

# **MCCOOK CITY COUNCIL**

## **REGULAR MEETING**

**Monday, December 8, 2025  
5:15 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Items

1. Approve the minutes of the November 10, 2025 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 NML, LLC, seeking approval for a vacation and final plat for 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 S 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 S Street and west of West 7th Street).
  - C. Recommend to the McCook City Council approval of a final plat of land to be known as the Second 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 S Street and west of West 7th Street).
  - D. Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #7, comprised of a tract of land being part of Lot 2, all Lot 3, Dillman's First Addition, part of 16th Street East, part of Airport Road, part of the Northwest Quarter of Section 28, Township 3 North, Range 29 West of the 6th P.M., Block 7, Block 8, Block 21, part of 14th Street East, Lots 7-12, Block 22, Brown's Park Addition, Part of Vacated 13th Street East, part of 12th Street East, part of 11th Street East and Lot 6, Block 8, Tenth Addition, all located in McCook, Red Willow County, Nebraska.
    1. Adjourn the Public Hearing.
  - E. Approve Resolution No. PC 2025-03 accepting the Blight and Substandard Study for Redevelopment Area #7 and recommending acceptance by the

McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #7.

- F. Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #8, comprised of a tract of land being part of the Northeast Quarter and the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., Lot 1 and Lot 2, Block 1, Lashley-Tucker Subdivision, and Lot 2 and Lot 3, A.M. Bishop Addition, all in Red Willow County, Nebraska.
  - 1. Adjourn the Public Hearing.
- G. Approve Resolution No. PC 2025-04 accepting the Blight and Substandard Study for Redevelopment Area #8 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #8.
- H. Review and discuss the proposed Public Use District (P), Floodway Overlay District (FW), and Planned Development District (PD) proposed in the City of McCook's new zoning regulations.
- I. Update and discussion regarding the City of McCook's progress on a new Comprehensive Plan.

Adjournment.

**CITY MANAGER'S REPORT  
DECEMBER 8, 2025 PLANNING COMMISSION MEETING**

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**ITEM:**          1.  

**RECOMMENDATION:**

Approve the minutes of the November 10, 2025 regular McCook Planning Commission meeting.

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**BACKGROUND:**

Receive and approve the minutes.

**FISCAL  
IMPACT:**     None.

**APPROVALS:**

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

December 3, 2025

McCook Planning Commission  
November 10, 2025  
5:15 P.M.

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 Chad Lyons; Vice Chair Tammie Hilker; Commissioners Camy Bradley, Matt Davidson, Kelly Hammerlun, Bruce McDowell, Bobby Gaulke.

Absent: Commissioners Jamie Mockry, Jesse Stevens, Kurt Vosburg,

City Officials present: City Manager Nate Schneider, Assistant City Manager Tera Koetter, City Attorney Nate Mustion, City Clerk Lea Ann Doak, Building Official Barry Mooney.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 7, 2025, 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 Lyons 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 October 13, 2025 regular Planning Commission meeting.

Motion to approve the minutes of the October 13, 2025 regular Planning Commission meeting. This motion, made by Chad Lyons and seconded by McDowell, passed.

Camy Bradley: YEA, Matt Davidson: YEA, Bobby Gaulke: YEA, Kelly Hammerlun: YEA, Tammie Hilker: YEA, Chad Lyons: YEA, McDowell: YEA, Jamie Mockry: ABSENT, Jesse Stevens: ABSENT, Kurt Vosburg: ABSENT  
YEA: 7, NAY: 0, ABSENT: 3

2. Public Hearings and Regular Agenda.

2.A. Public Hearing - Regarding a request from MEDC, W.A.G.S. Properties, L.L.C., and NML, LLC, seeking approval for a vacation and preliminary plat for 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 S Street and west of West 7th Street).

City Manager Schneider informed the Commission that the Public Hearing for the vacation and its recommended approval (Item 2.B.) need to be postponed until a definite time, that time being December 8, 2025 at 5:15 P.M., so that notification requirements can be met.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment with respect to the request from MEDC, W.A.G.S. Properties, L.L.C., and NML, LLC; seeking approval of a preliminary plat for 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 S Street and west of West 7th Street), with the City Attorney to act as hearing officer; and to postpone the public hearing for vacation of said property to a definite time, that being December 8, 2025 at 5:15 P.M. This motion, made by Chad Lyons and seconded by Matt Davidson, passed.

Camy Bradley: YEA, Matt Davidson: YEA, Bobby Gaulke: YEA, Kelly Hammerlun: YEA, Tammie Hilker: YEA, Chad Lyons: YEA, McDowell: YEA, Jamie Mockry: ABSENT, Jesse Stevens: ABSENT, Kurt Vosburg: ABSENT  
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the November 10, 2025 Planning commission meeting (1 page); Exhibit #10 - Notice of Public Hearing published (1 page); Exhibit #11 - Notice of Public Hearing mailed and posted (1 page); Exhibit #12 - listing of property owners notified of public hearing (1 page); Exhibit #13 - Second North Pointe Preliminary Plat (3 pages); Exhibit #14 - legal description of the proposed subdivision (1 page); and Exhibit #15 - Land Use Action Request Form and attachments (10 pages).

City Manager Schneider reviewed the information presented in Exhibit #10.

Amanda Engell, MEDC Director of Housing and Greg Wolford, W Design Associates and MEDC Board member reviewed the preliminary plat changes, the proposed utilities and answered questions from the Commission. The eight lots on the south side of "T" street are replatted into six lots and the large lot on the north side is replatted into four lots.

Mr. Wolford addressed Utilities Director Fawver's concern regarding the dead-end of the water mains on east end of "S" and "T" Streets. Future plans are to pave West 7<sup>th</sup> Street; at that time the water mains will be connected along West 7<sup>th</sup> Street, looping them together.

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

Camy Bradley: YEA, Matt Davidson: YEA, Bobby Gaulke: YEA, Kelly Hammerlun: YEA, Tammie Hilker: YEA, Chad Lyons: YEA, McDowell: YEA, Jamie Mockry: ABSENT, Jesse Stevens: ABSENT, Kurt Vosburg: ABSENT  
YEA: 7, NAY: 0, ABSENT: 3

2.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 S Street and west of West 7th Street).

Motion to postpone to a definite time consideration of said vacation, that time being December 8, 2025 at 5:15 P.M. This motion, made by Chad Lyons and seconded by Camy Bradley, passed.

Camy Bradley: YEA, Matt Davidson: YEA, Bobby Gaulke: YEA, Kelly Hammerlun: YEA, Tammie Hilker: YEA, Chad Lyons: YEA, McDowell: YEA, Jamie Mockry: ABSENT, Jesse Stevens: ABSENT, Kurt Vosburg: ABSENT  
YEA: 7, NAY: 0, ABSENT: 3

2.C. Recommend to the McCook City Council approval of a preliminary plat of land to be known as the Second 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 S Street and west of West 7th Street).

Motion to recommend to the McCook City Council approval of a preliminary plat of land to be known as the Second 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 S Street and west of West 7th Street). This motion, made by Chad Lyons and seconded by Tammie Hilker, passed.

Camy Bradley: YEA, Matt Davidson: YEA, Bobby Gaulke: YEA, Kelly Hammerlun: YEA, Tammie Hilker: YEA, Chad Lyons: YEA, McDowell: YEA, Jamie Mockry: ABSENT, Jesse Stevens: ABSENT, Kurt Vosburg: ABSENT  
YEA: 7, NAY: 0, ABSENT: 3

2.D. Public Hearing - Regarding the Second Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

Motion to recess as a Planning Commission and convene a public hearing for the purpose of receiving public comment regarding the Second Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Chad Lyons and seconded by Kelly Hammerlun, passed.

Camy Bradley: YEA, Matt Davidson: YEA, Bobby Gaulke: YEA, Kelly Hammerlun: YEA, Tammie Hilker: YEA, Chad Lyons: YEA, McDowell: YEA, Jamie Mockry: ABSENT, Jesse Stevens: ABSENT, Kurt Vosburg: ABSENT  
YEA: 7, NAY: 0, ABSENT: 3

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the November 10, 2025 Planning Commission meeting (2 pages), Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - listing of Public Entities who received Notice of Public Hearing (1 page); Exhibit #4 - copies of letter to Public Entities receiving Notice of Public Hearing (5 pages); Exhibit #5 - Second Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project (9 pages); and Exhibit #6 - proposed Resolution No. PC2025-01 (2 pages).

City Manager Schneider reviewed the information presented in Exhibit #1.

MEDC Director Charlie McPherson and MEDC Housing Director Amanda Engell were present to answer 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 Chad Lyons and seconded by McDowell, passed.  
Camy Bradley: YEA, Matt Davidson: YEA, Bobby Gaulke: YEA, Kelly Hammerlun: YEA, Tammie Hilker: YEA, Chad Lyons: YEA, McDowell: YEA, Jamie Mockry: ABSENT, Jesse Stevens: ABSENT, Kurt Vosburg: ABSENT  
YEA: 7, NAY: 0, ABSENT: 3

2.E. Approve Resolution No. PC2025-02 recommending approval of a Second Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska.

