantling or salvaging of these recreational vehicles occurs.
2. A separate Site Plan of only the Outdoor Camper Storage area was received which shows at least 350 SF of space per vehicle with flexibility of dimensions requirements for larger-sized recreational vehicles allowed. Vehicular Circulation is also described on the site plan.
3. Though a fence would not have been required as this does not abut an adjacent residential zone, the applicant will fence the entire lot to provide additional security and screening of this use as is required for stored vehicles. This fence will be not less than 6 feet in height.
4. Applicant also addressed in rules that these vehicles must be stored in the areas designated by railroad ties and that no other outdoor storage is allowed.
5. A pole light at minimum height of 25 feet will be placed in the outdoor camper parking area

and will be full cutoff to meet code.

The maintenance of logical and efficient development patterns and land use

mixtures. The addition of these storage uses to this area is logical due to its use compatibility to the allowable use of storage in the I-2 District, and also, in consideration of the fact that this area is surrounded by this same district in current zoning and in future planning. This use of storage will fit nicely with uses of manufacturing and distribution facilities to the southwest of this area and will not have a negative effect on property values.

4. The conditions imposed are necessary to ensure the maintenance of property values and the safety, health, comfort, and repose of the residents.

The use of storage unit should not evoke safety concerns and property values should remain same as similar adjacent uses. Providing these units will provide a service that is lacking in this area, particularly for parking of recreational vehicles. Adjacent property notice letters were sent out to all properties within 300 feet of this location and there has been no response.

5. That the use, subject to conditions, maintains compliance with the Comprehensive Plan and the purpose and intent of the zoning regulations.

The Comprehensive Plan for this property is employment/industrial, which is complementary to the fact that this area currently contains many similar businesses and uses. Based on the character and nature of this area Staff feels comfortable with the use of storage units being brought into this area and feels that it will bring City residents additional storage opportunities that continue to be needed.

A self-service storage facility has additional criteria that it must meet as spelled out in Chapter 34-404 (9). The applicant has received a copy of these criteria and has either incorporated those things in their site plan or talked to those aspects in their narrative. The proposed Site Plan includes the dimensions of buildings, parking locations, access, easement locations and drainage notes. The narrative they provided addresses how each aspect will function. Due to the applicant wanting to ensure receipt of CUP approval prior to hiring an Engineer to complete all the necessary drawings, staff has accepted this site plan and a narrative to supplement. All zoning requirements for the I-2 zoning district are shown and met in the Site Plan.

Moved by Kully, seconded by Schoenhals, to recommend approval to the Mayor and City Council the CUP for self-storage and storage area uses to be located at Lot 7, Industrial Park North First Addition to the City of Hastings, Adams County, Nebraska, subject to following conditions:

- 1) The applicants Self-Service Storage Site Plan, related narrative and Site Plan of the Outdoor Camper Storage area with inclusive dimensions of buildings, parking locations, access and easement location notes are hereby approved and applicant agrees to comply to all inclusive details.
- 2) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 3) This resolution shall be filed with the Registrar of Deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.

Roll Call: Ayes: Arneson, Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton, Hunt.
Nays: None. Absent: Raitt. The motion carried.

c. 2020-026. Public hearing to consider an Ordinance to clarify and amend Hastings City Code section 34-311 and Table 311-1: Residential Accessory Structures, regarding accessory structure requirements for all zone districts and related exterior design requirements for accessory structures in each district.

Under current City Code Section 34-311 & Table 311-1 all residents selecting or building an accessory structure for their residence must meet size, quantity, setback and design standards.

Staff feels the layout of the existing table does not appropriately demonstrate the varying requirements for each zoning district. For example, there are random notes about exceptions to the agriculture district, as well as the necessary notations for large residential lots (R-1A and R-1S) that address variances to the accessory structure regulations regarding not exceeding size of principal structure. These notations are under a column header intended for quantity requirements, yet these notes are not exclusively relevant to the quantity. Therefore staff desires to better demonstrate the existing requirements in a more concise and understandable format not only for residents attempting to interpret the requirements relevant to their zoning but also for Staff attempting to enforce these measures. We have redesigned the table to demonstrate not only the size of the structure, but also the zoning districts that vary in requirements for these accessory structures.

Additionally, in April 2020 we presented a change to alter the design standards only for zoning districts R1-A and R1-S. This was done in order to allow moderation to the requirement for materials matching in the more than 864 s.f. category of accessory structures. Though this was noted in the table with red font for a change and the text change was presented as such, unfortunately this notation was not included in related Ordinance 4629. This was key to ensure this leniency was only applicable to the R-1A & R-1S zoning districts. These 2 districts have now been added to the new table as separate districts, as was approved in this ordinance in May 2020 by City Council. The design standard to match materials in these large residential lot districts, as well as the Agriculture District, for both medium (145 s.f. to 864 s.f.) and large (864 s.f. or more) sizes of accessory structures, has been removed and is shown in the new table as not required. Staff feels that if we do not require materials match to principal structure for accessory structures 864 s.f. or more, or less than 145 s.f., that we should likely strike that as well for the 145 s.f. to 864 s.f. category for both large lot residential zones R-1A and R-1S as well as Agriculture. This has also been updated in the new table.

Lastly, though Design standards are important to a more unified, clean and consistent look in the City of Hastings, it is important that the design standards being used are easy to interpret, demonstrate and implement. Materials and color as measures of appearance that are architecturally harmonious with the principal structure are easily explained and more reasonably understood by public than the standards of "design" and "style". Design and style are more interpretive, less agreeable and harder to legitimize as a basis for consistency to principal structure. Staff cannot even recall one instance where an accessory structure was accepted or rejected based upon these factors. The criteria used always comes down to materials and color. In fact, there are many questions from our public as to what the design and style criteria means. An architect may easily understand this criteria but the average resident applying for a shed permit may not necessarily understand the difference between a colonial and contemporary style. Bottom line is that these measures are too subjective to either interpret or use as a basis for approval or rejection. Therefore, these criteria have been removed.

Moved by Kully, seconded by Rundle, to recommend approval to the Mayor and City Council Ordinance No. 4637 to clarify and amend Hastings City Code section 34-311 and Table 311-1: Residential Accessory Structures, regarding accessory structure requirements for all zone

districts and related exterior design requirements for accessory structures in each district. Roll
Call: Ayes: Arneson, Lewis, Rundle, Gaines, Kully, Srivastava, Schoenhals, Hinton, Hunt.
Nays: None. Absent: Raitt. The motion carried.

Moved by Hinton, seconded by Lewis, to adjourn.

Chairman

Department: Development Services

Staff Contact: Randy Chick, Lisa Parnell-Rowe

Planning Commission Meeting Date: 8/18/2020

File No: 2020-027

Prepared By: Lisa Parnell-Rowe, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

- a. Public hearing to recommend a request to designate approximately 82.61 acres in a portion of the south half of Section 23, T7N, R9W of the 6th P.M. in Adams County, Nebraska, known as Redevelopment Area #15, as a blighted and substandard area, and to determine consistency with the Comprehensive Plan.
- b. Motion to recommend approval of a resolution for adoption of Blight and Substandard Determination for Redevelopment Area #15 and declaring Redevelopment Area #15 as blighted and substandard.

Names of People/Business affected by this action:

The property owner, Adams County, the City of Hastings, and all affected taxing authorities.

Why Planning Commission action is required:

Neb. Rev. Stat. (N.R.S) 18-2104 – The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements.

N.R.S 18-2123.01 – Redevelopment project with property outside corporate limits; formerly used defense site; agreement with county authorized.

(1) Notwithstanding any other provisions of the Community Development Law to the contrary, a city may undertake a redevelopment project that includes real property located outside the corporate limits of such city if the following requirements have been met:

- (a) The real property located outside the corporate limits of the city is a formerly used defense site;
- (b) The formerly used defense site is located within the same county as the city approving such redevelopment project;
- (c) The formerly used defense site is located within a sanitary and improvement district;

(d) The governing body of the city approving such redevelopment project passes an ordinance stating such city's intent to annex the formerly used defense site in the future; and

(e) The redevelopment project has been consented to by any city exercising extraterritorial jurisdiction over the formerly used defense site.

(2) For purposes of this section, formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.

(3) The inclusion of a formerly used defense site in any redevelopment project under this section shall not result in:

(a) Any change in the service area of any electric utility or natural gas utility unless such change has been agreed to by the electric utility or natural gas utility serving the formerly used defense site at the time of approval of such redevelopment project; or

(b) Any change in the service area of any communications company as defined in section 77-2734.04 unless (i) such change has been agreed to by the communications company serving the formerly used defense site at the time of approval of such redevelopment project or (ii) such change occurs pursuant to sections 86-135 to 86-138.

(4) A city approving a redevelopment project under this section and the county in which the formerly used defense site is located may enter into an agreement pursuant to the Interlocal Cooperation Act in which the county agrees to reimburse such city for any services the city provides to the formerly used defense site after approval of the redevelopment project.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of resolution for a Blight and Substandard Determination Study for Redevelopment Area #15.

Deadlines associated with action:

This case is scheduled to be heard by the City Council on September 14, 2020, pending an affirmative recommendation by the Planning Commission and the Community Redevelopment Authority.

Department head comments:

Background: This item was presented in November 2019 to Planning Commission but the Sanitary Improvement District (SID) was not complete at that time so Planning Commission voted 9-0 to continue this matter to December 2019. There were also additional concerns for the legal description and the area the related map encompassed as it corresponded to that description. As a consequence of these concerns public notices were not accurate as presented to the public on this matter. In December 2019 there was not a quorum of Planning Commission present and the

matter was left unheard. The Director of Development Services position was left unfilled until mid-February. Though the study and inclusive maps were updated in February the SID remained incomplete until mid-June when the decree was filed. In order to meet public notice requirements, it was moved forward to the July Agenda and public noticed. Unfortunately, State statute changes require that notice for Blight and Substandard declaration not only be published in the paper 2 times prior to being heard and provide access to the study and map of area; they now also require letters be sent to all known neighborhood associations, leaders in county, school districts, community colleges, educational units and natural resource districts within a one-mile radius of the area. This particular part of notice requirements was overlooked by staff and the matter was again continued to this month's agenda.

All items needed and required to proceed have now been completed and we are finally prepared to move this item forward to Planning Commission for recommendation to City Council. The applicant, Randy Chick for the Community Redevelopment Authority, commissioned a blight and substandard study to determine the possibility of declaring the area blighted and substandard. The Revised Blight and Substandard study (attached) details existing conditions and statutory requirements for this area.

The subject property is not located in the city limits, but is located in the extraterritorial jurisdiction (ETJ). Normally this would not be a prospective area to redevelop due to this locale; however, there are provisions set up in the Nebraska Community Development Law to allow for redevelopment of formerly used defense sites located outside corporate limits as found in Section 18-2123.01.

Planning Commissions basic action pertaining to this case is to find that the Blight and Substandard study is consistent with the Comprehensive Plan. Imagine Hastings projects this area for Future Land Use to be Employment/Industrial. Currently this is zoned I-2. Therefore, current zoning does appear to be compatible with the future desired land use for this area. There would be no change in zoning at this time.

Planning Commissions next action is to ensure that adoption of this area as substandard and blighted is justifiable based on the study findings and to recommend the corresponding Resolution be approved by City Council. Staff feels with this area being incorporated into the ETJ in 2019 that the area will need to become an area that will be viable for growth and development. The study findings show 100% of all 19 structures in this area were rated as fair in condition and over 40 years of age. The average age calculation is 78.26 years. Site infrastructure of roads, rail, drainage, parking lots and driveways were all assessed to less than fair but mostly poor condition. The area is relatively flat which is detrimental to the existing drainage conditions, as well as stormwater management practices. Some known groundwater contamination still remains despite mitigation measures in 1990 as indicated by Kansas Regional office of EPA.

Lastly, Planning Commission will need to agree that the City would intend in future to annex this

area into City limits once the gap between City and this area are filled to allow for a clear path of annexation requirements (i.e., adjacent and contiguous). Staff feels in our actions to agree to incorporate this area into the 2019 ETJ we have indicated Cities interest to expand and incorporate this area into a prospective status. It would be advantageous to the City to agree to declare this area blighted and substandard now and to thus allow CRA the ability to leverage improvements as incentives prior to this incorporation. The special provisions found in NRS 18-2123.01 allows for this to occur and this area meets the eligibility requirements as it is a former defense used site, located within the same county as the City, and it was formerly owned and leased by U.S. Navy & Air Force under the purview of the United States Secretary of Defense.

City Staff and the Community Redevelopment Authority have reviewed the study and believe that it fulfills the statutory requirements to be declared Blight and Substandard. Once the General Redevelopment Plan is fully approved plan modifications can be presented to the Planning Commission at a later date for separate approval once any projects are identified and pursued.

Recommendation:

Staff recommends motion to recommend approval of resolution for a Blight and Substandard Determination Study for Redevelopment Area #15.



PROJECT APPLICATION

City of Hastings – Development Services
 220 N. Hastings Avenue, Hastings, NE 68901
 Phone: (402) 461-2302; Fax: (402) 461-2304
 www.cityofhastings.org

Please check the appropriate box below to indicate the type of application you are requesting. Contact Development Services for minimum requirements. Incomplete applications will not be processed. All applications must be completed by applicant prior to submission with all of the requested support materials by the last Monday of each month or they will be held until the next deadline to be processed.

- | | | | |
|---|---|--|--|
| ☐ Preliminary Plat | ☐ Final Plat | ☐ Short Plat | ☐ Administrative Plat |
| ☐ Code Amendment | ☐ Zoning Change | ☐ Vacation (Plat / ROW / Easements) | |
| ☐ Conditional Use Permit / Amendment | ☐ Planned District / Amendment | ☒ Blight & Substandard Study | |
| ☐ Comprehensive Plan / Amendment | ☐ Annexation Petition / Addition to the City | | |

PROJECT INFORMATION

Project Name: Blight & Substandard Study for Redevelopment Area #15 (NAD)

Project Address: A Tract of Land Located in the South 1/2 of Section 23, Township 7 North, Range 9 West of the 6th P.M., Adams County, Nebraska Within City Limit ☐ Yes ☒ No

Existing Zoning: I-2 Heavy Industrial Proposed Zoning / Use: I-2 Heavy Industrial

Existing Comprehensive Plan Designation: Industrial Gross Area: Approximately 94 acres

Legal Description: See attached legal description Number of Lots: 3 parcels

APPLICANT INFORMATION

Applicant: Randal Chick, Director, Community Redevelopment Authority Company: Community Redevelopment Authority

Address: 301 S. Burlington Tel: 402-461-8415 Fax: _____

City: Hastings State: NE Zip: 68901 Email: bidcra@gmail.com

Property Owner: _____ Company: _____

Address: _____ Tel: _____ Fax: _____

City: _____ State: _____ Zip: _____ Email: _____

Key Contact: Randal Chick Company: Community Redevelopment Authority

Address: 301 S. Burlington Tel: 402-461-8415 Fax: _____

City: Hastings State: NE Zip: 68901 Email: bidcra@gmail.com

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

_____	_____	<u>Randal Chick</u>	_____
Property Owner Signature	Date	Applicant Signature	Date

DEPARTMENTAL USE ONLY

Fees: \$400.00 Receipt No. _____

Accepted by Staff: _____ Case No. _____

Signature

LEGAL

A TRACT OF LAND LOCATED IN THE SOUTH 1/2 OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 9 WEST OF THE 6TH P.M., ADAMS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 23, THENCE N89°45'38"W (ASSUMED BEARING ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 23 A DISTANCE OF 1193.00, THENCE N00°40'54"E A DISTANCE OF 320.76 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF GOLDEN TRIANGLE SUBDIVISION, THENCE N00°07'36"E ON THE WEST LINE OF SAID LOT 1 A DISTANCE OF 663.21 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE N84°06'51"E ON THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 24.99 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF SAID GOLDEN TRIANGLE SUBDIVISION, THENCE N00°15'26"E ON THE WEST LINE OF SAID LOT 2 AND ALSO BEING THE WEST LINE OF LOTS 9,10 AND 17 OF SAID GOLDEN TRIANGLE SUBDIVISION A DISTANCE OF 570.04 FEET TO THE NORTHWEST CORNER OF SAID LOT 17, THENCE S89°38'18"E ON THE NORTH LINE OF SAID LOT 17 AND ALSO BEING THE NORTH LINE OF LOTS 16,15 AND 14 OF SAID GOLDEN TRIANGLE SUBDIVISION A DISTANCE OF 1681.53 FEET TO THE NORTHEAST CORNER OF SAID LOT 14, THENCE S00°38'29"W ON THE EAST LINE OF SAID LOT 14 AND ALSO BEING THE EAST LINE OF LOTS 13,6 AND 5 OF SAID GOLDEN TRIANGLE SUBDIVISION A DISTANCE OF 519.80 FEET TO THE NORTHWEST CORNER OF GOLDEN TRIANGLE 2ND SUBDIVISION, THENCE ON THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING, S89°44'34"E A DISTANCE OF 1310.03 FEET TO THE BEGINNING OF CURVE THAT IS CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 560.60 FEET, A CHORD BEARING OF N49°26'01"E, A CHORD DISTANCE OF 732.76 FEET AND AN ARC LENGTH OF 798.59 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION THENCE S00°09'02"W ON THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 531.60 FEET TO THE SOUTH LINE OF SAID SUBDIVISION, THENCE N89°34'26"W ON SAID SOUTH LINE A DISTANCE OF 974.39 FEET, THENCE S00°14'36"W A DISTANCE OF 903.69 FEET TO THE NORTH LINE OF A PUBLIC ACCESS EASEMENT BEING 80.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 23, THENCE N89°45'06"W ON SAID NORTH LINE A DISTANCE OF 889.18 FEET, THENCE S00°07'15"W A DISTANCE OF 80.00 FEET TO THE SOUTH LINE OF SAID SOUTHEAST 1/4, THENCE N89°44'10"W ON SAID SOUTH LINE A DISTANCE OF 513.00 FEET TO THE POINT OF BEGINNING, CONTAINING 82.61 ACRES AND IS SUBJECT TO ANY EXISTING EASEMENT, INTERIOR SUBDIVISIONS OR RIGHT OF WAY BY RECORD.

PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY

The purpose of completing this Blight and Substandard study is to examine existing conditions within a specific part of Adams County. Golden Triangle, Inc. commissioned the study to analyze the possibility of declaring the area as blighted and substandard.

The City of Hastings, when considering conditions of Blight and Substandard, look at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements."

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for the formulation of a workable program; disaster assistance; effect. The statute reads,

"The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof."

"Notwithstanding any other provisions of the Community Development Law, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under federal law, the local governing body may approve a redevelopment plan and a redevelopment project with respect to such area without regard to the provisions of the Community Development Law requiring a general plan for the municipality and notice and public hearing or findings other than herein set forth."

Based on the Nebraska Revised Statutes §18-2103 the following definitions shall apply:

"Blighted area" means an area (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one

hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;"

"Extremely blighted area means a substandard and blighted area in which: (a) The average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period; and (b) the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area;"

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

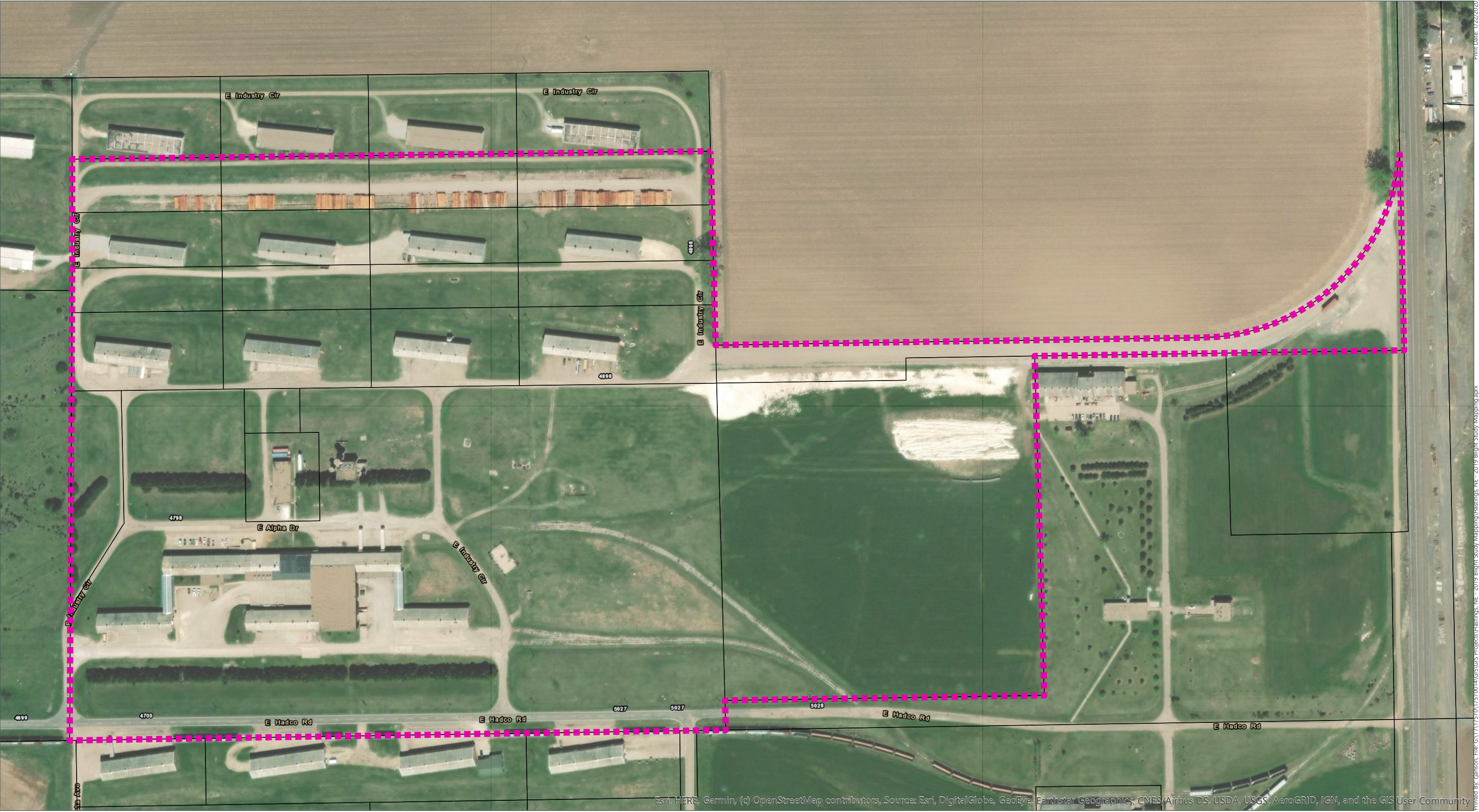
"Workforce housing means:

- (a) Housing that meets the needs of today's working families;
- (b) Housing that is attractive to new residents considering relocation to a rural community;
- (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;
- (d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and
- (e) Upper-story housing."

Furthermore, Chapter 18, Section 2123.01 of the Revised Nebraska State Statutes:

Redevelopment project with property outside corporate limits; formerly used defense site; agreement with county authorized.

- (1) Notwithstanding any other provisions of the Community Development Law to the contrary, a city may undertake a redevelopment project that includes real property located outside the corporate limits of such city if the following requirements have been met:



MSA

Data Sources: Adams County, City of Hastings
and MPC

 2019 Blight Study Area

 Parcels



HASTINGS, NE - 2019 BLIGHT STUDY

BASE MAP
CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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Print Date: 1/22/2020

- (a) The real property located outside the corporate limits of the city is a formerly used defense site;
 - (b) The formerly used defense site is located within the same county as the city approving such redevelopment project;
 - (c) The formerly used defense site is located within a sanitary and improvement district;
 - (d) The governing body of the city approving such redevelopment project passes an ordinance stating such city's intent to annex the formerly used defense site in the future; and
 - (e) The redevelopment project has been consented to by any city exercising extraterritorial jurisdiction over the formerly used defense site.
- (2) For purposes of this section, formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.
- (3) The inclusion of a formerly used defense site in any redevelopment project under this section shall not result in:
- (a) Any change in the service area of any electric utility or natural gas utility unless such change has been agreed to by the electric utility or natural gas utility serving the formerly used defense site at the time of approval of such redevelopment project; or
 - (b) Any change in the service area of any communications company as defined in section [77-2734.04](#) unless (i) such change has been agreed to by the communications company serving the formerly used defense site at the time of approval of such redevelopment project or (ii) such change occurs pursuant to sections [86-135](#) to [86-138](#).
- (4) A city approving a redevelopment project under this section and the county in which the formerly used defense site is located may enter into an agreement pursuant to the Interlocal Cooperation Act in which the county agrees to reimburse such city for any services the city provides to the formerly used defense site after approval of the redevelopment project.

This Blight and Substandard Study is intended to give the Community Redevelopment Authority, Hastings Planning Commission and Hastings City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the City's jurisdiction and as allowed under Chapter 18, Section 2123.01. Through this process, the City and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A Redevelopment Plan to be submitted in the future will contain, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and
- A list of the conditions present, which qualify the area as blighted and substandard.

Through the redevelopment process, the City of Hastings and the Hastings CRA can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City of Hastings is intended to redevelop and improve the area. Using the Community Redevelopment Act, the City of Hastings can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY

This study targets a specific area within an established part of the Hastings area. The area is indicated in Figure 1 of this report. The existing uses in this area include commercial and industrial uses and open space. The study area is part of the old Hastings Naval Ammunition Depot (NAD).

Through the redevelopment process the developer and City of Hastings can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City of Hastings is intended to redevelop and improve the area. Using the Community Redevelopment Act, the City can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

The following is the description of the designated area within the Hastings area.

