

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, September 26, 2022
5:15 PM - City Council Chambers**

Open Meetings Act Announcement.

Items

1. Approve the minutes of the September 12, 2022 regular Planning Commission meeting.
2. Public Hearings and Regular Agenda.
 - A. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).
 1. Adjourn the Public Hearing.
 - B. Recommend to the McCook City Council approval of a vacation of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).
 - C. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).
 1. Adjourn the Public Hearing.
 - D. Recommend to the McCook City Council approval of a final plat of land to be known as the North Pointe Addition, said land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).
 - E. Public Hearing - Regarding a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

1. Adjourn the Public Hearing.

- F. Recommend the approval of a rezone of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of the West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

Adjournment.

**CITY MANAGER'S REPORT
SEPTEMBER 26, 2022 PLANNING COMMISSION MEETING**

ITEM: _____

RECOMMENDATION:

Approve the minutes of the September 12, 2022 regular meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 21, 2022

McCook Planning Commission
September 12, 2022
5:15 P.M. Central

A MEETING OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:15 o'clock P.M. in the City Council Chambers.

Present: Chair Vosburg; Commissioners Bradley, Davidson, Dueland, Lyons, McDowell, Stevens, Mockry.

Absent: Vice Chair Hilker; Commissioner Friehe; City Attorney Mustion.

City Officials present: City Manager Schneider, City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 8, 2022, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Chair Vosburg announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

1. Approve the minutes of the August 8, 2022 regular Planning Commission meeting.

Motion to approve the minutes of the August 8, 2022 regular Planning Commission meeting. This motion, made by Dueland and seconded by McDowell, passed.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

2. Public Hearings and Regular Agenda.

- 2.A. Public Hearing - Consider a request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request request from William Watts to rezone the following described property from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska, with the City Manager to act as hearing officer. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA,

McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

The City Manager received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); and Exhibit #5 - A map of the lot and surrounding vicinity (1 page); Exhibit #6 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1. Mr. Schneider clarified that there no longer was a residential structure on the lot.

Bill Watts, applicant, was present to address questions from the Commission.

Kenny Yeager, owner of Lot 1 of Happy Hollow Addition questioned what effect the special exception would have on his property.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Stevens, passed.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

2.B. Recommend the approval of a rezone from Industrial Light (IL) to Business Commercial District (BC): Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska.

Motion to recommend to the McCook City Council the approval the rezone from Industrial Light (IL) to Business Commercial District (BC); Lot Three, Block One, Happy Hollow Addition, to the City of McCook, Red Willow County, Nebraska, except that track deeded to the State of Nebraska. This motion, made by McDowell and seconded by Davidson, passed.

Bradley: YEA, Davidson: YEA, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 8, NAY: 0, ABSENT: 2

2.C. Public Hearing - Regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons:

YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published (1 page); Exhibit #3 - mailed and posted (1 page); Exhibit #4 - listing of property owners notified (1 page); Exhibit #5 - Heritage Pointe Addition No. 2 Preliminary Plat (1 page); Exhibit #6 - Heritage Pointe Addition No. 2 Final Plat (1 page); Exhibit #7 - Land Use Application and attachments (6 pages); and Exhibit #8 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from the Commission.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.D. Recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Preliminary Plat and Final Plat for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by McDowell and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.E. Public Hearing - Regarding a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to a zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (3 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); and Exhibit #5 - Map of the City of McCook's zoning districts (1 page).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from the Commission.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.F. Recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Motion to recommend to the McCook City Council approval of the zoning change request for Heritage Pointe Addition No. 2, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC). This motion, made by Vosburg and seconded by Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.G. Public Hearing - Regarding the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022, Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Voluntary Annexation Petition/Request from Matt Davidson on behalf of Jerry Gohl (1 page); Exhibit #4 - Legal Description of the proposed annexation area (1 page); Exhibit #5 - Proposed Resolution No. PC2022-03 (2 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from the Commission.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by McDowell, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.H. Approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2.

Motion to approve Planning Commission Resolution No. PC2022-03, recommending approval of the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 2. This motion, made by McDowell and seconded by Bradley, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.I. Public Hearing - To consider the preliminary plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Preliminary Plat of Heritage Pointe which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Stevens, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA
YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

Chair Vosburg received into evidence Exhibit #1 - City Manager's Report prepared for the September 12, 2022 Planning Commission meeting (2 pages); Exhibit #2 - Notice of Public Hearing published, mailed, and posted (1 page); Exhibit #3 - listing of property owners notified (1 page); Exhibit #4 - Heritage Pointe Preliminary Plat (1 page); Exhibit #5 - Land Use Application and attachments (6 pages); and Exhibit #6 - City of McCook Subdivision Regulations, Section 7. Procedures (4 pages).

City Manager Schneider reviewed the information presented in Exhibit 1.

Scott Clifford, representing the applicant, was present to address questions from the Commission.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a Planning Commission. This motion, made by Vosburg and seconded by Lyons, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA

YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

2.J. Recommend approval to the City Council the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska.

Motion to recommend to the McCook City Council approval of the Heritage Pointe preliminary plat which is located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Vosburg and seconded by Mockry, passed.

Bradley: YEA, Davidson: ABSTAIN, Dueland: YEA, Friehe: ABSENT, Hilker: ABSENT, Lyons: YEA, McDowell: YEA, Mockry: YEA, Stevens: YEA, Vosburg: YEA

YEA: 7, NAY: 0, ABSENT: 2, ABSTAIN: 1

The Commission set a special meeting for September 26, 2022, at 5:15 P.M., to consider the North Pointe Final Plat, required vacation for the plat, and rezoning a portion of the area included in the plat.

Adjournment.

With no further business, Chair Vosburg declared the Planning Commission meeting adjourned at 6:11 P.M.

Lea Ann Doak
City Clerk/Recording Secretary

**CITY MANAGER'S REPORT
SEPTEMBER 26, 2022 PLANNING COMMISSION MEETING**

ITEM NO. 2.A. - Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. 2.B. - Recommend approval of a vacation of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. ____ - Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. ____ - Recommend approval of a final plat of land to be known as the North Pointe Addition, said land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. ____ - Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

ITEM NO. ____ - Recommend approval of a rezone of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West of 7th Street), from Agricultural (AG) to Residential (RM).

BACKGROUND:

On behalf of the property owners, MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, the applicant, Greg Wolford of W Design Associates, requests approvals for a vacation, rezone and preliminary plat for property generally located north of West R Street and west of West 7th Street, all found within the current Clary Subdivision.

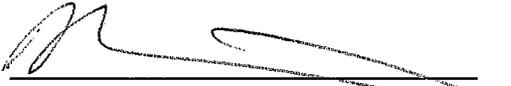
The applicants request to vacate land collaboratively owned by them located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, which is part of the Original Clary Subdivision. The legal description of the property to be vacated is attached to this report and is made part of the report by this reference.

Following the vacation process, the North Pointe Addition will be created through the adoption of a final plat. A preliminary plat has previously been approved by the McCook City Council at it August 15, 2022 meeting. The North Pointe Addition will be comprised of three blocks,

with Block 1 containing 9 lots; Block 2 containing 16 lots; and Block 3 containing 4 lots. Additionally, new streets (West 9th Street, West S Street, and West T Street) are included in the proposed North Pointe Addition. There is a continuation of a sewer easement on the south side of proposed Block 1 that was originated as part of the Clary Subdivision Replat No. 1. Further there is an alley contemplated between the north and south lots comprising Block 2. Proposed Block 1 and Block 2 are currently owned by the MEDC. The MEDC plans on developing the proposed lots into residential properties. With respect to Block 3, Lots 1 and 3 are buildable lots owned by W.A.G.S. Properties. Outlot 2 is a parcel of property that will be used to satisfy drainage concerns. Outlot 2 will remain unimproved except for necessary infrastructure. Outlot 2 will be subject to an HOA agreement of the property owners whose properties populate North Pointe Addition. With respect to Block 3, Lot 4, the property will remain owned by John and Betty Nothnagel.

The final request up for consideration is a rezoning of the properties located on the extreme east of the land at issue. A little more than 3 acres of the land that abuts West 7th Street is zoned Agriculture. The applicants are requesting a rezone change to Residential Medium. The surrounding property within the City of McCook's corporate boundary is zoned Residential Medium, making the requested zoning change preferred. Further, the portions subject to the zoning change were recently annexed into the McCook city limits, making the zoning change necessary to reflect that the property at issue is now within McCook's corporate boundaries.

APPROVALS:



Nathan A. Schneider, City Manager

September 21, 2022

Lea Ann Doak, City Clerk

September 21, 2022

**NOTICE OF PUBLIC HEARING
VACATION**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on September 26, 2022, at 5:15 P.M. and by the McCook City Council on October 3, 2022 at 5:30 P.M. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the vacation of Part of the Original Clary Subdivision; Part of Clary Subdivision Replat No. 1, a replat of Part of Block 2, Part of Block 3, and Part of West 10th Street; Clary Subdivision Replat No. 5 per Amendment No. 1, a replat of Block 3 of Clary Subdivision Replat No. 1; and a Part of Clary Subdivision Replat No. 6, a replat of Original Clary Subdivision & Replat No. 1 Part of Block 2 & Block 3. Any and all persons desiring to comment may attend said public hearing and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 16, 2022.

EXHIBIT #2

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**NOTICE OF PUBLIC HEARING
VACATION**

NOTICE IS HEREBY GIVEN that public hearings will be held to consider the vacation of the following described property:

Part of the Original Clary Subdivision; Part of Clary Subdivision Replat No. 1, a replat of Part of Block 2, Part of Block 3, and Part of West 10th Street; Clary Subdivision Replat No. 5 per Amendment No. 1, a replat of Block 3 of Clary Subdivision Replat No. 1; and a Part of Clary Subdivision Replat No. 6, a replat of Original Clary Subdivision & Replat No. 1 Part of Block 2 & Block 3.

Public Hearings on the above-described Vacation will be held on the Dates, Times, and at the places listed below:

September 26, 2022 - 5:15 P.M.
McCook Planning Commission
City Council Chambers
505 West "C" Street

October 3, 2022 - 5:30 P.M.
McCook City Council
City Council Chambers
505 West "C" Street

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, City of McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 16, 2022.
Post: September 16, 2022
Mail: September 16, 2022

EXHIBIT #3

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Property Owners Notified:

RED WILLOW CO. SCHOOL DIST. #17
700 WEST 7TH
MCCOOK, NE 69001

PRESIDENT
MCCOOK PUBLIC SCHOOLS
600 WEST 7TH
MCCOOK, NE 69001

RED WILLOW COUNTY
C/O TAMI TEEL
502 NORRIS AVE
MCCOOK, NE 69001

RED WILLOW CO. PLANNING COMM.
502 NORRIS AVE
MCCOOK, NE 69001

JOHN D ALLEN
1203 W Q
MCCOOK, NE 69001

JOHN WALTERS
71822 OLD HWY 17
CULBERTSON, NE 69024

GALEN PERRY
1001 W R ST
MCCOOK, NE 69001

MEDC
C/O CHARLIE MCPHERSON
402 NORRIS AVE
MCCOOK, NE 69001

CRAIG AND CHERYL CHRISTNER
808 SPRUCE
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK
903 W R
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG
901 W R
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ
805 W R
MCCOOK, NE 69001

JOHN AND ELIZABETH NOTHNAGEL
805 SPRUCE
MCCOOK, NE 69001

CHANDLER AND TRISHA WAGNER
803 W R
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE
801 W R
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB
802 SPRUCE
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

MICHAEL R WIGGS
3292 E 3180 SOUTH ST
ST GEORGE, UT 84790

TOM AND JODY BENNETT
2101 W 7TH
MCCOOK, NE 69001

GARFIELD GEORGE GRIM
801 SPRUCE
MCCOOK, NE 69001

DARIN AND JENNIFER MORGAN
304 ELIZABETH
MCCOOK, NE 69001

EXHIBIT #4

PAGE(S) - 1



VACATION APPLICATION

OFFICE USE ONLY
 STREET/ALLEY #: _____
 SUBDIVISION FILE #: _____
 DATE FILED: _____
 FEE: _____
 RECEIPT #: _____

Applicant/Agent's Name: MEDC; W.A.G.S. Properties LLC; John + Betty Northrup
 Applicant/Agent's Address: 402 Norris
 E-Mail: charlie@mccookne.org Phone: 345-1200
 Property Owner Name: MEDC; W.A.G.S. Properties LLC; John + Betty Northrup
 Property Owner Address: 402 Norris
 E-Mail: charlie@mccookne.org Phone: 345-1200

Type of Vacation requested (MARK ALL THAT APPLY):
 SUBDIVISION STREET ALLEY EASEMENT
 Address or general location of area to be vacated: NE 1/4 of Sec. 19, T3N, R29 West of the 6th P.M.
 Legal Description of area to be vacated: Same

Length of Street/Alley/Easement: N/A
 Width of Street/Alley/Easement: N/A

The following information and exhibits shall accompany the completed application:

- Address or General Location information above for Street/Alley/Easement shall include the name of abutting Streets/Avenues
- Street location information above shall include recorded street name from subdivision plat and subdivision name in which it was dedicated
- Signed letter or letters from all property owners agreeing to vacation
- Completed Utility Consent Form (SEE FOLLOWING PAGE)
- Certified copy of the last deed of record from the Register of Deeds office for all property owners
- Map showing area to be vacated (8 1/2" x 11")
- Legal description formatted in Microsoft Word

Applicant /Agent/Owner: Charlie McPherson Date: 9-11-2022

Signature by Applicant/Agent certifies that they are the authorized agent of the property owner. All submittal information, while reviewed, is subject to meeting all zoning, subdivision, and building code regulations, and it remains the applicant/agent/owner responsibility to ensure all information is correct.