Motion to approve Resolution No. PC2025-02 recommending approval of a Second Substantial Modification to the Redevelopment Plan for the North Pointe Redevelopment Project in the City of McCook, Nebraska. This motion, made by Chad Lyons and seconded by Matt Davidson, passed.  
Camy Bradley: YEA, Matt Davidson: YEA, Bobby Gaulke: YEA, Kelly Hammerlun: YEA, Tammie Hilker: YEA, Chad Lyons: YEA, McDowell: YEA, Jamie Mockry: ABSENT, Jesse Stevens: ABSENT, Kurt Vosburg: ABSENT  
YEA: 7, NAY: 0, ABSENT: 3

2.F. Review and discuss the proposed Limited Industrial (I-1) and General Industrial (I-2) districts of the proposed City of McCook Zoning Regulations.

Discussion was held regarding the proposed Limited Industrial (I-1) and General Industrial (I-2) districts.

The Public Use (P) and the Planned Development (PD) districts will be reviewed at the December 8, 2025 meeting. The Floodway Overlay District (FW) is regulated through the state and must be in compliance with the National Flood Insurance Program Regulations. The article presented in the proposed ordinance has been updated to meet their requirements.

Adjournment.

With no further business, Chair Lyons declared the Planning Commission meeting adjourned at 6:25 P.M.

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Lea Ann Doak, City Clerk-Treasurer  
and Recording Secretary

**CITY MANAGER'S REPORT  
DECEMBER 8, 2025 PLANNING COMMISSION MEETING**

ITEM NO. **2.A.** - Public Hearing - Consider a request from MEDC, W.A.G.S. Properties, LLC, and NML, LLC, seeking approval for a vacation and final plat for property located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M. in Red Willow County, Nebraska (located north of West S Street and west of West 7<sup>th</sup> 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 6<sup>th</sup> P.M. in Red Willow County, Nebraska (located north of West S Street and west of West 7<sup>th</sup> Street).

ITEM NO. **2.C.** - Recommend approval of a final plat for land located in the NE 1/4 of Section 19, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., in Red Willow County, Nebraska (located north of West S Street and west of West 7<sup>th</sup> Street).

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**BACKGROUND:**

On behalf of the property owners, MEDC; W.A.G.S. Properties, L.L.C.; and NML, LLC, the applicant, Amanda Engell, requests approvals for a vacation and final plat for property generally located north of West S Street and west of West 7<sup>th</sup> Street, all found within the current North Pointe 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 6<sup>th</sup> P.M. in Red Willow County, Nebraska, which is part of the North Pointe 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 intent is for Second North Pointe Addition to be created through the adoption of a final plat. The Second North Pointe Addition will be comprised of two blocks, with Block 1 containing 6 residential lots and Block 2 containing 7 lots, 5 of which will be residential lots. Additionally, streets (West 9<sup>th</sup> Street and West T Street) are included. The final plat includes proposed and existing utilities. As mentioned, plans include developing the majority of the proposed lots into residential properties (one lot will be an outlot and another lot will keep its existing structure).

On November 10<sup>th</sup>, the Planning Commission recommended approval of the preliminary plat. On November 7<sup>th</sup>, the City Council approved the preliminary plat.

**APPROVALS:**

  
\_\_\_\_\_  
Nathan A. Schneider, City Manager

December 2, 2025

  
\_\_\_\_\_  
Lea Ann Doak, City Clerk

December 2, 2025

**EXHIBIT #1**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
VACATION**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City of McCook Planning Commission on December 8, 2025, at 5:15 P.M. and by the McCook City Council on December 15, 2025, 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 Block 2, Lots 9 - 16, Block 3, Lots 1 - 4. North Pointe Addition to the City of McCook, Red Willow County, Nebraska. 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: November 28, 2025.

**EXHIBIT #2**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
VACATION**

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

Block 2, Lots 9 - 16, Block 3, Lots 1 - 4. North Pointe Addition to the City of McCook,  
Red Willow County, Nebraska.

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

December 8, 2025 - 5:15 P.M.  
McCook Planning Commission  
City Council Chambers  
505 West "C" Street

December 15, 2025 - 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

Post: November 28, 2025.  
Mail: November 28, 2025.

**EXHIBIT #3**

**PAGE(S) - 1**

Property Owners Notified:

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

PRESIDENT  
MCCOOK PUBLIC SCHOOLS  
600 WEST 7<sup>TH</sup>  
MCCOOK, NE 69001

RED WILLOW COUNTY  
C/O PENNY COOPER  
502 NORRIS AVE  
MCCOOK, NE 69001

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

W.A.G.S  
C/O CHRIS WAGNER  
PO BOX 749  
MCCOOK, NE 69001

JOHN & LUCILLE MCANUEL  
805 SPRUCE ROAD  
MCCOOK, NE 69001

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

VINCENT AND ERICA CHANCELLOR  
806 WEST S STREET  
MCCOOK, NE 69001

NML, LLC  
PO BOX 217  
MCCOOK, NE 69001

MICHELLE MINTLING  
PO BOX 5  
MCCOOK, NE 69001

RANDY AND BARBARA HOFFMANN  
JULIE RIPPEN  
801 WEST S STREET  
MCCOOK, NE 69001

JESSE AND STEPHANIE STEVENS  
1606 WEST 2<sup>ND</sup>  
MCCOOK, NE 69001

KEITH RIEMER  
804 WEST S STREET  
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB  
802 SPRUCE  
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY  
1700 W 4  
MCCOOK, NE 69001

WALTER ESKILDSEN  
803 WEST S STREET  
MCCOOK, NE 69001

CHASE PIERSON  
2101 W 7<sup>TH</sup>  
MCCOOK, NE 69001

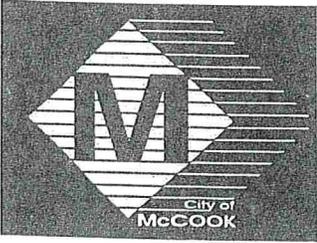
GARFIELD GEORGE GRIM  
801 SPRUCE  
MCCOOK, NE 69001

CTE CONSTRUCTION, LLC  
PO BOX 106  
MCCOOK, NE 69001

MCCOOK COMMUNITY BUILDERS, LLC  
STE 301  
402 NORRIS AVE  
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

Applicant/Agent's Address: 402 Norris Ave Suite 301 McCook, NE

E-Mail: amanda@mccookne.org Phone: 308-345-1200 Ext 2

Property Owner Name: McCook Economic Development Corp ; W.A.G.S Properties LLC

Property Owner Address: 402 Norris Ave Suite 301 ; 1411 East 5th St PO Box 749 McCook, NE

E-Mail: amanda@mccookne.org ; chriswagner@drive.wagner.com Phone: 308-345-1200 Ext 2 ; 308-340-0915

Type of Vacation requested (MARK ALL THAT APPLY):

SUBDIVISION

STREET

ALLEY

EASEMENT

Address or general location of area to be vacated: North Pointe Addition Blk 2 lots 9-16 & Blk 3 lot 3

Legal Description of area to be vacated: North Pointe Addition Blk 2 lots 9-16 & Blk 3 Lot 3

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 (Document must be attached to application)
- 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: Amanda Engell [Signature] Date: 10/15/25

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 third Monday 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 fourth Monday of the month following the submittal.
- ONE paper copy of application and exhibits is required to be submitted to the Building Inspector one week prior to the City Council meeting.
- Applicant signature must match either application/agent.
- Communication regarding application will only be communicated to those listed on the application.

**EXHIBIT #5**

**PAGE(S) - 1**

October 15, 2025

Mr. Nate Schneider, City Manager  
City of McCook  
505 West C Street  
McCook, NE 69001

RE: North Pointe Addition, North Pointe Block 2 Lots 9-16 & Block 3 Lot 3 Vacation Approval

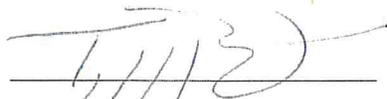
Dear Mr. Schneider

As owners of the property known as the North Pointe Addition hereby give approval to the vacation of the following description of lots:

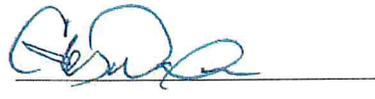
The North Pointe Addition Block 2 Lots 9-16 & Block 3 Lot 1 thru 4

The vacation is being done to facilitate the final plat of the North Pointe Addition as presented.

Respectfully:



Troy Bruntz  
President MEDC



Chris Wagner  
W.A.G.S Properties, LLC

**EXHIBIT #6**

**PAGE(S) - 2**

October 21, 2025

Mr. Nate Schneider, City Manager  
City of McCook  
505 West C Street  
McCook, NE 69001

RE: North Pointe Addition, North Pointe Block 2 Lots 9-16 & Block 3 Lot 3 Vacation Approval

Dear Mr. Schneider

As owners of the property within the area known as the North Pointe Addition, hereby give approval to the vacation of the following description of lots:

The North Pointe Addition Block 2 Lots 9-16 & Block 3 Lot 3

The vacation is being done to facilitate the final plat of the North Pointe Addition as presented.