Study Area

A TRACT OF LAND LOCATED IN THE SOUTH 1/2 OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 9 WEST OF THE 6TH P.M., ADAMS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 23, THENCE N89°45'38"W (ASSUMED BEARING ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 23 A DISTANCE OF 1193.00, THENCE N00°40'54"E A DISTANCE OF 320.76 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF GOLDEN TRIANGLE SUBDIVISION, THENCE N00°07'36"E ON THE WEST LINE OF SAID LOT 1 A DISTANCE OF 663.21 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE N84°06'51"E ON THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 24.99 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF SAID GOLDEN TRIANGLE SUBDIVISION, THENCE N00°15'26"E ON THE WEST LINE OF SAID LOT 2 AND ALSO BEING THE WEST LINE OF LOTS 9,10 AND 17 OF SAID GOLDEN TRIANGLE SUBDIVISION A DISTANCE OF 570.04 FEET TO THE NORTHWEST CORNER OF SAID LOT 17, THENCE S89°38'18"E ON THE NORTH LINE OF SAID LOT 17 AND ALSO BEING THE NORTH LINE OF LOTS 16,15 AND 14 OF SAID GOLDEN TRIANGLE SUBDIVISION A DISTANCE OF 1681.53 FEET TO THE NORTHEAST CORNER OF SAID LOT 14, THENCE S00°38'29"W ON THE EAST LINE OF SAID LOT 14 AND ALSO BEING THE EAST LINE OF LOTS 13,6 AND 5 OF SAID GOLDEN TRIANGLE SUBDIVISION A DISTANCE OF 519.80 FEET TO THE NORTHWEST CORNER OF GOLDEN TRIANGLE 2ND SUBDIVISION, THENCE ON THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING, S89°44'34"E A DISTANCE OF 1310.03 FEET TO THE BEGINNING OF CURVE THAT IS CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 560.60 FEET, A CHORD BEARING OF N49°26'01"E, A CHORD DISTANCE OF 732.76 FEET AND AN ARC LENGTH OF 798.59 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION THENCE S00°09'02"W ON THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 531.60 FEET TO THE SOUTH LINE OF SAID SUBDIVISION, THENCE N89°34'26"W ON SAID SOUTH LINE A DISTANCE OF 974.39 FEET, THENCE S00°14'36"W A DISTANCE OF 903.69 FEET TO THE NORTH LINE OF A PUBLIC ACCESS EASEMENT BEING 80.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 23, THENCE N89°45'06"W ON SAID NORTH LINE A DISTANCE OF 889.18 FEET, THENCE S00°07'15"W A DISTANCE OF 80.00 FEET TO THE SOUTH LINE OF SAID SOUTHEAST 1/4, THENCE N89°44'10"W ON SAID SOUTH LINE A DISTANCE OF 513.00 FEET TO THE POINT OF BEGINNING, CONTAINING 82.61 ACRES AND IS SUBJECT TO ANY EXISTING EASEMENT, INTERIOR SUBDIVISIONS OR RIGHT OF WAY BY RECORD.

STUDY AREA HISTORY

The Study Area "The Naval Ammunition Depot Hastings (NAD Hastings) near Hastings, Nebraska was the largest United States World War II naval munitions plant operating from 1942 to 1946 and produced over 40% of the U.S. Navy's munitions.

World War II and accidents

The former Naval Ammunition Depot (NAD) is one of Nebraska's former four major ammunition plants: the Cornhusker Ordnance Plant, the Nebraska Ordnance Plant and the Martin Bomber Plant. Its construction began in July 1942 on 49,000 acres (200 km²) and was completed in early 1943 with over 2000 buildings, bunkers, and various other types of structures. The cost of construction was over \$71 million.

The navy built in this location due the proximity to the area's three railroads, the abundance of underground water, cheap natural gas and electricity, the stable work force and the distance from either coast (being beyond the range of Japanese or German bombers). At one point during World War II the facility was producing over 40% of the U.S. Navy's munitions. It manufactured 40mm shells, 16-inch projectiles, rockets, bombs, depth charges, mines and torpedoes. Production peaked in June–July 1945, when the depot employed 125 officers, 1,800 enlisted men, and 6,692 civilians.

The impact on the city of Hastings was a 40% population increase from just over 15,000 in 1940 to 22,252 at its peak during the war. By 1944, workers base wages at the depot were 74-cents an hour with time-and-a-half for overtime beyond 54 to 64 hour workweeks and thus considerably higher than the 40- to 50-cents per hour in town and maybe a dollar-a-day for a hired man on the farm.^[1] Farmers experienced a severe labor shortage, schools were overcrowded with 50-60 children, new homes were scarce.

Four accidental explosions took place during the war, of which two were officially reported. All occurred in 1944, and together resulted in the deaths of 22 people. The first accident left a crater 550 feet long, 220 feet wide, and 50 feet deep. The most severe accidental blast killed nine people and injured fifty-three on September 15, 1944. It was caused by human error while a train was being loaded. The loading depot and the train were totally destroyed. Part of the roof at a high school in Harvard, about 15 miles (24 km) east of Hastings, collapsed as a result of the explosion; injuring 10 children.

After World War II

In April 1945, the work week was reduced from 60 to 54 hours, in August 1945 to 40 hours and the number of employees was reduced to 3,000. By 1949, personnel numbered 1,189. the depot was reactivated in August 1950 for the Korean War. Employment peaked in January 1954 with 2,946 civilians.

Air Force presence

During the Vietnam War, a portion of the NAD was turned over to the U.S. Air Force. This became a radar bomb scoring detachment that helped train pilots in electronic bombing techniques that were used in southeast Asia.

Closure and transfer

Closure of the site was ordered in December 1958 to be concluded no later than June 1966. As of 2015, the land was occupied by Central Community College, which uses some of the former buildings, Hastings East Industrial Park (HEIP), a golf course, the Greenleaf Training Facility for national guardsmen and reservists, and the United States Department of Agriculture Meat Animal Research Center, which was granted part of the site in 1964.

Source: *Wikipedia*

During the 2013-2014 Legislative sessions, the Nebraska Legislature passed LB 66 and LB 1012 which provided for a means to use Tax Increment Financing on projects located in a former defense site. LB 66 gave Cities of the First Class (5,000 to 100,000 population) the authority to approve Redevelopment Plans and use Ad Valorem Taxes (TIF) generated by the project(s) approved in the plan to pay for eligible expenses under certain proscribed conditions on formerly used defense sites outside of the corporate limits of and within the same **County as the City**. LB 1012 states that "A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision." (which is 35%).

LB 66 and LB 1012 did not remove the need for a Blight and Substandard designation.

This specific study includes a portion of the old NAD.



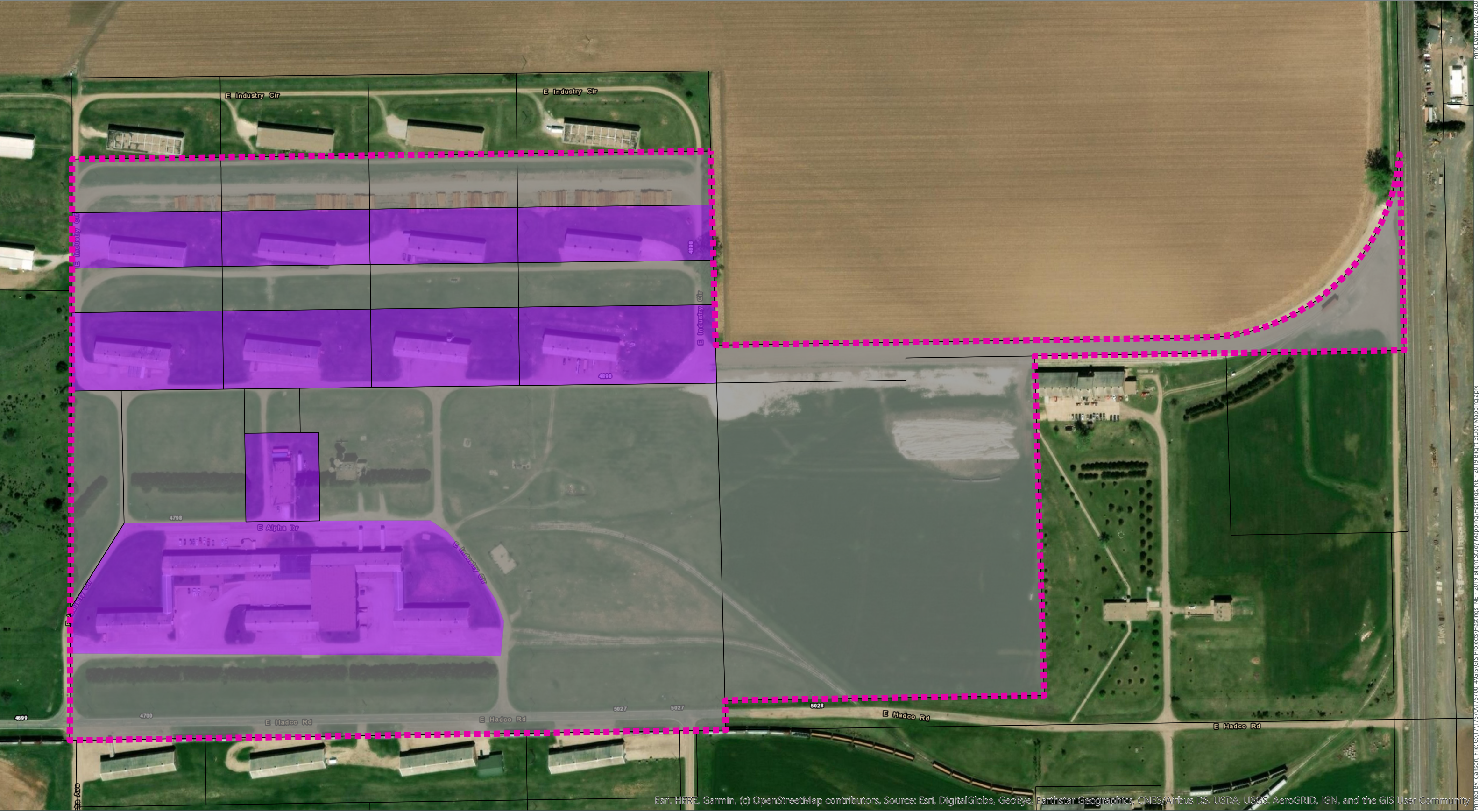
EXISTING LAND USES

The term “Land Use” refers to the developed uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community and produce a number of impacts that either benefit or detract from the community. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the City faces during the course of the planning period. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

Existing Land Use Analysis within Study Area

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Adams County Assessors website. This survey noted the use of each parcel of land within the study area. These data from the survey are analyzed in the following paragraphs. The Study Area's existing land uses are industrial in nature.





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Data Sources: Adams County, City of Hastings
and MPC

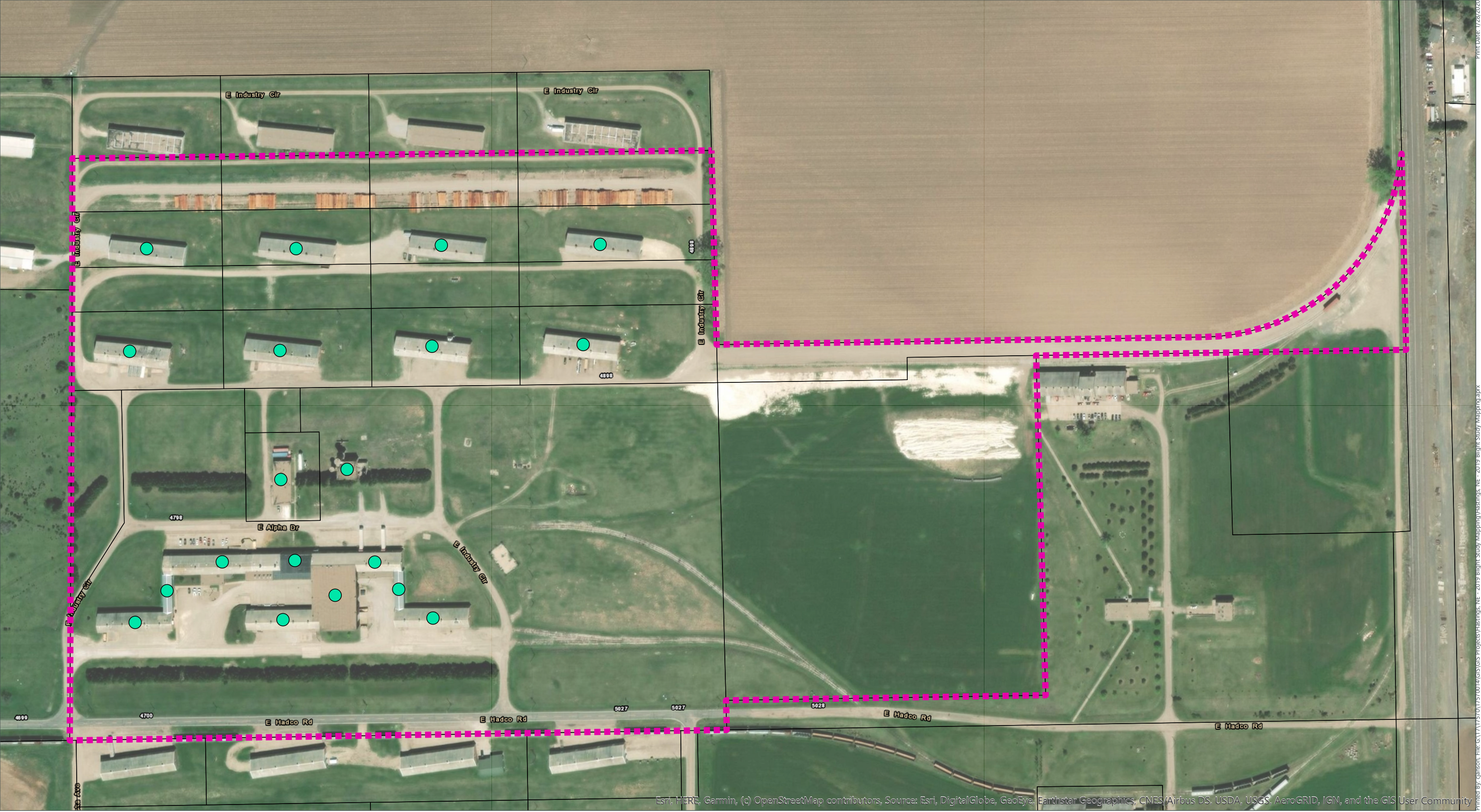


- 2019 Blight Study Area
- Parcels
- Vacant - 61 Acres
- Industrial - 24 Acres

HASTINGS, NE - 2019 BLIGHT STUDY

EXISTING LAND USE MAP
CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

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MSA

Data Sources: Adams County, City of Hastings and MPC



0 250 500 Feet

- Excellent Condition - 0 Structures

Good Condition - 0 Structures

Average Condition - 0 Structures

Fair Condition - 19 Structures
- Poor Condition - 0 Structures

2019 Blight Study Area

Parcels

HASTINGS, NE - 2019 BLIGHT STUDY

STRUCTURE CONDITION MAP

CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

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FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS ELIGIBILITY STUDY

This section of the Eligibility Report examines the conditions found in the study area. The Findings Section reviews the conditions based upon the statutory definitions.

FORMER DEFENSE SITE

Based on Chapter 18, Sections 18-2103 and 2123.01 of the Revised Nebraska State Statutes, this study area is eligible to be deemed to be Blighted and Substandard. The area meets all of the necessary eligibility criteria identified in the §§18-2103 and 18-2123.01:

1. The real property located outside the corporate limits of the city is a formerly used defense site;
2. The formerly used defense site is located within the same county as the city approving such redevelopment project;
3. Formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.

Based on the site meeting the criteria found in §§18-2103 and 18-2123.01, this area is eligible for declaring it Blighted and Substandard.

However, the study will show the study area meets the criterion for Blighted and Substandard either as a former defense site or if it were a part of the corporate limits of Hastings.

OTHER CONTRIBUTING FACTORS

There were many other conditions examined and evaluated in the field and online. There are several conditions that will be reviewed in detail, on the following pages, which add to the overall condition of Blight and Substandard on the proposed site.

Deterioration of Site or Other Improvements

Substantial Number of Deteriorating Structures

MPC conducted an on-site evaluation of the structures; the rating system was either Excellent, Good, Average, Fair, or Poor. The data was a result of a field survey conducted by Marvin Planning Consultants. There is a total of 19 structures located in the study area.

Based upon the data, the following is the breakdown for structures in the study area:

- 0 (0.0%) structures rated as excellent
- 0 (0.0%) structures rated as good
- 0 (0.0%) structures rated as average
- 19 (100.0%) structure rated as fair
- 0 (0.0%) structures rated as poor

The assumption, regarding conditions of structures, is any structure given an average condition or less constitutes less than desirable conditions due to age and conditions. It is common for older structures to require more maintenance and upkeep to maintain a good or higher condition. Even an average structure shows some sign of deteriorating which in turn can become a dilapidated structure in the future if it left alone.

Due to the stated conditions found in the field, the condition of the structure is a contributing factor.



Paving Conditions

The paving conditions, in the Study Area, were identified and rated on five categories; excellent, good, average, fair and poor.

Within the study area, there are approximately 15,210 lineal feet of streets. Typically, any dirt or gravel roadways are considered to be in a fair to poor condition since asphaltic concrete or concrete are common paving materials. After reviewing the conditions in the field, the following is how the sidewalk conditions breakdown within the study area:

- 0 (0.0%) lineal feet of excellent paving
- 0 (0.0%) lineal feet of good paving
- 0 (0.0%) lineal feet of average paving
- 4,451 (29.3%) lineal feet of fair paving
- 9,585 (63.0%) lineal feet of poor paving
- 1,174 (7.7%) lineal feet of worn out paving

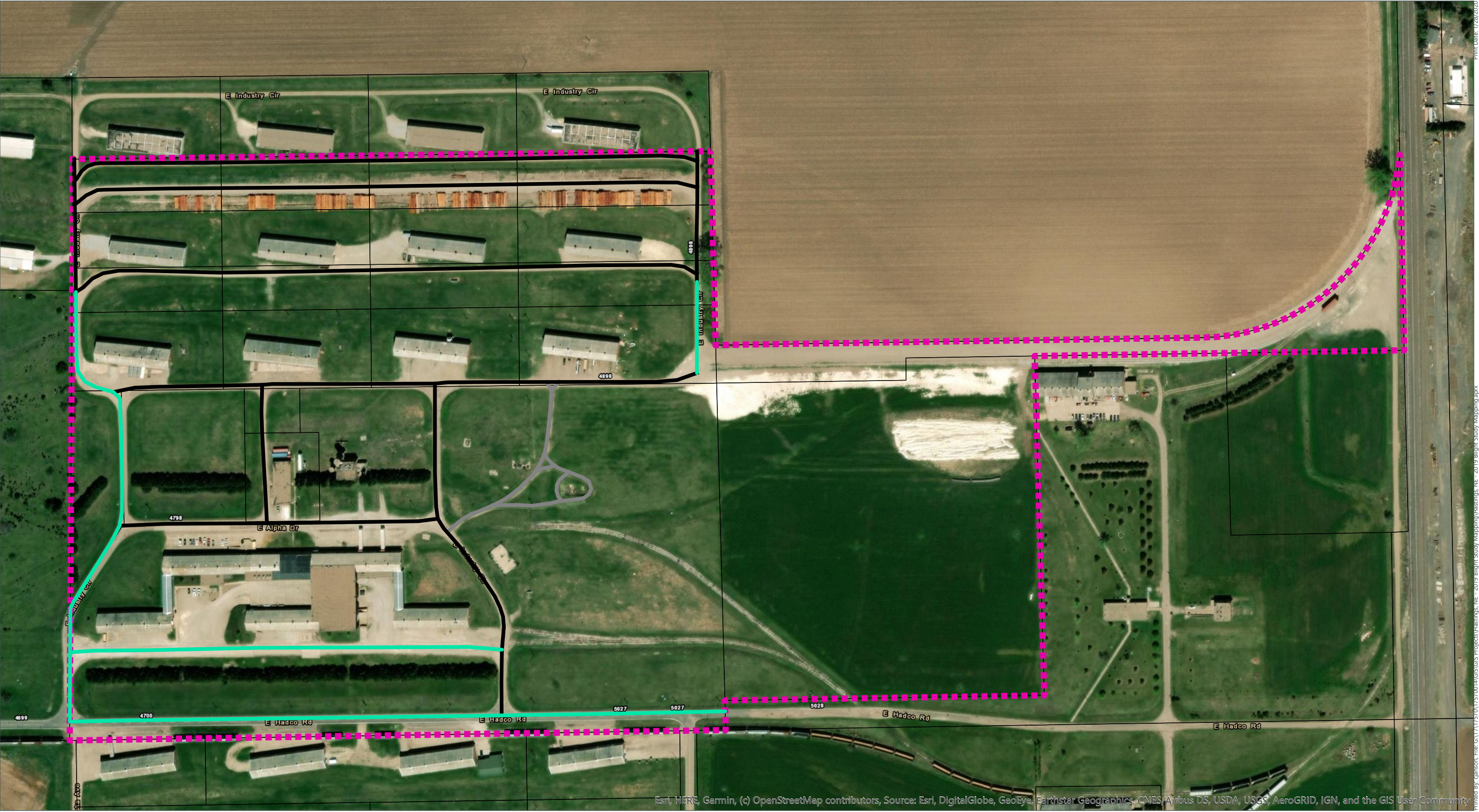
Due to the condition of the paving within the study area, the streets are a contributing factor.



Paving Condition Examples



Rail Condition Examples



Data Sources: Adams County,
City of Hastings and MPC



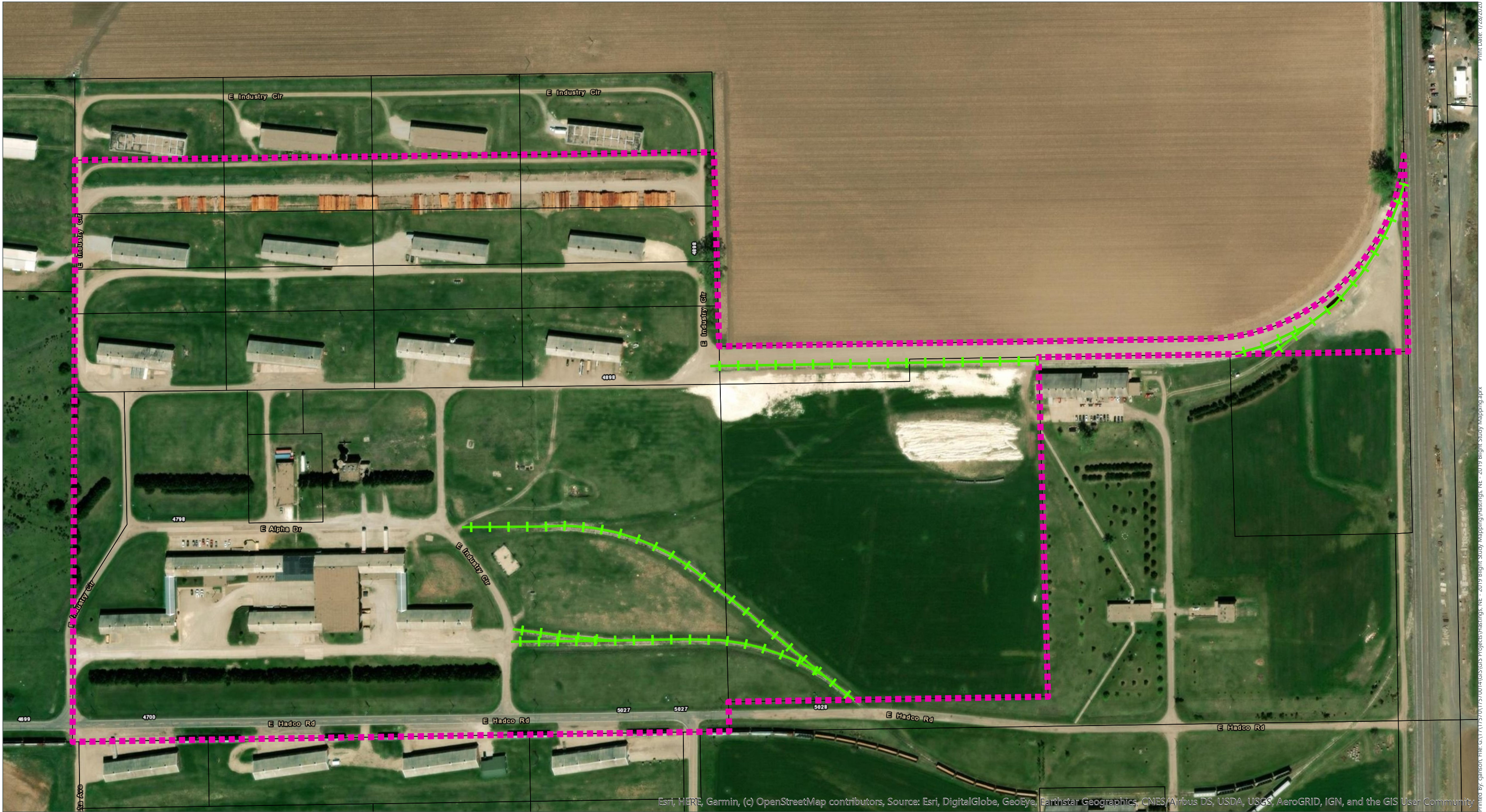
- | | |
|--|---|
| Excellent Condition Paving - 0 Linear Feet | Poor Condition Paving - 9,585 Linear Feet |
| Good Condition Paving - 0 Linear Feet | Worn Out Paving - 1,174 Linear Feet |
| Average Condition Paving - 0 Linear Feet | 2019 Blight Study Area |
| Fair Condition Paving - 4,451 Linear Feet | Parcels |

HASTINGS, NE - 2019 BLIGHT STUDY

PAVING CONDITIONS MAP
CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

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Data Sources: Adams County,
City of Hastings and MPC

+ Poor Condition Rail Lines - 4,036 Linear Feet

2019 Blight Study Area

Parcels

0 250 500 Feet

HASTINGS, NE - 2019 BLIGHT STUDY

RAIL LINE CONDITIONS MAP

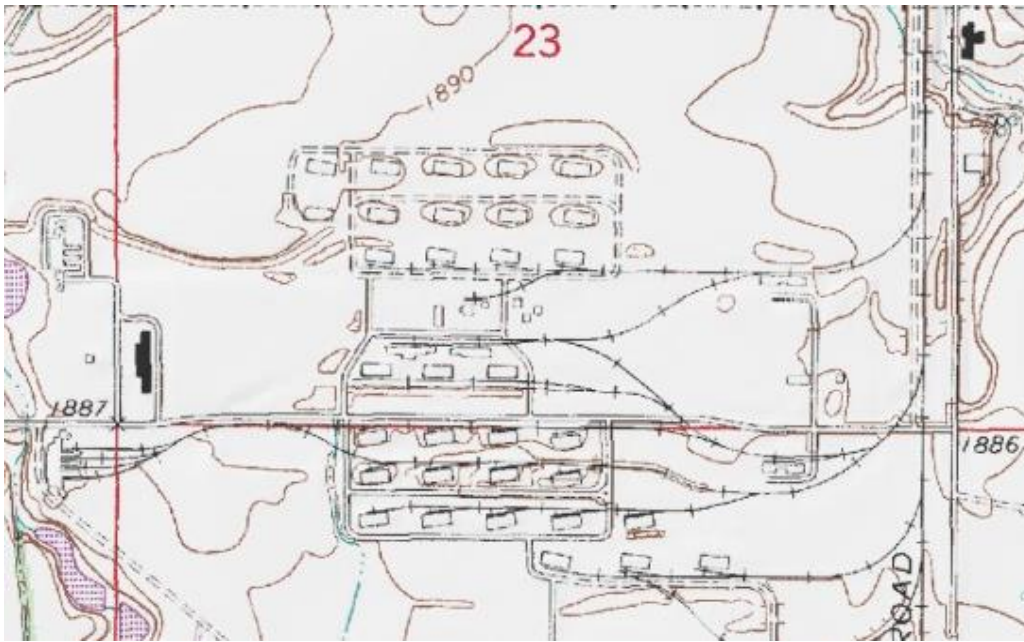
CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

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Figure 7
Drainage

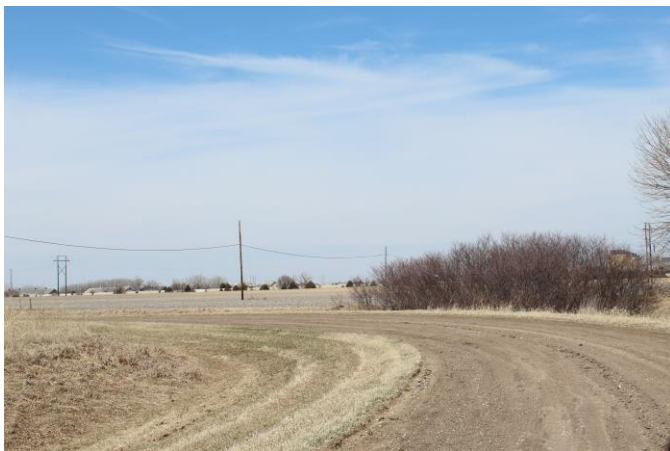


Source: Marvin Planning Consultants, MyTopo.com, 2019

Drainage Conditions

The Hastings and Adams County area is relatively flat with occasional changes in elevation. Most topographic changes found in the study area and the former NAD site were man-made to aid in some drainage. Topography and soils can have a major impact on how a given portion of the area drains. The area designated in this Study Area is nearly flat or has an extremely small slope.