PLEASE NOTE

- Applications for Planning Commission are due by Noon on the last Friday of the month (see posted schedule for exact dates), prior to the next scheduled meeting.
- A digital submission of application and exhibits is required to be sent to City Building Inspector (bldginsp@cityofmccook.com) by application deadline.
- Application fees are due by 4:30 PM on the Monday following the submittal.
- ONE paper copy of application and exhibits is required to be submitted to Administrative Services one week prior to the City Council meeting.
- Applicant signature must match either applicatn/agent.
- Communication regarding application will only be communicated to those listed on the application.

EXHIBIT #5

September 15, 2022

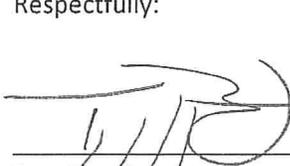
Mr. Nate Schneider, City Manager
City of McCook
P.O. Box 1058
McCook, NE 69001

Re: North Pointe Addition, Clary Addition and Replat Vacation Approval

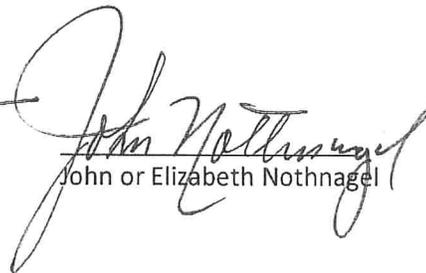
Dear Mr. Schneider

As owners of the property known as the North Pointe Addition hereby give approval to the vacation of the original Clary Addition, Replat #1, Replat #5 per Amendment #1 and Replat #6 as they apply to our property. The vacation is being done to facilitate the Final Plat of the North Pointe Addition as presented.

Respectfully:



Troy Bruntz
President MEDC



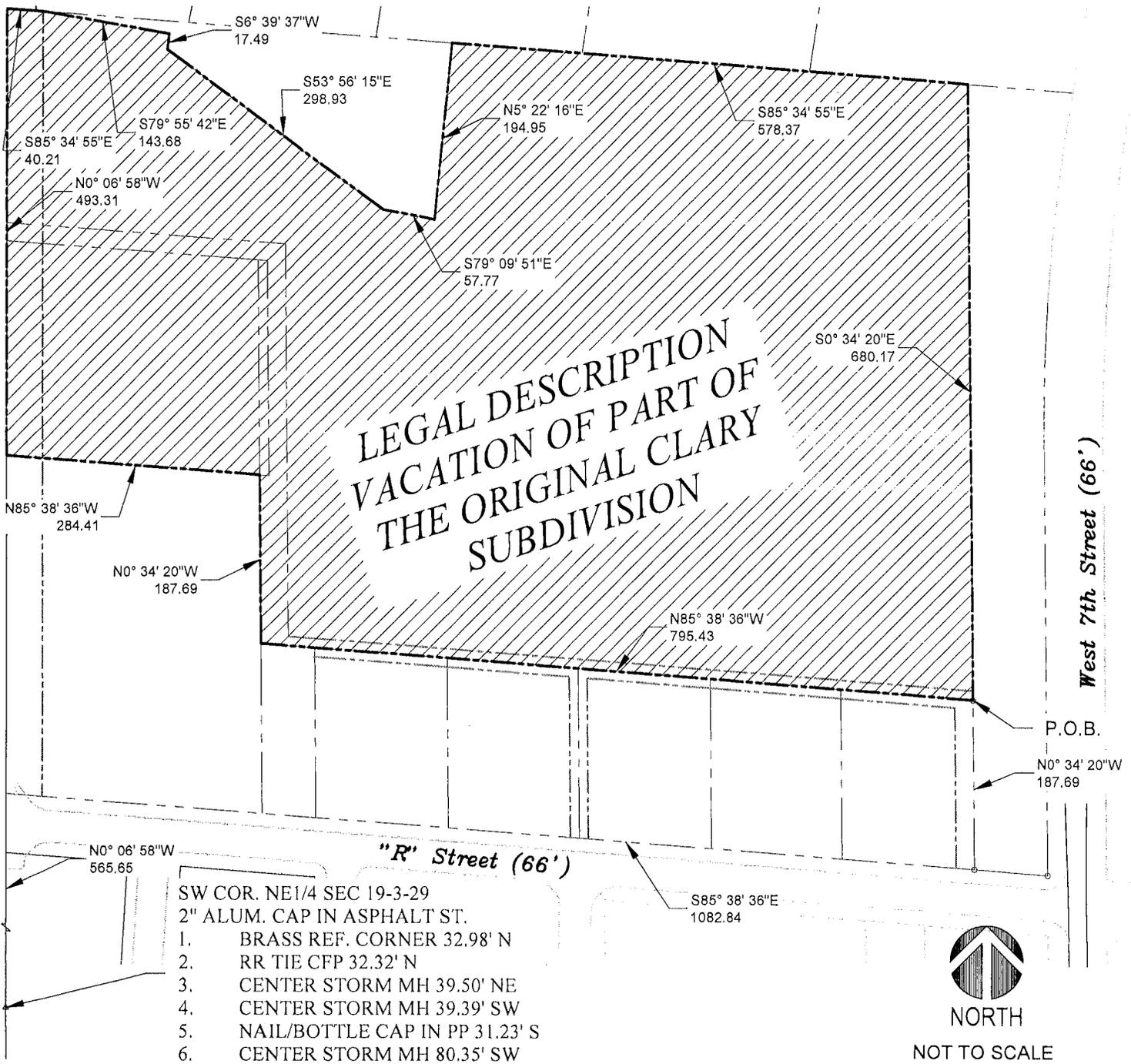
John or Elizabeth Nothnagel



Chris Wagner
WAGS Properties, LLC

EXHIBIT #6

PAGE(S) - 1



- SW COR. NE1/4 SEC 19-3-29
2" ALUM. CAP IN ASPHALT ST.
1. BRASS REF. CORNER 32.98' N
 2. RR TIE CFP 32.32' N
 3. CENTER STORM MH 39.50' NE
 4. CENTER STORM MH 39.39' SW
 5. NAIL/BOTTLE CAP IN PP 31.23' S
 6. CENTER STORM MH 80.35' SW

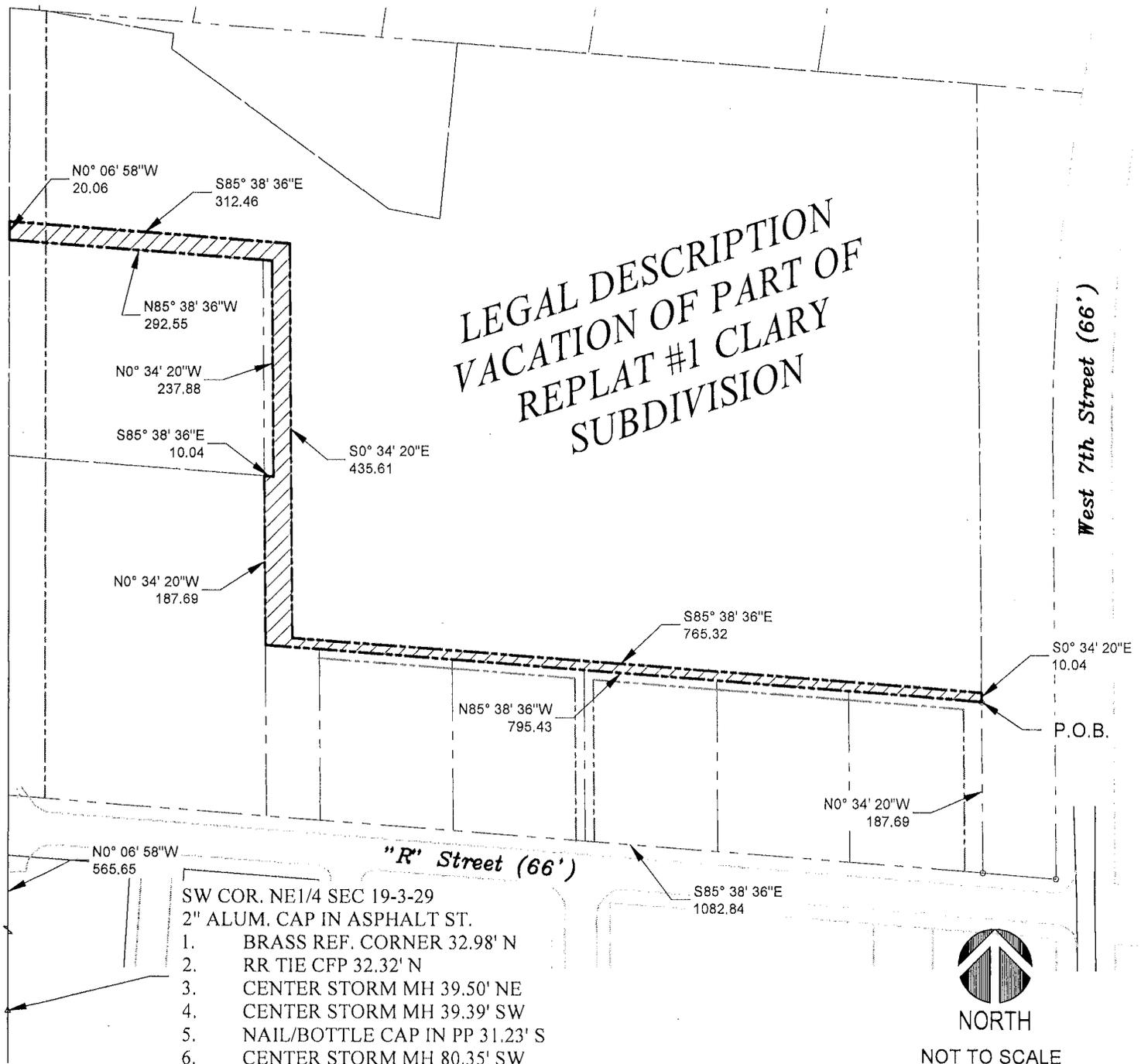
LEGAL DESCRIPTION

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of the ORIGINAL CLARY SUBDIVISION, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, which is the Point of Beginning, thence N85°38'36"W, a distance of 795.43 feet, thence N0°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 284.41 feet, thence N0°6'58"W a distance of 493.31 feet, thence S85°34'55"E a distance of 40.21 feet, thence S79°55'42"E a distance of 143.68 feet, thence S6°39'37"W a distance of 17.49 feet, thence S53°56'15"E a distance of 298.93 feet, thence S79°09'51"E a distance of 57.77 feet, thence N5°22'16"E a distance of 194.95 feet, thence S85°34'55"E a distance of 578.37 feet, thence S0°34'20"E a distance of 680.17 feet to the Point of Beginning.

EXHIBIT #7

Said tract containing 14.64 acres more or less subject to any easement, right-of-ways and reservations of record.