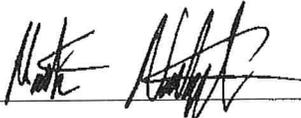
Respectfully:



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Nick Nothnagel

Member, NML, LLC



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Matthew Nothnagel

Member, NML, LLC

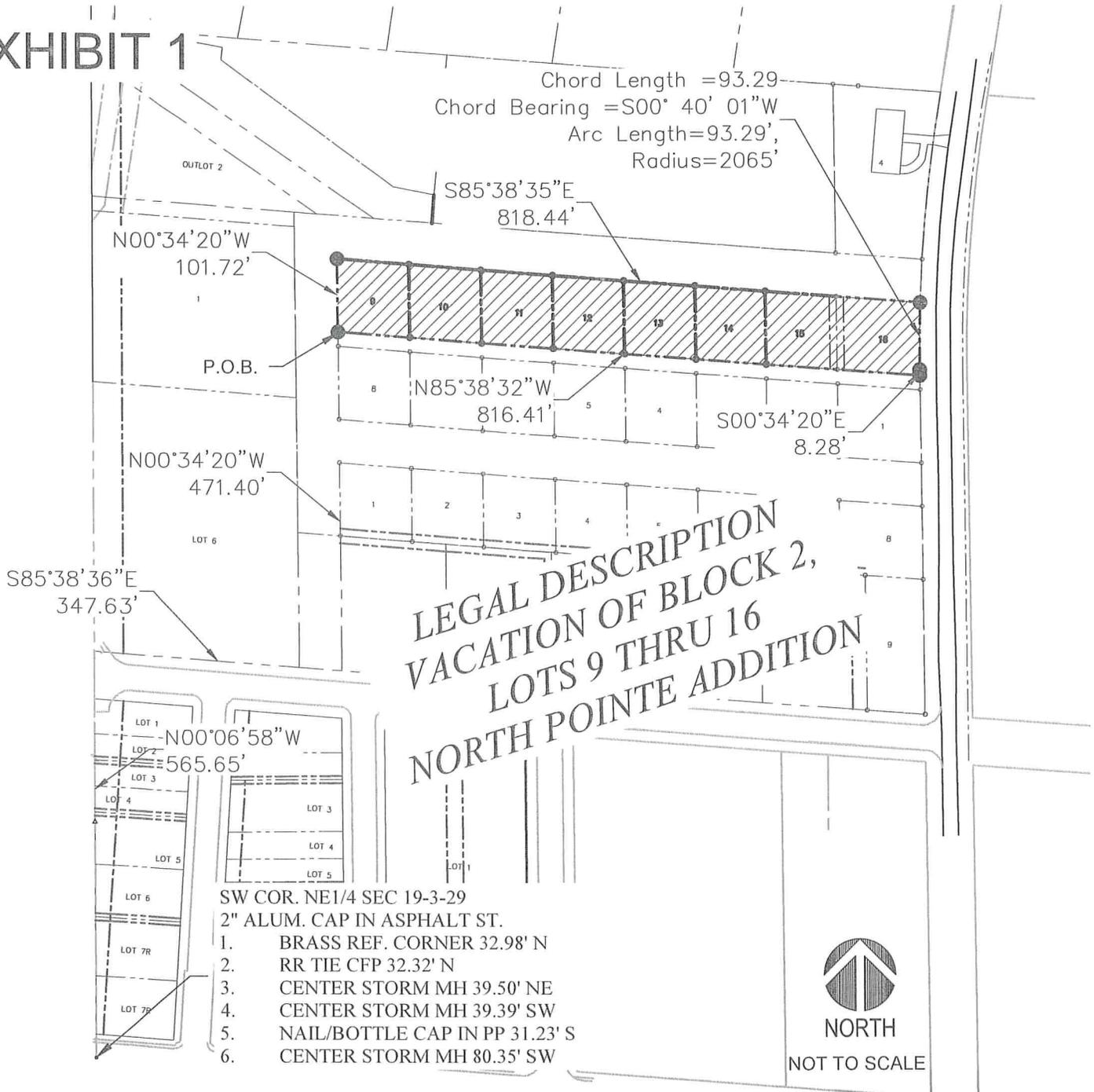


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Lindsey Nothnagel

Member, NML, LLC

# EXHIBIT 1



**LEGAL DESCRIPTION  
VACATION OF BLOCK 2,  
LOTS 9 THRU 16  
NORTH POINTE ADDITION**

- 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



NORTH

NOT TO SCALE

**EXHIBIT #7**

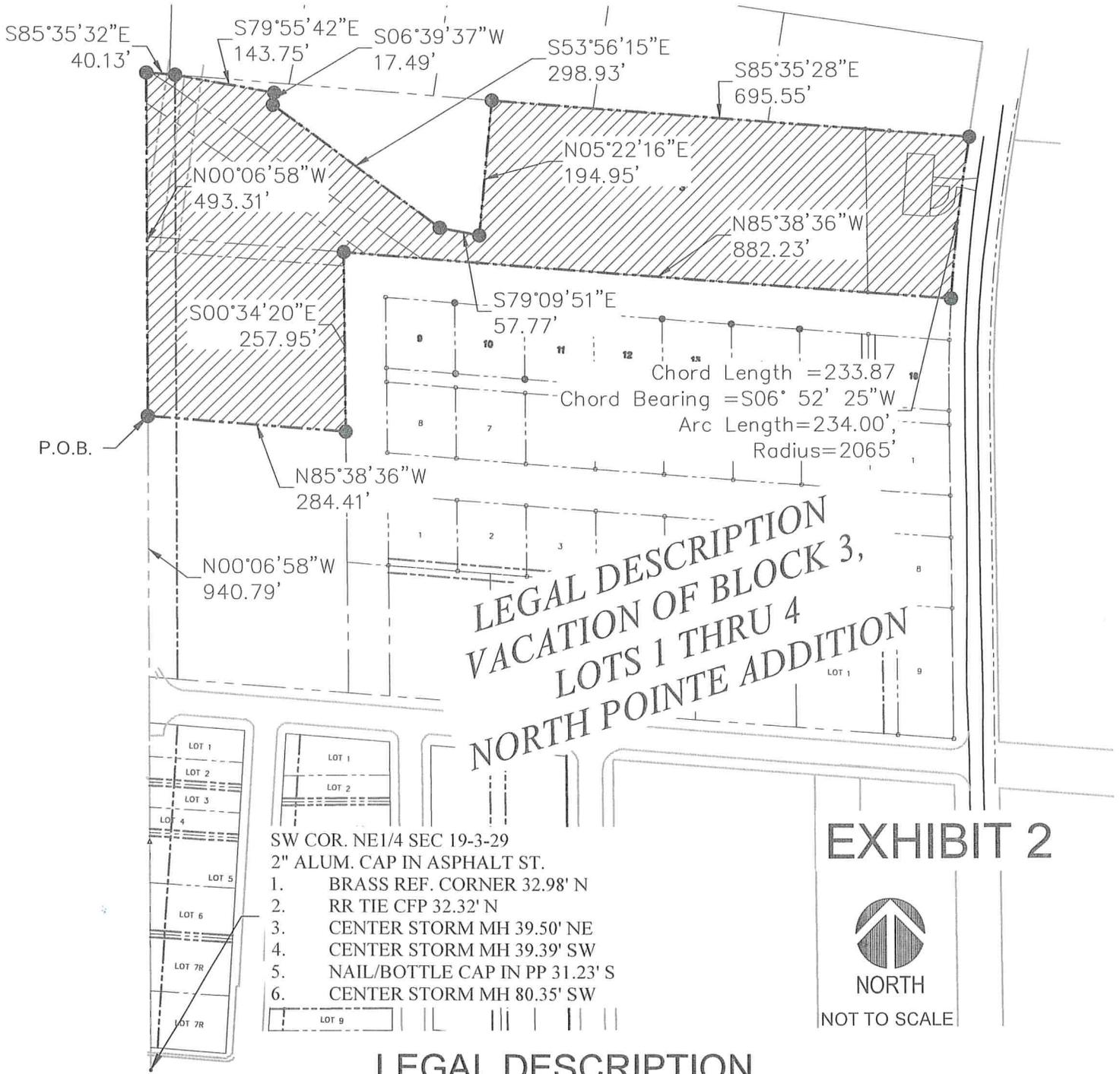
## LEGAL DESCRIPTION

**PAGE(S) - 2**

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 565.65 feet to a point on the North Right of Way Line of R Street, thence S85°38'36"E along said Right of Way a distance of 347.63 feet to a point, thence N00°34'20"W a distance of 471.40 feet to a point, said point being the Point of Beginning. Thence N00°34'20"W a distance of 107.72 feet to a point, thence S85°38'35"E a distance of 818.44 feet to a point, thence Southwesterly along a curve to the left, with a Chord Bearing of S00°40'01"W, a Chord Distance of 93.29 feet, an Arc Length of 93.29 feet and a Radius of 2065 feet to a point, thence S00°34'20"E a distance of 8.28 feet to a point, thence N85°38'32"W a distance of 816.41 feet to the Point of Beginning.