Figure 6 shows an existing topographic map from MyTopo.com showing the study area. The maps confirm the flatness of the area. The contours are relatively flat along each set of the topographic areas. The contours range from a low of 1886 feet (off-site) to 1890 feet. The 1890 contour encompasses nearly all of the study area.



Example of the Existing Topography within the Study Area

In addition to the flatness of the study area, the entire study area is designed to drain using "rural section" ditches along all of the county roads and interior roads in the area. Also, a lot of these ditches have not recently been cleaned which will slow drainage and encourage ponding of water.

All of the conditions discussed above will create the potential for standing water within this study area. Standing water from poor drainage can be a catalyst for health issues like West Nile and other mosquito-borne diseases due to the potential mosquito breeding during the summer months.

Drainage is a contributing factor to the area being declared Blighted and Substandard.

Stormwater management

As previously discussed, the study area is surrounded by rural section roads which include drainage ditches. The ditches along with the lack of slope in the area create a negative impact on stormwater management for the area. This flatness is typically true throughout the entire Adams County area.

The stormwater management system is a contributing factor to the deterioration of site or other improvement within the area.

Rail

The study area also contains rail. The rail is likely leftover from the time period when the US Navy last used the facilities for ammunition-based operations. Based upon an on-site review and the review from Google Earth images the remaining rail is in poor condition.

Rail lines within this area will likely need to be upgraded if anything desiring rail access locates in the study area.

The condition of the rail is a contributing factor the area being declared as Blighted.

Dangerous conditions to life or property due to fire or other causes

The study area, as mentioned, sits within the old Hastings Naval Ammunition Depot. Due to the nature of business conducted on-site, munitions manufacturing, there have been and still are hazardous materials present. The soil contamination identified in a 1990 EPA Report have been remedied according to an EPA representative. However, groundwater contamination still is present in this area including the study area.

Based on a conversation with the Kansas City Regional (KCEPA) office of the EPA the groundwater contamination consists of, "trichloroethene (TCE), 1,1,1-trichloroethane (TCA), tetrachloroethene (PCE), 1,1-dichloroethene (DCE), TNT, and hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX). The most prevalent are TCE and RDX."

Also, according to the KCEPA, "The groundwater is being treated via a robust extraction and treatment system to drinking water standards, then discharged for beneficial reuse. An institutional control area and a system of land use control measures are in place to prevent property owners from installing wells in areas where they might access contaminated groundwater.

Finally, KCEPA stated "the U.S. Army Corps of Engineers, which is the lead agency at the former NAD, is also evaluating whether vapor intrusion (VI) related to TCE, TCA, PCE or DCE contamination in the groundwater is affecting any structures in the area. It is not thought that VI is an issue at the former NAD, but careful evaluation is warranted."

Therefore, based upon these conditions there are dangerous conditions to life or property due to fire or other causes and it a direct contributing factor to being Blighted.

Insanitary / Unsafe conditions

There are several factors tending to fall under this category. The study area was found to have several factors falling into insanitary and unsafe. The following are some of the more critical elements.

Drainage Conditions

The Hastings and Adams County area is relatively flat with occasional changes in elevation. Most topographic changes found in the study area and the former NAD site were man-made to aid in some drainage. Topography and soils can have a major impact on how a given portion of the area drains. The area designated in this Study Area is nearly flat or has an extremely small slope.

Figure 6 shows an existing topographic map from MyTopo.com showing the study area. The maps confirm the flatness of the area. The contours are relatively flat along each set of the topographic areas. The contours range from a low of 1886 feet (off-site) to 1890 feet. The 1890 contour encompasses nearly all of the study area.

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Therefore, based upon these conditions water contamination is considered to be an Insanitary and Unsafe Condition and it a direct contributing factor to being Blighted.

Diversity of Ownership

The diversity of Ownership implies there are multiple landowners in an area. When there are multiple landowners, then the process of development and redevelopment can be hindered due to a vast number of people and corporations needing a say in the process. In these situations, it "may" become necessary for the public sector to become involved through the use of incentives to guide the effort.

Within the Study Area, there are three different property owners. In order to coordinate future redevelopment activity, it may take some coordinating effort by the City or cooperating agencies.

Due to the Diversity of Ownership within the Study Area, this is a contributing factor to the area being declared Blighted and Substandard.

Part B of the Blight Definition

Age of Commercial Units

Age of commercial units is a contributing factor to the blighted and substandard conditions in an area. The statute allows for a predominance of commercial units 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the commercial units within the Study Area. Note the age of commercial units came from the Adams County Assessor's website data.

Within the study area, there are 19 commercial units in some form or another. The age of structure has been determined by researching the structural age on the Adams County Assessor's website.

All of the structures within the study area were constructed in 1943; except one which is listed as being constructed in 1900.

The following breakdown was determined:

- 19 (100.0%) units were determined to be 40 years of age or older
- 0 (0.0%) units were determined to be less than 40 years of age

Table 2:
Age of Units

	Number of Units	Construction date	Age of Units	Cummulative Age
	1	1900	119	119
	18	1943	76	1368
Total Cummulative	19			1487
Average Age				78.26315789

Source: Adams County Assessor

Also, Table 2, above, examined the commercial units within the study area and calculated a cumulative age and divided by the total number of commercial units to get a mean age. The mean age of all of the commercial units in the study area is 78.26 years, well above the 40-year requirement.

Stable or decreasing population based on the last two decennial censuses

The Study Area has had no population over the past two decennial censuses.

Criteria under Part A of the Blight Definition

These conditions are contributing to the blighted conditions of the study area.

- **Qualifies under the Former Defense Site statute**
 - The real property located outside the corporate limits of the city is a formerly used defense site;
 - The study area within the formerly used defense site is located within the same county as the city approving such redevelopment project;
 - Formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.
- **Substantial number of deteriorating structures**
 - Within the study area 100.0% of the structures were deemed to be in either fair or poor condition.
- **Deterioration of site or other improvements**
 - 100.0% of the roads within the study area are in fair, poor, or worn out condition
 - 100.0% of the existing rail within the study area is deemed to be in poor condition
 - 100.0% of the area is rural section (drainage ditches and no curb and gutter)
 - The study area is relatively flat and has poor drainage conditions
 - Due to the flatness of the study area, the area has poor stormwater management
 - Several properties in the study area have deteriorating parking lots, and/or deteriorating driveways.
- **Dangerous conditions to life or property due to fire or other causes**
 - The presence of trichloroethene (TCE), 1,1,1-trichloroethane (TCA), tetrachloroethene (PCE), 1,1-dichloroethene (DCE), TNT, and hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX). The most prevalent are TCE and RDX.
- **Insanitary / Unsafe conditions**
 - Poor drainage is an issue due to the flatness of the area
 - Due to the flatness of the grade, stormwater management is also an issue
 - Both poor drainage and stormwater management contribute to the possibility of standing water and the possibility of mosquito breeding grounds (which can transmit West Nile Virus)
 - The presence of trichloroethene (TCE), 1,1,1-trichloroethane (TCA), tetrachloroethene (PCE), 1,1-dichloroethene (DCE), TNT, and hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX). The most prevalent are TCE and RDX.
- **Diversity of Ownership**
 - There are three distinct property owners within the study area.

Criteria under Part B of the Blight Definition

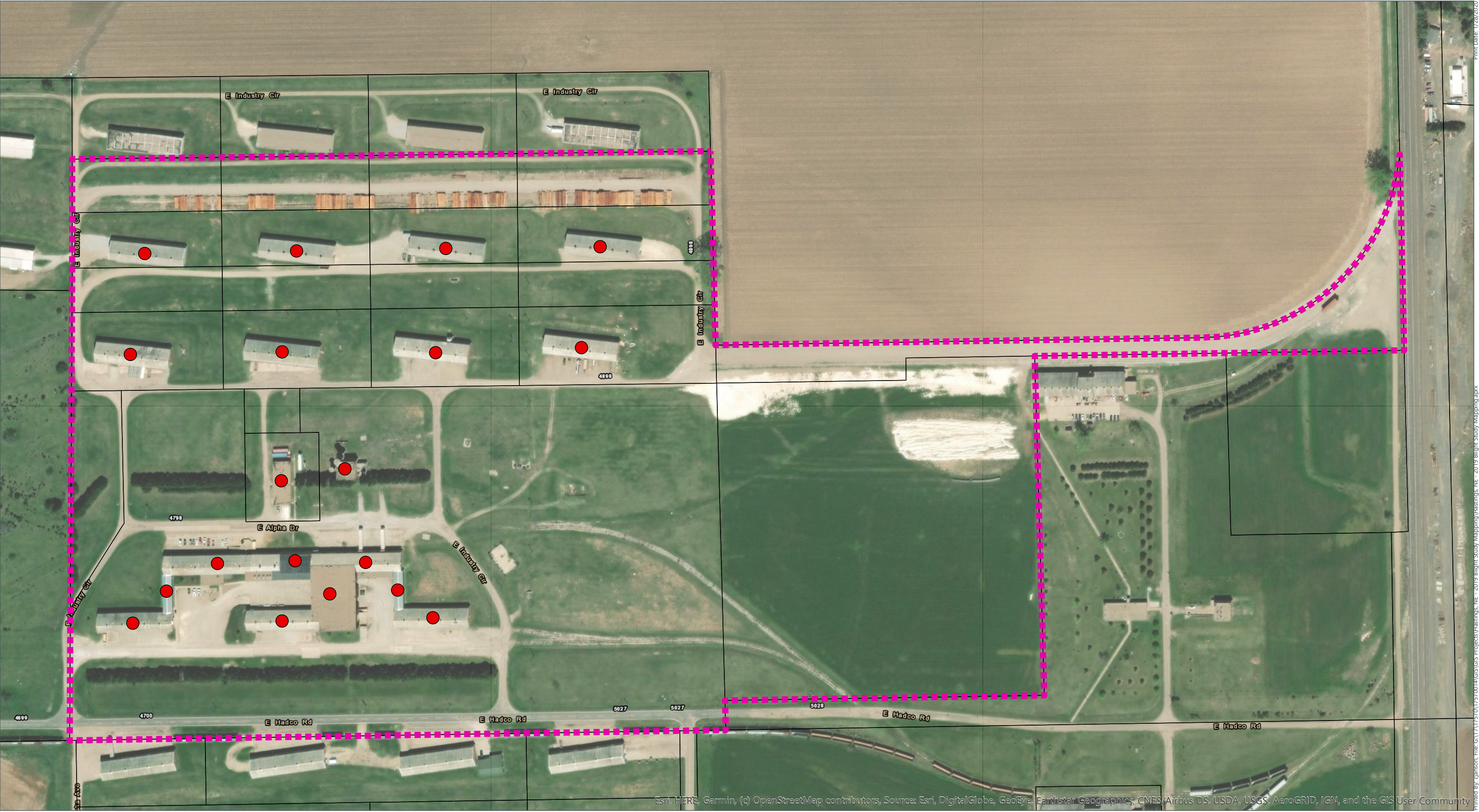
- **The average age of commercial units in the area is at least forty years**
 - 19 (100.0%) buildings or improvements were determined to be 40 years of age or older
 - The average age based upon a cumulative age calculation is 78.26 years.
- **Stable or decreasing population based on the last two decennial censuses**
 - The Study Area has had no population over the past two decennial censuses.

The other criteria for Blight were not present in the area

- Improper Platting or Obsolete Platting
- Combination of factors which are impairing and/or arresting sound growth
- Defective/Inadequate street layouts,
- Faulty lot layout,
- Defective or unusual condition of title,
- Economic or social liability detrimental to health, safety and welfare,

- Conditions provision of housing accommodations,
- One-half of unimproved property is over 40 years old,
- Inadequate provisions for ventilation, light, air, open spaces or sanitation

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.



MSA

Data Sources: Adams County, City of Hastings
and MPC

- 40+Years Old - 19 Structures
- Less than 40 Years Old - 0 Structures
- 2019 Blight Study Area
- Parcels



HASTINGS, NE - 2019 BLIGHT STUDY

STRUCTURE AGE MAP
CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Print Date: 1/28/2020
Printed By: garson, file: G:\1750\17500\GIS\Projects\Hastings, NE - 2019 Blight Study\Map\Hastings, NE - 2019 Blight Study Map.aprx

Substandard Conditions

Average age of the residential or commercial units in the area is at least forty years

Average age of residential and commercial units can be a contributing factor to the substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the average age of residential and commercial units within the Study Area. Note the age of structure was determined from the Adams County Assessor's website data. Table 3 indicates the cumulative approach to average age. Based upon Table 3, there are three primary structures which have a cumulative age of 1,411 years, or an average of 78.39 years.

Within the study area, there are 19 commercial units in some form or another. The age of structure has been determined by researching the structural age on the Adams County Assessor's website.

All of the structures within the study area were constructed in 1943; except one which is listed as being constructed in 1900.

The following breakdown was determined:

- 19 (100.0%) units were determined to be 40 years of age or older
- 0 (0.0%) units were determined to be less than 40 years of age

Table 3:
Age of Units

	Number of Units	Construction date	Age of Units	Cummulative Age
	1	1900	119	119
	18	1943	76	1368
Total Cummulative	19			1487
Average Age				78.26315789

Source: Adams County Assessor

Also, Table 3, above, examined the commercial units within the study area and calculated a cumulative age and divided by the total number of commercial units to get a mean age. The mean age of all of the commercial units in the study area is 78.26 years, well above the 40-year requirement.

Substandard Summary

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

This Study Area in Hastings meets the definition with the average age of the residential and commercial units being more than 40 years of age. In addition, the area meets the criteria for the existence of conditions which endanger life or property by fire and other causes.

FINDINGS FOR HASTINGS NAD BLIGHT STUDY AREA #1

Hastings NAD Blight Study Area #1 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions

Criteria under Part A of the Blight Definition

- Qualifies under the Former Defense Site statute
- Substantial number of deteriorating structures

- Deterioration of site or other improvements
- Dangerous conditions to life or property due to fire or other causes
- Insanitary / Unsafe conditions
- Diversity of Ownership

Criteria under Part B of the Blight Definition

- The average age of the residential or commercial units in the area is at least forty years
- Stable or decreasing population based on the last two decennial censuses

Substandard Conditions

- Average age of the structures in the area is at least forty years.

IN THE DISTRICT COURT OF ADAMS COUNTY, NEBRASKA

IN THE MATTER OF SANITARY AND
IMPROVEMENT DISTRICT NO. 4
OF ADAMS COUNTY, NEBRASKA

FILED
2020 JUN 16 A 10:37
ADAMS COUNTY
CLERK OF DIST. COURT
Case No. CI 20- 45
DECREE

THIS MATTER coming on for hearing upon the duly executed Petition of the owners of all of the land included within said Sanitary and Improvement District No. 4 of Adams County, Nebraska, as more particularly described on Exhibit "A" attached hereto and by this reference made a part of this Decree, and upon the Articles of Association of said District duly executed by the owners of all of the land included within said District, and upon the evidence:

THE COURT FINDS:

1. That the owners of all of the real estate included within said District have executed and filed herein Articles of Association and the Petition with this Court as required by Sections 31-727 to 31-793 R.R.S., 2012, as amended;
2. That there are no owners of real estate within said District who are unknown or who are non-residents or who have failed to execute, and file said Articles of Association and Petition, and therefore issuance of summons or process should be dispensed with;
3. That the formation of such District will be conducive to public health, convenience and welfare of present and future owners of all of said real estate included within said District;
4. That none of said real estate is located within any municipal corporation; and
5. That the six Trustees nominated in said Articles of Association are suitable persons, are persons designated to serve as representatives of the District and should be declared to be the Board of Trustees of said District to serve until their successors are duly elected and qualified.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Sanitary and Improvement District No. 4 of Adams County, Nebraska has been duly organized according to law and is hereby declared to be a public corporation of the State of Nebraska under Sections 31-727 to 31-793, 2012, as amended, that



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the real estate included in said District is as described herein and on Exhibit "A" attached hereto;

2. That the six Trustees nominated in the Articles of Association of said District are hereby ordered to be the Board of Trustees of said District to serve until their successors are duly elected and qualified; and
3. That within twenty (20) days hereafter the Clerk of this Court shall transmit to the Secretary of State of Nebraska a certified copy of the record of these proceedings for filing herein as provided by law, and a certified copy of the record of those proceedings together with a plat of the real estate included in said District shall also be filed in the office of the County Clerk wherein said land is located.

Entered and Decreed this 16th day of June 2020.



District Court Judge

PREPARED AND SUBMITTED BY:
Matthew D. Baack, #23868
Pierce D. Fiala, #26692
Skalka & Baack Law Firm, LLC
200 N Burlington, Suite 100
PO Box 907
Hastings, Nebraska 68902-0907
p (402) 834-3300
f (402) 834-0806
mattb@centralnebraskalaw.com
Attorneys for Petitioners

EXHIBIT A

Lot 10, Golden Triangle Subdivision, Adams County, Nebraska.

Lot 2, Beeson Second Subdivision, Adams County, Nebraska.

Lot 13, Golden Triangle Subdivision, Adams County, Nebraska.

All of Golden Triangle Subdivision, Adams County, Nebraska, EXCEPT Lots 10 and 13, Golden Triangle Subdivision; and

All of Golden Triangle 2nd Subdivision, Adams County, Nebraska; and

A parcel of land located in the Southeast Quarter (SE ¼) of Section Twenty-Three (23), Township Seven (7) North, Range Nine (9) West of the 6th P.M., Adams County, Nebraska, more particularly described as follows: commencing at the Southwest corner of the SE ¼ of said Section 23; thence S89°44'10"E on the South line of said SE ¼ a distance of 512.98 feet; thence N00°07'34"E, a distance of 80.00 feet to the North line of an existing public access easement and the Point of Beginning; thence continuing N00°07'34"E, a distance of 840.95 feet to the Southwest Corner of Golden Triangle 2nd Subdivision; thence N89°45'30"E on the South line of said subdivision, a distance of 512.11 feet to a point on said south line; thence N00°14'35"E on said South line, a distance of 59.43 feet to a point on said South line; thence S89°34'04"E on said South line, a distance of 378.89 feet; thence S00°14'54"W, a distance 903.73 feet to the North line of an existing public access easement; thence N89°45'06"W on said North line a distance of 889.18 feet to the Point of Beginning, containing 17.76 acres; and

Lot 1, Beeson Second Subdivision, Adams County, Nebraska; and

A tract of land located in the Southwest Quarter and the Southeast Quarter of Section 23, Township Seven North, Range Nine West of the 6th Principal Meridian. Adams County, Nebraska, said tract being more particularly described as follows: BEGINNING at the South 1/4 Corner of Section 23, T7N—R9W of the 6th P.M., Adams County, Nebraska; running thence South

89°53'07" West (assumed bearings) and along the South Line of the said SW 1/4 of Sec. 23; a distance of 1193.00 feet to a 1/2" Iron pipe (found); running thence North 00°03'24" West a distance of 320.53' to a 1/2" rebar, said rebar being the Southwest Corner, of GOLDEN TRIANGLE SUBDIVISION to the County of Adams, Nebraska, as platted and recorded; running thence North 32°26'24" East a distance of 306.09 feet; running thence North 02°19'39" East a distance of 349.91 feet to a point located on the southerly line of said GOLDEN TRIANGLE SUBDIVISION; running thence North 89°55'33" East and along the said southerly line of GOLDEN TRIANGLE SUBDIVISION a distance of 1527.35 feet to the Southeast Corner of said GOLDEN TRIANGLE SUBDIVISION; running thence South 00°06'41" East a distance of 927.44 feet, more or less, to a point located on the South line of the SE 1/4 of said Section 23; running thence South 89°57'30" West and along the South line of the said SE 1/4 of said Sec. 23 a distance of 514.24 feet, more or less, to the ACTUAL POINT OF BEGINNING, said tract containing a calculated area of 34.4762 Acres, more, or less, of which the Southerly 80.00 feet of said tract is presently being occupied by a Public Road Right-of-Way, and said tract also being subject to all tenements, hereditaments, appurtenances, easements, exceptions, reservations and encumbrances set forth in the following Deed Records in the Office of the Adams County Registrar of Deeds: Deed Record 181, Page 1 through 10, inclusive. Deed Record 181, Pages 247 through 250 inclusive, Deed Record 181, Pages 181 through 283 inclusive, Deed Record 317, Page 950, Instrument No. 821869, Instrument No. 821870, Instrument No. 964131, and any other easements, exceptions, tenements, hereditaments, appurtenances, reservations and encumbrances of record that may be filed in the Registrar of Deeds Office in the Adams County Courthouse in Hastings, Nebraska.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on June 16, 2020 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Matthew D Baack
mattb@centralnebraskalaw.com



Date: June 16, 2020

BY THE COURT:

Amanda Bauer
CLERK

IN THE DISTRICT COURT OF ADAMS COUNTY, NEBRASKA

IN THE MATTER OF SANITARY AND
IMPROVEMENT DISTRICT NO. 4
OF ADAMS COUNTY, NEBRASKA

FILED

Case No. CI 20- 45

2020 FEB - 7) A 10:22
ADAMS COUNTY
CLERK OF DIST. COURT
PETITION FOR DECLARATION OF
FORMATION OF SANITARY AND
IMPROVEMENT DISTRICT

COME NOWS the undersigned Petitioner and alleges as follows:

I

The boundaries of the proposed Sanitary and Improvement District No. 4 of Adams County, Nebraska, hereinafter referred to as the "District", are as described on Exhibit "A" attached hereto and made a part hereof by reference. Exhibit "B" attached hereto and made a part hereof by reference, sets forth the names and places of residence of all of the owners of the land in the proposed District as required by NEB. REV. STAT. §31-727 (Reissue 2008), and sets forth opposite each landowner's name his, her, or their respective tract(s) of land, who are the persons who may organize the District.

II

The undersigned are each owners of real estate included in the District, have signed the Articles of Association of the District and are named as Trustees in said Articles.

III

Exhibit "B" attached hereto and made a part hereof by reference, sets forth the names of all of the landowners in the District, their addresses, and description of their respective tract or tracts of land which are included in the District. All landowners in the District have signed the Articles of Association of the District.