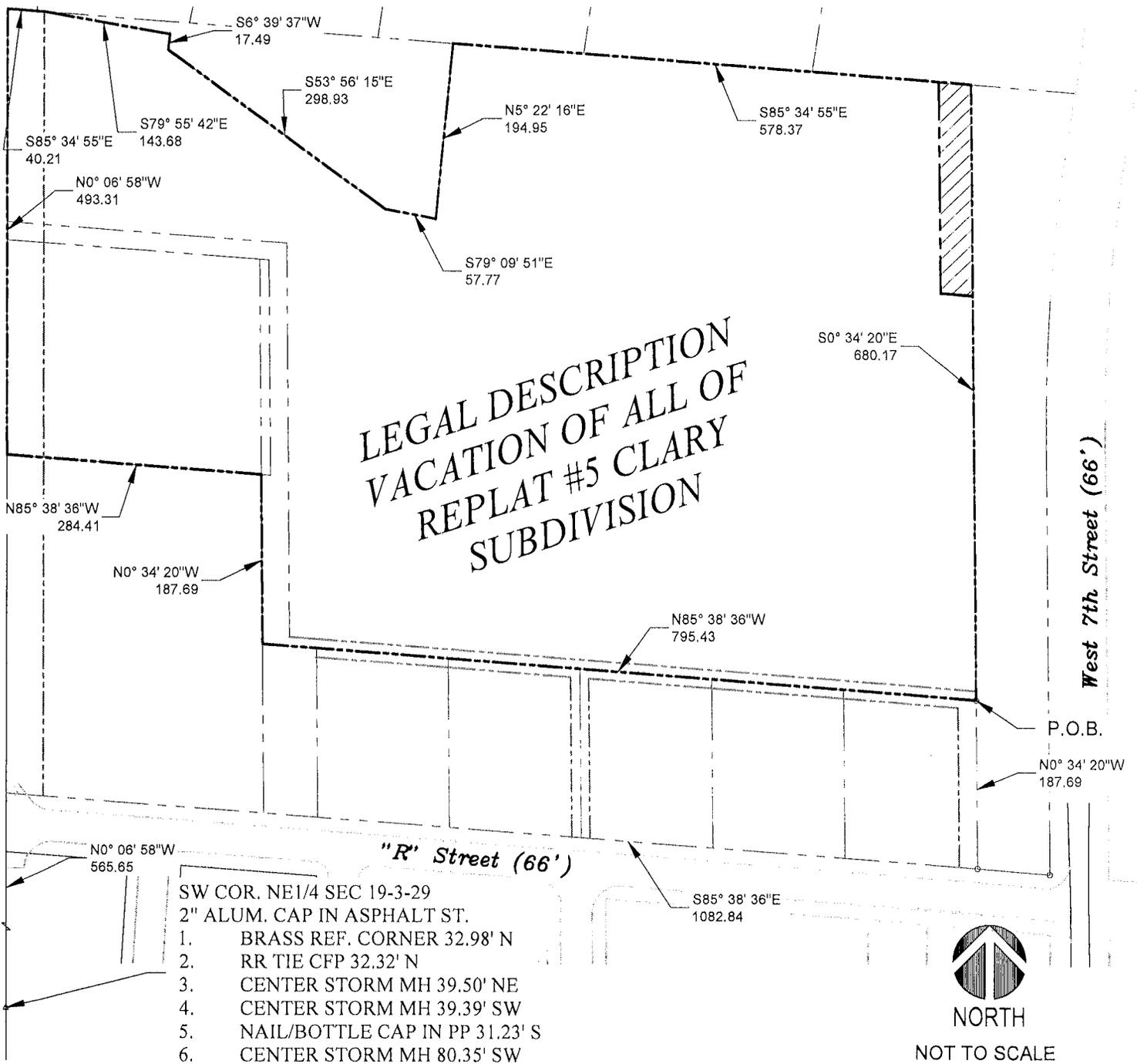


LEGAL DESCRIPTION

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of REPLAT NO. 1 of the ORIGINAL CLARY SUBDIVISION, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, which is the Point of Beginning, thence N85°38'36"W. a distance of 795.43 feet, thence N0°34'20"W a distance of 187.69 feet to a point, thence S85°38'36"E a distance of 10.04 feet, thence N0°34'20"W a distance of 237.88 feet, thence N85°38'36"W a distance of 292.55 feet, thence N00°06'58"W a distance of 20.06 feet, thence S85°38'36"E a distance of 312.46 feet, thence S00°34'20"E a distance of 435.61 feet, thence S85°38'36"E a distance of 765.32 feet, thence S00°34'20"E a distance of 10.04 feet to the Point of Beginning.

Said tract containing 0.56 acres more or less subject to any easement, right-of-ways and reservations of record.

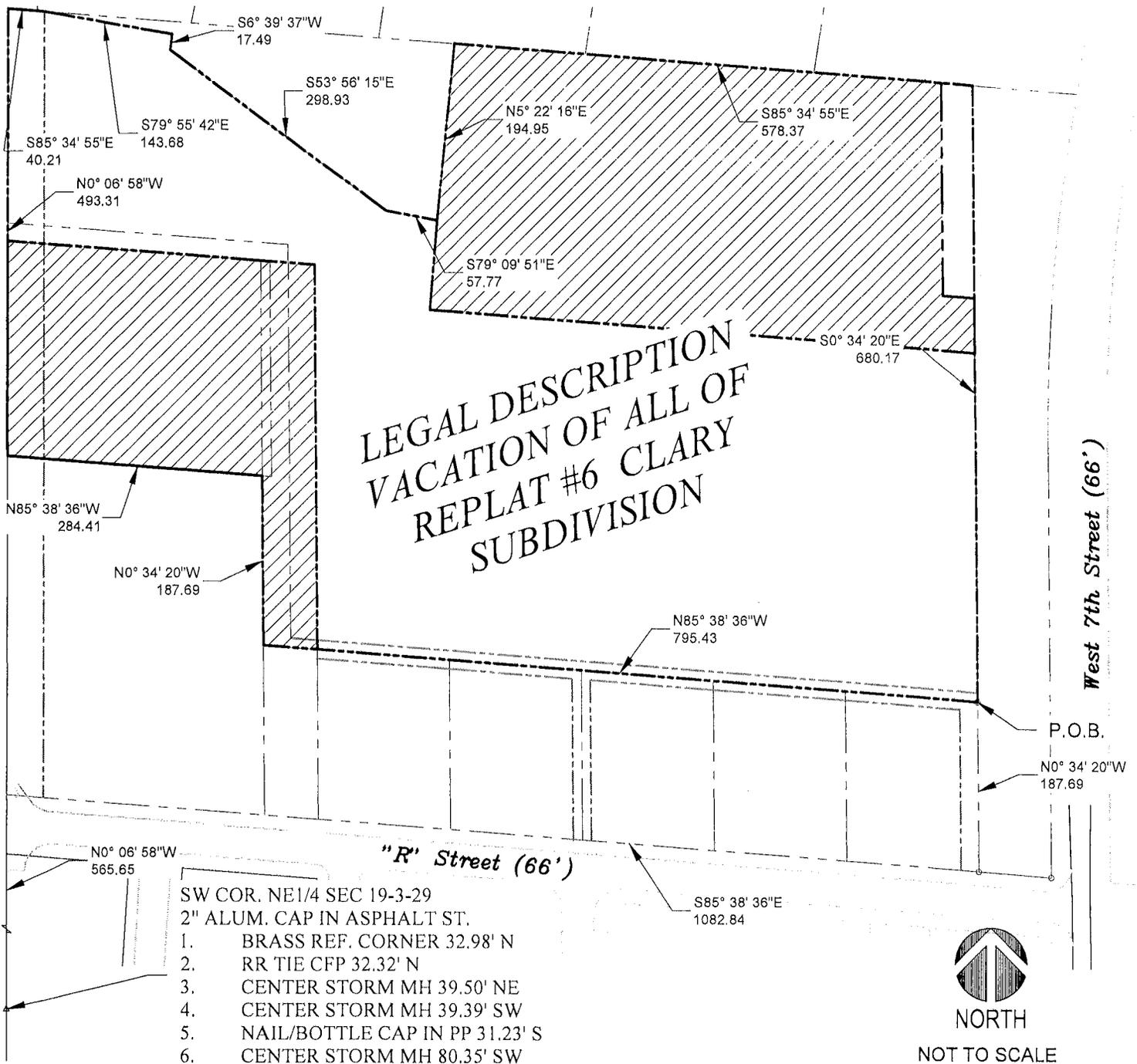


LEGAL DESCRIPTION

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of the ORIGINAL CLARY SUBDIVISION. more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19. thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, which is the Point of Beginning, thence N85°38'36"W, a distance of 795.43 feet. thence N0°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 284.41 feet, thence N0°6'58"W a distance of 493.31 feet, thence S85°34'55"E a distance of 40.21 feet, thence S79°55'42"E a distance of 143.68 feet, thence S6°39'37"W a distance of 17.49 feet, thence S53°56'15"E a distance of 298.93 feet, thence S79°09'51"E a distance of 57.77 feet, thence N5°22'16"E a distance of 194.95 feet, thence S85°34'55"E a distance of 578.37 feet, thence S0°34'20"E a distance of 680.17 feet to the Point of Beginning.

Said tract containing 14.64 acres more or less subject to any easement, right-of-ways and reservations of record.



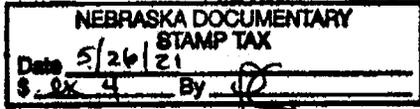
LEGAL DESCRIPTION

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is part of the ORIGINAL CLARY SUBDIVISION, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 565.65 feet to a point on the north line of "R" Street. Thence S85°38'36"E along the north right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, which is the Point of Beginning, thence N85°38'36"W, a distance of 795.43 feet, thence N0°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 284.41 feet, thence N0°6'58"W a distance of 493.31 feet, thence S85°34'55"E a distance of 40.21 feet, thence S79°55'42"E a distance of 143.68 feet, thence S6°39'37"W a distance of 17.49 feet, thence S53°56'15"E a distance of 298.93 feet, thence S79°09'51"E a distance of 57.77 feet, thence N5°22'16"E a distance of 194.95 feet, thence S85°34'55"E a distance of 578.37 feet, thence S0°34'20"E a distance of 680.17 feet to the Point of Beginning.

Said tract containing 14.64 acres more or less subject to any easement, right-of-ways and reservations of record.

Recorded May 26, 2021, 1:30pm
Inst. No. 2021-00931
Fees: \$ 22.00 Pages 3
Penelope Coburn, Deputy
Register of Deeds, Red Willow County, NE



AFTER RECORDING RETURN TO:
McCook Abstract Company
PO Box 648
McCook, NE 69001

CORRECTIVE TRUSTEE'S DEED

Premier Trust, Inc. Custodian FBO David Winder, IRA, GRANTOR, in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, **McCook Economic Development Corporation**, , the following described real estate in **Red Willow County, Nebraska**:

SEE ATTACHED EXHIBIT "A"

This Corrective Trustee's Deed corrects the legal description contained in the Trustee's Deed recorded on May 3, 2021, as Instrument No. 202100746.

GRANTOR covenants with GRANTEES that GRANTOR:

- (1) is lawfully seized of such real estate that it is free from encumbrances; EXCEPT subject to easements, reservations, and restrictions of record;
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend title to the real estate against any acts of the GRANTOR.

Executed 5-21, 2021.

Premier Trust, Inc. as Custodian FBO David Winder,
IRA

Kathy Klein
By Kathy Klein, Trust Officer

Nevada
STATE OF ~~NEBRASKA~~
COUNTY OF CLARK

The foregoing instrument was acknowledged before me this 21st day of May,
2021 by Kathy Klein, Trust Officer of the Premier Trust, Inc. as Custodian for IRA account number 004116 in the
name of David Winder, IRA.

Katherine Lachance
Notary Public

My Commission expires 11/25/2024.

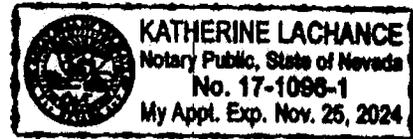


EXHIBIT "A"

File # M015743-

A tract of land located in the NE1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is a part of the CLARY SUBDIVISION, to the City of McCook, more particularly described as follows:

Referring to the SW corner of the said NE1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 Section line a distance of 565.65 feet to a point on the North line of "R" Street,

Thence S85°38'36"E along the North right-of-way of "R" Street a distance of 1082.84 feet to the SE corner of Lot 1, Block 1 of Clary Subdivision Replat No. 1,

Thence N00°34'20"W a distance of 187.69 feet to the NE corner Lot 1, Block 1 of Clary Subdivision Replat No. 1 which is the point of beginning,

Thence N85°38'36"W a distance of 735.21 feet along the North line of Lots 1, 2, 3, 4 and 5 to the NW corner of Lot 5, thence N00°34'20"W a distance of 10.04 feet to the NE corner of West 9th Street,

Thence N85°38'36"W a distance of 66.22 feet to a point on the East line of Lot 6, Block 1 of Clary Subdivision Replat No. 1, which is also the West line of a Utility Easement, thence N00°34'20"W along said Easement line a distance of 177.66 feet to a point on the North line of Lot 6, thence N85°38'36"W along the North line of Lot 6, a distance of 284.41 feet to a point on the West line of the NE1/4 of said Section 19, thence N00°06'58"W along the 1/4 Section line a distance of 493.31 feet to the NW corner of Clary Subdivision, Thence S85°34'55"E a distance of 40.12 feet,

Thence S79°55'42"E a distance of 143.75 feet,

Thence S06°39'37"W a distance of 17.49 feet,

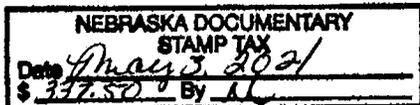
Thence S53°56'15"E a distance of 298.93 feet,

Thence S79°09'51"E a distance of 57.77 feet,

Thence N05°22'16"E a distance of 194.95 feet to a point on the North line of Clary Subdivision,

Thence S85°34'55"E along the North line of Clary Subdivision a distance of 578.37 feet to the NE Corner of Clary Subdivision, thence S00°34'20"E along the East line of Clary Subdivision a distance of 670.08 feet to the point of beginning.