Said tract containing 1.90 acres more or less subject to any easement, right-of-ways and reservations of record.



- 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 the NORTH POINTE ADDITION, an Addition to the City of McCook, Nebraska, more particularly described as follows:

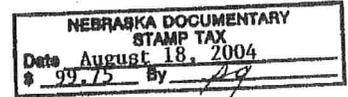
Referring to the SW corner of the said NE 1/4 of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the 1/4 section line a distance of 940.79 feet to a point, said point being the Point of Beginning. Thence N00°06'58"W a distance of 493.31 feet to a point, thence S85°35'32"E 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 S06°52'25"W, a Chord Distance of 233.87 feet, an Arc Length of 234.00 feet and a Radius of 2065 feet to a point, thence N85°38'36"W a distance of 882.23 feet to a point, thence S00°34'20"E a distance of 257.95 feet to a point, thence N85°38'36"W a distance of 284.41 feet to the Point of Beginning.

Said tract containing 7.07 acres more or less subject to any easement, right-of-ways and reservations of record.

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

*Pauletta Herover*  
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

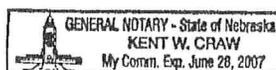
EXHIBIT #8

PAGE(S) - 16



STATE OF NEBRASKA )  
 )SS.  
COUNTY OF RED WILLOW )

The foregoing instrument was acknowledged before me on the 13<sup>th</sup> day of August 2004, by Richard Klug and Pamela Klug, husband and wife.



*[Signature]*  
Notary Public

## 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.



## 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.

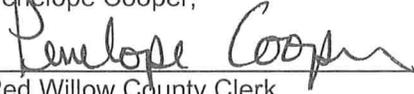


STATE OF NEBRASKA        )  
  ) ss.  
RED WILLOW COUNTY        )

I, Penelope Cooper, County Clerk in and for said county, do hereby certify that the foregoing is a true and complete copy of the original book 131 page 458 recorded on August 18, 2004.

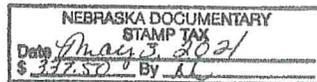
|Dated this 20<sup>th</sup> day of October 2025.

Penelope Cooper,

  
Red Willow County Clerk



Recorded May 3 2021 9:30 AM  
Inst. No. 2020-40746  
Fees: \$ 22.00 Pages 2  
Janet  
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 F BO David's <sup>WJ</sup> 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.

Krystal Gomez  
Notary Public

My Commission expires July 14, 2021

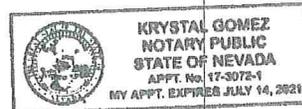


EXHIBIT "A"

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,

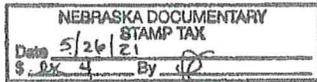
Thence S79°09'51"E a distance of 57.77 feet,

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 May 26, 2021, 1:30pm  
Inst. No. 2021-00931  
Fees: \$ 22.00 Pages 3  
Leahode 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

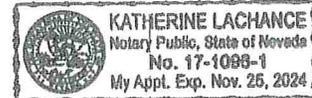
Kathy Klein  
By Kathy Klein, Trust Officer

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



STATE OF NEBRASKA            )  
  ) ss.  
RED WILLOW COUNTY         )

I, Penelope Cooper, County Clerk in and for said county, do hereby certify that the foregoing is a true and complete copy of the original instrument number 2021-00746 recorded on May 3, 2021.

|Dated this 20<sup>th</sup> day of October 2025.

Penelope Cooper,

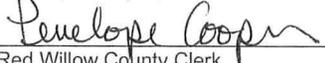
  
Red Willow County Clerk



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.

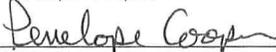


STATE OF NEBRASKA        )  
  ) ss.  
RED WILLOW COUNTY        )

I, Penelope Cooper, County Clerk in and for said county, do hereby certify that the foregoing is a true and complete copy of the original instrument number 2021-00931 recorded on May 26, 2021.

|Dated this 20<sup>th</sup> day of October 2025.

Penelope Cooper,

  
\_\_\_\_\_  
Red Willow County Clerk



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

NEBRASKA DOCUMENTARY  
STAMP TAX  
Date October 7, 2021  
\$ 180.00 By JH

KEEP TOP 3" FREE, SEE 1006 LB 288 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:

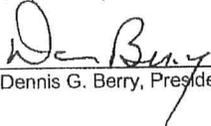
Referring to the SW corner of the said NE $\frac{1}{4}$  of said Section 19, thence N00°06'58"W (assumed and all bearing relative to) along the  $\frac{1}{4}$  section line a distance of 565.65 feet to a point on the North line of "R" Street, thence S85°38'36"E along the North right-of-way of "R" Street 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

- 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.

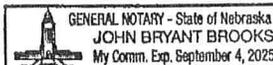
Executed: October 7, 2021

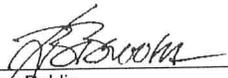
McCook Economic Development Corporation, a Nebraska corporation, Grantor

  
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.



  
Notary Public  
My commission expires. 9-4-25

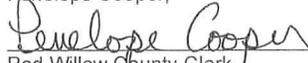


STATE OF NEBRASKA        )  
  ) ss.  
RED WILLOW COUNTY        )

I, Penelope Cooper, County Clerk in and for said county, do hereby certify that the foregoing is a true and complete copy of the original instrument number 2021-01795 recorded on October 7, 2021.

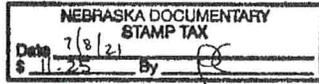
[Dated this 20<sup>th</sup> day of October 2025.

Penelope Cooper,

  
Red Willow County Clerk



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



KEEP TOP 3" FREE. SEE 1995 LB 280 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

## 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.

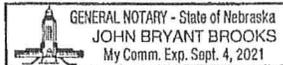
Executed: July 8, 2021.

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

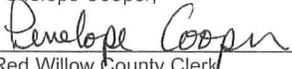


STATE OF NEBRASKA        )  
  ) ss.  
RED WILLOW COUNTY        )

I, Penelope Cooper, County Clerk in and for said county, do hereby certify that the foregoing is a true and complete copy of the original instrument number 2021-01192 recorded on July 8, 2021.

|Dated this 20<sup>th</sup> day of October 2025.

Penelope Cooper,

  
Red Willow County Clerk



**North Pointe Vacation Utility**

October 21, 2025

Utility confirmation for the partial vacation of a The North Pointe Addition Block 2 lots 9-16 and Block 3 lot 3.

**Black Hills Energy** – Amanda Engell spoke with Dallas Minnick on 10/21, and he confirmed there are no utilities outside of already identified easements.

**MPPD** – Amanda Engell spoke with Dalton on 10/21 and confirmed that this is not within MPPD’s jurisdiction so they have no utilities in this area.

**NPPD** – Amanda Engell emailed Jeff Peterson on 10/21. Confirmed with him on 10/28 that we are all clear via phone.

**Pinpoint** – Amanda Engell emailed and spoke with Krista Sayer on 10/21. She emailed back confirming no utilities outside of already identified easements.

**Great Plains** – Amanda Engell emailed and spoke with Barry on 10/21. Barry confirmed there are no utilities outside of already identified easements.

**CenturyLink** – W Design has had locates out there in the past and there wasn’t anything located outside of the easements. Amanda has been unsuccessful in getting in contact with anyone at CenturyLink to speak with. When the MEDC did the first phase of infrastructure, CenturyLink did not put in any telecommunication utilities with other providers at that time.

## Amanda Engell

---

**From:** Krista Sayer <krista.sayer@pnpt.com>  
**Sent:** Tuesday, October 21, 2025 11:21 AM  
**To:** Amanda Engell  
**Subject:** RE: MEDC - North Pointe Addition Easement Confirmation

Amanda,

We do not have any utilities located outside of the already identified easement.

*Krista Sayer*

Dispatcher  
krista.sayer@pnpt.com  
Office Phone : (308)697-1811 | Work Cell : (402)209-7664

**From:** Amanda Engell <amanda@mccookne.org>  
**Sent:** Tuesday, October 21, 2025 11:10 AM  
**To:** Krista Sayer <krista.sayer@pnpt.com>  
**Subject:** MEDC - North Pointe Addition Easement Confirmation

Good morning Krista,

I am going through the process with W Design and the city to vacate a portion of the existing North Pointe Addition plat north of the fairgrounds so I can replat to provide larger lots for the community. I have attached the original plat with highlights in red of the lots that we will be vacating. Could you please confirm for me that you do not have any utilities located outside of the already identified easements that would effect these lots? I do not believe you would since we just put in the infrastructure in the alley between S & T Street but I have to provide confirmation for the city and their vacation process.

Please let me know if you have any questions. 308-345-1200 ext 2 or 308-340-4379

Amanda Engell  
Director of Housing Development  
McCook Economic Development Corp.  
402 Norris Ave. | Suite 301  
P: (308) 345-1200 | C: (308) 340-4379



**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 December 8, 2025, at 5:15 P.M. and by the McCook City Council on December 15, 2025, 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 the City of McCook, Red Willow County, Nebraska, to be known as Second 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 final 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: November 28, 2025.