IV

The undersigned Petitioners have heretofore filed with the Clerk of the District Court of said county duly executed Articles of Association forming the Sanitary and Improvement District described in the caption hereof, which District embraces the real estate described in Exhibit "A".

V

As set forth in the Articles of Association, the purposes of the District shall be acquiring and maintaining a sanitary sewer system, acquiring, improving, and operating public parks, playgrounds, and recreational facilities. The District may also enter into agreements with other public agencies in order to accomplish the purposes of, and pursuant to, the provisions of the Nebraska Interlocal Cooperation Act, NEB. REV. STAT. §13-801 to 13-827.



mb
2/7/20

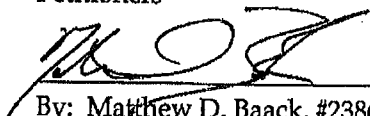
VI

Your Petitioners allege that all the provisions of NEB. REV. STAT., §31-727 to 31-780 (Reissue 2008), as amended, have been fully complied with, and that said District should be found and decreed to be a Sanitary and Improvement District under said Sections of the Revised Statutes of Nebraska.

WHEREFORE, your Petitioners pray:

- 1) That the Court find that a majority of the owners of the real estate described above and embraced within said District have duly executed Articles of Association forming such District and have caused this Petition to be duly executed.
- 2) That the Court find and decree that Sanitary and Improvement District No. 4 of Adams County, Nebraska has been duly organized and constitutes a Sanitary and Improvement District under NEB. REV. STAT. §31-727 to 31-780 (Reissue 2008), as amended, and is entitled, therefore, to all rights, powers and privileges granted by law to such districts, and that, the persons nominated as Trustees in Article Tenth of the Articles of Association be declared to be the Board of Trustees of said District.

Golden Triangle, Inc., a Nebraska Corporation; CIMCO, Inc., a Nebraska Corporation; Buy Rite Finishing, Inc., a Nebraska Corporation; Kenneth C. Fraiser, Petitioners



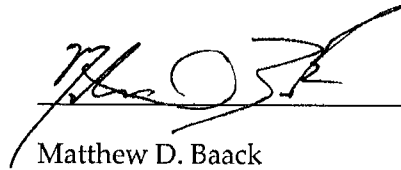
By: Matthew D. Baack, #23868
Pierce D. Fiala, #26692
Skalka & Baack Law Firm, LLC
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PO Box 907
Hastings, Nebraska 68902-0907
p (402) 834-3300
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mattb@centralnebraskalaw.com
Attorneys for Petitioners

STATE OF NEBRASKA)

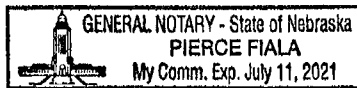
:ss

COUNTY OF ADAMS)

On this 5th day of February 2020, MATTHEW D. BAACK, being duly sworn, deposes and says that he is one of the duly authorized attorneys for the foregoing Petitioners; that he has read the foregoing Petition, knows the contents thereof, and that the facts stated therein are true as he verily believes.


Matthew D. Baack

SUBSCRIBED and SWORN in my presence and sworn to before me on the date last-above written.



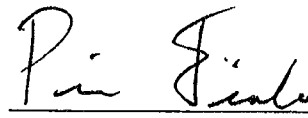

Notary Public

EXHIBIT A

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Lot 2, Beeson Second Subdivision, Adams County, Nebraska.

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Lot 1, Beeson Second Subdivision, Adams County, Nebraska; and

A tract of land located in the Southwest Quarter and the Southeast Quarter of Section 23, Township Seven North, Range Nine West of the 6th Principal Meridian. Adams County, Nebraska, said tract being more particularly described as follows: BEGINNING at the South 1/4 Corner of Section 23. T7N—R9W of the 6th P.M., Adams County, Nebraska; running thence South

89°53'07" West (assumed bearings) and along the South Line of the said SW 1/4 of Sec. 23; a distance of 1193.00 feet to a 1/2" Iron pipe (found); running thence North 00°03'24" West a distance of 320.53' to a 1/2" rebar, said rebar being the Southwest Corner, of GOLDEN TRIANGLE SUBDIVISION to the County of Adams, Nebraska, as platted and recorded; running thence North 32°26'24" East a distance of 306.09 feet; running thence North 02°19'39" East a distance of 349.91 feet to a point located on the southerly line of said GOLDEN TRIANGLE SUBDIVISION; running thence North 89°55'33" East and along the said southerly line of GOLDEN TRIANGLE SUBDIVISION a distance of 1527.35 feet to the Southeast Corner of said GOLDEN TRIANGLE SUBDIVISION; running thence South 00°06'41" East a distance of 927.44 feet, more or less, to a point located on the South line of the SE 1/4 of said Section 23; running thence South 89°57'30" West and along the South line of the said SE 1/4 of said Sec. 23 a distance of 514.24 feet, more or less, to the ACTUAL POINT OF BEGINNING, said tract containing a calculated area of 34.4762 Acres, more, or less, of which the Southerly 80.00 feet of said tract is presently being occupied by a Public Road Right—of—Way, and said tract also being subject to all tenements, hereditaments, appurtenances, easements, exceptions, reservations and encumbrances set forth in the following Deed Records in the Office of the Adams County Registrar of Deeds: Deed Record 181, Page 1 through 10, inclusive. Deed Record 181, Pages 247 through 250 inclusive, Deed Record 181, Pages 181 through 283 inclusive, Deed Record 317, Page 950, Instrument No. 821869, Instrument No. 821870, Instrument No. 964131, and any other easements, exceptions, tenements, hereditaments, appurtenances, reservations and encumbrances of record that may be filed in the Registrar of Deeds Office in the Adams County Courthouse in Hastings, Nebraska.

EXHIBIT B

Charles Rosenberg, President

CIMCO, Inc.

200 S Burlington Avenue

Hastings, Nebraska 68901

Description of Real Estate Owned by Subscriber: Lot 10, Golden Triangle Subdivision, Adams County, Nebraska

Eric J. Beeson, President

Buy Rite Finishing, Inc.

4855 Alpha Drive

Hastings, Nebraska 68901

Description of Real Estate Owned by Subscriber: Lot 2, Beeson Second Subdivision, Adams County, Nebraska

Kenneth C. Fraiser and Barbara J. Fraiser

48 Winnepeg Rd.

Kearney, Nebraska 68847

Description of Real Estate Owned by Subscriber: Lot 13, Golden Triangle Subdivision, Adams County, Nebraska

Douglas Soucie, President

Golden Triangle, Inc.

Golden R, LLC

110 South Hastings

Hastings, Nebraska 68901

Description of Real Estate Owned by Subscriber: All of Golden Triangle Subdivision, Adams County, Nebraska, EXCEPT Lots 10 and 13, Golden Triangle Subdivision; and

All of Golden Triangle 2nd Subdivision, Adams County, Nebraska; and

A parcel of land located in the Southeast Quarter (SE ¼) of Section Twenty-Three (23), Township Seven (7) North, Range Nine (9) West of the 6th P.M., Adams County, Nebraska, more particularly described as follows: commencing at the Southwest corner of the SE ¼ of said Section 23; thence S89°44'10"E on the South line of said SE ¼ a distance of 512.98 feet; thence N00°07'34"E, a distance of 80.00 feet to the North line of an existing public access easement and the Point of Beginning; thence continuing N00°07'34"E, a distance of 840.95 feet to the Southwest Corner of Golden Triangle 2nd Subdivision; thence N89°45'30"E on the South line of said subdivision, a distance of 512.11 feet to a point on said south line; thence N00°14'35"E on said South line, a distance of 59.43 feet to a point on said South line; thence S89°34'04"E on said South line, a distance of 378.89 feet; thence S00°14'54"W, a distance 903.73 feet to the North line of an existing public access easement; thence N89°45'06"W on said North line a distance of 889.18 feet to the Point of Beginning, containing 17.76 acres; and

Lot 1, Beeson Second Subdivision, Adams County, Nebraska; and

A tract of land located in the Southwest Quarter and the Southeast Quarter of Section 23, Township Seven North, Range Nine West of the 6th Principal Meridian. Adams County, Nebraska, said tract being more particularly described as follows: BEGINNING at the South 1/4 Corner of Section 23. T7N—R9W of the 6th P.M., Adams County, Nebraska; running thence South 89°53'07" West (assumed bearings) and along the South Line of the said SW 1/4 of Sec. 23; a distance of 1193.00 feet to a 1/2" Iron pipe (found); running thence North 00°03'24" West a distance of 320.53' to a 1/2" rebar, said rebar being the Southwest Corner, of GOLDEN TRIANGLE SUBDIVISION to the County of Adams, Nebraska, as platted and recorded; running thence North 32°26'24" East a distance of 306.09 feet; running thence North 02°19'39" East a distance of 349.91 feet to a point located on the southerly line of said GOLDEN TRIANGLE SUBDIVISION; running thence North 89°55'33" East and along the said southerly line of GOLDEN TRIANGLE SUBDIVISION a distance of 1527.35 feet to the Southeast Corner of said GOLDEN TRIANGLE SUBDIVISION; running thence South 00°06'41" East a distance of 927.44 feet, more or less, to a point located on the South line of the SE 1/4 of said Section 23; running thence South 89°57'30" West and along the South line of the said SE 1/4 of said Sec. 23 a distance of 514.24 feet, more or less, to the ACTUAL POINT OF BEGINNING, said tract containing a calculated area of 34.4762 Acres, more, or less, of which the Southerly 80.00 feet of said tract is presently being occupied by a Public Road Right—of—Way, and said tract also being subject to all tenements, hereditaments, appurtenances, easements, exceptions, reservations and encumbrances set forth in the following Deed Records in the Office of the Adams County Registrar of Deeds: Deed Record 181, Page 1 through 10, inclusive. Deed Record 181, Pages 247 through 250 inclusive, Deed Record 181, Pages 181 through 283 inclusive, Deed Record 317, Page 950, Instrument No. 821869, Instrument No. 821870, Instrument No. 964131, and any other easements, exceptions, tenements, hereditaments, appurtenances, reservations and encumbrances of record that may be filed in the Registrar of Deeds Office in the Adams County Courthouse in Hastings, Nebraska.

**ARTICLES OF ASSOCIATION OF
SANITARY AND IMPROVEMENT DISTRICT NO. 4
ADAMS COUNTY, NEBRASKA**

We, the undersigned, do hereby associate ourselves together for the purpose of forming a Sanitary and Improvement District under the provisions of NEB. REV. STAT. §31-727 to 31-780, as amended, and do hereby adopt the following Articles of Association:

ARTICLE FIRST

The name of this District shall be Sanitary and Improvement District No. 4 of Adams County, Nebraska.

ARTICLE SECOND

This District shall have perpetual existence.

ARTICLE THIRD

The limits of this District and the area embraced therein shall be as follows:

See Exhibit A attached hereto, and by this reference incorporated herein, for a legal description of the land area included within this District.

ARTICLE FOURTH

The undersigned subscribers constitute a majority of the owners having an interest in the real property within said proposed District and each of the undersigned has set out immediately opposite their respective names their several places of residence.

ARTICLE FIFTH

The description of the several tracts of land situated in the District owned by the undersigned subscribers are hereafter set out opposite the name of each of the undersigned.

ARTICLE SIXTH

The owners of property within the District who have not joined in the execution of these Articles of Association and who will be benefitted thereby are named, and the description of the real estate owned by such owners are set out immediately opposite their respective names, in **Exhibit B** attached hereto, and by this reference incorporated herein.

ARTICLE SEVENTH

The purposes of the District shall be as set forth in the Articles of Association, the purposes of the District shall be acquiring and maintaining a sanitary sewer system and acquiring, improving, and operating public parks, playgrounds, and recreational facilities. The District may also enter into agreements with other public agencies in order to accomplish the purposes of, and pursuant to, the provisions of the Nebraska Interlocal Cooperation Act, NEB. REV. STAT. §13-801 to 13-287.

ARTICLE EIGHTH

The undersigned subscribers and owners of real estate so forming this District for such purposes, are willing and obligate themselves to pay the tax or taxes which may be levied against all the property in the District and special assessments against the real property benefitted which may be assessed against them, to pay the expenses that may be necessary to accomplish the purposes set forth in Article Seventh above.

ARTICLE NINTH

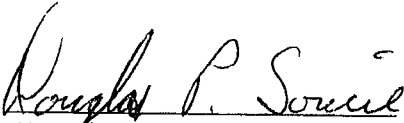
The powers of this District shall be all the powers granted by NEB. REV. STAT. §31-727 to 31-780, as amended, and all powers granted to corporations by the laws of the State of Nebraska and all amendments thereto.

ARTICLE TENTH

The following named persons are proposed as Trustees to serve as the Board of Trustees of the District until their successors are elected and qualified:

Michael A. Walenz
Alan Anderson
Eric Beeson

Douglas Soucie
Charles Rosenberg
Kenneth Fraiser



Douglas Soucie, President
Golden Triangle, Inc.
Golden R, LLC
110 South Hastings
Hastings, Nebraska 68901

1-27-2020
Date

Description of Real Estate Owned by Subscriber: All of Golden Triangle Subdivision, Adams County, Nebraska, EXCEPT Lots 10 and 13, Golden Triangle Subdivision; and

All of Golden Triangle 2nd Subdivision, Adams County, Nebraska; and

A parcel of land located in the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-Three (23), Township Seven (7) North, Range Nine (9) West of the 6th P.M., Adams County, Nebraska, more particularly described as follows: commencing at the Southwest corner of the SE $\frac{1}{4}$ of said Section 23; thence S89°44'10"E on the South line of said SE $\frac{1}{4}$ a distance of 512.98 feet; thence N00°07'34"E, a distance of 80.00 feet to the North line of an existing public access easement and the Point of Beginning; thence continuing N00°07'34"E, a distance of 840.95 feet to the Southwest Corner of Golden Triangle 2nd Subdivision; thence N89°45'30"E on the South line of said subdivision, a distance of 512.11 feet to a point on said south line; thence N00°14'35"E on said South line, a distance of 59.43 feet to a point on said South line; thence S89°34'04"E on said South line, a distance of 378.89 feet; thence S00°14'54"W, a distance 903.73 feet to the North line of an existing public access easement; thence N89°45'06"W on said North line a distance of 889.18 feet to the Point of Beginning, containing 17.76 acres; and

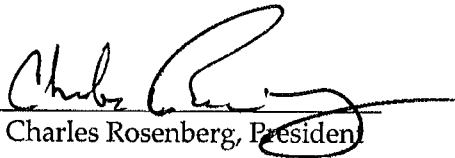
Lot 1, Beeson Second Subdivision, Adams County, Nebraska; and

A tract of land located in the Southwest Quarter and the Southeast Quarter of Section 23, Township Seven North, Range Nine West of the 6th Principal Meridian. Adams County, Nebraska, said tract being more particularly described as follows: BEGINNING at the South $\frac{1}{4}$ Corner of Section 23. T7N—R9W of the 6th P.M., Adams County, Nebraska; running thence South 89°53'07" West (assumed bearings) and along the South Line of the said SW $\frac{1}{4}$ of Sec. 23; a distance of 1193.00 feet to a $\frac{1}{2}$ " Iron pipe (found); running thence North 00°03'24" West a distance of 320.53' to a $\frac{1}{2}$ " rebar, said rebar being the Southwest Corner, of GOLDEN TRIANGLE SUBDIVISION to the County of Adams, Nebraska, as platted and recorded; running thence North 32°26'24" East a distance of 306.09 feet; running thence North 02°19'39" East a distance of 349.91 feet to a point located on the southerly line of said GOLDEN TRIANGLE SUBDIVISION; running thence North 89°55'33" East and along the said southerly line of GOLDEN TRIANGLE SUBDIVISION a distance of 1527.35 feet to the Southeast Corner of said GOLDEN TRIANGLE SUBDIVISION; running thence South 00°06'41" East a distance of 927.44 feet, more or less, to a point located on the South line of the SE $\frac{1}{4}$ of said Section 23;

running thence South $89^{\circ}57'30''$ West and along the South line of the said SE 1/4 of said Sec. 23 a. distance of 514.24 feet, more or less, to the ACTUAL POINT OF BEGINNING, said tract containing a calculated area of 34.4762 Acres, more, or less, of which the Southerly 80.00 feet of said tract is presently being occupied by a Public Road Right—of—Way, and said tract also being subject to all tenements, hereditaments, appurtenances, easements, exceptions, reservations and encumbrances set forth in the following Deed Records in the Office of the Adams County Registrar of Deeds: Deed Record 181, Page 1 through 10, inclusive. Deed Record 181, Pages 247 through 250 inclusive, Deed Record 181, Pages 181 through 283 inclusive, Deed Record 317, Page 950, Instrument No. 821869, Instrument No. 821870, Instrument No. 964131, and any other easements, exceptions, tenements, hereditaments, appurtenances, reservations and encumbrances of record that may be filed in the Registrar of Deeds Office in the Adams County Courthouse in Hastings, Nebraska.

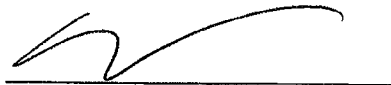
All of the foregoing Trustees are owners of real estate located in said District.

IN WITNESS WHEREOF, the undersigned all being owners of real estate embraced within said District, have executed these Articles of Association on the date set out immediately opposite their respective names.


Charles Rosenberg, President
CIMCO, Inc.
200 S Burlington Avenue
Hastings, Nebraska 68901

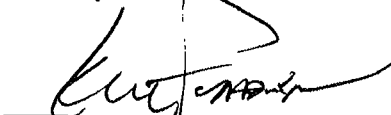
11/24/20
Date

Description of Real Estate Owned by Subscriber: Lot 10, Golden Triangle Subdivision, Adams County, Nebraska.


Eric J. Beeson, President
Buy Rite Finishing, Inc.
4855 Alpha Drive
Hastings, Nebraska 68901

1-24-20
Date

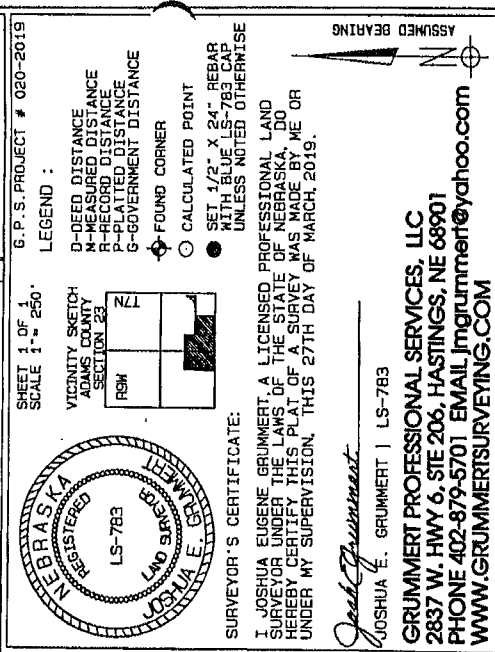
Description of Real Estate Owned by Subscriber: Lot 2, Beeson Second Subdivision, Adams County, Nebraska.

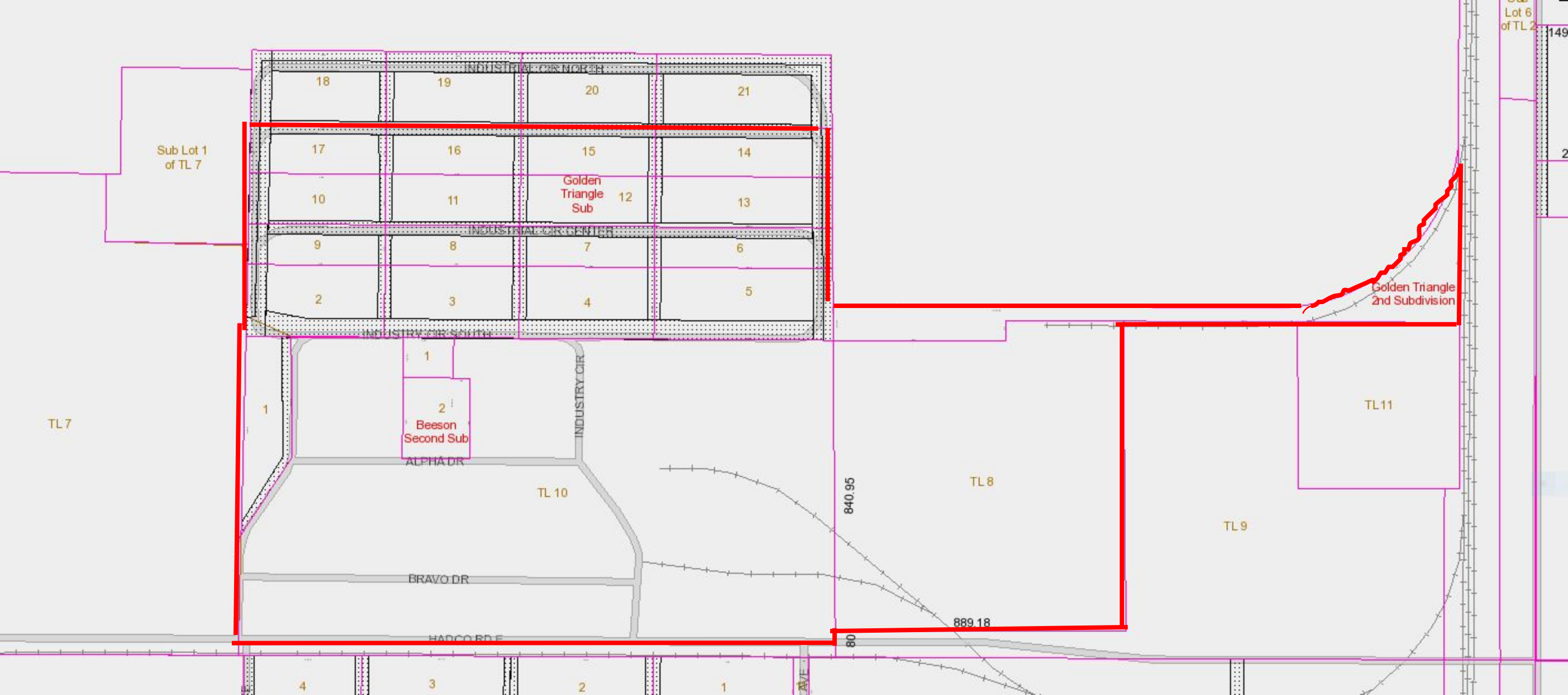

Kenneth C. Fraiser
48 Winnepeg Rd.
Kearney, Nebraska 68847

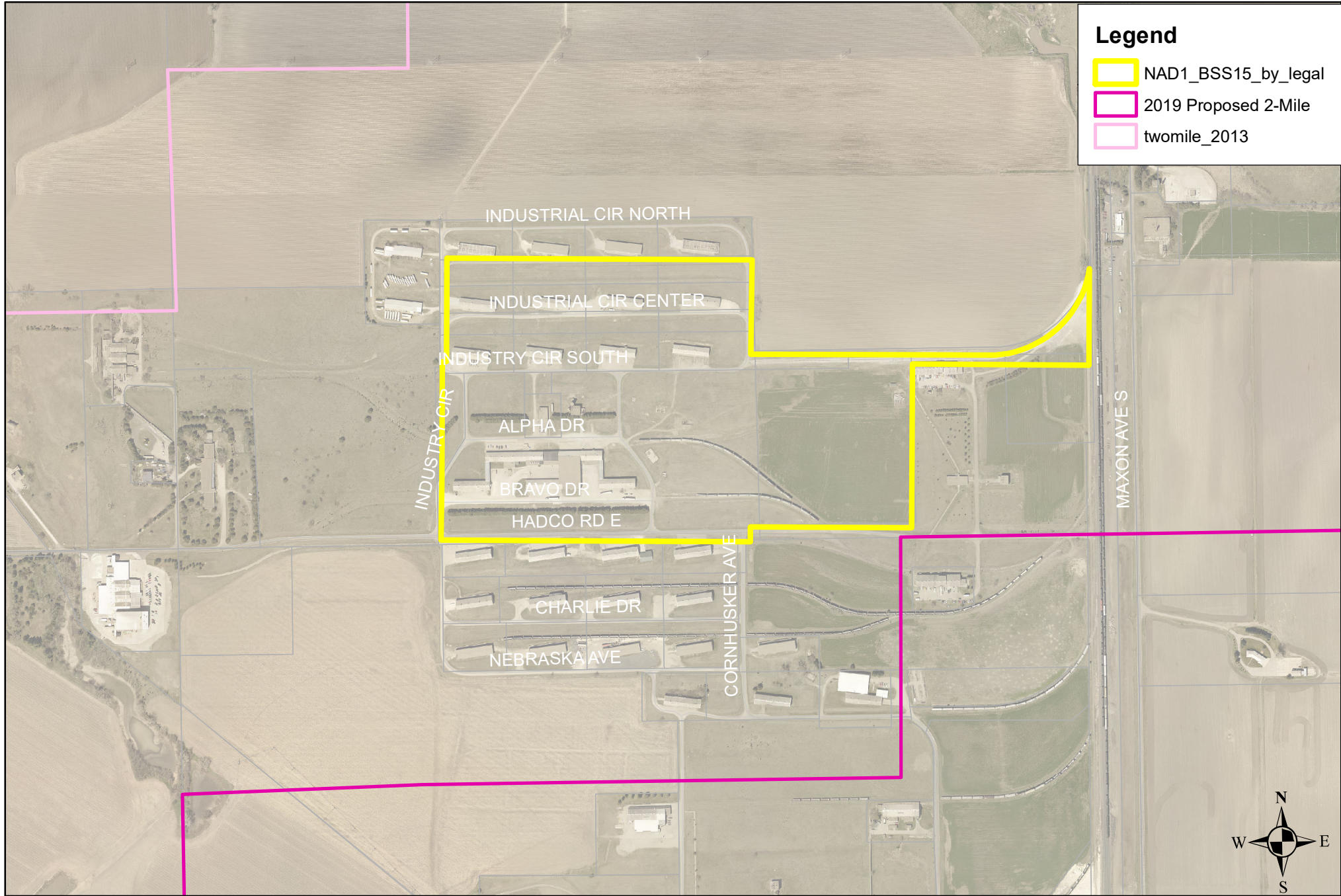
Barbara J. Fraiser
48 Winnepeg Rd.
Kearney, Nebraska 68847