Recorded May 3, 2021 9:30 AM
Inst. No. 2020-40740
Fees: \$ 22.00 Pages 2
Janice
Register of Deeds, Red Willow County, NE



AFTER RECORDING RETURN TO:
McCook Abstract Company
PO Box 648
McCook, NE 69001

TRUSTEE'S DEED

Premier Trust, Inc. Custodian FBO David ^{KL} Winder IRA, GRANTOR, (signed by Kathy Klein, Trust Officer) in consideration of One Dollar (\$1.00) and other good and valuable consideration, conveys to GRANTEE, McCook Economic Development Corporation, the following described real estate in Red Willow County, Nebraska:

SEE ATTACHED EXHIBIT "A"

GRANTOR covenants with GRANTEES that GRANTOR:

- (1) is lawfully seized of such real estate that it is free from encumbrances; EXCEPT subject to easements, reservations, and restrictions of record;
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend title to the real estate against any acts of the GRANTOR.

Executed April 28, 2021

Premier Trust, Inc. as Custodian for IRA Account
Number 004116 in the name of David E. Winder, IRA

Kathy Klein
By Kathy Klein, Trust Officer

STATE OF Nevada
COUNTY OF CLARK

The foregoing instrument was acknowledged before me this 28 day of April
20 21 by Kathy Klein, Trust Officer of the Premier Trust, Inc. as Custodian for IRA Account Number 004116
in the name of David Winder, IRA.

Kristal Gomez
Notary Public

My Commission expires July 14, 2021

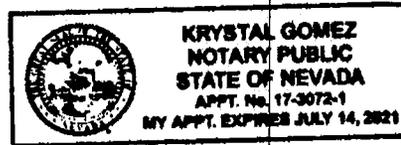


EXHIBIT "A"

File # M015743-

Lots 4, 5 and 6, Block 1 of Clary Subdivision Replat No. 1, to the City of McCook, Red Willow County, Nebraska;

and,

A tract of land located in the NE1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is a part of the CLARY SUBDIVISION, to the City of McCook, more particularly described as follows:

Referring to the SW corner of the said NE1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 Section line a distance of 565.65 feet to a point on the North line of "R" Street,

Thence S85°38'36"E along the North right-of-way of "R" Street a distance of 1082.84 feet to the SE corner of Lot 1, Block 1 of Clary Subdivision Replat No. 1,

Thence N00°34'20"W a distance of 187.69 feet to the NE corner Lot 1, Block 1 of Clary Subdivision Replat No. 1 which is the point of beginning,

Thence N85°38'36"W a distance of 735.21 feet along the North line of Lots 1, 2, 3, 4 and 5 to the NW corner of Lot 5, thence N00°34'20"W a distance of 10.04 feet to the NE corner of West 9th Street,

Thence N85°38'36"W a distance of 66.22 feet to a point on the East line of Lot 6, Block 1 of Clary Subdivision Replat No. 1, which is also the West line of a Utility Easement, thence N00°34'20"W along said Easement line a distance of 177.66 feet to a point on the North line of Lot 6, thence N85°38'36"W

along the North line of Lot 6, a distance of 284.41 feet to a point on the West line of the NE1/4 of said Section 19, thence N00°06'58"W along the 1/4 Section line a distance of 493.31 feet to the NW corner of Clary Subdivision, Thence S85°34'55"E a distance of 40.12 feet,

Thence S79°55'42"E a distance of 143.75 feet,

Thence S06°39'37"W a distance of 17.49 feet,

Thence S53°56'15"E a distance of 298.93 feet,

Thence S79°09'51"E a distance of 57.77 feet,

Thence N05°22'16"E a distance of 194.95 feet to a point on the North line of Clary Subdivision,

Thence S85°34'55"E along the North line of Clary Subdivision a distance of 578.37 feet to the NE Corner of Clary Subdivision, thence S00°34'20"E along the East line of Clary Subdivision a distance of 670.08 feet to the point of beginning.

Recorded October 7, 2021 1:45 P.M.
Inst. No. 2021-01796
Fees: \$ 10.00 Pages 1
John Vail
Register of Deeds, Red Willow County, NE



KEEP TOP 3rd FREE, SEE 1906 LB 286 THAT REVISED NEB. REV. STAT. 23-1603.01M

Upon recording, return to:
MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET, P.C., L.L.O.
101 WEST C ST.
McCOOK, NE 69001

WARRANTY DEED

McCook Economic Development Corporation, a Nebraska corporation, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from GRANTEE, W.A.G.S. Properties, LLC, a Nebraska limited liability company, conveys to GRANTEE, the following described real estate, (as defined in Neb. Rev. Stat. 76-201):

Lots 7A and 7B, Clary Subdivision Replat No. 6, Replat of Original Clary Subdivision and Replat No. 1, part of Block 2 and 3, to the City of McCook, Red Willow County, Nebraska

and

A miscellaneous tract of land located in the NE $\frac{1}{4}$ of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, Willow Grove Precinct, more particularly described as follows:

Referring to the SW corner of the said NE $\frac{1}{4}$ of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the $\frac{1}{4}$ section line a distance of 565.65 feet to a point on the North line of "R" Street, thence S85°38'36"E along the North right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 573.12 feet to a point, which is the Point of Beginning, thence North 00°34'20"W a distance of 60.22 feet, thence S85°38'35"E a distance of 86.79 feet, thence Southerly along a curve having a radius of 2108 feet, a distance of 60.02 feet, thence N85°38'36"W a distance of 83.27 feet to the Point of Beginning.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEES that GRANTOR

- is lawfully seised of such real estate and that it is free from encumbrances, except easements, reservations, covenants and restrictions of record;
- has legal power and lawful authority to convey the same; and
- warrants and will defend title to the real estate against the lawful claims of all persons.

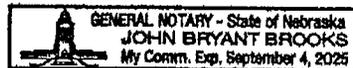
Executed: October 7, 2021

McCook Economic Development Corporation, a Nebraska corporation, Grantor

Dennis G. Berry
Dennis G. Berry, President

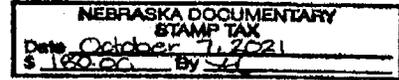
State of Nebraska, County of Red Willow -- ss.

The foregoing Warranty Deed was acknowledged before me on October 7, 2020, by Dennis G. Berry, President of the McCook Economic Development Corporation, a Nebraska corporation, on behalf of the corporation.



John Bryant Brooks
Notary Public
My commission expires 9-4-25

Recorded October 7, 2021 1:45 P.M.
Inst. No. 2021-01795
Fees: \$ 10.00 Pages 1
John Berry
Register of Deeds, Red Willow County, NE



KEEP TOP 3" FREE, SEE 1995 LB 286 THAT REVISED NEB. REV. STAT. 23-1503.01M

Upon recording, return to:
MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET, P.C., L.L.O.
101 WEST C ST.
McCOOK, NE 69001

WARRANTY DEED

McCook Economic Development Corporation, a Nebraska corporation, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from GRANTEE, W.A.G.S. Properties, LLC, a Nebraska limited liability company, conveys to GRANTEE, the following described real estate, (as defined in Neb. Rev. Stat. 76-201):

Lots 7A and 7B, Clary Subdivision Replat No. 6, Replat of Original Clary Subdivision and Replat No. 1, part of Block 2 and 3, to the City of McCook, Red Willow County, Nebraska

and

A miscellaneous tract of land located in the NE $\frac{1}{4}$ of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, Willow Grove Precinct, more particularly described as follows:

Referring to the SW corner of the said NE $\frac{1}{4}$ of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the $\frac{1}{4}$ section line a distance of 565.65 feet to a point on the North line of "R" Street, thence S85°38'36"E along the North right-of-way of "R" Street a distance of 1082.84 feet to a point, thence N00°34'20"W a distance of 573.12 feet to a point, which is the Point of Beginning, thence North 00°34'20"W a distance of 60.22 feet, thence S85°38'35"E a distance of 86.79 feet, thence Southerly along a curve having a radius of 2108 feet, a distance of 60.02 feet, thence N85°38'36"W a distance of 83.27 feet to the Point of Beginning.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEES that GRANTOR

- is lawfully seised of such real estate and that it is free from encumbrances, except easements, reservations, covenants and restrictions of record;
- has legal power and lawful authority to convey the same; and
- warrants and will defend title to the real estate against the lawful claims of all persons.

Executed: October 7, 2021

McCook Economic Development Corporation, a Nebraska corporation, Grantor

Dennis G. Berry
Dennis G. Berry, President

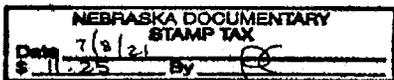
State of Nebraska, County of Red Willow -- ss.

The foregoing Warranty Deed was acknowledged before me on October 7, 2020, by Dennis G. Berry, President of the McCook Economic Development Corporation, a Nebraska corporation, on behalf of the corporation.



John Bryant Brooks
Notary Public
My commission expires 9-4-25

Recorded July 8, 2021 1:25 PM
Inst. No. 02021-01192
Fees: \$ 10.00 Pages 1
Penelope Cooper, Deputy
Register of Deeds, Red Willow County, NE



KEEP TOP 3" FREE, SEE 1096 LB 288 THAT REVISED NEB. REV. STATS. 20-1602.01M

Upon recording, return to:
MOUSEL, BROOKS, SCHNEIDER, MUSTION & SHIFFLET, P.C., L.L.O.
101 WEST C ST.
McCOOK, NE 69001

CORPORATION JOINT TENANCY WARRANTY DEED

McCook Economic Development Corporation, a corporation under the laws of Nebraska, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from GRANTEE, John K. Nothnagel and Elizabeth A. Nothnagel, conveys to GRANTEE, as joint tenants and not as tenants in common, the following described real estate, (as defined in Neb. Rev. Stat. 76-201):

Outlot A, Block Three (3), Clary Subdivision Replat No. 5 to the City of McCook, Red Willow County, Nebraska

GRANTOR covenants (jointly and severally, if more than one) with GRANTEES that GRANTOR

- a. is lawfully seised of such real estate and that it is free from encumbrances, except easements, reservations, covenants and restrictions of record;
- b. has legal power and lawful authority to convey the same; and
- c. warrants and will defend title to the real estate against the lawful claims of all persons.

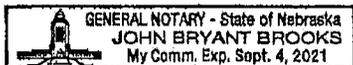
Executed: July 8, 2021.

McCook Economic Development
Corporation, a corporation under the laws of
Nebraska

[Signature]
Dennis Berry, President, Grantor

State of Nebraska, County of Red Willow -- ss.

The foregoing Warranty Deed was acknowledged before me on July 8, 2021, by Dennis Berry, President of the McCook Economic Development Corporation, on behalf of the Corporation.

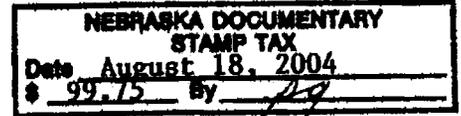


[Signature]
Notary Public
My commission expires 9-4-21

Recorded Book 131, Page 458
August 18, 2004, 2:40 P.M.

Pauletta Server
Reg. of Deeds, Red Willow Co.

2004-01741



JOINT TENANCY WARRANTY DEED

Richard Klug and Pamela Klug, husband and wife, Grantors, whether one or more, in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, conveys to John K. Nothnagel and Elizabeth A. Nothnagel, husband and wife Grantees, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. §76-201) in Red Willow County, Nebraska:

See Attached Exhibit A

Grantors covenant (jointly and severally, if more than one) with the Grantee that Grantors:

- (1) is lawfully seised of such real estate and that it is free from encumbrances; except those of record including all mineral reservations.
- (2) has legal power and lawful authority to convey the same;
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons.

Executed: August 13, 2004

[Signature]
Richard Klug

[Signature]
Pamela Klug

Exhibit "A"

A tract of land in Red Willow County more particularly described below:

Referring to the NW corner of Block 10, Egan Park Addition to the City of McCook, thence westerly 66.24 feet to a point on the west right-of-way line of Seventh Street West which is the Point of Beginning.