**EXHIBIT #10**

**PAGE(S) - 1**

**NOTICE OF PUBLIC HEARING  
FINAL PLAT APPROVAL**

NOTICE IS HEREBY GIVEN that a public hearing will be held to consider the preliminary 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 the City of McCook, Red Willow County, Nebraska, to be known as Second 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.

A PUBLIC HEARING ON THE ABOVE-DESCRIBED FINAL PLAT APPROVAL WILL BE HELD ON THE DATE, TIME, AND AT THE PLACE LISTED BELOW:

DECEMBER 8, 2025 - 5:15 P.M.  
MCCOOK PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
505 WEST "C" STREET

DECEMBER 15, 2025 - 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

Mail: November 28, 2025.  
Post: November 28, 2025.

**EXHIBIT #11**

**PAGE(S) - 1**

Property Owners Notified:

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

RED WILLOW COUNTY  
C/O PENNY COOPER  
502 NORRIS AVE  
MCCOOK, NE 69001

W.A.G.S  
C/O CHRIS WAGNER  
PO BOX 749  
MCCOOK, NE 69001

GALEN PERRY  
1001 W R ST  
MCCOOK, NE 69001

CRAIG AND CHERYL CHRISTNER  
808 SPRUCE  
MCCOOK, NE 69001

NML, LLC  
PO BOX 217  
MCCOOK, NE 69001

RANDY AND BARBARA HOFFMANN  
JULIE RIPPEN  
801 WEST S STREET  
MCCOOK, NE 69001

KEITH RIEMER  
804 WEST S STREET  
MCCOOK, NE 69001

DAVE AND ANGELA MCCARTY  
1700 W 4  
MCCOOK, NE 69001

CHASE PIERSON  
2101 W 7<sup>TH</sup>  
MCCOOK, NE 69001

CTE CONSTRUCTION, LLC  
PO BOX 106  
MCCOOK, NE 69001

PRESIDENT  
MCCOOK PUBLIC SCHOOLS  
600 WEST 7<sup>TH</sup>  
MCCOOK, NE 69001

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

JOHN & LUCILLE MCANUEL  
805 SPRUCE ROAD  
MCCOOK, NE 69001

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

VINCENT AND ERICA CHANCELLOR  
806 WEST S STREET  
MCCOOK, NE 69001

MICHELLE MINTLING  
PO BOX 5  
MCCOOK, NE 69001

JESSE AND STEPHANIE STEVENS  
1606 WEST 2<sup>ND</sup>  
MCCOOK, NE 69001

BENJAMIN AND LINDSAY WEBB  
802 SPRUCE  
MCCOOK, NE 69001

WALTER ESKILDSEN  
803 WEST S STREET  
MCCOOK, NE 69001

GARFIELD GEORGE GRIM  
801 SPRUCE  
MCCOOK, NE 69001

MCCOOK COMMUNITY BUILDERS, LLC  
STE 301  
402 NORRIS AVE  
MCCOOK, NE 69001

**EXHIBIT #12**

**PAGE(S) - 1**

**DEDICATION**

MAKING ECONOMIC DEVELOPMENT CONTRIBUTION, as a sponsor on the largest scale of a survey of land in the unincorporated area and portions of the City of McCook, Nebraska, to be dedicated to the use of the public for the use and benefit of the public.

# SECOND NORTH POINTE ADDITION

## AN ADDITION TO THE

### City of McCook, Red Willow County, Nebraska

#### THIS PLAT VACATED BLOCK 2, LOTS 9 THRU 16 & BLOCK 3, LOTS 1 THRU 4, NORTH POINTE ADDITION

### FINAL PLAT

**ACKNOWLEDGMENTS**

I, the undersigned, hereby acknowledge the receipt of the original plat of the Second North Pointe Addition, as shown on the attached plat, and the same is hereby acknowledged by me as the sponsor of the same.

**PLANNING COMMISSION APPROVAL**

The Plat was approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**MUNICIPAL APPROVAL**

This Plat was approved by the City of McCook, Red Willow County, Nebraska Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

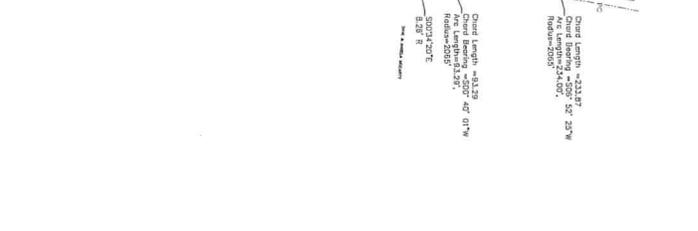
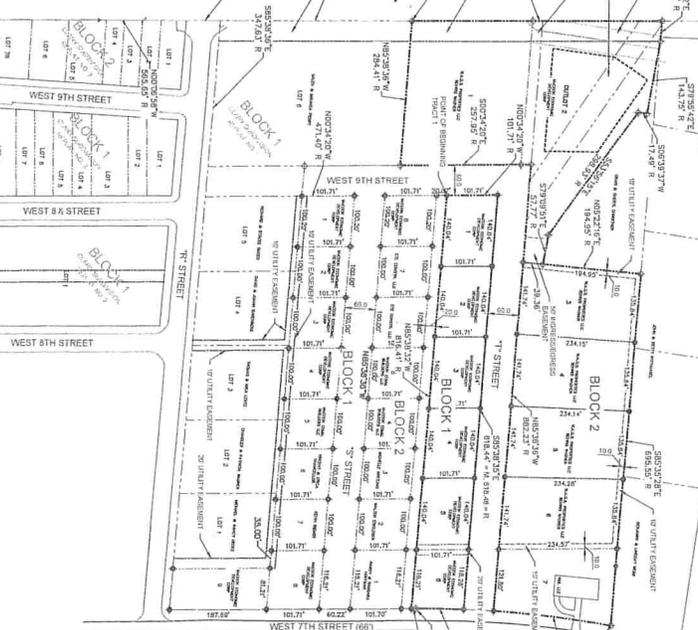
**DESIGN ASSOCIATES**

3001 West 10th Street, Suite 100  
 McCook, NE 68901  
 Phone: 402-883-7172  
 Email: TerryFamilySurveying@12@gmail.com

**REGISTERED PROFESSIONAL ENGINEER**  
 TERRY FAMILY SURVEYING  
 403 Washington Ave  
 Phone 308-737-7172  
 Email: terryfamilysurveying@12@gmail.com



- LEGEND**
- PROPERTY LINE
  - LOT LINE
  - SECTION LINE
  - ADJACENT PROPERTY
  - ADJACENT SECTION
  - ADJACENT COUNTY
  - ADJACENT STATE
  - ADJACENT FEDERAL
  - ADJACENT NATIONAL
  - ADJACENT INTERNATIONAL
  - ADJACENT TERRITORY
  - ADJACENT DISTRICT
  - ADJACENT COUNTY
  - ADJACENT STATE
  - ADJACENT FEDERAL
  - ADJACENT NATIONAL
  - ADJACENT INTERNATIONAL
  - ADJACENT TERRITORY
  - ADJACENT DISTRICT



**OWNER**  
 MAJESTIC INVESTMENTS LLC  
 1111 E. 10th Street  
 McCook, NE 68901-8143

**OWNER**  
 TERRY FAMILY SURVEYING  
 403 Washington Ave  
 McCook, NE 68901-3302

**OWNER**  
 TERRY FAMILY SURVEYING  
 403 Washington Ave  
 McCook, NE 68901-3302

**SURVEYORS CERTIFICATE**

I, the undersigned, being duly qualified and sworn, do hereby certify that the above is a true and correct copy of the original plat of the Second North Pointe Addition, as shown on the attached plat, and the same is hereby acknowledged by me as the sponsor of the same.





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 SECOND NORTH POINTE ADDITION, an Addition to the City of McCook, Nebraska, more particularly described as follows:

Tract 1

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) on the West line of said NE1/4 a distance of 565.65 feet to a point on the North Right of Way Line of "R" Street, thence S85°38'36"E along said Right of Way a distance of 347.63 feet to a point on the East Right of Way line of West 9th Street, thence continuing on said East Right of Way N00°34'20"W a distance of 471.40 feet to a point, said point being the Point of Beginning. Thence N00°34'20"W a distance of 101.71 feet to a point on the South Right of Way line of "T" Street, thence continuing on said South Right of Way line S85°38'35"E a distance of 818.44 feet to a point on the West line of West 7th Street, thence continuing on said West Right of Way line of West 7th Street Southwesterly on a curve to the left, with a Chord Bearing of S00°40'01"W, a Chord Distance of 93.29 feet, an Arc Length of 93.29 feet and a Radius of 2065 feet to a point, thence continuing on said West Right of Way line of West 7th Street S00°34'20"E a distance of 8.28 feet to a point, thence N85°38'32"W a distance of 816.41 feet to the Point of Beginning.