1-30-20
Date

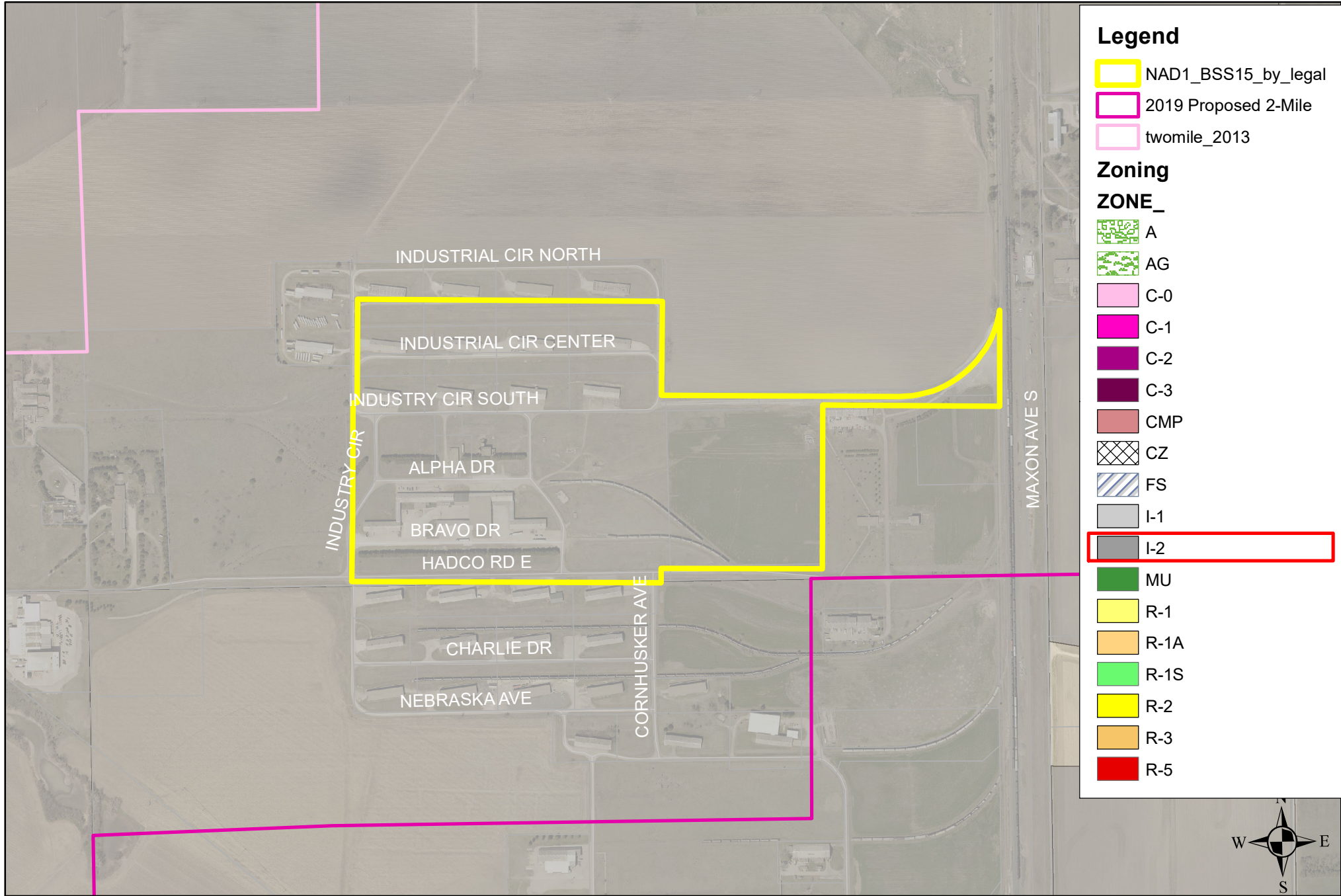
Description of Real Estate Owned by Subscriber: Lot 13, Golden Triangle Subdivision, Adams County, Nebraska.



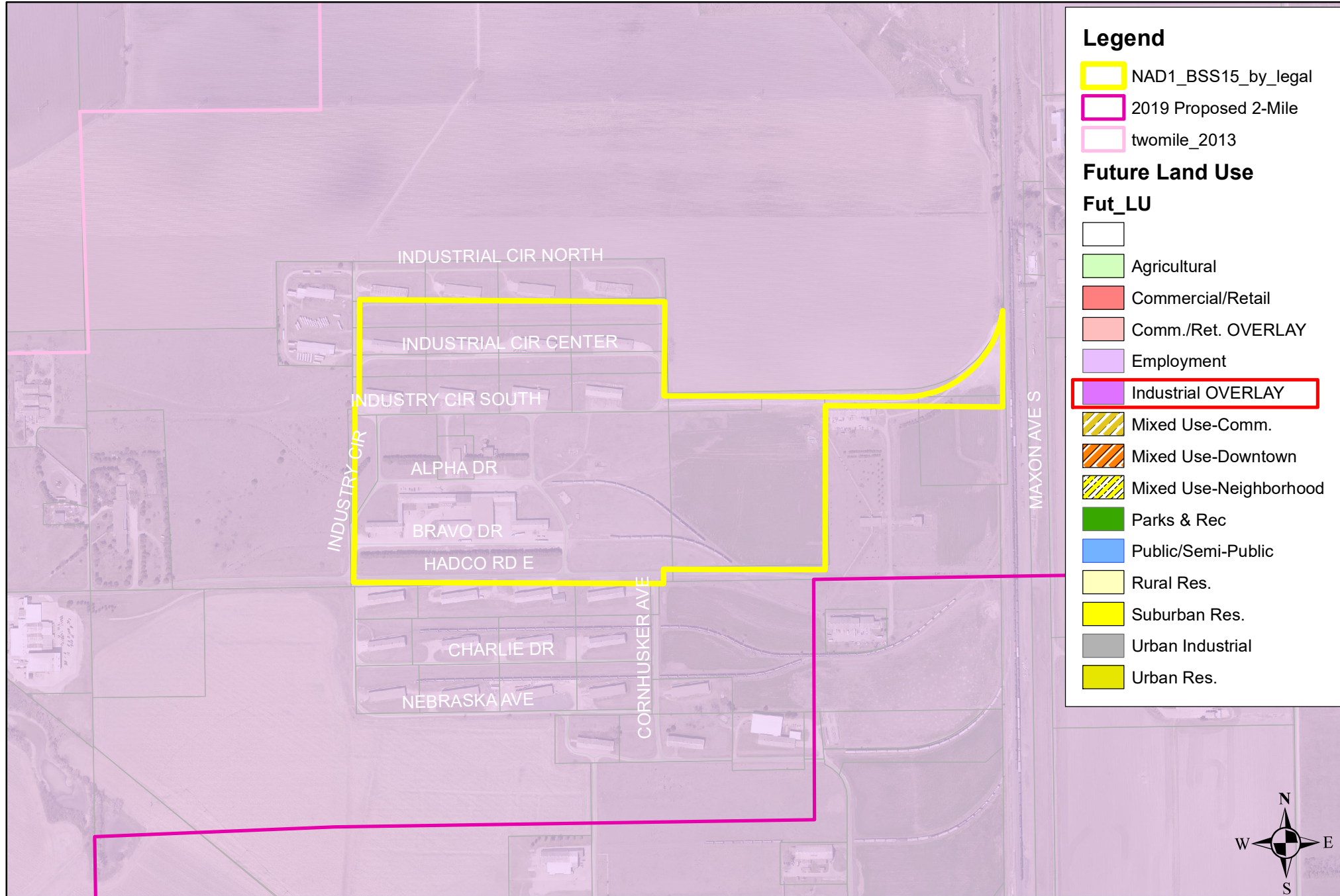




Blight and Substandard Area #15 Aerial Map



Blight and Substandard Area #15 Zoning Map



Blight and Substandard Area #15 FLU Map

Department: Development Services

Staff Contact: Lisa Parnell-Rowe

Planning Commission Meeting Date: 8/18/2020

File No: 2020-028

Prepared By: Lisa Parnell-Rowe, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to recommend a request for a Conditional Use Permit (CUP) for allowance of additional hoofed animals to be located at Lot 1, Hultine Subdivision, Adams County, Nebraska, commonly addressed as 4810 West 12th Street, Hastings, NE 68901.

Motion to recommend approval of a CUP resolution for allowance of additional hoofed animals to be located at Lot 1, Hultine Subdivision, Adams County, Nebraska, commonly addressed as 4810 West 12th Street, Hastings, NE 68901.

Names of People/Business affected by this action:

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

Why Planning Commission action is required:

Neb. Rev. Stat. 19-929 requires a conditional use permit to be approved by the City Council unless the City Council has, through a zoning ordinance or special ordinance, generally authorized the Planning Commission to exercise such power and has approved the standards and procedures adopted by the Planning Commission for equitably and judiciously granting such conditional uses or special exceptions. City Code 34-401 requires a recommendation from the Planning Commission before City Council can approve a CUP.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of a CUP resolution for allowance of additional hoofed animals to be located at Lot 1, Hultine Subdivision, Adams County, Nebraska, commonly addressed as 4810 West 12th Street, Hastings, NE 68901, subject to following condition:

- 1) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 2) This resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to

comply with this section shall be paid by the applicant for the CUP.

Deadlines associated with action:

This item is scheduled to be heard at the next regular City Council meeting September 14, 2020.

Department head comments:

1. The proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development.

Surrounding land uses are:

North – A Agricultural

South – A Agricultural

East – A Agricultural

West – A Agricultural

Historically this lot was zoned Agriculture; however, when the recent lot subdivision was approved it was also necessary to rezone these lots to R-1A to accommodate the new lot area requirements. This zone also allows for limited agriculture, which authorizes the Hultine's to continue their already existing use of boarding and husbandry of bovine animals, with limitations of 2 per lot. Hultine's have more than 2 bovine animals and desire to utilize this ground to support up to 8. Adjacent properties have already been accustomed to this area being utilized for this particular use and as all adjacent properties are zoned Agriculture so continued use will fit with the intent of their zones.

2. The use does not have a permanent negative impact that is substantially greater than the impact anticipated from development permitted in the base zone district.

Pedestrian and vehicular traffic circulation and safety. No traffic changes are anticipated with this use. Again use is pre-existing.

Reasonable and economic extension of public utilities and facilities. No utilities & facilities changes are anticipated with this particular use. Again this use is pre-existing. There is an existing 40'x80' pole barn on the property. This structure has been in place for close to twenty years. This building is not in the flood plain and provides storage, corrals, stables, shelter, water and electricity for the boarding and husbandry of livestock.

Noise, fumes, dust or other environmental pollution. Again this use is pre-existing. This use has occurred for past 20 years. All animal and feed waste have and will continue to be managed through natural decomposition. Hultine's have received no complaints from neighbors regarding this use in the past with regard to noise, fumes or dust.

The maintenance of logical and efficient development patterns and land use mixtures. This use has occurred for past 20 years on this very same lot. Use is compatible to all surrounding zoning and uses and allowable as a limited agriculture use in the R-1A use district with 2 per lot and an additional 2 per acre with this CUP. Additionally, due to this lot being virtually covered in a flood plain there is no better use for this land and as applicant has stated in his narrative there are no other prospective uses in the future due to this limitation. Property owner should be allowed to maximize this use with no other feasible opportunities to build on the area especially considering the area fits with surrounding Agriculture zones and uses.

The maintenance of property values in accordance with established and permitted land uses. Use of bovine in the surrounding Agriculture zone is common and permissible. Should have not impact on adjacent property values. Public notice requirements have been adhered to and there have been no responses received from any adjacent property owners.

3. *The conditions imposed are necessary to ensure the maintenance of property values and the safety, health, comfort, and repose of the residents.*

Due to the fact that this is an existing use and all the necessary infrastructure and processes necessary to accommodate bovine are already in place there are no condition being imposed to ensure maintenance of property values, safety, health, comfort or repose of residents.

4. *That the use, subject to conditions, maintains compliance with the Comprehensive Plan and the purpose and intent of the zoning regulations.* The single family large lot residential district is commonly placed next to agricultural zones on the outskirts of a municipality due to this zones intent for larger single family residential lots in lower population density areas. The future land use plan designation for the area is Suburban Residential. As the area is slated for future Suburban Residential, the R-1A, Single Family Large Lot Residential District was an ideal zone considering it allows for lower population densities with larger lots sizes—a minimum of 20,000 square feet. This zone also allows for limited agriculture, which allows the Hultine's to continue their already existing use of boarding and husbandry of bovine animals, with a limitation of 2 per lot. Additional hoofed animals of 2 per acre are allowed with this CUP. Therefore, such use is allowable with limitations in R-1A and also permitted the Agriculture zone.

Allowance for additional hoofed animals in the *Agriculture, Limited* use for R-1A zoning district carries a restricted use when you look it up in the Uses and Districts Table 200-1. When a zoning district carries a restricted use it allows for this specific use so long as specific use standards are met. These additional use standards are spelled out in Chapter 34-315.01 (1) (c). The applicant has received a copy of these criteria and has either incorporated those things in their site plan or discussed in their narrative. Below is a summary of these standards and how applicant has addressed each in his narrative:

1. *Additional hoofed animals, not to exceed two (2) per acre:* 2 (per lot) + 2 (per acres) X 3.62 acres = 9.24. Request is for up to 8.

2. *Sites utilized for limited agriculture shall not produce noise that disturbs the peace and quiet of the neighborhood in which it is located.* Existing use and common in Agriculture. No complaints from adjacent properties with regard to noise.

3. *Sites utilized for limited agriculture shall have all waste products, including animal waste, removed on a regular basis so as not to cause odor beyond the lot line of the property where the limited agriculture is conducted.* Existing use and common in Agriculture. All animal and feed waste have and will continue to be managed through natural decomposition. If the need would arise, then the waste will be removed and hauled away to other agricultural properties owned by the Hultines to be used as fertilizer.

4. *Sites utilized for limited agriculture shall internalize effects to the site, so as not to create a nuisance to neighboring properties.* Existing use and common in Agriculture. This land has been used for the last 20 years by the Hultine family for the boarding and husbandry of bovine animals without complaints of disturbing the peace and quiet of the neighborhood and Hultines have received no complaints pertaining to this being a nuisance to neighboring properties.

5. *Sites utilized for limited agriculture shall not produce effects or conditions that violate the provisions of Chapter 18, Offenses—Miscellaneous.* This land has been used for the last 20 years by the Hultine family for the boarding and husbandry of bovine animals without complaints of disturbing the peace and quiet of the neighborhood and Hultine's have received no complaints pertaining to this being a nuisance to neighboring properties.

Recommendation:

Staff recommends approval of a CUP resolution for allowance of additional hoofed animals to be located at Lot 1, Hultine Subdivision, Adams County, Nebraska, commonly addressed as 4810 West 12th Street, Hastings, NE 68901, subject to following condition:

- 1) There shall be compliance with any other applicable City, County, State or Federal regulations that shall apply.
- 2) This resolution shall be filed with the registrar of deeds so as to provide notice to any person examining the real estate records of the existence of this CUP. The recording costs incurred to comply with this section shall be paid by the applicant for the CUP.



City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Conditional Use Permit Application

Date:

Please fill out the Pre-Qualification form first if you are unsure of what action needs to occur. Contact Development Services for minimum requirements at 402-461-2302. Incomplete applications will not be processed. All applications must be complete prior to submission. Deadline for Planning Commission Approval is the last Monday of each month or ZDA will be held until the next months session.

Property Address:	4810 West 12th Street, Hastings, NE 68901
Legal Description:	Hultine Subdivision
Current Zoning:	R1-A
Proposed Use:	Pasture

Description of Proposed Use:
Approximately four acres to be used for bovine and equine husbandry.

Applicant:	Marc S. Hultine	Company:	N/A
Address:	3725 W. Prairie Lake Road	Telephone:	402-469-1566
City/State/Zip:	Hastings, NE 68901	Email:	jackhultine@gmail.com
Property Owner:	Marc S. Hultine	Company:	NA
Address:	3725 W. Priairie Lake Road	Telephone:	402-469-1566
City/State/Zip:	Hastings, NE 68901	Email:	jackhultine@gmail.com
Key Contact:	Marc Hultine	Company:	N/A
Address:	3725 W. Prarie Lake Road	Telephone:	402-469-1566
City/State/Zip:	Hastings, NE 68901	Email:	jackhultine@gmail.com

If the Applicant is not the Owner, an Owner Verification Form must be filled out and sent to the Owner for authorization of the application. This form is also available at www.cityofhastings.org.

I hereby acknowledge that all information provided with this application is true to the best of my knowledge. You will be required to upload a copy of a Site Plan and a Detailed Narrative Statement. Sections 34-402 through 34-404 of the Hastings City Code will assist in your preperation. You must affirm receipt and review of these codes as part of your permit process.

Signature of Applicant:		Date:	
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HDS Staff Comments:

My email of marc@hultine.com was not recognized by your system, as such I provided my phone's gmail address. Please send everything to my marc@hultine.com email account.

HDS Staff Acceptance:		Date:	
HDS Application Number:		HDS Case #:	
Total Fee:			

Marc S. Hultine

07/02/2020



**City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Conditional Use Permit Affirmation**

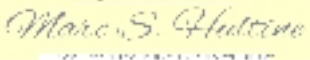
As the applicant named herein, I acknowledge that I have familiarized myself with the City of Hastings Conditional Use Permit regulations as established in Chapter 34 - Zoning City Code, Sections 34-401 through 34-404. I agree to uphold all required conditions and cooperate with any necessary site inspections by the Code Enforcement Official for continued maintenance. I also further acknowledge the written and graphic information provided as part of this application are true and accurate to the best of my knowledge and belief.

Please click the link provided below for access to the Hastings City Code, Chapter 34 - Zoning City Code:

[Hastings City Code - Chapter 34](#)

Signature of Applicant:

Date:



Marc S. Hultine

07/02/2020

City of Hastings
220 N. Hastings Avenue
Hastings NE 68901

Payee: LAZY L-D INC

Date: 7/27/2020 Time: 2:49 PM

Receipt Number: DS1 / 90177

Clerk: TERI

ITEM	REFERENCE	AMOUNT
ZONE CUP HULTINE		
Zoning Fees		400.00
Total:		400.00
assor	#002814	400.00
Change:		0.00

Hultine Conditional Use Permit

In regard to the approximate four acres that are presently zoned R1-A located at 4810 West 12th Street, Hastings, Nebraska, 68901; it is the intent to utilize this ground for the boarding and husbandry of bovine animals. This includes the pasturing, feeding, watering, caring for, breeding, training, exercising and enjoyment of such animals.

Presently there is an existing 40'x80' pole barn on the property. This structure has been in place for close to twenty years. This building is not in the flood plain and provides storage, corrals, stables, shelter, water and electricity for the boarding and husbandry of livestock. Presently there is a five-strand fence constructed of barbed wire, hedge fence posts and tube swing gates. This fence exceeds the State of Nebraska's definition and standards for fencing. It is the intent of the Hultine family to rebuild the corrals and fencing on the west side of the existing 40'x80' building in the Spring of 2021. The corrals and fencing that were on the west side of this building were removed in the Spring of 2020 due to their age and poor condition.

This land was recently zoned from Agriculture to R1-A. This land for the past twenty years has been used by the Hultine family for the boarding and husbandry of bovine and equine animals without complaints of disturbing the peace and quiet of the neighborhood and has not produced complaints pertaining to odor or being a nuisance to neighboring properties. All animal and feed waste have and will continue to be managed through natural decomposition. If the need would arise, then the waste will be removed and hauled away to other agricultural properties owned by the Hultine's to be used as fertilizer. The use of this land for the boarding and husbandry of livestock has and continues to be a desirable and appropriate use of the land.

In recent years the majority of these four acres have been placed in the floodplain, thus this ground is not conducive to building additional buildings and structures. The floodplain encompasses the ground adjacent to this property on the north, east and southern borders. This presents a significant problem for future any development to the east, north and south of this property, leaving the most appropriate sites for any development to the west. In the Spring of 2020, the City of Hastings went onto this property to perform dirt work to improve the water drainage of not only this property, but also the adjacent property to the north. New elevations and topographical readings were taken and are represented in the attached maps.

It is the intent of the Hultine's to utilize this ground to support up to eight bovine and/or equine animals. Section 34.315.01-1C of the City of Hastings Code states "All other hoofed animals not specifically described above are limited to a maximum of two (2) animals per lot. Additional hoofed animals, not to exceed two (2) per acre, may be authorized by conditional use permit (CUP)."

N
↑



NUM PGS 3
DOC TAX _____ CK# _____
FEES 28.00 PD _____ CK# _____
CHG 28.00 ACCT# 012
RET FEES: _____ CASH _____
P & M FUND 4.00 GEN FUND 24.00
REC'D Mark-Development Service Dept.
RETURN Retain: Permanent
Record



20202281

ADAMS COUNTY, NE
FILED
INST. NO. 20202281
6-25-2020
Date _____ Time 12:10 PM
Rachel Ormsby
REGISTER OF DEEDS

NUM Copple 1st Add
Hultine Sub
RD. COMP X BM
COMPARE ✓ KQ
CADAS 2-2013 BM COMP BM
OK KQ KQ

RESERVED FOR REGISTER OF DEEDS RECORDING SPACE
ADAMS COUNTY NE

Hultine
Sub
Plat

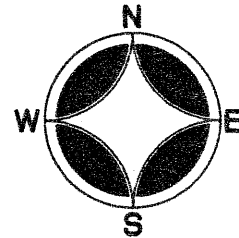
HULTINE SUBDIVISION FINAL PLAT

A REPLAT OF BLOCK 2, COPPLE 1ST ADDITION
TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

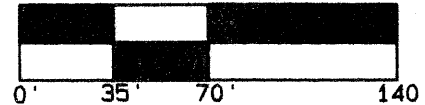
FLOODPLAIN INFORMATION:

A PORTION OF THE PROPERTY LEGALLY DESCRIBED ON THE
PLAT HEREON FALLS WITHIN THE CONFINES OF THE SPECIAL
FLOOD HAZARD AREAS AS DETERMINED BY THE FEDERAL
EMERGENCY MANAGEMENT AGENCY AND FIRM MAP,
COMMUNITY PANEL NO. 31001C0175C, EFFECTIVE 7/5/2018.

PT. SE 1/4 SEC4-T7N-R10W
INS. # 19984470: 3/4 INT.
INS. # 19993196: 1/2 INT.
INS. # 19995310: 1/4 INT.