Thence N 00 degrees 27 minutes W along the west right-of-way line of Seventh Street West a distance of 602.74 feet to the beginning of a curve;

Thence northeasterly along a curved line which is the west right-of-way of Seventh Street West having a radius of 1465.40 feet, through a central angle of 9 degrees 20 minutes a distance of 238.71 feet to a point;

Thence N 08 degrees 52 minutes E along the west right-of-way line of Seventh Street West a distance of 98.7 feet to a point on the south line of Henton's Second Addition which is 10.03 feet southwesterly of the SE corner of Lot 5, Block 1;

Thence N 85 degrees 33 minutes W along the south line of Henton's Second Addition to the NE corner of Clary Subdivision a distance of 116.8 feet to a point;

Thence S 00 degrees 27 minutes E along the east line of Clary Subdivision a distance of 933.4 feet to the SE corner of Clary Subdivision;

Thence S 85 degrees 33 minutes E a distance of 81.2 feet to the Point of Beginning; in the NE $\frac{1}{4}$, Sec. 19, Township 3 North, Range 29 West of the 6th P.M.
Said tract containing 1.85 acres, more or less.

Lea Ann Doak

From: Nate Schneider <nshneider@cityofmccook.com> on behalf of Nate Schneider
Sent: Tuesday, September 20, 2022 9:55 AM
To: Clerk Lea Ann Doak
Subject: FW: North Pointe

From: Aaron Peterson
Sent: Tuesday, September 20, 2022 7:42 AM
To: Nate Schneider <nshneider@cityofmccook.com>; Greg Wolford <greg@wdesignea.com>
Subject: North Pointe

Nate,
I spoke with the following utilities and they did not have any easements outside of what was already platted.

Black Hills Energy – Met with Dallas Minnick on 9-15-22. All clear

MPPD – Went to their office on 9-15-22 and this is not in their jurisdiction.

NPPD – Contacted their office on 9-15-22. I spoke with Justin Walter and he will get back to me. Justin called on 9-16-22. All clear.

Pinpoint – I spoke with Renee on 9-16-22. I sent her an email with a location map. She met with the property group and they didn't have anything. All clear.

Great Plains – I spoke with Barry on 9-16-22 over the phone and he is aware of the project. He said they do not have anything outside of the easements. All clear.

CenturyLink – I called 6 different numbers and spoke to 2 different people. I also did the online chat. Not one person or phone number worked. One gentleman gave me a number for the "Construction Division" and when you call the number it is about being bullied by telemarketers. I also went to both CenturyLink locations here in town to look for someone and there wasn't anyone at either location. I went to the Spirit Shop to talk to Bob Hall and see if he had a local contact number. He said that there was a guy in North Platte, but he didn't have his number. We have had locates out there in the past and there wasn't anything located outside of the easements. 9-15-22, 9-16-22

Aaron Peterson
W Design Associates
308-345-2370

EXHIBIT #9

PAGE(S) - 1

**CITY MANAGER’S REPORT
SEPTEMBER 26, 2022 PLANNING COMMISSION MEETING**

ITEM NO. ____ - Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. ____ - Recommend approval of a vacation of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. 2c - Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. 2d - Recommend approval of a final plat of land to be known as the North Pointe Addition, said land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. ____ - Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

ITEM NO. ____ - Recommend approval of a rezone of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West of 7th Street), from Agricultural (AG) to Residential (RM).

BACKGROUND:

On behalf of the property owners, MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, the applicant, Greg Wolford of W Design Associates, requests approvals for a vacation, rezone and preliminary plat for property generally located north of West R Street and west of West 7th Street, all found within the current Clary Subdivision.

The applicants request to vacate land collaboratively owned by them located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, which is part of the Original Clary Subdivision. The legal description of the property to be vacated is attached to this report and is made part of the report by this reference.

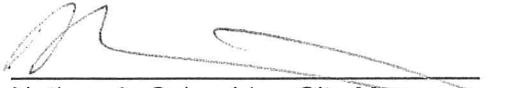
Following the vacation process, the North Pointe Addition will be created through the adoption of a final plat. A preliminary plat has previously been approved by the McCook City Council at it August 15, 2022 meeting. The North Pointe Addition will be comprised of three blocks,

EXHIBIT #1

with Block 1 containing 9 lots; Block 2 containing 16 lots; and Block 3 containing 4 lots. Additionally, new streets (West 9th Street, West S Street, and West T Street) are included in the proposed North Pointe Addition. There is a continuation of a sewer easement on the south side of proposed Block 1 that was originated as part of the Clary Subdivision Replat No. 1. Further there is an alley contemplated between the north and south lots comprising Block 2. Proposed Block 1 and Block 2 are currently owned by the MEDC. The MEDC plans on developing the proposed lots into residential properties. With respect to Block 3, Lots 1 and 3 are buildable lots owned by W.A.G.S. Properties. Outlot 2 is a parcel of property that will be used to satisfy drainage concerns. Outlot 2 will remain unimproved except for necessary infrastructure. Outlot 2 will be subject to an HOA agreement of the property owners whose properties populate North Pointe Addition. With respect to Block 3, Lot 4, the property will remain owned by John and Betty Nothnagel.

The final request up for consideration is a rezoning of the properties located on the extreme east of the land at issue. A little more than 3 acres of the land that abuts West 7th Street is zoned Agriculture. The applicants are requesting a rezone change to Residential Medium. The surrounding property within the City of McCook's corporate boundary is zoned Residential Medium, making the requested zoning change preferred. Further, the portions subject to the zoning change were recently annexed into the McCook city limits, making the zoning change necessary to reflect that the property at issue is now within McCook's corporate boundaries.

APPROVALS:



Nathan A. Schneider, City Manager

September 21, 2022



Lea Ann Doak, City Clerk

September 21, 2022

**NOTICE OF PUBLIC HEARING
FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on September 26, 2022, at 5:15 P.M. and by the McCook City Council on October 3, 2022, at 5:30 P.M.. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the final plat on a tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, to be known as North Pointe Addition. A copy of the proposed final plat and legal description are available for public inspection at the office of the City Clerk. Any and all persons desiring to comment on the proposed preliminary plat may attend said public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 16, 2022.

EXHIBIT #2

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING
FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that public hearings will be held to consider the final plat on the following described property to be known as North Pointe Addition.

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska.

PUBLIC HEARINGS ON THE ABOVE-DESCRIBED FINAL PLAT APPROVAL WILL BE HELD ON THE DATES, TIMES, AND AT THE PLACES LISTED BELOW:

SEPTEMBER 26, 2022 - 5:15 P.M.
MCCOOK PLANNING COMMISSION
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

OCTOBER 3, 2022 - 5:30 P.M.
MCCOOK CITY COUNCIL
CITY COUNCIL CHAMBERS
505 WEST "C" STREET

ANY AND ALL PERSONS desiring to comment on the above-described final plat may attend the public hearings and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 16, 2022.
Mail: September 16, 2022.
Post: September 16, 2022.

EXHIBIT #3

PAGE(S) - 1

Property Owners Notified:

RED WILLOW CO. SCHOOL DIST. #17
700 WEST 7TH
MCCOOK, NE 69001

PRESIDENT
MCCOOK PUBLIC SCHOOLS
600 WEST 7TH
MCCOOK, NE 69001

RED WILLOW COUNTY
C/O TAMI TEEL
502 NORRIS AVE
MCCOOK, NE 69001

RED WILLOW CO. PLANNING COMM.
502 NORRIS AVE
MCCOOK, NE 69001

JOHN D ALLEN
1203 W Q
MCCOOK, NE 69001

JOHN WALTERS
71822 OLD HWY 17
CULBERTSON, NE 69024

GALEN PERRY
1001 W R ST
MCCOOK, NE 69001

MEDC
C/O CHARLIE MCPHERSON
402 NORRIS AVE
MCCOOK, NE 69001

CRAIG AND CHERYL CHRISTNER
808 SPRUCE
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK
903 W R
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG
901 W R
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ
805 W R
MCCOOK, NE 69001

JOHN AND ELIZABETH NOTHNAGEL
805 SPRUCE
MCCOOK, NE 69001

CHANDLER AND TRISHA WAGNER
803 W R
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE
801 W R
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB
802 SPRUCE
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

MICHAEL R WIGGS
3292 E 3180 SOUTH ST
ST GEORGE, UT 84790

TOM AND JODY BENNETT
2101 W 7TH
MCCOOK, NE 69001

GARFIELD GEORGE GRIM
801 SPRUCE
MCCOOK, NE 69001

DARIN AND JENNIFER MORGAN
304 ELIZABETH
MCCOOK, NE 69001

EXHIBIT #4

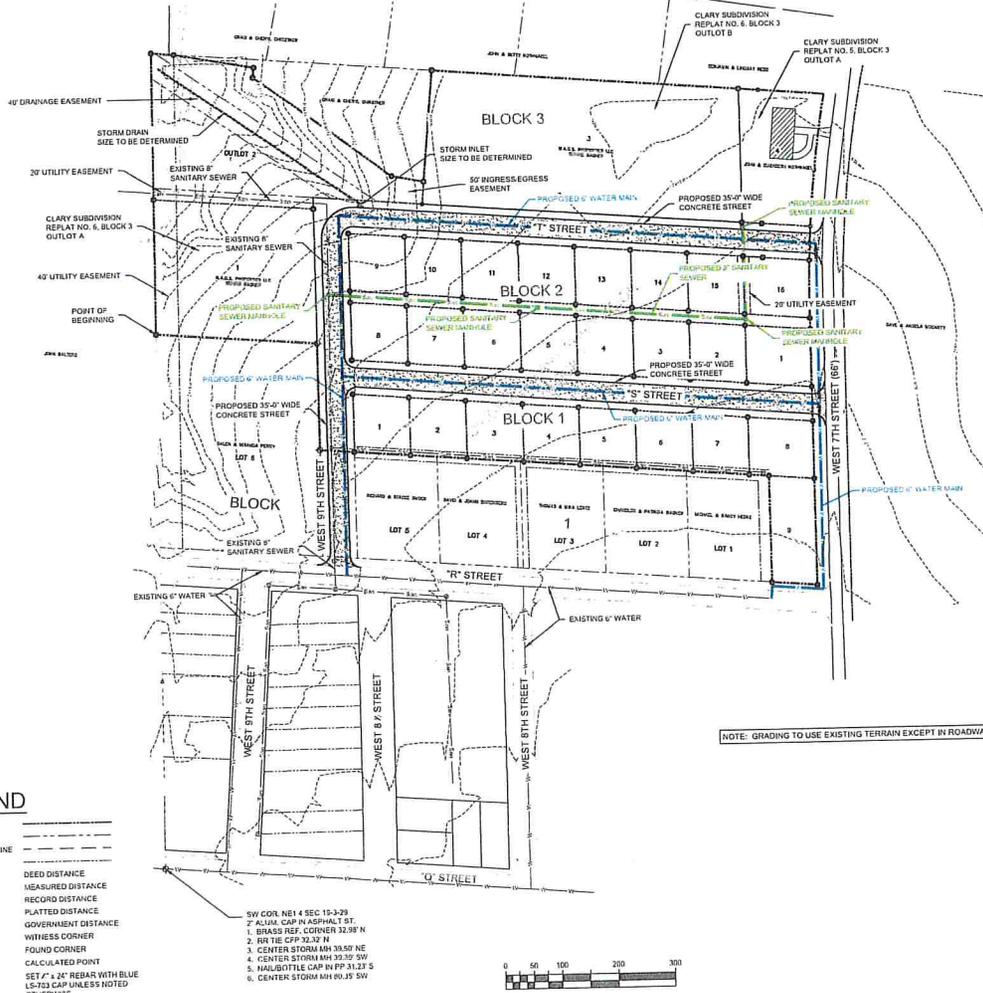
NORTH POINTE ADDITION

AN ADDITION TO THE

City of McCook, Red Willow County, Nebraska

PRELIMINARY PLAT

PROPOSED & EXISTING UTILITIES



SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
 2837 W. HWY 6, STE 206, HASTINGS, NE 68901
 PHONE 402-879-5701 EMAIL jmgrumert@yahoo.com
 WWW.GRUMMERTSURVEYING.COM

ENGINEER
W DESIGN ASSOCIATES
1111 S. 12th St., Suite 200, Lincoln, NE 68502-1111
 402-441-1111 FAX 402-441-1112 WWW.WDESIGNASSOCIATES.COM

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 the copyright law.