Said tract containing 1.90 acres more or less subject to any easement, right-of-ways and reservations of record or shown on attached plat.

Tract 2

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) on the West line of said NE1/4 a distance of 940.79 feet to a point, said point being the Point of Beginning. Thence continuing along said West line of the NE1/4 N00°06'58"W 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 on the West Right of Way line of West 7th Street, thence continuing on said West Right of Way line of West 7th Street Southwesterly on a curve to the left, with a Chord Bearing of S06°52'25"W, a Chord Distance of 233.87 feet, an Arc Length of 234.00 feet and a Radius of 2065 feet to a point on the North Right of Way line of "T" Street, thence continuing along said Right of Way line N85°38'36"W a distance of 882.23 feet to a point on the West Right of Way line of West 9th Street, thence continuing on said Right of Way of West 9th Street S00°34'20"E a distance of 257.95 feet to a point, thence N85°38'36"W a distance of 284.41 feet to the Point of Beginning.

Said tract containing 7.07 acres more or less subject to any easement, right-of-ways and reservations of record or shown on attached plat.

**EXHIBIT #14**

**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 or Major Subdivision**
- Planned Development(Includes Zone Change)

Name of Project: North Pointe Addition-Second North Pointe Addition  
Description of Project: Parties want to vacate original plat of Block 2 lots 9 thru 16 and Block 3 lots 1 thru 4. to create a new plat with revised lot sizes to accomodate larger lots for residential development

Project sponsor or developer:

Name: MEDC ; WAGS Properties LLC , NML LLC  
Address: 402 Norris Ave Suite 301  
Phone number: 308-345-1200  
Fax number: N/A  
E-mail Address: amanda@mccookne.org

Land owner or owners:

Name: MEDC ; WAGS Properties LLC , NML LLC  
Address: 402 Norris Ave Ste 301 ; 1411 E 5<sup>th</sup> St ; Po Box 217  
Phone number: 308-345-1200 ; 308-340-0915 ; 308-340-2703  
Fax number: \_\_\_\_\_  
E-Mail Address: amanda@mccookne.org ; chriswagner@drivewagner.com ; nicksdistribution@yahoo.com

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)

Amanda Engell  
Printed Name:

\_\_\_\_\_  
Printed Name:

Amanda Engell  
Signature: \*on behalf of MERC

\_\_\_\_\_  
Signature:

10-21-05  
Date:

Address and physical location of the Proposed Land Use Action: North Pointe Addition  
Block 2 Lots 9 thru 16 & Block 3 lots 1 thru 4

Property Description (Of the parent parcel for subdivisions): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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:

Sent by /  
W Design

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.
- (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?

Covenants Recorded on April 3, 24

If so, briefly explain what they might consist of.

See attached

\_\_\_\_\_  
(Attach explanation)

\_\_\_\_\_ Attach proposed Subdivision Agreement. (See Part D of the Subdivision Regulations)

\_\_\_\_\_ 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)

- Sent by W Design* / (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 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 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.
- N/A (15) a letter requesting annexation of the subdivision if it is in the planning jurisdiction to be served with city utilities.

Recorded April 03, 2024 02:45 PM

Inst. No. 2024-00441

Fees: \$ 34.00 Pages 5

*Jasmine Dimas Deputy*  
Register of Deeds, Red Willow County, NE

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Return To: Goodwin Siegfried, LLC, 116 West C Street, P.O. Box 607, McCook, Nebraska 69001

**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND  
EASEMENTS OF NORTH POINTE SUBDIVISION**

This declaration is made as of the 2 day of April, 2024, by McCook Economic Development Corporation, a Nebraska nonprofit corporation, hereinafter referred to as the "Declarant".

Declarant is the Owner of certain real property located in Red Willow County, Nebraska, and described as follows:

Lots 1 through 9 of Block 1; Lots 1 through 16 of Block 2; and Outlot 2 of Block 3; all in North Pointe Addition to the City of McCook, Red Willow County, Nebraska,

Collectively referred to herein as the "Lots" and "North Pointe Subdivision" or the "Subdivision", plus any additional property annexed to this Declaration at a future date by the recording of an Annexation document reflecting the additional property to be included and subject to this Declaration.

Declarant desires to provide for the preservation of the values of the property located in the North Pointe Subdivision, for the maintenance and character and residential integrity of the Subdivision.

NOW THEREFORE, the Declarant hereby declares that each and all of the Lots shall be held, sold and conveyed subject to the following restrictions, covenants, conditions and easements, all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of the Lots and the enjoyment of the residents of the Lots. These restrictions, covenants and easements shall run with such Lots and shall be binding upon all parties having or acquiring any right, title or interest in each Lot, or any part thereof, as is more fully described herein. These restrictions, covenants and easements may be modified in writing only by the consent of three-fourths (75%) of the Owners of the Lots. The Lots are, and each Lot is and shall be subject to all and each of the following conditions and other terms:

**Covenants, Conditions and Restrictions**

1. The purpose of the Lots sold in the North Pointe Addition is for the construction of single-family dwellings. Minimum enclosed and finished living space of each dwelling, exclusive of open porches, open breezeways and garages and basements, shall be no less than 1200 square feet.
  2. Each dwelling must provide attached enclosed garage space for not less than two or more than four cars.
-

3. No apartment buildings, duplexes, or barndominiums are allowed.
  4. Any roof shall be 30-year or greater asphalt shingle. No metal roofs are allowed, unless otherwise approved by the Association as later described herein.
  5. No steel or aluminum siding shall be allowed on any structure.
  6. No structure which is capable of being moved in a constructed state shall be permitted including modular, mobile, or pre-cut houses. All construction must be of new materials.
  7. All Lots shall be kept free of trash and debris. All weeds and vegetation on sold lots shall be kept mowed to a height not greater than 12 inches above ground level
  8. Any exterior lighting installed on any new building or lot shall be either indirect or of such controlled focus and intensity not as to be of disturbance to residents of adjacent property.
  9. No livestock, except domestic house pets, shall be kept on the premises. All pets shall be kept on the premises, except while under supervision or on a leash. No more than two dogs per family may be kept on above property.
  10. No commercial ventures with the exception of in home daycare may be conducted and continued on any property subject to this Declaration.
  11. No building or other structure, or any part thereof, shall be erected or placed on the property nearer than the setbacks specified by the ordinances promulgated by the City of McCook.
  12. No landscaping shall be placed within or on the utility easement line. This includes, but is not limited to, planting trees, shrubs, flowers, or other vegetation that may interfere with access to utility lines, infrastructure, or other essential services located within the easement.
  13. No structure of a temporary character, including but not limited to a trailer, tent, shack, camping unit, or other outbuilding shall be brought on, to, kept, or maintained on the premises at any time; except that building used as construction shacks for contractors shall be permitted during the period of construction. No structure shall be occupied as a residence until all exterior construction is fully completed according to plans.
  14. Only one (1) outbuilding is allowed per standard-sized lot (standard-sized lots are those measuring 100 feet x 100 feet), the size of which shall not exceed 1500 square feet. Outbuildings on oversized lots (those lots larger than 100 feet x 100 feet) may be larger than 1500 square feet, but any plans to build a larger outbuilding must be pre-approved by the Association. Any outbuilding shall be of the same design and detail of decoration as the house. No metal buildings or pole structures allowed.
  15. Fences shall be in back yards only, and may be colored chain link, plastic, metal, or wood. Fences shall not exceed 6 feet high or extend onto easements.
  16. No unlicensed, abandoned or inoperable automobiles or vehicles of any kind shall be stored or parked in the Subdivision in such a manner as to be visible from any portion of the subdivision.
  17. Each Owner shall maintain the grading upon such Owner's Lot, and the Association (as later defined herein) shall maintain the grading upon the common areas. Each Owner and the Association agree that they will not in any way interfere with the established drainage pattern over any real property which they have a duty to maintain, from adjoining or other real property.
-

North Pointe Subdivision  
Homeowners' Association

The North Pointe Subdivision Homeowners' Association ("Association") has been or will be formed as a Nebraska nonprofit corporation under the Nebraska Nonprofit Corporation Act on behalf of Owners and future Owners of Lots in the North Pointe Subdivision. The Association shall have a Board of Directors to manage the affairs of the Association, as provided in the Association's Bylaws and Articles of Incorporation.

The Board of Directors shall be appointed by a majority of the Owners of the Lots. Said Board shall be authorized to adopt rules of the Association as necessary to carry out the intent of this Agreement.

The term "Owner" as used herein shall mean either the Declarant or any other person who owns a Lot. Each Owner and future Owner of a Lot shall be a member of the Association and entitled to cast one vote per lot owned at all meetings of the members.

Owner covenants and agrees to pay the Association annual assessments or charges, fines, fees and other charges, whether or not it shall be or has been so expressed in the deed to such Lot. All Owners of each Lot shall be jointly and severally liable to the Association for the payment of all assessments, fees, charges and other amounts attributable to their Lot during their ownership of such Lot.