ALL BEARINGS ARE ASSUMED
SCALE: 1"=70'



GPS PROJECT # 038-2020 SHEET 1 OF 2

LEGEND :

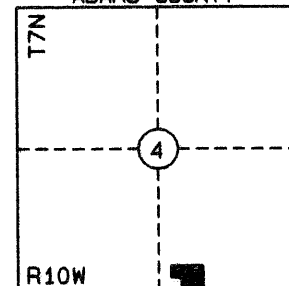
M-MEASURED DISTANCE
R-RECORD DISTANCE
G-GOVERNMENT DISTANCE
P-PLATTED DISTANCE
D-DEED DISTANCE

◆ FOUND 5/8" REBAR

○ CALCULATED POINT

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

VICINITY SKETCH
ADAMS COUNTY



SURVEYOR'S CERTIFICATE:

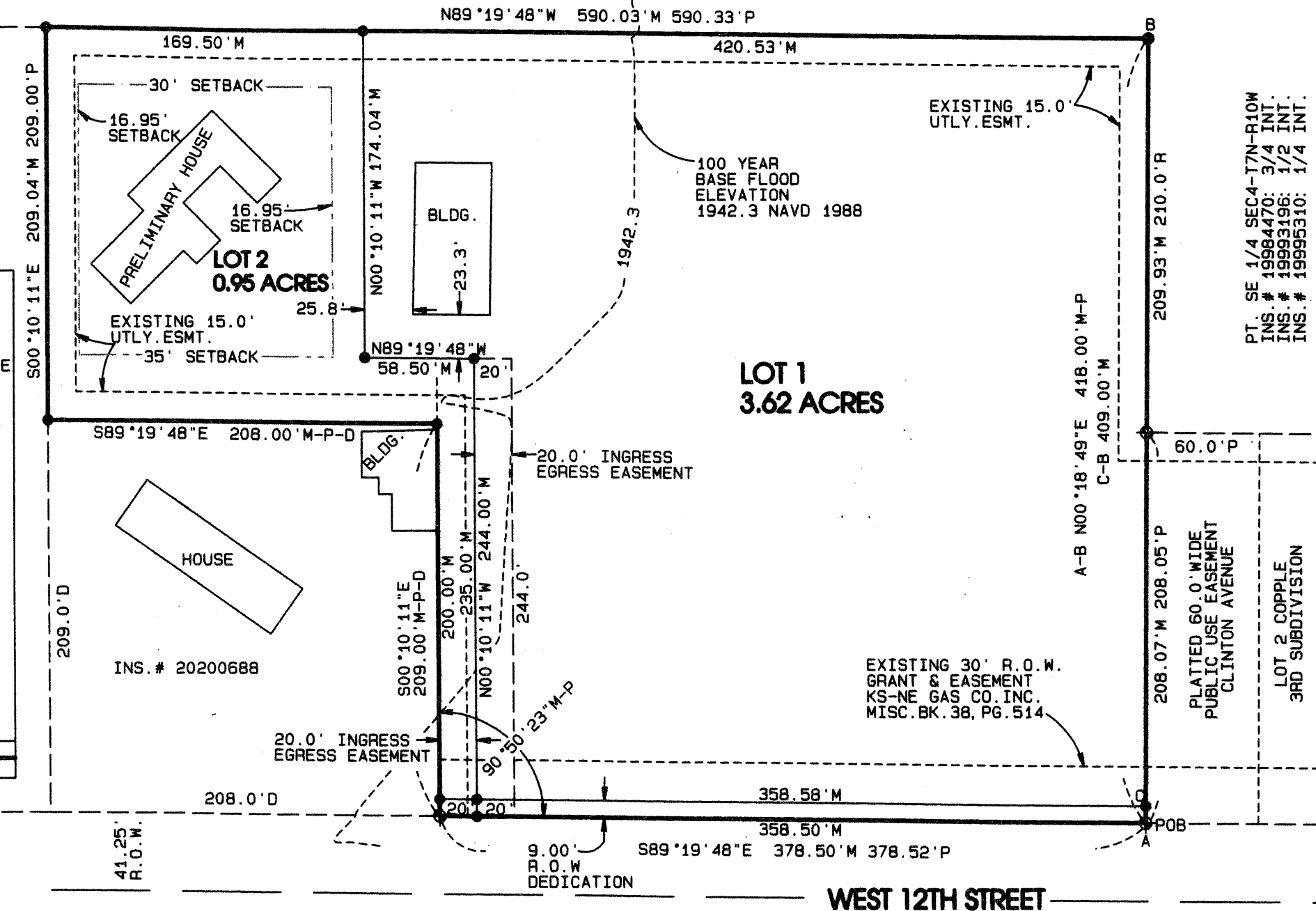
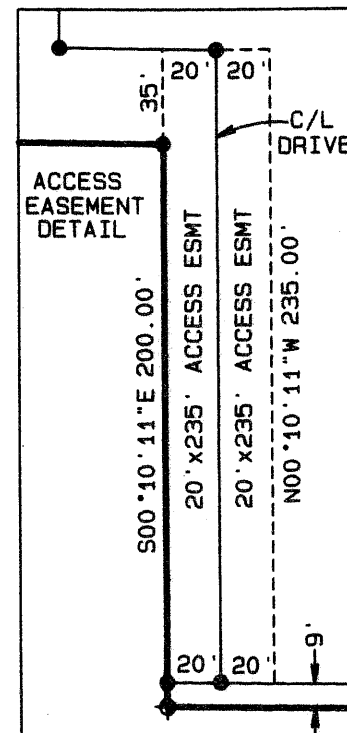
I, HEREBY CERTIFY THAT THIS PLAT
OF A SURVEY WAS MADE BY ME OR
UNDER MY SUPERVISION AND IS TRUE
AND ACCURATE TO THE BEST OF MY
KNOWLEDGE, AND THAT I AM A
LICENSED PROFESSIONAL LAND
SURVEYOR UNDER THE LAWS OF THE
STATE OF NEBRASKA, COMPLETED
ON APRIL 28TH, 2020.

Joshua E. Grummert
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.grummertsurveying.com

INS. # 19850226



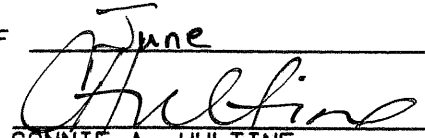
LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN BLOCK 2 OF COPPLE 1ST ADDITION TO THE CITY OF HASTINGS, BEING PART OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 7 NORTH, RANGE 10 WEST, OF THE THE 6TH.P.M., ADAMS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, COPPLE FIRST ADDITION, THENCE N00°18'49"E (ASSUMED BEARING) ON THE EAST LINE OF SAID BLOCK 2 A DISTANCE OF 418.00 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 2, THENCE N89°19'48"W ON THE NORTH LINE OF SAID BLOCK 2 A DISTANCE OF 590.03 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 2, THENCE S00°10'11"E ON THE WEST LINE OF SAID BLOCK 2 A DISTANCE OF 209.04 FEET, THENCE S89°19'48"E A DISTANCE OF 208.00 FEET, THENCE S00°10'11"E A DISTANCE OF 209.00 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 2, THENCE S89°19'48"E A DISTANCE OF 378.50 FEET TO THE POINT OF BEGINNING, CONTAINING 4.65 ACRES MORE OR LESS.

OWNERS CERTIFICATE AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, THAT MARC AND CONNIE A. HULTINE (HUSBAND AND WIFE) 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 "HULTINE SUBDIVISION" A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 7 NORTH, RANGE 10 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 EASEMENTS AND RIGHT OF WAYS SHOWN ON THE PLAT TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

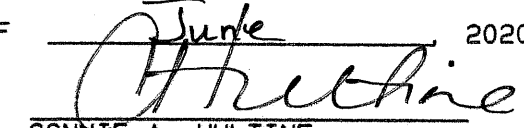
SIGNED THIS 18th DAY OF June 2020.

 MARC HULTINE

 CONNIE A. HULTINE

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 18th DAY OF June 2020.

 MARC HULTINE

 CONNIE A. HULTINE

ACKNOWLEDGEMENT

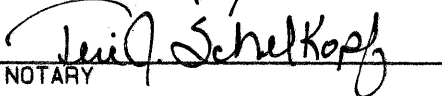
STATE OF NEBRASKA }
 COUNTY OF Adams } SS

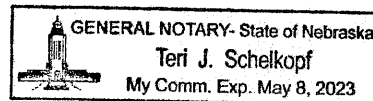
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 18th DAY

OF June 2020, BY MARC AND CONNIE A. HULTINE (HUSBAND AND WIFE)

MY COMMISSION EXPIRES THE 8th DAY OF

May 2023

 (SEAL)
 NOTARY



CITY ENGINEER'S APPROVAL

I, THE UNDERSIGNED, DO HEREBY Approve THIS PLAT OF HULTINE SUBDIVISION,
 A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.


 CITY ENGINEER

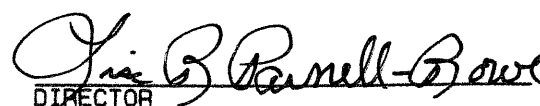
CITY PLANNING COMMISSION RECOMMENDATION

THIS PLAT OF HULTINE 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 approved AS PROPOSED

DATED THIS 15th DAY OF June 2020.


 CHAIRMAN

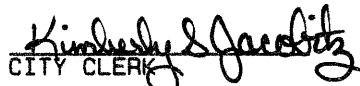

 DIRECTOR

MAYOR AND CITY COUNCIL ACTION

THIS PLAT OF HULTINE SUBDIVISION, A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, IS

HEREBY APPROVED DATED THIS 22ND DAY OF JUNE 2020.


 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 18th DAY OF June 2020


 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.

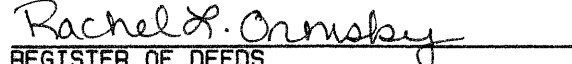

 CITY OF HASTINGS TREASURER

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: June 25, 2020 TIME: 12:10 PM INSTRUMENT NO.: 20202281

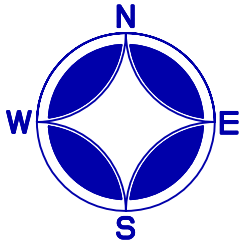

 REGISTER OF DEEDS



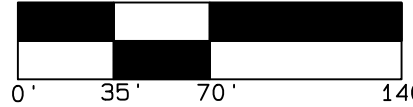
HULTINE SUBDIVISION

PRELIMINARY / FINAL PLAT

A REPLAT OF BLOCK 2, COPPLE 1ST ADDITION
TO THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.



ALL BEARINGS ARE ASSUMED
SCALE: 1"=70'



- SETBACKS
- FRONT YARD 35'
 - REAR YARD 30'
 - SIDE YARD 10'

GPS PROJECT # 038-2020 SHEET 1 OF 2

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

- FOUND 5/8" REBAR
- CALCULATED POINT
- SET 1/2" X 24" REBAR
WITH BLUE LS-783 CAP
UNLESS NOTED OTHERWISE

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 APRIL 28TH, 2020.

JOSHUA E. GRUMMERT | LS-783

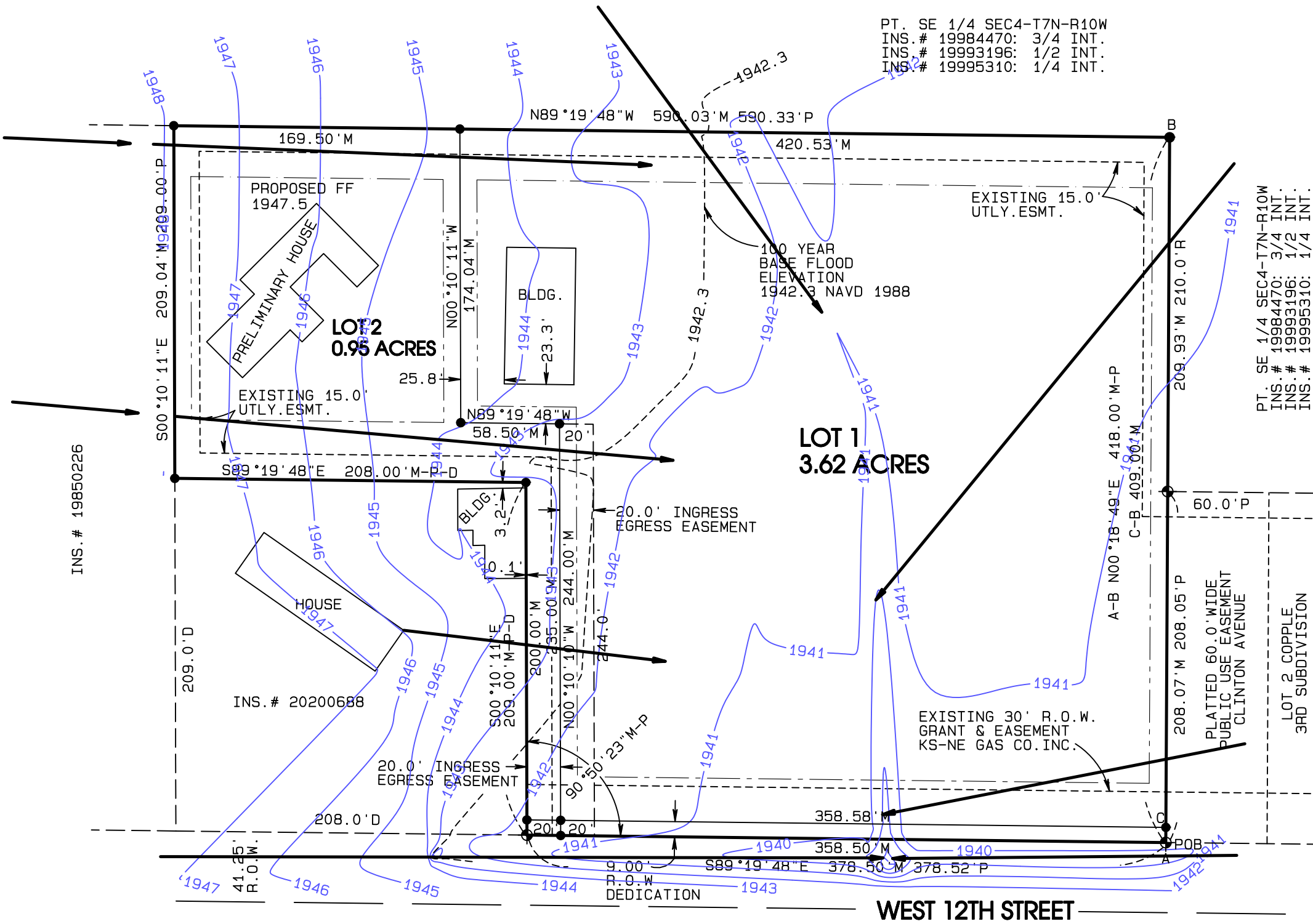
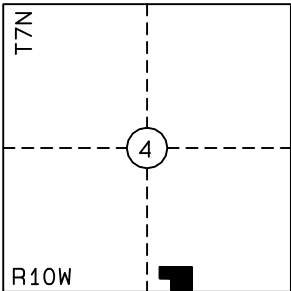
GRUMMERT PROFESSIONAL SERVICES, LLC
2837 WEST HIGHWAY 6, SUITE 206, HASTINGS, NE 68901
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
WEBSITE www.grummertsurveying.com

CURRENT ZONING:
A-AGRICULTURAL DISTRICT

PROPOSED ZONING:
R-1A SINGLE FAMILY LARGE
LOT RESIDENTIAL DISTRICT

CURRENT OWNER:
MARC HULTINE
DEED INS.NO. 20200580

VICINITY SKETCH
ADAMS COUNTY



FLOODPLAIN INFORMATION:

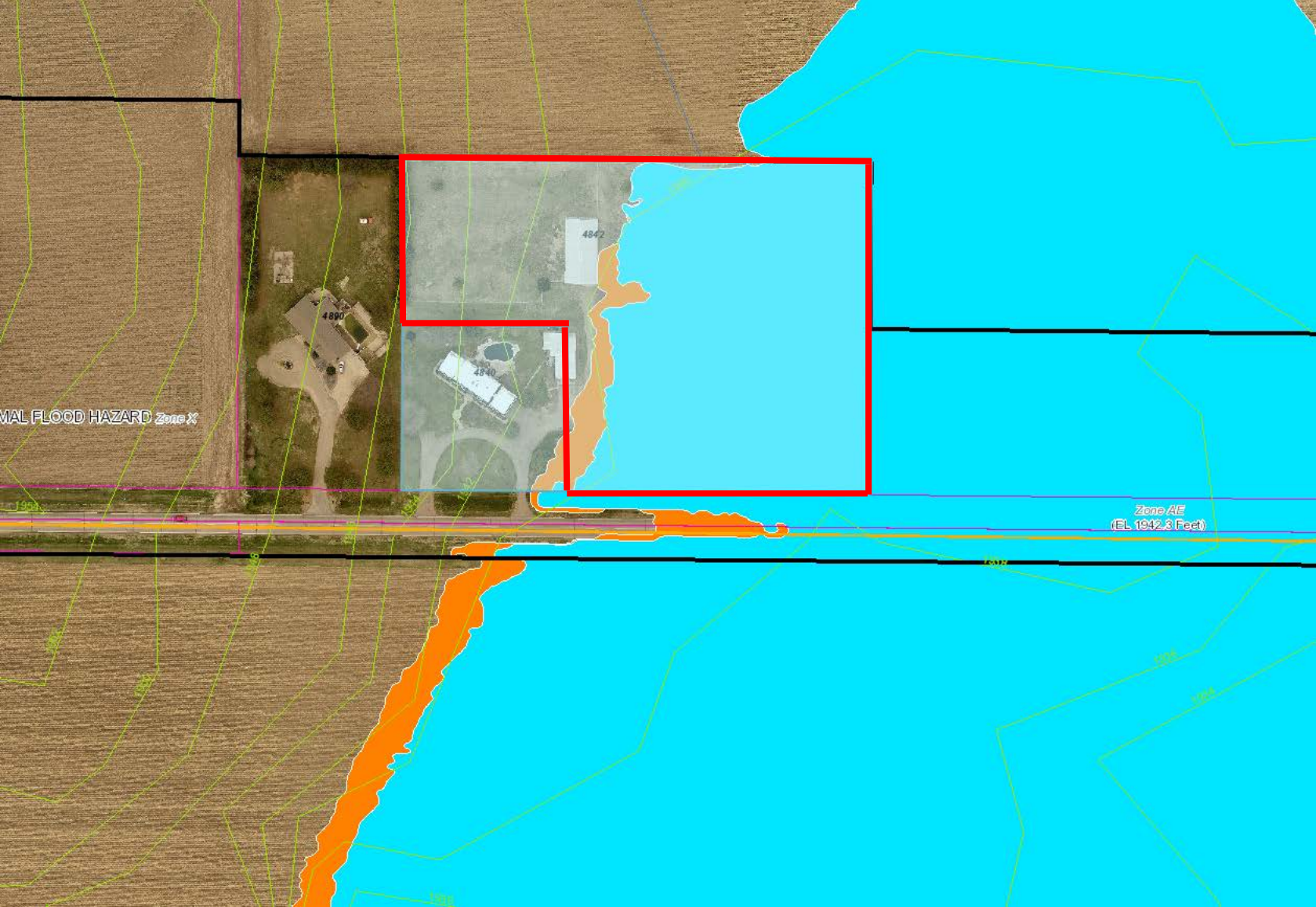
A PORTION OF THE PROPERTY LEGALLY DESCRIBED ON THE
PLAT HEREON FALLS WITHIN THE CONFINES OF THE SPECIAL
FLOOD HAZARD AREAS AS DETERMINED BY THE FEDERAL
EMERGENCY MANAGEMENT AGENCY AND FIRM MAP,
COMMUNITY PANEL NO.31001C0175C, EFFECTIVE 7/5/2018.

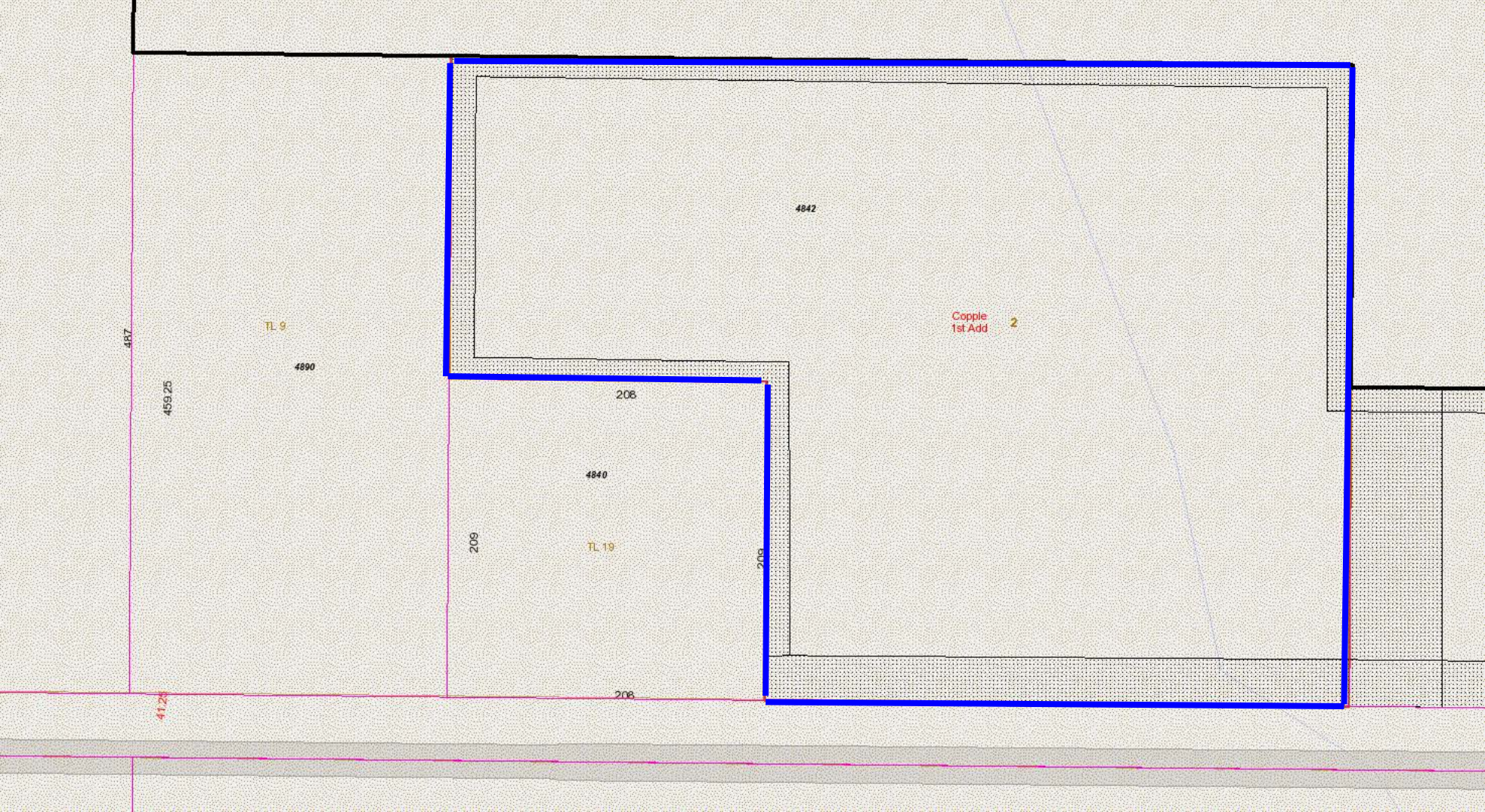
DRAINAGE NOTE:

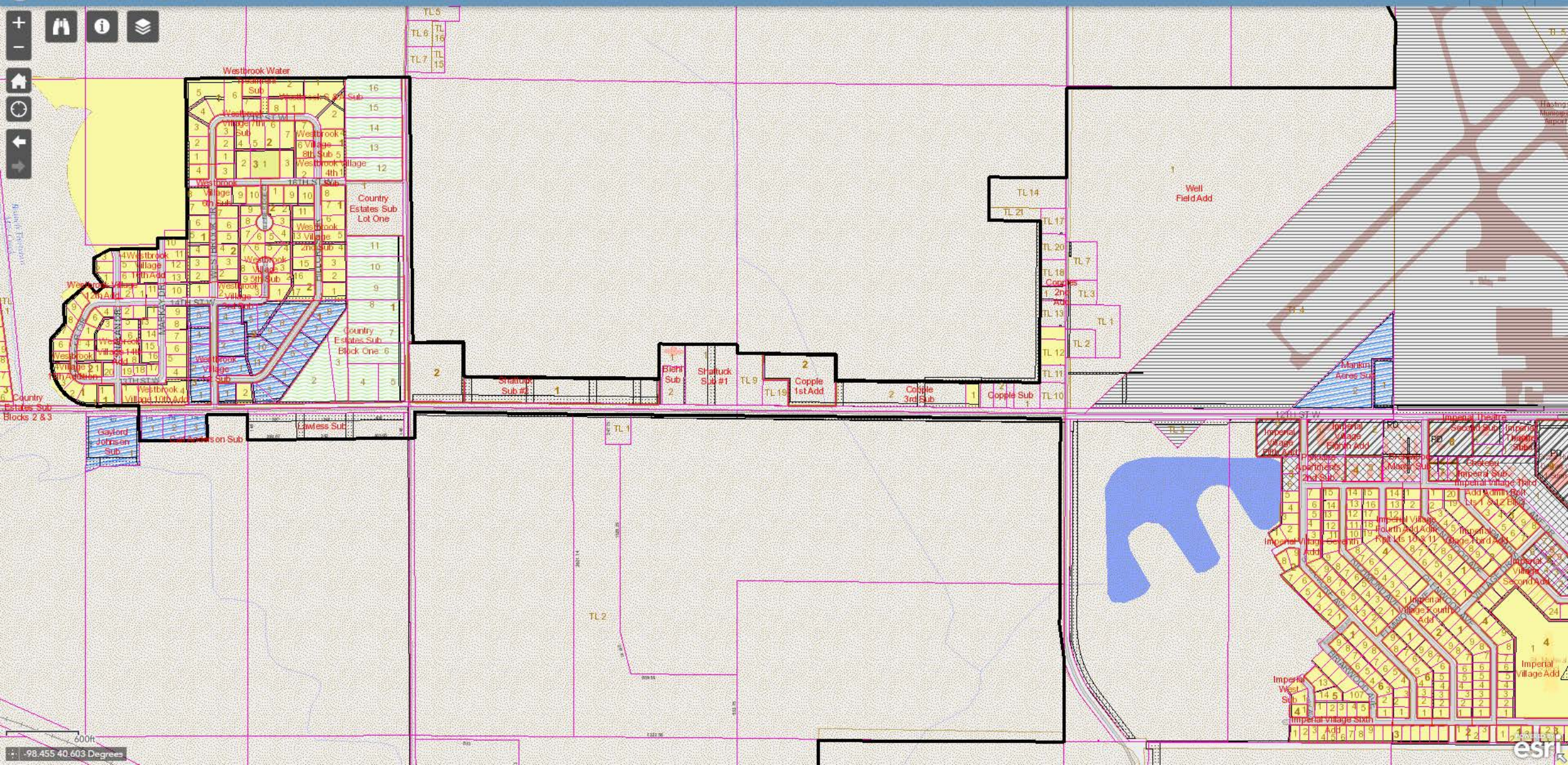
DRAINAGE IS TO REMAIN THE SAME
AS PRESENT DAY DRAINAGE. THE
PROPOSED HOUSE IS PLACED AT THE
NORTHWEST CORNER OF THE PROPERTY
TO ELIMINATE SIGNIFICANT FILL AND TO
KEEP THE DRAINAGE DIRECTION AND
QUANTITY THE SAME.