LEGEND

- | | |
|--------------------|--|
| PROPERTY LINE | ————— |
| LOT LINE | - - - - - |
| BLDG. SETBACK LINE | — · — · — |
| EASEMENT | — · — · — |
| D | DEED DISTANCE |
| H | MEASURED DISTANCE |
| R | RECORD DISTANCE |
| P | PLATTED DISTANCE |
| G | GOVERNMENT DISTANCE |
| W.C. | WITNESS CORNER |
| ⊕ | FOUND CORNER |
| ⊙ | CALCULATED POINT |
| ○ | SET 7" x 14" REBAR WITH BLUE
LS-723 CAP UNLESS NOTED
OTHERWISE |

- SW COR. NE1/4 SEC 15-29
 7' ALUM. CAP IN ASPHALT ST.
 1. BRASS REF. CORNER 32.98' N
 2. IRON TIE CIP 30.37' N
 3. CENTER STORM MH 33.50' NE
 4. CENTER STORM MH 30.35' SW
 5. MANHOLE CAP IN PP 31.23' S
 6. CENTER STORM MH 60.35' SW



SURVEYORS CERTIFICATE

A tract of land located in the NE 1/4 of said Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is a Replat of Blocks 2 & 3 of the CLARY SUBDIVISION, and Replat No. 5, 6 & 6 of the CLARY SUBDIVISION more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°00'58"W (assumed and all bearings relative to) along the 1/4 section line a distance of 840.79 feet to a point on the South line of Lot 7, said Point being the Point of Beginning. Thence N00°00'58"W along the West 1/4 Section Line a distance of 453.31 feet to a point, thence S85°35'27"E a distance of 40.13 feet to a point, thence S79°55'42"E a distance of 143.75 feet to a point, thence S06°35'37"W a distance of 17.49 feet to a point, thence S53°56'15"E a distance of 298.83 feet to a point, thence S79°09'51"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 104.85 feet to a point, thence S85°35'22"E a distance of 695.55 feet to a point, thence Southwesterly along a curve a distance of 387.16 having a Radius of 2055 feet to a point, S00°34'20"E a distance of 478.68 feet to a point, thence N85°34'30"W a distance of 81.20 feet to a point, thence N02°34'20"W a distance of 187.69 feet to a point, thence N85°38'38"W a distance of 795.43 feet to a point, thence N02°34'20"W a distance of 187.69 feet to a point, thence N85°38'38"W a distance of 284.41 feet to the Point of Beginning.

Said tract containing 16.36 acres more or less subject to any existing right-of-ways and reservations of record.

I, Joshua Eugene Grumert, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this _____ day of _____, 2022.

Joshua E. Grumert, LS-763



VICINITY MAP

OWNER
 MCCOOK ECONOMIC DEVELOPMENT CORPORATION
 %TROY BRINTZ, PRESIDENT
 402 HARRIS AVE SUITE 301
 MCCOOK, NE 68901

RESIDENTIAL MEDIUM DENSITY & AC ZONING
 MINIMUM LOT = 5000 SQ. FEET
 MINIMUM FRONT YARD = 20 FEET
 MINIMUM REAR YARD = 15 FEET
 MINIMUM SIDE YARD = 5 & 6 FEET

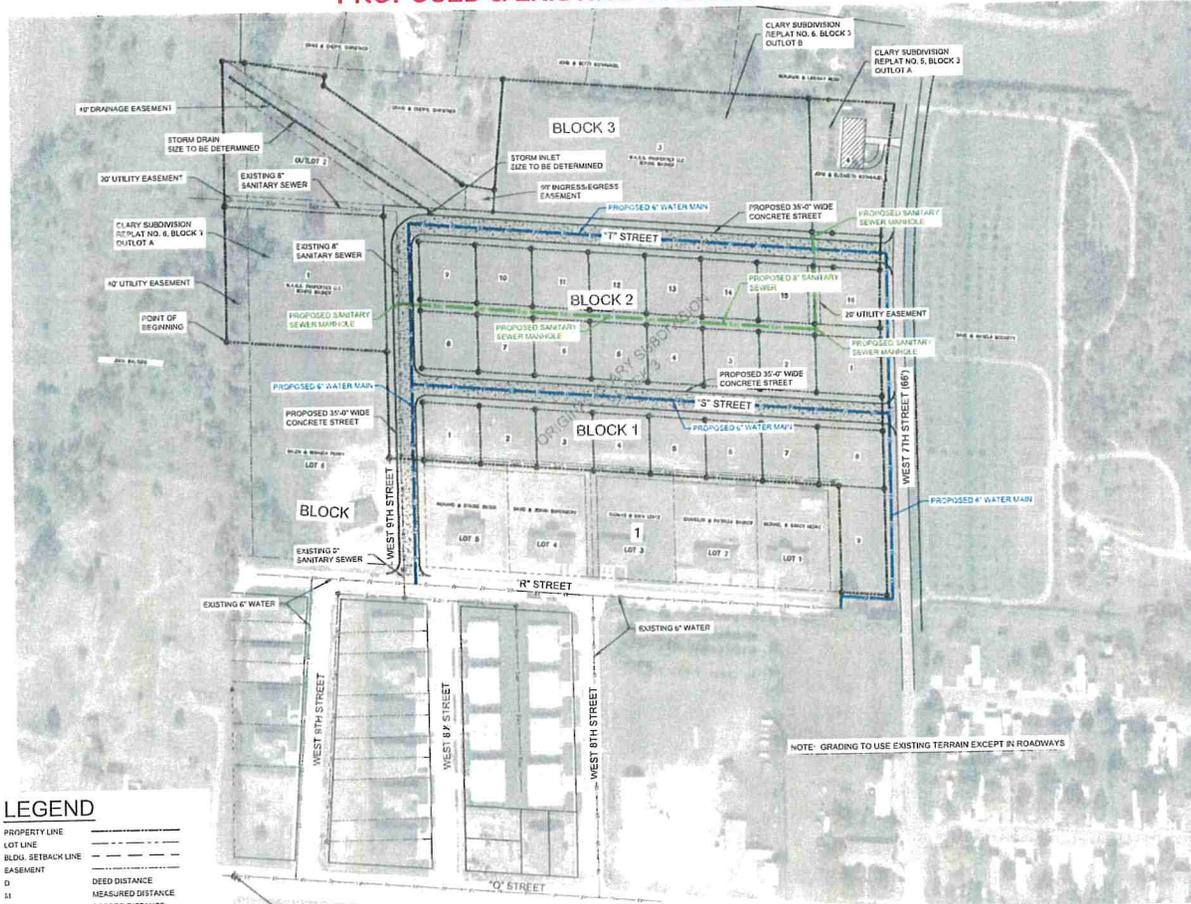
NORTH POINTE ADDITION

AN ADDITION TO THE

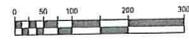
City of McCook, Red Willow County, Nebraska

PRELIMINARY PLAT

PROPOSED & EXISTING UTILITIES



- SW COR. NE 1/4 SEC. 10-30
- 7" ALUM. CAP IN ASPHALT ST.
- 1. BRASS REF. CORNER 32.85' N
- 2. BR. TIE OFF 10.00' N
- 3. CENTER STORM MH 39.50' NE
- 4. CENTER STORM MH 39.50' SW
- 5. NAUGOITTE CAP IN PP 31.25' S
- 6. CENTER STORM MH 60.75' SW



SURVEYORS CERTIFICATE

A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is a Right of Blanks 2 & 3 of the CLARY SUBDIVISION, and Replat No. 5 & 6 of the CLARY SUBDIVISION, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°05'58"W (assumed and all bearings relative to) along the 1/4 section line a distance of 840.79 feet to a point on the South line of Lot 7, said Point being the Point of Beginning. Thence N00°05'58"W along the West 1/4 Section Line a distance of 493.31 feet to a point, thence S85°32'23"E a distance of 40.13 feet to a point, thence S79°55'12"E a distance of 143.75 feet to a point, thence S00°30'37"W a distance of 17.49 feet to a point, thence S53°56'15"E a distance of 216.93 feet to a point, thence S79°09'31"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 194.95 feet to a point, thence S85°35'22"E a distance of 695.55 feet to a point, thence Southwesterly along a curve a distance of 307.19 having a Radius of 2055 feet to a point, S00°34'20"E a distance of 478.68 feet to a point, thence N85°24'30"W a distance of 81.20 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'38"W a distance of 795.43 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'38"W a distance of 234.41 feet to the Point of Beginning.

Said land containing 16.36 acres more or less subject to any easement, right-of-ways and reservations of record.

I, Joshua E. Grummett, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this _____ day of _____, 2022.

Joshua E. Grummett LS-763



VICINITY MAP

OWNER
 MCCOOK ECONOMIC DEVELOPMENT CORPORATION
 % TROY BRUNTZ, PRESIDENT
 402 HARRIS AVE SUITE 201
 MCCOOK, NE 68001

RESIDENTIAL MEDIUM DENSITY & AC ZONING

MINIMUM LOT = 5,000 SQ. FEET
 MINIMUM FRONT YARD = 20 FEET
 MINIMUM REAR YARD = 15 FEET
 MINIMUM SIDE YARD = 5 & 8 FEET

SURVEYOR
 GRUMMERT PROFESSIONAL SERVICES, LLC
 2837 W. HWY 6, STE 206, HASTINGS, NE 68901
 PHONE 402-879-5701 EMAIL jmgrummett@yahoo.com
 WWW.GRUMMERTSURVEYING.COM

ENGINEER
DESIGN ASSOCIATES
 201 S. 10th Street, Hastings, NE 68901
 402-879-5701

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LEGEND	
PROPERTY LINE	—————
LOT LINE	-----
BLDG. SETBACK LINE	- - - - -
EASEMENT	=====
D	DEED DISTANCE
II	MEASURED DISTANCE
R	RECORD DISTANCE
P	PLATTED DISTANCE
G	GOVERNMENT DISTANCE
W.C.	WITNESS CORNER
⊕	FOUND CORNER
⊙	CALCULATED POINT
⊙	SET P/4" REBAR WITH BLUE LS-763 CAP UNLESS NOTED OTHERWISE

CITY OF McCOOK

LAND USE ACTION REQUEST FORM

This request is for a:
(Check all that apply)

- Zone Change
- Special Exception
- Administrative Permit (Personal Wireless Facility)
- Special Exception (Personal Wireless Facility)
- Minor Subdivision
- Major Subdivision
- Planned Development(Includes Zone Change)

Name of Project: North Pointe Addition + Zone Change

Description of Project: MEDC, W.A.G.S. Properties, + John + Elizabeth Withnigel own land in Clary Subdivision. The parties want to vacate their current parcels/subdivision to create a new major-subdivision named the North Pointe Addition. Three blocks + 29 lots will be included in the new addition. Also, the east side of the properties at issue need to be rezoned from AG + RM.

Project sponsor or developer:

Name: MEDC, W.A.G.S. Properties L.L.C., + John + Betty Withnigel
 Address: 407 Norris
 Phone number: 345-1200
 Fax number: _____
 E-mail Address: charlie@mccookne.org

Land owner or owners:

Name: MEDC, W.A.G.S. Properties LLC, + John + Betty Withnigel
 Address: 407 Norris
 Phone number: 345-1200
 Fax number: _____
 E-Mail Address: charlie@mccookne.org

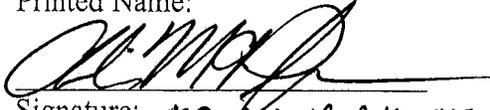
(Attached to this form are the deeds for the properties proving ownership)

Authorization of the land use action by land owner:

I hereby certify that I own and/or control the following land where the land use action is being requested. (Attach evidence of ownership or control. e.g. power of attorney, deed, or purchase agreement)

Charlie McPherson
Printed Name:

Printed Name:


Signature: *On behalf of the MEDC

Signature:

9-16-22
Date:

Address and physical location of the Proposed Land Use Action: No address - it is located west of West 7th Street & north of West R street. Calla clay

Property Description (Of the parent parcel for subdivisions): Please see attached. Subdiv

Required Information:

See Attached sheets for required information for:

- _____ Subdivisions
- _____ Zone Changes and special exceptions
- _____ Planned developments

FEE PAID: \$ _____ (See attached schedule of fees)

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Subdivisions:

Sketch Plan:

- ✓ (1) General lot layout on a topographic background of the proposed subdivision including approximate location of streets, alleys, lots and other significant features.
- ✓ (2) Surrounding streets, alleys, and land use features.
- ✓ (3) General location of existing sewer and waterlines (developments not intending to use city sewer and water are to include a written explanation of the proposal to satisfy these utility needs.)
- ✓ (4) General location of utility easements and types of utilities to be included.
- ✓ (5) General location of any open space and an explanation of the type of facilities that will be provided.

Attachments: in addition to the above noted sketch plat, the subdivider shall attach the following:

- ✓ (1) A letter requesting only zoning change or special exception required for the development to proceed.
- ✓ (2) Written description of the type of housing, commercial, industrial, or public uses to be included in the subdivision. *Residential development - single family*
- ✓ (3) An explanation of what the general character of the area will be when it is developed and how it will relate to the adjacent surrounding areas.
- ✓ (4) An explanation of how the proposed development relates to the Comprehensive Plan (Particularly in regard to land use, thoroughfare, and public facilities)
- ✓ (5) Is it the intent to use Deed Restrictions or any other method of controlling the character and/or the quality of the area?

A Home Owners Agreement will be required.
If so, briefly explain what they might consist of.