Said assessments, charges, fines, fees and other charges shall be used exclusively for the expenses, charges and costs of the operation of the HOA and the common area maintenance, repair and replacement, and for all of those purposes and activities which may be required of the Association or which the Association may be empowered to pursue pursuant to this Declaration or by the law, including without limitation, maintenance, operation, repair and replacement of drainage facilities, publicly dedicated property or easements. The annual assessments may include a reserve fund for the maintenance, repair and replacement of those items that must be maintained, repaired, or replaced on a periodic basis (including without limitation any drainage facilities owned or maintained by the Association), and for the payment of insurance deductibles.

Annual assessments shall be fixed at a uniform rate for all Lots sufficient to meet the expected needs of the Association, as described above. The annual assessments shall commence as to all Lots that have been included in this Declaration and made subject to this Declaration on the date that Declarant conveys the first Lot to a purchaser. The annual assessment shall be based on a budget adopted by the Association no less frequently than annually. Annual assessments shall be due and payable in monthly installments, or as otherwise determined by the Board of Directors. Any Owner purchasing a Lot between installment due dates shall pay a pro rata share of the installment payment.

Common Areas shall be defined as Outlot 2 on Block 3 and any other common area later designated by the Board of Directors of the Association.

The Association shall have the right to enforce all terms of this Declaration and the Association's Articles of Incorporation, Bylaws and rules and regulations, which may include levying and collecting fines for violations, as well as bringing an action against the Owner personally obligated to pay assessments or responsible for complying with the covenants, conditions and restrictions outlined herein, or any person violating or attempting to violate the provisions hereof.

Any assessment not paid within ten (10) days after the due date thereof may bear interest from the due date at the rate of 16% per annum, or at such other lawful rate as may be set from time to time by the Board of Directors. The Board may also set a late fee amount in an amount which they determine from time to time to be sufficient to cover the extra costs and expenses involved in handling delinquent payments. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the Lien against the Owners' Lot. If a judgment is obtained, such judgment or decree shall include reasonable attorney's fees to be fixed by the court, together with the costs of the action, and may include interest and late charges.

All other laws of the State of Nebraska shall apply with regard to the governance of the Association, the placement and enforcement of liens on property for unpaid assessments of the Association, and remedies available to the Association to enforce and carry out this agreement. In the event of a dispute relating to this Declaration, the Lots, or the enforcement of the obligations created herein, any action must be brought in the District Court of Red Willow County, Nebraska.

#### Easements

1. Drainage and Utilities. Easements and right-of-way for the installation and maintenance of utilities, drainage facilities, public or private improvements and access thereto are reserved as shown on the recorded plats affecting the Lots and any amendments to such plats or as established by any other instrument of record. Declarant creates and reserves to itself until it no longer owns a majority of the Lots, and thereafter to the Association, a blanket non-exclusive easement upon, over and across the Common Area and all Lots for the construction, operation, maintenance, repair and replacement of utilities, drainage and facilities therefor and other appurtenances thereto.

2. Ingress and Egress. Every Owner and their invitees, as well as the Association, shall have a non-exclusive right and perpetual easement for the purpose of pedestrian and vehicular access to their Lots and any Common Areas, and such easement shall be appurtenant to and shall pass with the title to every Lot. This easement shall provide ingress and egress, on, over and across the roads, driveways, streets, sidewalks, access ways, and Common Areas, now or hereafter constructed, erected, installed or located in or on the Subdivision. By virtue of this Easement, the Declarant generally intends to provide for pedestrian and vehicular access and for utilities services to the property subject to this Declaration as well as those portion(s) of the annexable land which have not been included in the Subdivision.

- a. Extent of Owners' Easements. The rights and easements of enjoyment created hereby shall be subject to the following:
  - i. The terms, provisions, covenants, conditions, restrictions, easements, reservations, uses, limitations, and obligations contained in this Declaration; and
  - ii. The right of the Association to take such steps as are reasonably necessary to protect the Common Elements against foreclosure; and
  - iii. The right of the Association to promulgate, amend, repeal, re-enact and publish rules and regulations with which each Owner shall strictly comply, including, but not limited to, the right of the Association to regulate and/or restrict vehicular parking and improvements; and
  - iv. The right of the Association, through its Board of Directors, to enter into, make, perform or enforce any contracts, leases, agreements, licenses, easements and rights-of-way, for the use of real property or improvements by Owners, other persons, their family members, guests and invitees, for any purpose(s) the Board of Directors may deem to be useful, beneficial or otherwise appropriate; and
  - v. The right of the Association to close or limit the use of the Common Areas while maintaining, repairing and making replacements thereto or for the health, safety and well-being of the Owners and the public.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand this 2nd day of April, 2024.

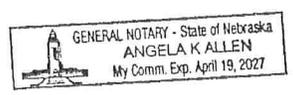
DECLARANT:

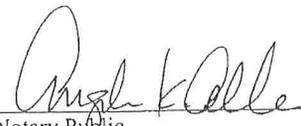
McCOOK ECONOMIC DEVELOPMENT CORPORATION, a Nebraska nonprofit corporation

By:   
Title: President

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF RED WILLOW    )

The foregoing instrument was acknowledged before me by Troy Bruntz,  
as President for the McCook Economic Development Corporation, a  
Nebraska nonprofit corporation, on this 2nd day of April, 2024.



  
Notary Public

**CITY MANAGER'S REPORT  
DECEMBER 8, 2025 MCCOOK PLANNING COMMISSION MEETING**

**ITEM NO. 2.D.** Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #7, comprised of land described as a tract being part of Lot 2, all Lot 3, Dillman's First Addition, part of 16th Street East, part of Airport Road, part of the Northwest Quarter of Section 28, Township 3 North, Range 29 West of the 6<sup>th</sup> P.M., Block 7, Block 8, Block 21, part of 14<sup>th</sup> Street East, Lots 7-12, Block 22, Brown's Park Addition, Part of Vacated 13<sup>th</sup> Street East, part of 12<sup>th</sup> Street East, part of 11<sup>th</sup> Street East and Lot 6, Block 8, Tenth Addition, all located in McCook, Red Willow County Nebraska.

**ITEM NO. 2.E.** Approve Planning Commission Resolution No. 2025- ~~43~~ accepting the Blight and Substandard Study for Redevelopment Area #7 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #7.

---

**BACKGROUND:**

At the direction of the McCook City Council, Miller & Associates Consulting Engineers, P.C., conducted a Blight and Substandard Study to determine whether a proposed area located in the area stated above, qualifies for substandard characterization per the Nebraska Community Development Act. A blighted study lets a city guide development and redevelopment inside the study area. Per the Act, blighted is a legal term meaning that the land included in the area displays dilapidated, unsafe, and/or unsightly conditions. It does not mean that the area is uncared-for. The presence of deteriorated structures, defective or inadequate street layout, faulty lot layout, unsafe conditions, improper subdivisions, and the existence of conditions which endanger life or property can lead to the determination that a property is blighted. Substandard is defined as an area that contains properties that have deteriorated; are aged or obsolescent; experience inadequate light, air, sanitation, or ventilation; and/or display conditions which endanger life or property by fire and other causes.

If an area is determined to be blighted and substandard, developers have the ability to access Tax Increment Financing in order to improve the properties within the redevelopment area, which in turn will improve the blighted and substandard conditions currently affecting the properties. The Community Development Law was developed to assist communities with economic growth and promote redevelopment activities in areas where development has stagnated due to unfavorable conditions. To use the Community Development Law, an area must first be declared blighted and substandard. To date, the City of McCook has declared 6 areas blighted and substandard, with amendments made to some of the designated areas. The present study would create a seventh redevelopment area.

Attached to this report is the Blight and Substandard Study conducted by Miller & Associates for the area in question. Based on Miller & Associates comprehensive study, it has been concluded that the study area is blighted and substandard for purposes of the Nebraska Community Development Law.

**EXHIBIT #1**

**PAGE(S) - 2**

Please review the Blight and Substandard Study. Miller & Associates and McCook staff members will be available to answer any questions regarding the determinations contained within the study.

**APPROVALS:**

*prepared by* \_\_\_\_\_

December 2, 2025

Nathan A. Schneider, City Manager

*Lea Ann Doak* \_\_\_\_\_

December 2, 2025

Lea Ann Doak, City Clerk

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING  
PLANNING COMMISSION  
CITY OF McCOOK, NEBRASKA**

NOTICE IS HEREBY GIVEN that a public hearing of the Planning Commission of McCook, Nebraska, will be held at 5:15 P.M. on December 8, 2025 in the City Council Chambers, 505 West "C" Street, McCook, Nebraska. Said meeting is open to the public.

Purpose of the meeting is a public hearing to consider Blight Study/Redevelopment Areas #7 & #8 as defined by *Nebraska Community Development Law §18-2102*.

/s/ Lea Ann Doak, City Clerk-Treasurer

Publish: November 21 and 28, 2025.