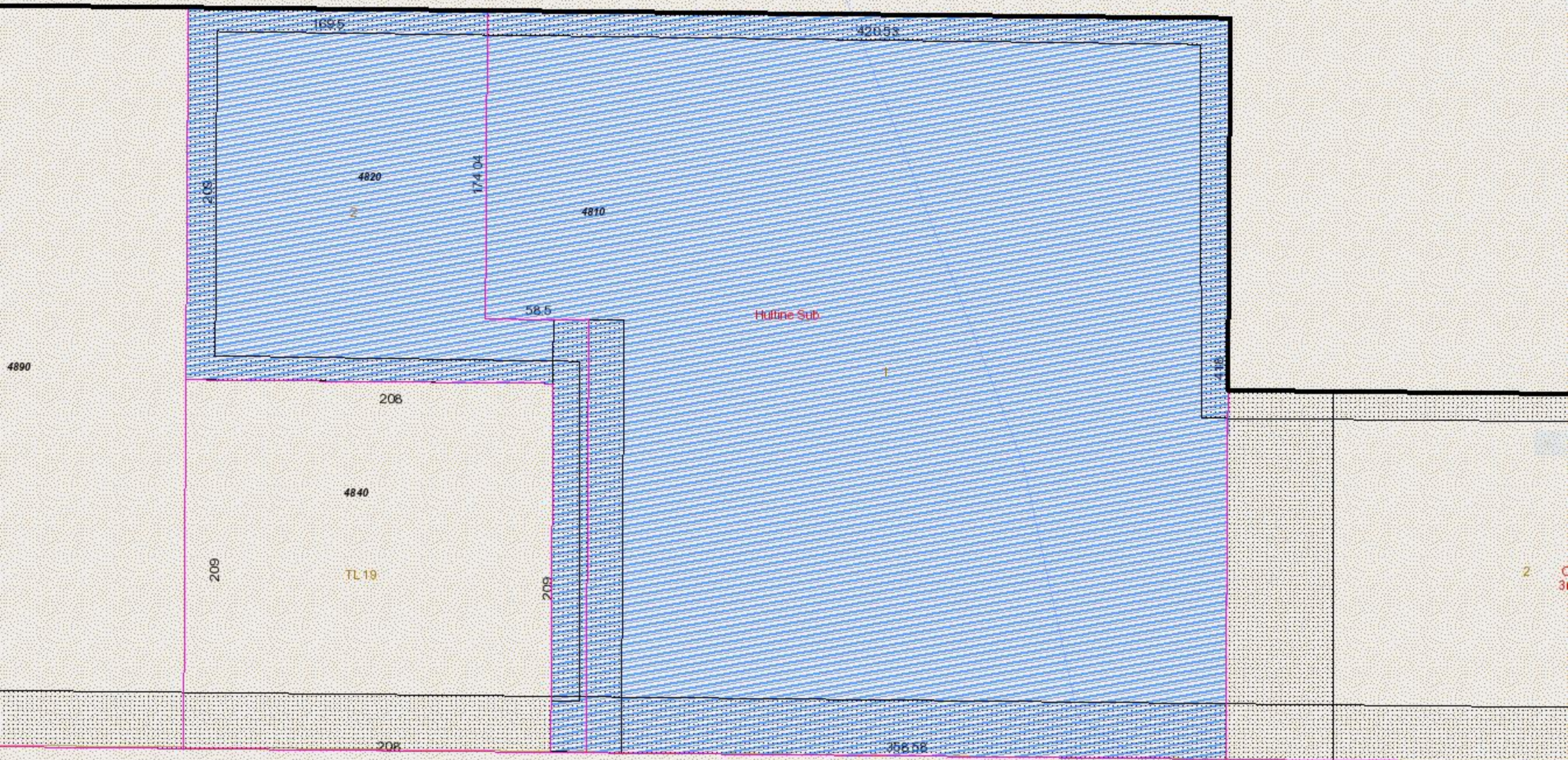
MAJOR FLOOD HAZARD Zone X

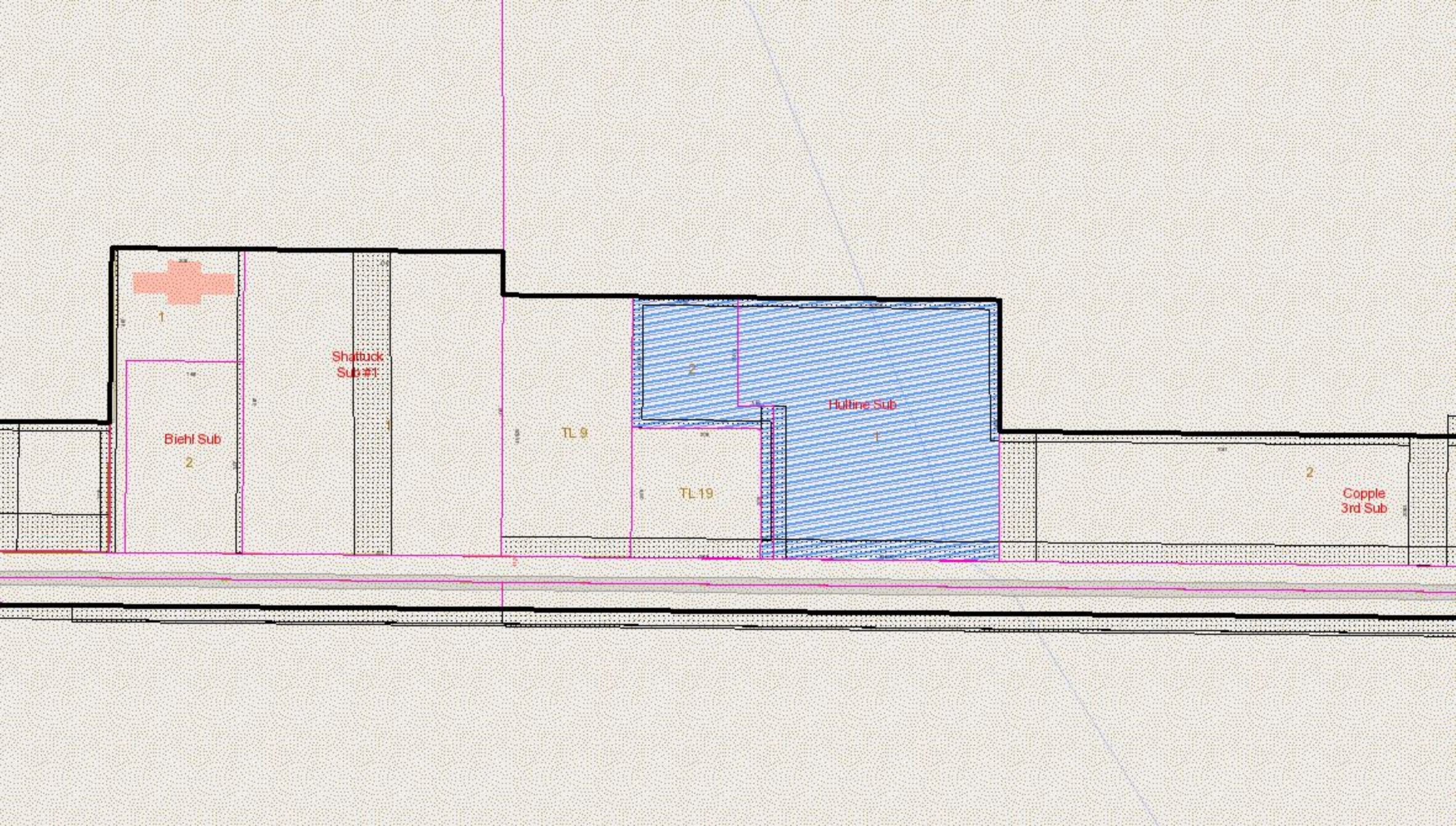
Zone AE
(EL. 1942.3 Feet)

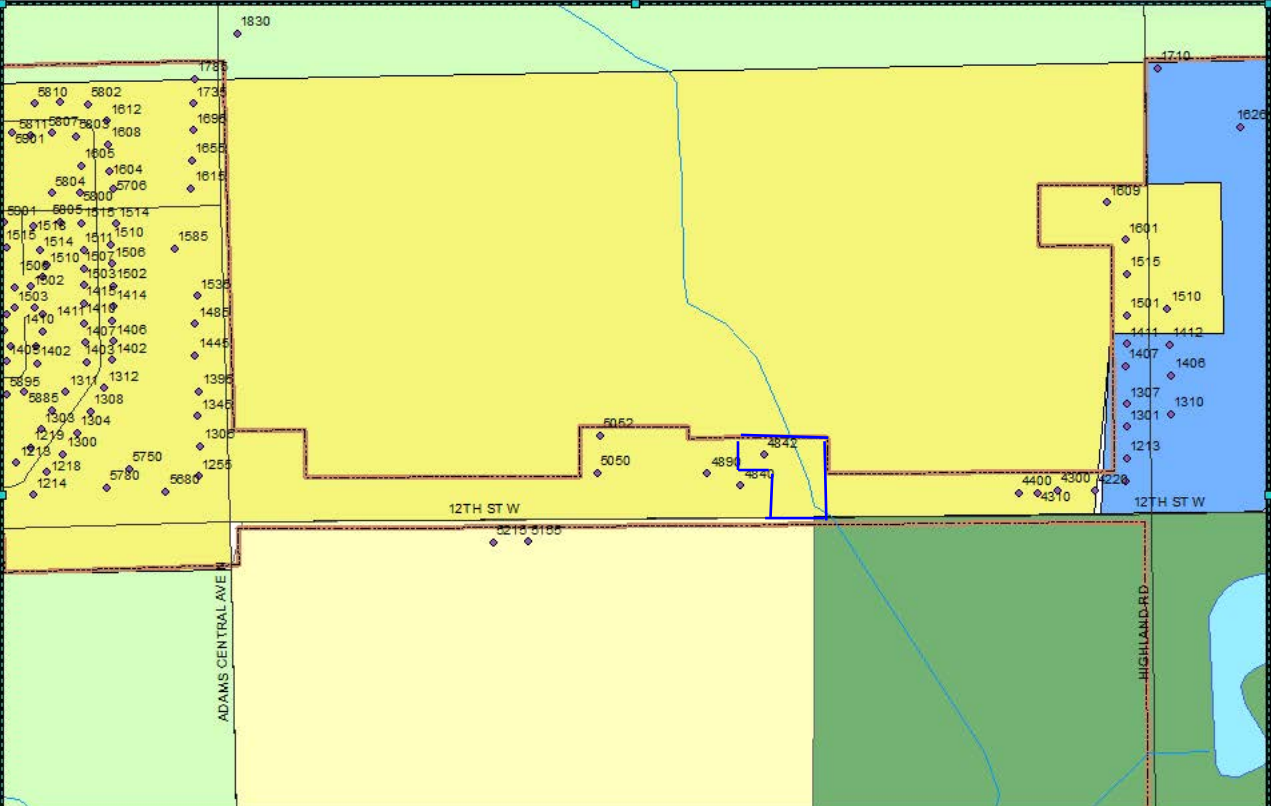












Future Land Use

City of Hastings, Nebraska

0 275 550 1,100 Feet



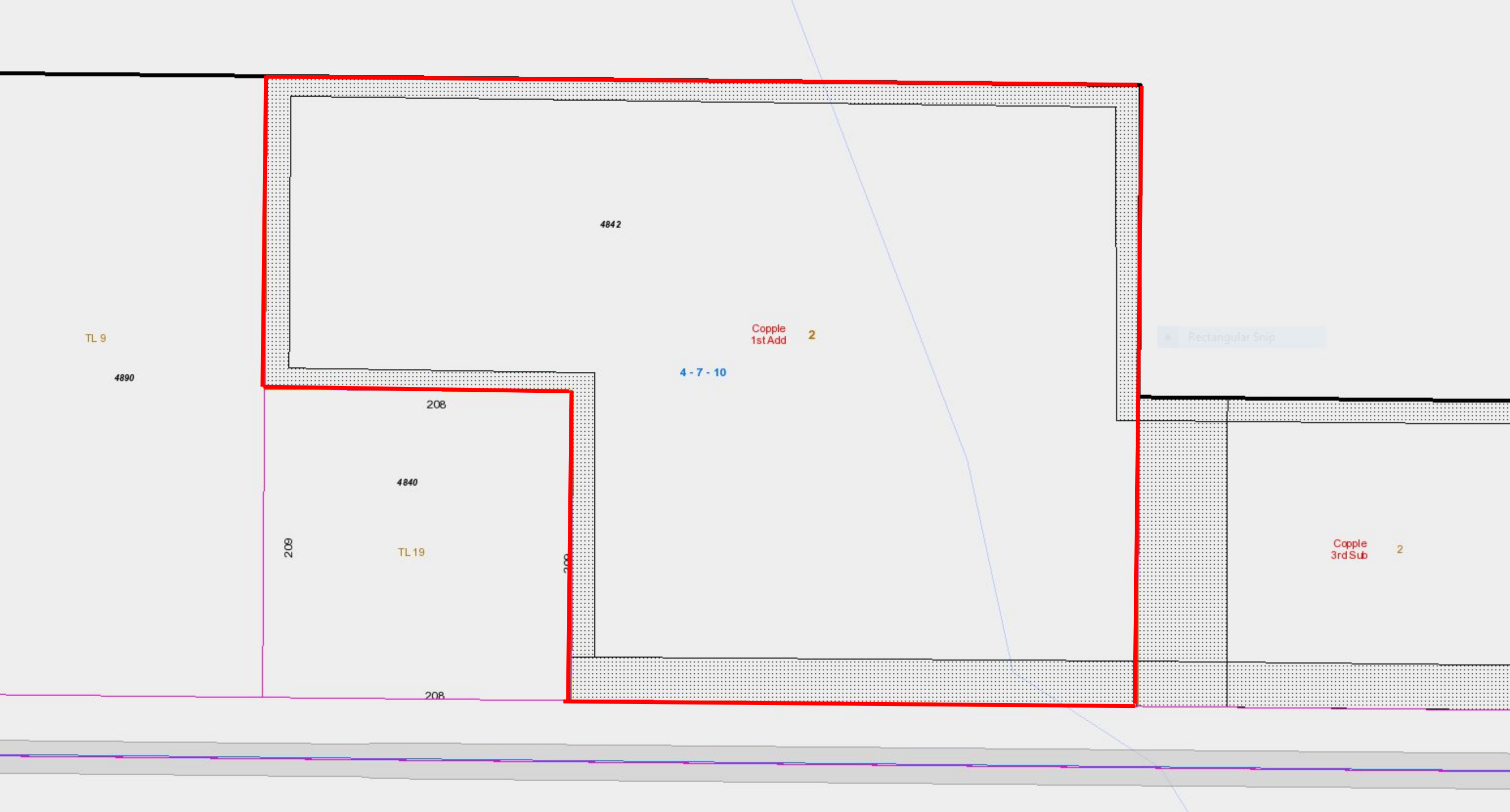
Land Use:

- | | | | |
|---|----------------------|--|--------------------------|
|  | Rural Residential |  | Mixed-Use - Neighborhood |
|  | Suburban Residential |  | Mixed-Use - Community |
|  | Urban Residential |  | Mixed-Use Downtown |
| | |  | Commercial/Retail |
| | |  | Employment/Industrial |

- | | |
|---|----------------------|
|  | Public / Semi-Public |
|  | Parks & Recreation |
|  | Agriculture |

Overlay Districts:

- | | | | |
|---|--------------------------|---|---------------|
|  | South Burlington Overlay |  | Floodplain |
|  | Highway 6 Overlay |  | City Boundary |
|  | Urban Industrial Overlay |  | ETJ Boundary |



TL 9

4890

4842

Cople
1st Add 2

4-7-10

208

4840

209

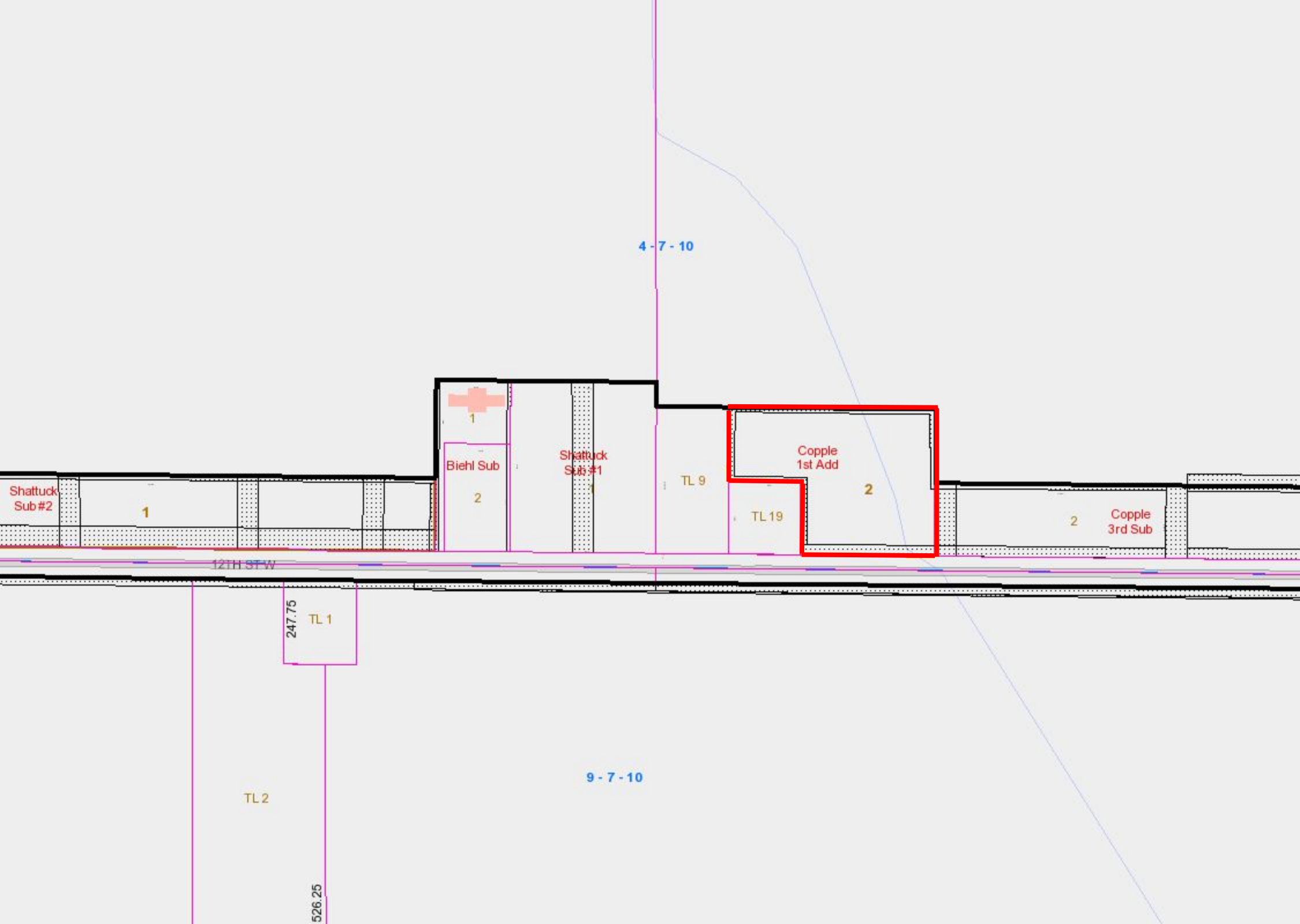
TL 19

208

208

Cople
3rd Sub 2

Rectangular Snip



4 - 7 - 10



Biehl Sub

2

Shattuck Sub #1

TL 9

Cople 1st Add

2

TL 19

2

Cople 3rd Sub

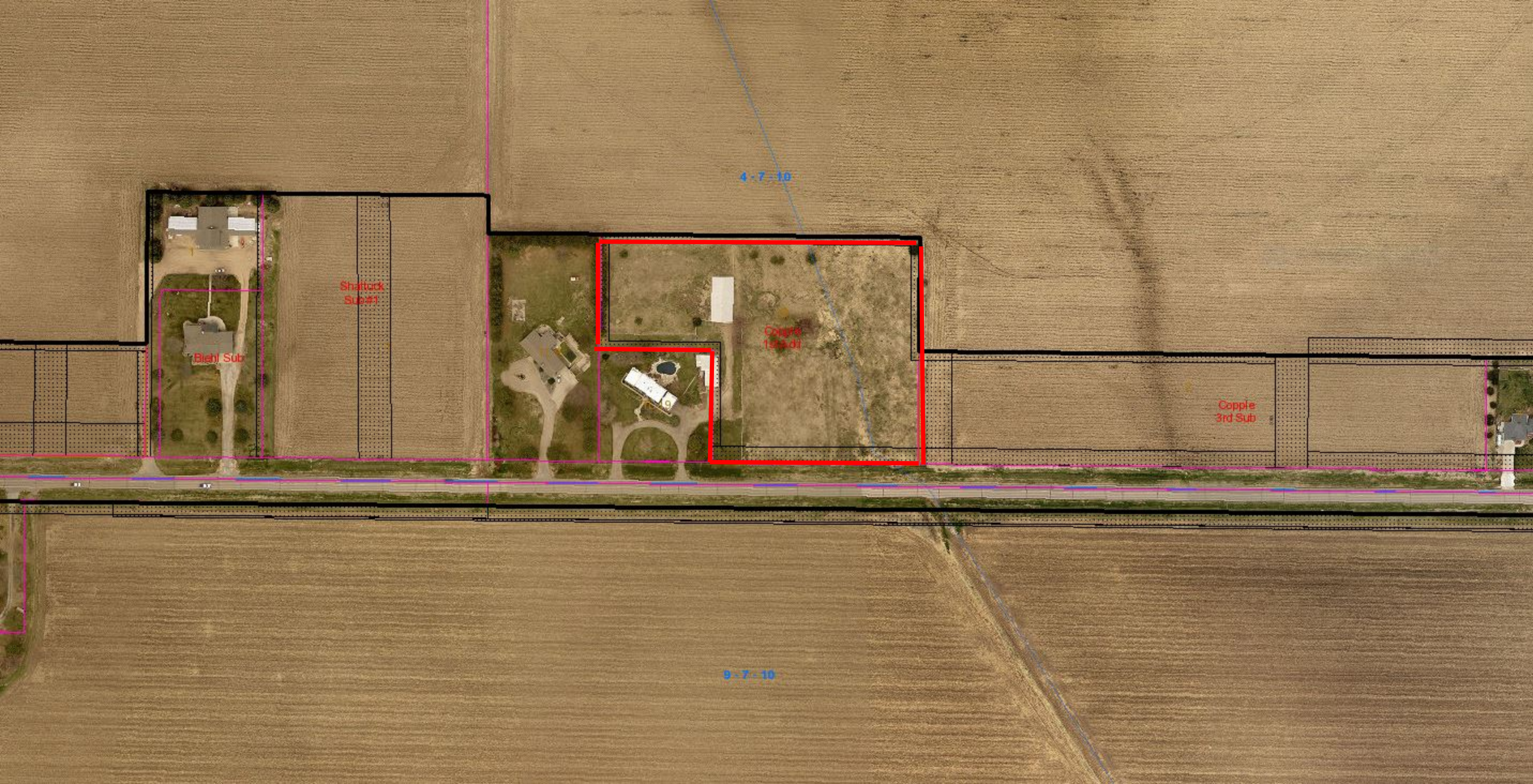
12TH ST W

247.75
TL 1

9 - 7 - 10

TL 2

526.25



4-7-10

Shattuck
Sub #1

Blehl Sub

Coppie
1st Sub

Coppie
3rd Sub

9-7-10



4842

Cattle
1st Sub

4-7-10

Cattle
3rd Sub

4890

4840

208

208

45925

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 8/18/2020
File No: 2020-029
Prepared By: Lisa Parnell-Rowe, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

Preliminary/Final plat for Twin T Investments Subdivision, a plat of tax lots 48 & 60 located in the Southeast Quarter of the Southwest Quarter of Section 13, Township 7 North, Range 10 West of the 6th P.M in 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:

Neb. Rev. Stat. 19-929 states that city council shall not take final action on subdivision development matters without the recommendation of the Planning Commission.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of Twin T Investments Subdivision, a plat of tax lots 48 & 60 located in the southeast quarter of the southwest quarter of section 13, township 7 north, range 10 west of the 6th P.M in the City of Hastings, Adams County, Nebraska.

Deadlines associated with action:

Building plans are in concurrent review at this time for a proposed 120-FT Monopole structure that will be 120-FT above ground level.

Department head comments:

The Development Department and Plat Track review teams have reviewed this plat and the applicant has incorporated all preliminary recommendations. The monopole that will be placed on Lot 2 of this subdivision has been approved by the Federal Aviation Administration and meets the requirements found in Section 34-315, *Communication towers*. The zoning district for this subdivision is zoned I-1, Light Industrial, which in the Table of Uses and Districts allows a communication tower as a restricted use that must meet specific use standards. A telecommunications support structure placed in an Industrial district can have a maximum height

of 120-FT. All requirements of Hastings City Code Sections 38-202 & 38-203 have been met, and the preliminary/final plat can be approved.

Recommendation:

Staff recommends motion to recommend approval of Twin T Investments Subdivision, a plat of tax lots 48 & 60 located in the Southeast Quarter of the Southwest Quarter of Section 13, Township 7 North, Range 10 West of the 6th P.M in the City of Hastings, Adams County, Nebraska.



City of Hastings
Development Services Department
Zoning Development Approval (ZDA)
Preliminary Plat Application

Date: 6/11/20

Name of Plat: TWIN T INVESTMENTS SUBDIVISION

Inside City Limits ☒ ☐

(402) 469-8339 Tim

Owner: TWIN T INVESTMENTS, LLC

Phone Number: (308) 233-4321 Scott

P.O. Box 326/2208 1st Avenue

E-mail: cornyooper@hotmail.com

Kearney, NE 68848-0326

Donald Scott Johnson

Tim Micek - napatim@twintauto.com

Surveyor: Adam Goertzen, LS-704

Phone Number: (308) 381-7428

JEO CONSULTING GROUP, INC.

E-mail: agoertzen@jeo.com

308 W. 3rd, Suite 1

Grand Island, NE 68801

Notes or Comments:

Subdivision being platted due to the development of a Telecommunications Monopole Site in an (I-1) Light Industrial Zoning District. This Application is to become NULL/VOID if the proposed Telecommunication Monopole Site is not Approved.