(Attach explanation)

N/A Attach proposed Subdivision Agreement. (See Part D of the Subdivision Regulations) - *The property is already w/ city limits.*

According to the 2013 Comprehensive Plan, 279 housing units were needed to meet demand. It is now 2022, and this goal has not been met.

The area will contain 3 blocks + 27 residential lots. Also included will be an Outlot (Calkin - Outlot 2) + an existing storm facility owned by John + Betty Wothnagel. Included in this plan are three streets - West S street, West T street, + West 9th street. Water + sewer utilities are included. The properties to be developed are RM in nature + will comply w/ McCook's zoning ordinance.

~~X~~ ^{Final} Preliminary Plat Submission:

- ✓ (a) Plat Submission Requirements: The subdivider shall submit to the Zoning Administrator:
_____ five (5) copies of the preliminary plat and any supplemental materials specified by the Planning Commission of conditional approval. (The plat submission requirements are stipulated under C-3 Procedure for conditional approval of Preliminary Plat of the City of McCook Subdivision Regulations)

- ✓ (b) Fees: A plat review fee shall accompany the preliminary plat in the amount specified in the City Fee Ordinance. (See Attached list of fees for building, zoning, and subdivision actions) *- also includes final plat amt.*

- ✓ (c) Scale and Preliminary Plat contents. Preliminary plats shall be a scale of one (1) inch to one hundred (100) feet or 1" = 200' if seventy-five percent (75%) of the lots are one (1) acre or larger, and shall be prepared with the following information:
 - ✓ (1) The proposed name of the ^{addition} ~~subdivision~~ (the name shall not duplicate or too closely resemble the name or names of any existing subdivision).
 - ✓ (2) The location of the boundary lines of the ^{addition} ~~subdivision~~ and reference to the section or quarter section lines.
 - ✓ (3) The names and addresses of the owner, developer, and the engineer who prepared the plat.
 - ✓ (4) Scale of the plat, one inch = one hundred feet or larger.
 - ✓ (5) Date of preparation and north point.
 - ✓ (6) Present zoning.
 - ✓ (7) Existing conditions:
 - ✓ aa. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the Preliminary Plat.
 - ✓ bb. All existing sewers, water mains, gas mains, culverts, or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe size and manholes, grades and location shall be shown. Control elevation of surface drainage entering and existing from the property.
 - ✓ cc. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown.

- ✓ dd. Topography (unless specifically waived) with contour intervals of not more than five (5) feet, referred to City or U.S.G.S. datum shall be shown; also location of water courses, bridges, wooded areas, lakes, ravines, and such other features as may be pertinent to the subdivision shall be shown.
- ✓ (8) The general arrangement of lots and their approximate size.
- ✓ (9) Location and width of proposed streets, alleys, pedestrian ways, and easements. Control elevation shall be shown for all street intersections.
- ✓ (10) The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases a notation shall be made on the plat indicating type of sewage disposal, and water system proposed.
- N/A (11) Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use.
- ✓ (12) General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.
- ✓ (13) ~~The subdivider shall indicate by letter when improvements as required will be installed or requested.~~
- ✓ (14) Any proposed restrictive covenants for the land involved shall accompany the plat. *NO COVENANTS*
- ✓ (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities. *- property is w/i the city boundaries, a vacation of the property + a new add-on is requested*

The plan is to phase in the residential development. West 5th + West 9th Streets (and the surrounding areas) will be developed as quickly as possible.

DEDICATION

McCOOK ECONOMIC DEVELOPMENT CORPORATION, as it appears on the foregoing Plat and as described with the desires of the undersigned owners and proprietors. The said owners hereby dedicate the streets, alleys, easements and other open areas to the Public use and benefit.

By: _____
Troy Bruntz, President MEDC

By: _____
John or Elizabeth Nothnagel

By: _____
W.A.G.S. Properties LLC, Chris Wagner

ACKNOWLEDGMENTS

Personally appeared before me a Notary Public in and for the State of Nebraska, Troy Bruntz, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.

Witness my hand and official Seal this _____ day of _____

My commission expires _____

Notary Public _____

Personally appeared before me a Notary Public in and for the State of Nebraska, John or Elizabeth Nothnagel, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.

Witness my hand and official Seal this _____ day of _____

My commission expires _____

Notary Public _____

Personally appeared before me a Notary Public in and for the State of Nebraska, Chris Wagner, known to me to be the identical person whose name is affixed to the foregoing instrument and he acknowledges the same to be his voluntary act and deed.

Witness my hand and official Seal this _____ day of _____

My commission expires _____

Notary Public _____

PLANNING COMMISSION APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this _____ day of _____, 2022.

Nate Schneider, City Manager Kurt Vosburg, Chairman Chad Lyons, Secretary

MUNICIPAL APPROVAL

This Plat was duly approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this _____ day of _____, 2022.

LeaAnn Doak, City Clerk Michael Gonzales, Mayor

RECORDING INFORMATION

State of Nebraska) County of Red Willow)
Instrument No. _____

DATE: _____
TIME: _____

Register of Deeds: Tami Teel

SURVEYOR
GRUMMERT PROFESSIONAL SERVICES, LLC
PO BOX 37, KENESAW, NE 68956
PHONE 402-879-5701 EMAIL jmgrummert@yahoo.com
WWW.GRUMMERTSURVEYING.COM

ENGINEER
W DESIGN ASSOCIATES
214 E. 1ST ST. McCOOK, NE 68001 | 308.345.2370 | ENGINEERS ARCHITECTS
2025 W. 2ND ST. HASTINGS, NE 68901 | 402.463.2377 | WWW.WDESIGNA.COM

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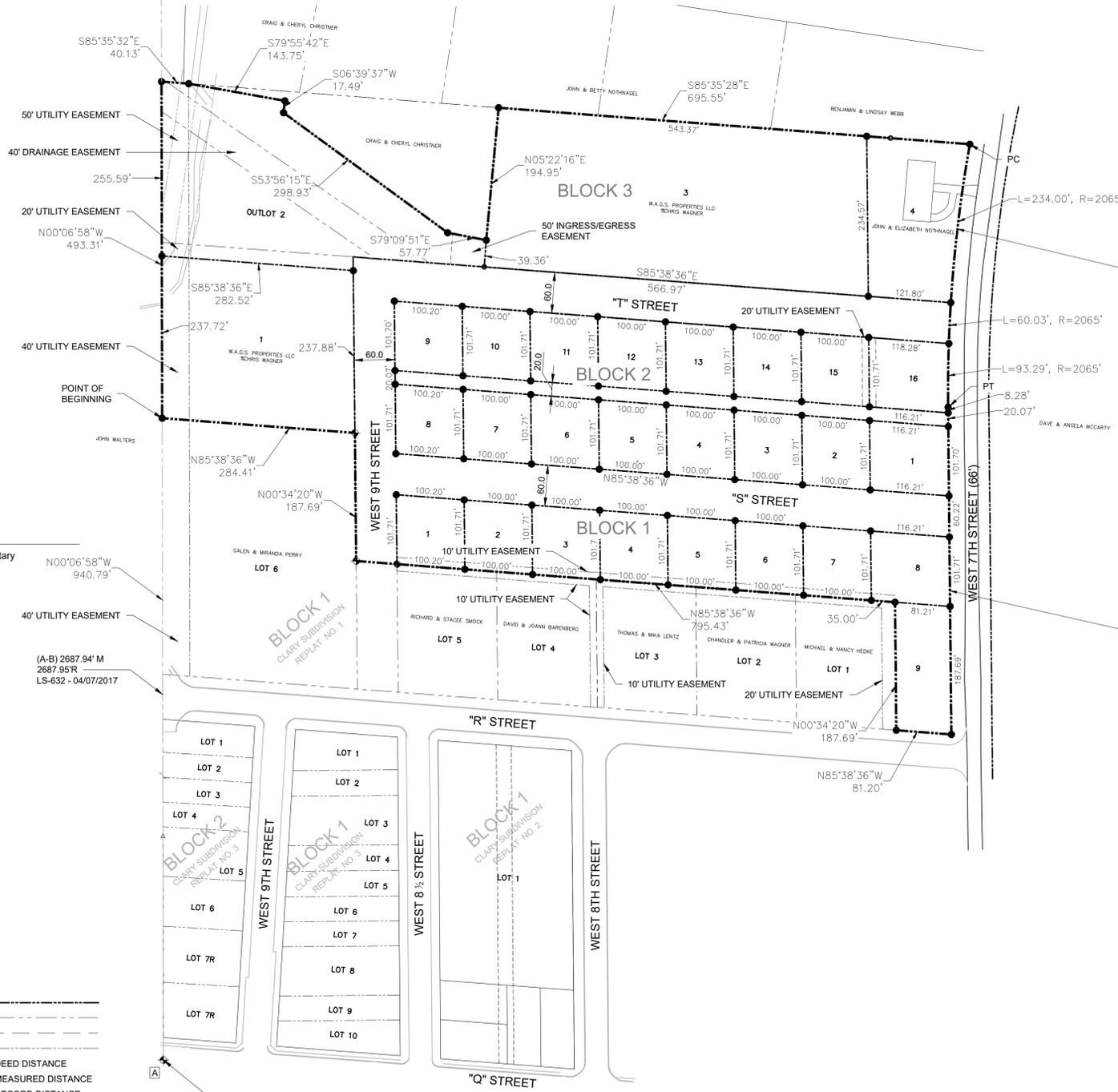
LEGEND

- | | |
|--------------------|--|
| PROPERTY LINE | --- |
| LOT LINE | ---- |
| BLDG. SETBACK LINE | ---- |
| EASEMENT | ---- |
| D | DEED DISTANCE |
| M | MEASURED DISTANCE |
| R | RECORD DISTANCE |
| P | PLATTED DISTANCE |
| G | GOVERNMENT DISTANCE |
| W.C. | WITNESS CORNER |
| + | FOUND CORNER |
| o | CALCULATED POINT |
| • | SET 3/8" x 24" REBAR WITH BLUE LS-783 CAP UNLESS NOTED OTHERWISE |

NORTH POINTE ADDITION
AN ADDITION TO THE
City of McCook, Red Willow County, Nebraska

FINAL PLAT

NORTH 1/4 CORNER SECTION 19-T3N-R29W
FOUND BRASS CAP
SE 24.75' TO SPIKE IN TOP OF FENCE POST
E. 17.20' TO NAIL IN POWER POLE
E. 6.0' TO FENCE LINE SOUTH
W. 0.5' TO FENCE LINE NORTH
S. 0.3' TO EAST - WEST FENCE LINE



Chord Length = 386.75
Chord Bearing = S04° 44' 47" W
Arc Length = 387.32'
Radius = 2065'

L = 60.03', R = 2065'

L = 93.29', R = 2065'

S00°34'20"E
479.68'

- SW COR. NE 1/4 SEC 19-3-29
- 2" ALLUM. CAP IN ASPHALT ST.
1. BRASS REF. CORNER 32.98" N
2. RR TIE CFP 32.32" N
3. CENTER STORM MH 39.50' NE
4. CENTER STORM MH 39.39' SW
5. NAIL/BOTTLE CAP IN PP 31.23' S
6. CENTER STORM MH 80.35' SW



SURVEYORS CERTIFICATE

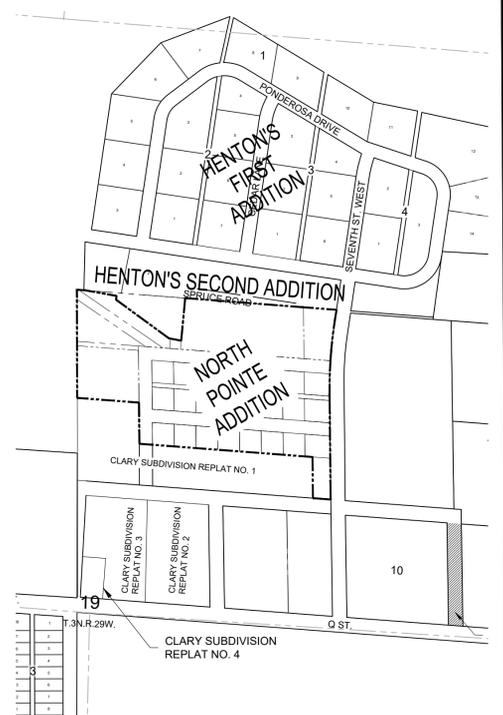
A tract of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, which is the NORTH POINTE ADDITION, an Addition to the City of McCook, Nebraska, more particularly described as follows:

Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 940.79 feet to a point on the South line of Lot 7, said Point being the Point of Beginning. Thence N00°06'58"W along the West 1/4 Section Line a distance of 493.31 feet to a point, thence S85°35'32"E a distance of 40.13 feet to a point, thence S79°55'42"E a distance of 143.75 feet to a point, thence S06°39'37"W a distance of 17.49 feet to a point, thence S53°56'15"E a distance of 298.93 feet to a point, thence S79°09'51"E a distance of 57.77 feet to a point, thence N05°22'16"E a distance of 194.95 feet to a point, thence S85°35'28"E a distance of 695.55 feet to a point, thence Southwesterly along a curve to the left, with a Chord Bearing of S04°44'47"W, a Chord Distance of 386.75 feet, an Arc Length of 387.32 feet and a Radius of 2065 feet to a point, thence S00°34'20"E a distance of 479.68 feet to a point, thence N85°38'36"W a distance of 81.20 feet to a point, thence N00°34'20"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 187.69 feet to a point, thence N85°38'36"W a distance of 284.41 feet, to the Point of Beginning.