Applicant's Signature:

Twin T Investments, LLC

Jim Micek / United Partner

DSD Staff Use

Administrative Plat: ☐ ☐

Staff Comments:

Number of Lots:

Gross Area:

Mylar Size:

Number of Pages:

Fee:

Case Number:

Staff Signature:

City of Hastings
220 N. Hastings Avenue
Hastings NE 68901

Payee: VIAERO WIRELESS

Date: 6/29/2020 Time: 10:35 AM

Receipt Number: DS1 / 90071

Clerk: TERI

ITEM	REFERENCE	AMOUNT
ZONE TWIN T INVESTMENTS SUB		
Zoning Fees		500.00
ZONE 2 LOTS		
Zoning Fees		80.00
DEEDS FILING FEE		
Recording Fees		28.00
	Total:	608.00
assor	#630589	608.00
	Change:	0.00

TO: Lisa Parnell-Rowe, Director of Development Services

CC: Teri Schelkopf, Permits Technician
Mark Evans, Building Inspector

DATE: 7/7/20

FROM: Chris R. Riha, Site Acquisition Specialist

SUBJECT: INDUSTRIAL TOWER WEST, LLC, Hastings, NE NAPA Site

Enclosed are the following Applications for this proposed Site:

- Development/Building Permit Application, (with its Exhibits and Drawings,) pertaining to the building & construction of the Telecommunications Monopole Site located South of the NAPA Store on S. Franklin Avenue.
- Preliminary Plat Application, (with its Preliminary Plat Drawing & Title Insurance Commitment,) pertaining to the Subdividing of Parcel #04201004106 & Parcel #042010014107.

Please note we are proposing a 120-FT Monopole that will be 120 Feet Above Ground Level, (AGL,) and plan to install a 7-FT Lightning Rod on the top of the Monopole, making the total Height of the Structure with its Lightning Rod to be 127-FT AGL. FAA's Approval/Determination Letter states the Structure, (at 127-FT AGL,) will not be hazardous to Air Navigation and will not need to be marked and lighted.

Please let me know of the Development/Building Permit Application Fee Amount. Also, I will need to know of the Subdivision Application Fee Amount. Should the Check for the Application Fees be issued to the City of Hastings?

Last, please assign the Telecommunications Monopole Site an E911 Site Address in the 1100 Block of S. Franklin Avenue.

Respectfully yours,



Chris R. Riha

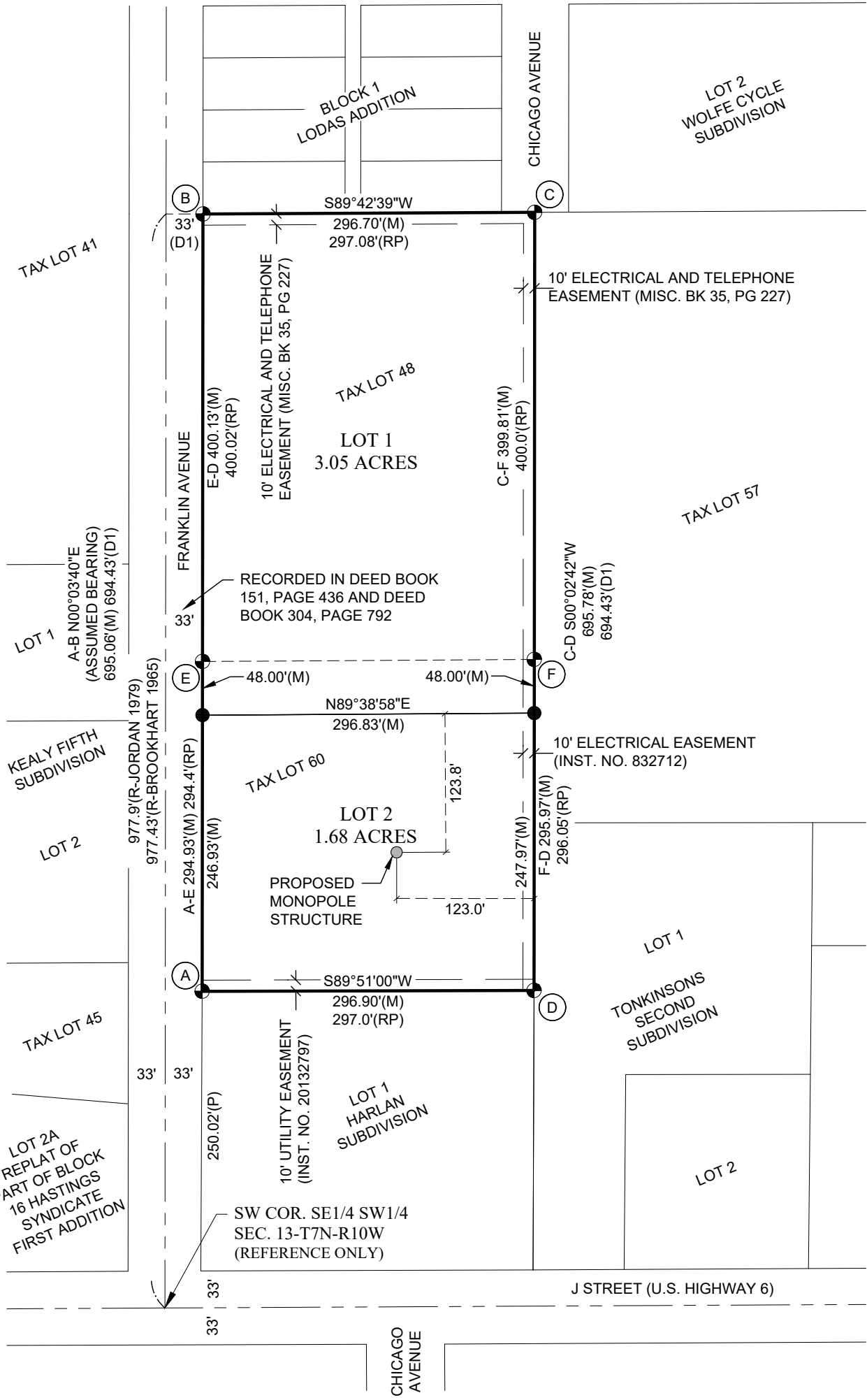
Site Acquisition Specialist

mobile: 308-370-0383

e-mail: chris.riha@viaero.com

www.viaero.com

1811 West 2nd Street, Suite 455
Grand Island, NE 68803



TWIN T INVESTMENTS SUBDIVISION
PRELIMINARY / FINAL PLAT
A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA
LOCATED IN THE SE1/4 OF THE SW1/4 OF SECTION 13
TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE SIXTH P.M.
ADAMS COUNTY, NEBRASKA

LEGAL DESCRIPTION:

THE NORTH SIX HUNDRED NINETY-FOUR AND FORTY-THREE ONE HUNDREDTH (694.43) FEET OF THE WEST THREE HUNDRED THIRTY (330) FEET OF THE SOUTH NINE HUNDRED NINETY-SEVEN AND FORTY-THREE ONE HUNDREDTHS (977.43) FEET OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) EXCEPT THE WEST THIRTY-THREE (33) FEET DEEDED FOR STREET, IN SECTION THIRTEEN (13), TOWNSHIP SEVEN (7) NORTH, RANGE TEN (10) WEST OF THE 6TH P.M., IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

SURVEYOR'S REPORT:

THIS SURVEY WAS PERFORMED AT THE REQUEST OF VIAERO WIRELESS. THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH THE PERIMETER OF A PARCEL OF LAND AND PLAT IT INTO LOTS LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE SIXTH P.M., IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

EXISTING MONUMENTS OF RECORD WERE FOUND AT LOCATIONS SHOWN ON THIS PLAT. ALL MONUMENTS FOUND ARE A 1/2" OPEN TOP PIPE. ALL MONUMENTS SET ARE A 5/8" BY 24" REBAR WITH A PLASTIC CAP STAMPED "GOERTZEN L.S. 704".

ALL LINES WERE PRODUCED AND ANGLES AND DISTANCES MEASURED WITH A TRIMBLE R10 GNSS RECEIVER.

FLOOD PLAIN NOTE:

THE PROPERTY SHOWN ON THIS PRELIMINARY / FINAL PLAT IS LOCATED IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO THE FLOOD HAZARD BOUNDARY MAPS AS PROVIDED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL INSURANCE ADMIN., COMMUNITY PANEL NO. 31001C0160C.

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 DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

ADAM J. GOERTZEN, LS 704

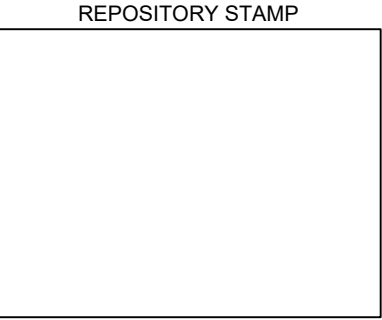
OWNER NAME AND ADDRESS:

TWIN T INVESTMENTS, LLC
TIM MICEK, MEMBER
2208 1ST AVENUE
KEARNEY, NE 68848-0326

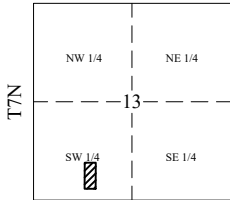
ZONED: I-1 LIGHT INDUSTRIAL DISTRICT



- LEGEND
- MONUMENT FOUND
 - MONUMENT SET
 - CALCULATED POINT
 - D DEEDED DISTANCE
 - D1 DEEDED DISTANCE (INST. NO. 20064649)
 - G GOVERNMENT DISTANCE
 - M MEASURED DISTANCE
 - P PLATTED DISTANCE
 - R RECORDED DISTANCE
 - RP RECORDED DISTANCE ROGER PARKS 9/1998



VICINITY SKETCH
ADAMS COUNTY
NEBRASKA
R10W



NOTE: ALL BEARINGS ARE ASSUMED.



PRELIMINARY / FINAL PLAT
TWIN T INVESTMENTS SUBDIVISION
A PART OF THE SE1/4 OF THE SW1/4
SECTION 13
TOWNSHIP 7 NORTH, RANGE 10 WEST
CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

PROJECT NO. R200528
DATE 8/11/2020
DRAWN BY AG
FILE NAME Hastings NAPA Viaero.dwg
FIELD BOOK HASTINGS #56
FIELD CREW BS
SURVEY FILE NO.

P:\Surveying\200528.00 - Viaero Hastings NAPA Tower Site\6 Survey\Drawings\Hastings NAPA Viaero.dwg, on 8/11/2020 5:15 PM.

TWIN T INVESTMENTS SUBDIVISION
PRELIMINARY / FINAL PLAT
A SUBDIVISION IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA
LOCATED IN THE SE1/4 OF THE SW1/4 OF SECTION 13
TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE SIXTH P.M. ADAMS COUNTY, NEBRASKA

OWNER'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENT, THAT TWIN T INVESTMENTS, L.L.C., THE OWNER OF RECORD OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED AND DESIGNATED AS "TWIN T INVESTMENTS 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 OWNER.

SIGNED THIS _____ DAY OF _____, 2020.

TIM MICEK, MEMBER, TWIN T INVESTMENTS, L.L.C. DONALD S. JOHNSON, MEMBER, TWIN T INVESTMENTS, L.L.C.

ACKNOWLEDGEMENT:

STATE OF)
COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2020,
BY TIM MICEK, MEMBER, TWIN T INVESTMENTS, L.L.C.

MY COMMISSION EXPIRES THE _____ DAY OF _____, _____.

(SEAL) _____
NOTARY

ACKNOWLEDGEMENT:

STATE OF)
COUNTY OF) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2020,
BY DONALD S. JOHNSON, MEMBER, TWIN T INVESTMENTS, L.L.C.

MY COMMISSION EXPIRES THE _____ DAY OF _____, _____.

(SEAL) _____
NOTARY

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 _____, 2020.

ADAMS COUNTY TREASURER

CITY ENGINEER'S APPROVAL:

THIS PLAT OF TWIN T INVESTMENTS SUBDIVISION, IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA HAS BEEN RECEIVED AND REVIEWED BY ME AND IS IN COMPLIANCE WITH THE PROVISIONS OF ORDINANCE #2882 OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, PROVIDING FOR THE APPROVAL OF SUBDIVISIONS AND PLATS BY THE CITY ENGINEER UNDER CERTAIN CIRCUMSTANCES. APPROVED THIS _____ DAY OF _____, 2020.

CITY ENGINEER

CITY PLANNING COMMISSION RECOMMENDATION:

THIS PLAT OF TWIN T INVESTMENTS 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 APPROVED THIS
_____ DAY OF _____, 2020.

CHAIRMAN DIRECTOR

MAYOR AND CITY COUNCIL ACTION:

THIS PLAT OF TWIN T INVESTMENTS SUBDIVISION, IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA IS HEREBY APPROVED THIS _____ DAY OF _____, 2020.

MAYOR CITY CLERK

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

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 AS OF THIS
_____ DAY OF _____, 2020.

CITY OF HASTINGS TREASURER



PRELIMINARY / FINAL PLAT
TWIN T INVESTMENTS SUBDIVISION

A PART OF THE SE1/4 OF THE SW1/4
SECTION 13
TOWNSHIP 7 NORTH, RANGE 10 WEST
CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

PROJECT NO. R200528
DATE 8/11/2020
DRAWN BY AG
FILE NAME Hastings NAPA Viaero.dwg
FIELD BOOK HASTINGS #56
FIELD CREW BS
SURVEY FILE NO.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2020-ACE-3229-OE

Issued Date: 06/08/2020

Skylyn Bellender
Industrial Tower West, LLC
1224 West Platte Avenue
Fort Morgan, CO 80654

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole Hastings NAPA, NE
Location:	Hastings, NE
Latitude:	40-34-08.89N NAD 83
Longitude:	98-23-47.68W
Heights:	1914 feet site elevation (SE) 127 feet above ground level (AGL) 2041 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 12/08/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2527, or marla.wierman@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ACE-3229-OE.

Signature Control No: 438776309-442320546

(DNE)

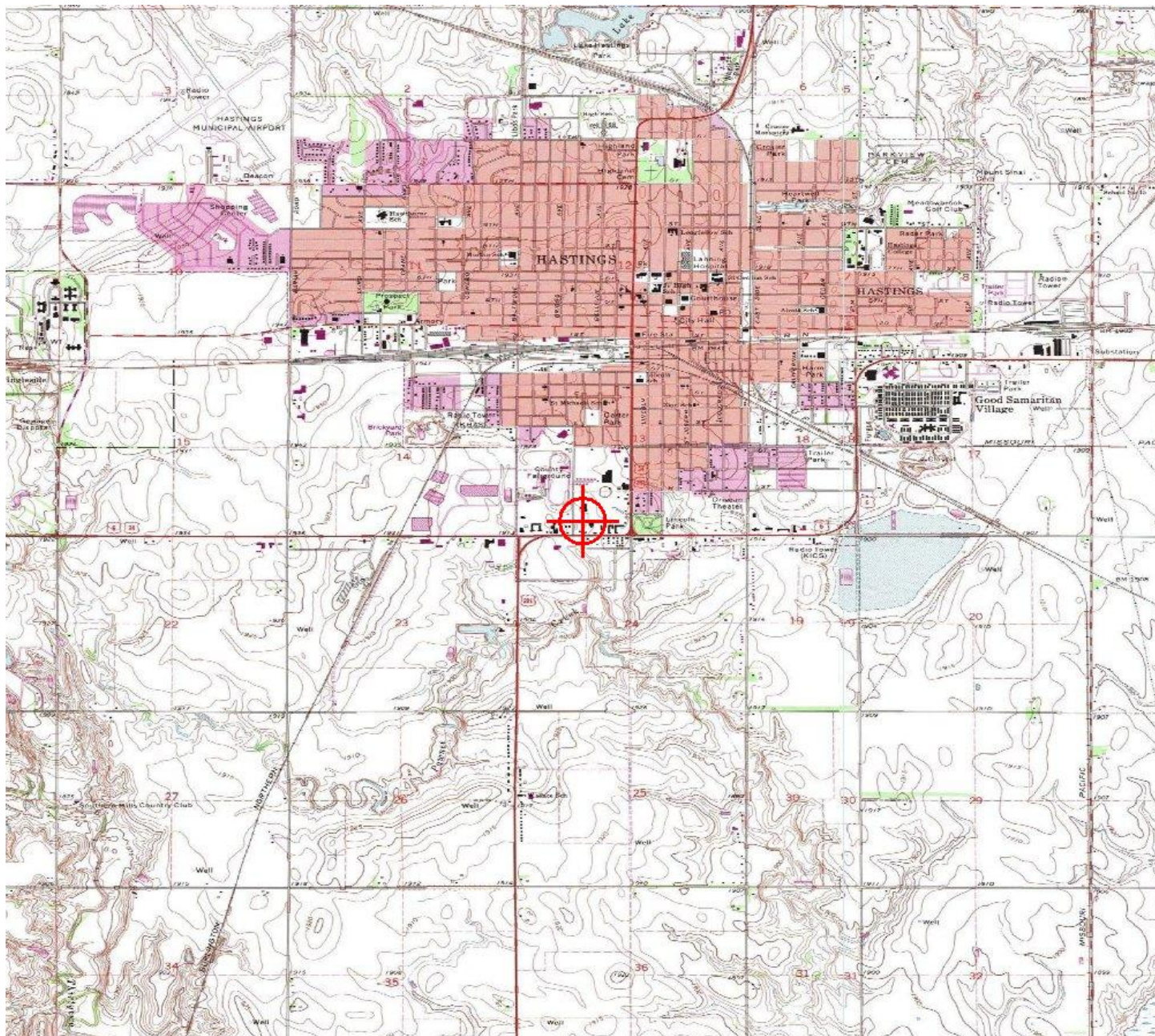
Marla Wierman
Technician

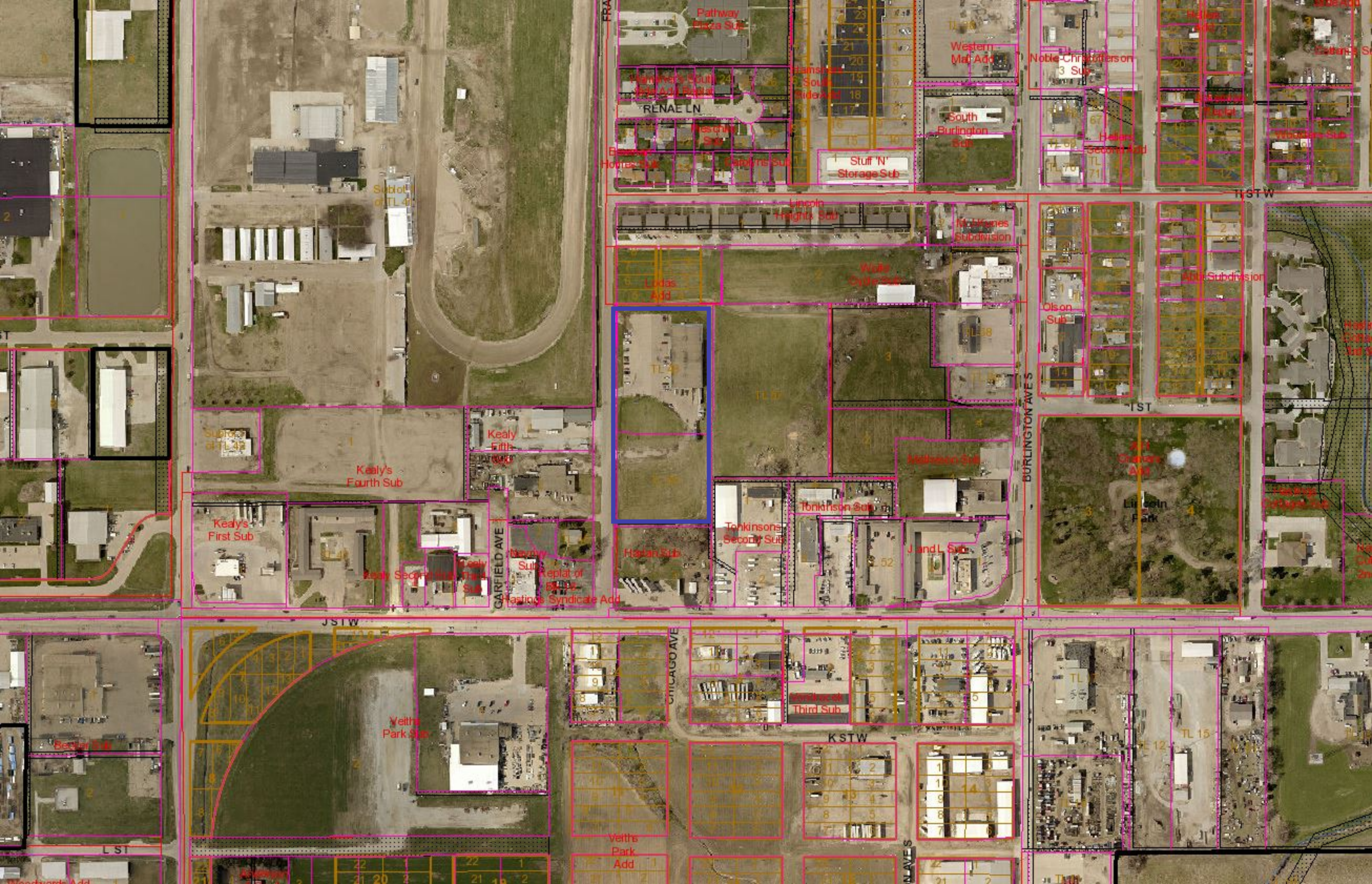
Attachment(s)
Frequency Data
Map(s)

cc: FCC

Frequency Data for ASN 2020-ACE-3229-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
1710	1755	MHz	500	W
1850	1990	MHz	1640	W
2110	2200	MHz	500	W





FRONT

Lodas Add

1045

TL 48

TL 57

TL 60

1108

1110

Tankinsons
Second Sub

1132

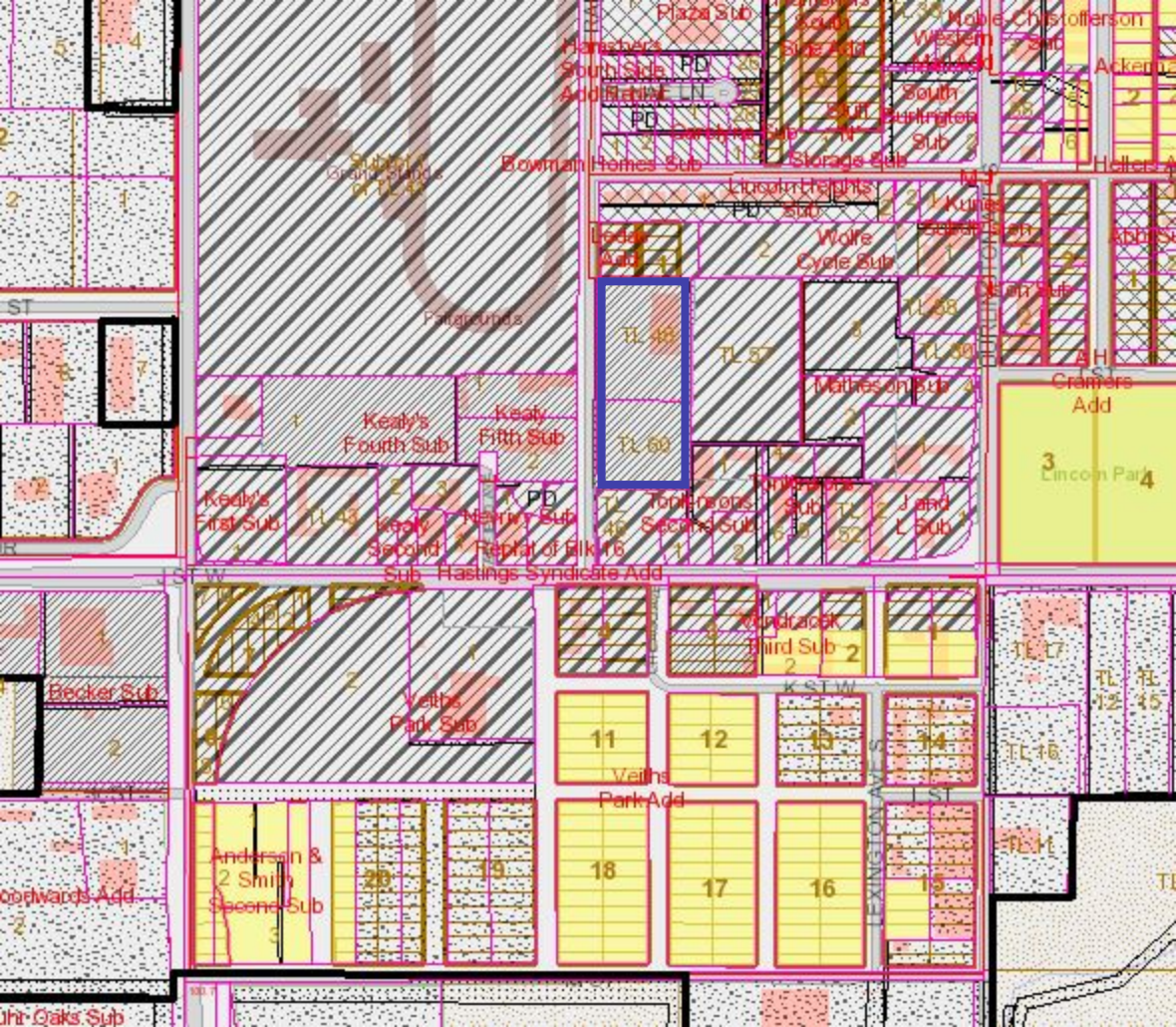
TL 45

TL 46

1118

1116

part of Blk
Hastings





Luas Add

6

3

2

5

4

4

127

100

54

1045

TL 48

TL 57

TL 60

1108

1110

1

Tonkinsons
Second Sub

145.13

TL 46

90

1132
TL 45

104