Said tract containing 16.36 acres more or less subject to any easement, right-of-ways and reservations of record.

I, Joshua Eugene Grummert, a Licensed Professional Land Surveyor under the laws of the State of Nebraska, do hereby certify this plat of a survey was made by me or under my supervision, this _____ day of _____, 2022

Joshua E. Grummert LS-783



VICINITY MAP

OWNER
McCOOK ECONOMIC DEVELOPMENT CORPORATION
%TROY BRUNTZ, PRESIDENT
402 NORRIS AVE SUITE 301
McCOOK, NE 68001

RESIDENTIAL MEDIUM DENSITY ZONING

MINIMUM LOT = 5,000 SQ. FEET
MINIMUM FRONT YARD = 20 FEET
MINIMUM REAR YARD = 15 FEET
MINIMUM SIDE YARD = 5 & 8 FEET

**CITY MANAGER'S REPORT
SEPTEMBER 26, 2022 PLANNING COMMISSION MEETING**

ITEM NO. ____ - Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval for a vacation of a portion of Clary Subdivision, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. ____ - Recommend approval of a vacation of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. ____ - Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, seeking approval of the final plat of the North Pointe Addition, said property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. ____ - Recommend approval of a final plat of land to be known as the North Pointe Addition, said land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street).

ITEM NO. 2E - Public Hearing - Consider a request from MEDC; W.A.G.S. Properties, L.L.C., and John and Elizabeth Nothnagel, seeking approval for a rezoning of property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West 7th Street), from Agricultural (AG) to Residential (RM).

ITEM NO. 2F - Recommend approval of a rezone of land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska (located north of West R Street and west of West of 7th Street), from Agricultural (AG) to Residential (RM).

BACKGROUND:

On behalf of the property owners, MEDC; W.A.G.S. Properties, L.L.C.; and John and Elizabeth Nothnagel, the applicant, Greg Wolford of W Design Associates, requests approvals for a vacation, rezone and preliminary plat for property generally located north of West R Street and west of West 7th Street, all found within the current Clary Subdivision.

The applicants request to vacate land collaboratively owned by them located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in Red Willow County, Nebraska, which is part of the Original Clary Subdivision. The legal description of the property to be vacated is attached to this report and is made part of the report by this reference.

Following the vacation process, the North Pointe Addition will be created through the adoption of a final plat. A preliminary plat has previously been approved by the McCook City Council at it August 15, 2022 meeting. The North Pointe Addition will be comprised of three blocks,

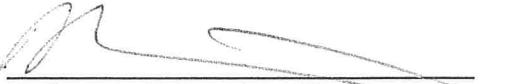
EXHIBIT #1

PAGE(S) - 2

with Block 1 containing 9 lots; Block 2 containing 16 lots; and Block 3 containing 4 lots. Additionally, new streets (West 9th Street, West S Street, and West T Street) are included in the proposed North Pointe Addition. There is a continuation of a sewer easement on the south side of proposed Block 1 that was originated as part of the Clary Subdivision Replat No. 1. Further there is an alley contemplated between the north and south lots comprising Block 2. Proposed Block 1 and Block 2 are currently owned by the MEDC. The MEDC plans on developing the proposed lots into residential properties. With respect to Block 3, Lots 1 and 3 are buildable lots owned by W.A.G.S. Properties. Outlot 2 is a parcel of property that will be used to satisfy drainage concerns. Outlot 2 will remain unimproved except for necessary infrastructure. Outlot 2 will be subject to an HOA agreement of the property owners whose properties populate North Pointe Addition. With respect to Block 3, Lot 4, the property will remain owned by John and Betty Nothnagel.

The final request up for consideration is a rezoning of the properties located on the extreme east of the land at issue. A little more than 3 acres of the land that abuts West 7th Street is zoned Agriculture. The applicants are requesting a rezone change to Residential Medium. The surrounding property within the City of McCook's corporate boundary is zoned Residential Medium, making the requested zoning change preferred. Further, the portions subject to the zoning change were recently annexed into the McCook city limits, making the zoning change necessary to reflect that the property at issue is now within McCook's corporate boundaries.

APPROVALS:



Nathan A. Schneider, City Manager

September 21, 2022



Lea Ann Doak, City Clerk

September 21, 2022

**NOTICE OF PUBLIC HEARING
REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on September 26, 2022, at 5:15 P.M. and by the McCook City Council on October 3, 2022 at 5:30 P.M. The hearings will be held in the City Council Chambers, 505 West "C" Street, McCook, Nebraska, to consider the rezoning of a tract of land located north of West "R" Street along, and including West 7th Street, north to the city limits, in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska, said tract containing 3.03 acres more or less subject to any easement, right-of-ways and reservations of record; from Agricultural (AG) to Residential Medium Density (RM) District. Any and all persons desiring to comment may attend said public hearing and will be given an opportunity to be heard. For additional information regarding this notice please contact Nate Schneider, City of McCook City Manager, at 345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 16, 2022.

EXHIBIT #2

PAGE(S) - 1

**NOTICE OF PUBLIC HEARING
REZONING**

NOTICE IS HEREBY GIVEN that public hearings will be held to rezone the following described property from Agricultural (AG) to Residential Medium Density (RM) District, to-wit:

A tract of land located north of West "R" Street along, and including West 7th Street, north to the city limits, in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska. Said tract containing 3.03 acres more or less subject to any easement, right-of-ways and reservations of record.

Public Hearings on the above-described Rezoning will be held on the Dates, Times, and at the places listed below:

September 26, 2022 - 5:15 P.M.
McCook Planning Commission
City Council Chambers
505 West "C" Street

October 3, 2022 - 5:30 P.M.
McCook City Council
City Council Chambers
505 West "C" Street

ANY AND ALL PERSONS desiring to comment on the above-described request will be given an opportunity to be heard. Please direct all inquiries to Nate Schneider, City of McCook City Manager at 308-345-2022 ext. 225.

-s- Lea Ann Doak
City Clerk

Publish: September 16, 2022.
Post: September 16, 2022
Mail: September 16, 2022

EXHIBIT #3

PAGE(S) - 1

Property Owners Notified:

RED WILLOW CO. SCHOOL DIST. #17
700 WEST 7TH
MCCOOK, NE 69001

PRESIDENT
MCCOOK PUBLIC SCHOOLS
600 WEST 7TH
MCCOOK, NE 69001

RED WILLOW COUNTY
C/O TAMI TEEL
502 NORRIS AVE
MCCOOK, NE 69001

RED WILLOW CO. PLANNING COMM.
502 NORRIS AVE
MCCOOK, NE 69001

JOHN D ALLEN
1203 W Q
MCCOOK, NE 69001

JOHN WALTERS
71822 OLD HWY 17
CULBERTSON, NE 69024

GALEN PERRY
1001 W R ST
MCCOOK, NE 69001

MEDC
C/O CHARLIE MCPHERSON
402 NORRIS AVE
MCCOOK, NE 69001

CRAIG AND CHERYL CHRISTNER
808 SPRUCE
MCCOOK, NE 69001

RICHARD AND STACEE SMOCK
903 W R
MCCOOK, NE 69001

DAVID AND JOANN BARENBERG
901 W R
MCCOOK, NE 69001

THOMAS AND MIKA LENTZ
805 W R
MCCOOK, NE 69001

JOHN AND ELIZABETH NOTHNAGEL
805 SPRUCE
MCCOOK, NE 69001

CHANDLER AND TRISHA WAGNER
803 W R
MCCOOK, NE 69001

MICHAEL AND NANCY HEDKE
801 W R
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB
802 SPRUCE
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY
1700 W 4
MCCOOK, NE 69001

MICHAEL R WIGGS
3292 E 3180 SOUTH ST
ST GEORGE, UT 84790

TOM AND JODY BENNETT
2101 W 7TH
MCCOOK, NE 69001

GARFIELD GEORGE GRIM
801 SPRUCE
MCCOOK, NE 69001

DARIN AND JENNIFER MORGAN
304 ELIZABETH
MCCOOK, NE 69001

EXHIBIT #4

PAGE(S) - 1



September 16, 2022

Mr. Nate Schneider, McCook City Manager
City of McCook, Nebraska
P.O. Box 1058
McCook, NE 69001

RE: Clary / North Pointe Zoning Change Request

Dear Mr. Schneider:

For the property that we respectively own in what is known as Clary Subdivision “land located in the NE ¼ of Section 19 Township 3 North, Range 29 West of the 6th P.M. in Red Willow County, Nebraska. Please consider this our request to change the east portions of our properties from AG zoning designation to an RM zoning designation.

Respectfully:

Troy Bruntz
MEDC Board President

John or Elizabeth Nothnagel

EXHIBIT #5

PAGE(S) - 1



CITY OF McCOOK

LAND USE ACTION REQUEST FORM

This request is for a:
(Check all that apply)

- Zone Change
 Special Exception
 Administrative Permit (Personal Wireless Facility)
 Special Exception (Personal Wireless Facility)
 Minor Subdivision
 Major Subdivision
 Planned Development (Includes Zone Change)

Name of Project: North Pointe Addition + Zone Change

Description of Project: MEDC, W.A.G.S. Properties, + John + Elizabeth Withnigel own land in Clary Subdivision. The parties want to vacate their current parcels/subdivision to create a new major-subdivision named the North Pointe Addition. Three blocks + 29 lots will be included in the new addition. Also, the east side of the properties at issue need to be rezoned from AG + R_{1M}.

Project sponsor or developer:

Name: MEDC, W.A.G.S. Properties L.L.C., + John + Betty Withnigel

Address: 407 Norris

Phone number: 345-1200

Fax number: _____

E-mail Address: charlie@mccookne.org

Land owner or owners:

Name: MEDC, W.A.G.S. Properties LLC, + John + Betty Withnigel

Address: 407 Norris

Phone number: 345-1200

Fax number: _____

E-Mail Address: charlie@mccookne.org

(Attached to this form are the deeds for the properties proving ownership)

EXHIBIT #6

Authorization of the land use action by land owner:

I hereby certify that I own and/or control the following land where the land use action is being requested. (Attach evidence of ownership or control. e.g. power of attorney, deed, or purchase agreement)

Charlie McPherson

Printed Name:

Printed Name:



Signature: *On behalf of the MEDC

Signature:

9-16-22

Date:

Address and physical location of the Proposed Land Use Action: No address - it is located west of West 7th Street & north of West R street. Calla clay
Property Description (Of the parent parcel for subdivisions): Please see attached. Subdiv.

Required Information:

See Attached sheets for required information for:

- Subdivisions
- Zone Changes and special exceptions
- Planned developments

FEE PAID: \$ _____ (See attached schedule of fees)

Fee, complete application, and required attachments accepted by:

Printed name

Signature

Date

REQUIRED ATTACHMENTS:

For Zone Changes and Special Exceptions:

(For Zone Changes or Amendments see Article 27 of the Zoning Ordinance; for Special Exceptions see Article 24 Special Exceptions) *From AG to RM*

X

Include a description of the reason for the request for a change of zone:

The change would allow for the residential properties to be permitted primarily. It also promotes conformity for the new addition.

Include a description of any special exception requested including the section of the zoning ordinance under which it is requested: (Example: Special exception to construct multi-family dwellings in (RM) Residential Medium Density area comprised of single family dwellings.)

Include a site plan (minimum 17" X 11") and a letter of explanation showing and explaining the following special exception requirements:

- (A) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (B) off-street parking and loading areas where required, with particular attention to the items in (A) above, the economic, noise, glare or odor effects of the special exception or change of zone on adjoining properties and the properties generally in the district or the area;
- (C) the location of refuse and service areas, with particular reference to the items in (A) and (B) above;
- (D) utilities, with reference to locations, availability, and compatibility;
- (E) screening and buffering with reference to type, dimensions, and character;
- (F) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

(G) required yards and other open space;

(H) general compatibility with adjacent properties and other properties in the district;

(I) compatibility with existing and future land use plan in the McCook Comprehensive Plan.

_____ Explain how the project complies with the Comprehensive Plan: _____