**EXHIBIT #2**

**PAGE(S) - 1**

COPY OF NOTICE MAILED TO:

McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Chair of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

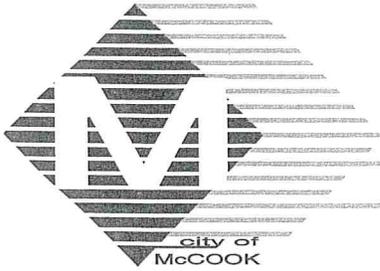
Chair of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Board President  
McCook School District  
700 West 7th  
McCook, NE 69001

**EXHIBIT #3**

**PAGE(S) - 1**



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

November 28, 2025

CERTIFIED MAIL

McCook Community College  
President  
1205 East 3<sup>rd</sup> Street  
McCook, NE 69001

Enclosed, please find a copy of a published notice of public hearing on blight determinations under the Nebraska Community Development Law. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street in McCook, Nebraska, on December 8, 2025 at 5:15 P.M. for the McCook Planning Commission and on December 15, 2025 at 5:30 P.M. for the McCook City Council.

The purpose of the public hearing is to obtain public comment prior to consideration of the declaration of an area of the City as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law. A copy of the blight and substandard study for Area #7 and Area #8 are available for public review at the office of the City Clerk.

This notice is provided to your organization pursuant to law.

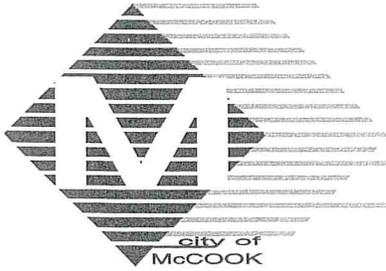
Respectfully,

Lea Ann Doak  
City Clerk-Treasurer

Enclosures

**EXHIBIT #4**

**PAGE(S) - 5**



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

November 28, 2025

CERTIFIED MAIL

Chair of the Board  
Education Service Unit No. 15  
344 Main  
PO Box 398  
Trenton NE 69044

Enclosed, please find a copy of a published notice of public hearing on a blight determination under the Nebraska Community Development Law. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street in McCook, Nebraska, on December 9, 2019 at 5:15 P.M. for the McCook Planning Commission and on December 16, 2019 at 5:30 P.M. for the McCook City Council.

The purpose of the hearing is to receive comments on a proposal to declare portions of the City of McCook blighted and substandard for purposes of the Community Development Law. A map of the area affected is enclosed with this letter.

This notice is provided to your organization pursuant to law.

Respectfully,

Lea Ann Doak  
City Clerk-Treasurer

Enclosures



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

November 28, 2025

CERTIFIED MAIL

Chair of the Board  
Middle Republican NRD  
208 Center Avenue  
PO Box 81  
Curtis NE 69025

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Respectfully,

Lea Ann Doak  
City Clerk-Treasurer

Enclosures



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

November 28, 2025

CERTIFIED MAIL

Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook NE 69001

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This notice is provided to your organization pursuant to law.

Respectfully,

Lea Ann Doak  
City Clerk-Treasurer

Enclosures



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

November 28, 2025

CERTIFIED MAIL

Board President  
McCook School District  
700 West 7<sup>th</sup> Street  
McCook, NE 69001

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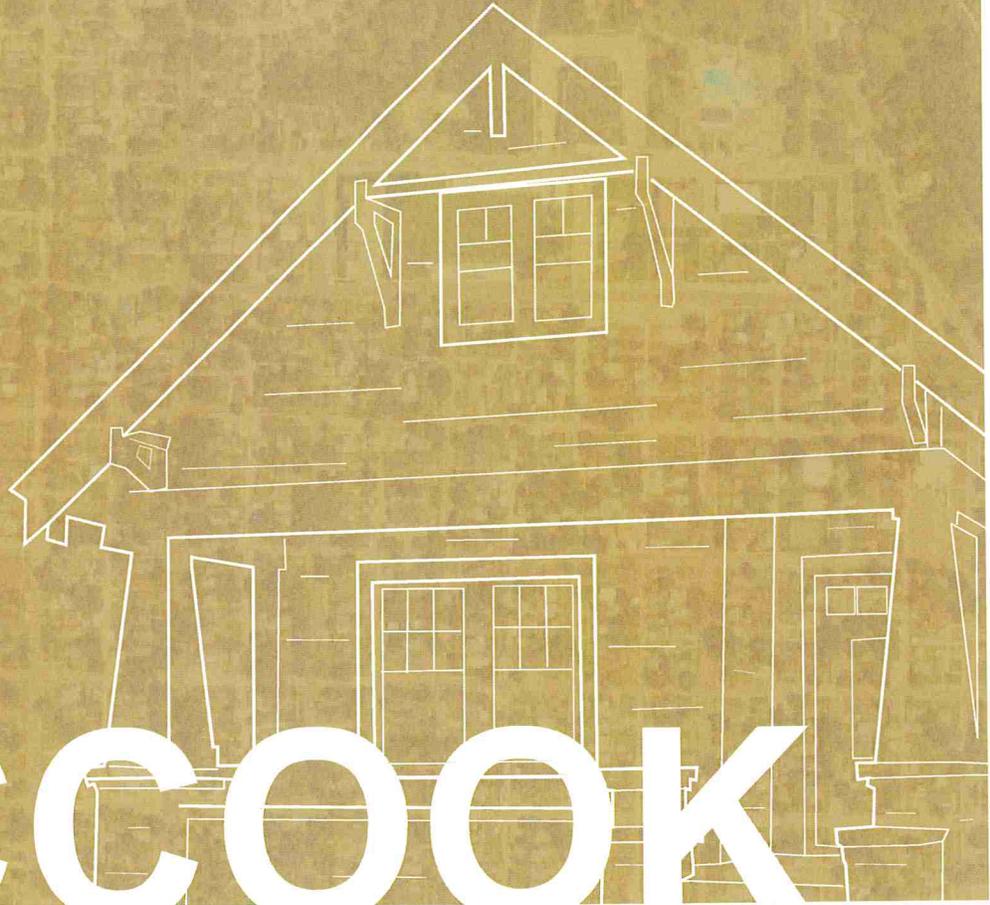
This notice is provided to your organization pursuant to law.

Respectfully,

Lea Ann Doak  
City Clerk-Treasurer

Enclosures

Project No. 200-G1-030



CITY OF

**MCCOOK**

**NEBRASKA**

**SUBSTANDARD & BLIGHT DETERMINATION**

*STUDY AREA #7*

October 2025

*Prepared by:*

**MA** **Miller & Associates**  
CONSULTING ENGINEERS, P.C.

1111 CENTRAL AVENUE, KEARNEY, NEBRASKA 68847

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[jcombs@miller-engineers.com](mailto:jcombs@miller-engineers.com)

fax: 308-234-1146

**EXHIBIT #5**

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# SECTION 1 — INTRODUCTION

## Redevelopment Study Area #7

The City of McCook, Nebraska contracted Miller & Associates to complete a Blighted and Substandard Study for Study Area #7. The legal description for Study Area #7 is described as follows.

A tract of land being part of Lot 2, all Lot 3, Dillman’s First Addition, part of Sixteenth Street East, part of Airport Road, part of the Northwest Quarter of Section Twenty-eight (28), Township Three (3) North, Range Twenty-nine (29) West of the 6th P.M., Block 7, Block 8, Block 21, part of Fourteenth Street East, Lots 7-12 (inclusive), Block 22, Brown’s Park Addition, Part of Vacated Thirteenth Street East, part of Twelfth Street East, part of Eleventh Street East and Lot 6, Block 8, Tenth Addition, all located in McCook, Red Willow County, Nebraska, and more particularly described as follows.

Beginning at the intersection of the East line of Airport Road and the South line of C Street; thence Westerly on said South line of C Street to the Centerline of Fourteenth Street East; thence Northerly on said Centerline of Fourteenth Street East to the North line of said C Street; thence Westerly on the North line of said C Street to the East line of Tenth Street East and the Southwest Corner of Lot 6, Block 8 in Tenth Addition; thence Northerly on the West line of said Lot 6, Block 8 to the Northwest Corner of said Lot 6; thence Easterly on the North line of said Lot 6 and the South line of D Street and its Easterly extension to the East line of Airport Road; thence Southerly on said East line of Airport Road to the Point of Beginning.

Containing 26.49 acres, more or less.

Findings reasonably suggest Blighted and Substandard conditions exist as defined under the *Nebraska Community Development Law*. The use of *Community Development Law* provisions to assist with remedies and actions for the (re) development of Study Area #7 in McCook, Nebraska is warranted and essential. Conclusions presented in this Executive Summary are supported by the analysis and data included in the report titled “Substandard and Blight Determination for McCook, Nebraska.”

## Purpose of Study

The purpose of this study is to determine whether an area within the corporate limits of McCook, Nebraska qualifies as Blighted and Substandard within the definition set forth in the *Nebraska Community Development Law*.

*Nebraska Revised State Statute §18-2101.01* allows a municipality to declare that blight and substandard conditions exist. The statute reads:

The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with sound needs of the city to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under sections 18-2101 to 18-2144, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements.

*Nebraska Revised State Statute §18-2103* also provides:

In no event shall a city of the metropolitan, primary, or first class designate more than 35 percent of the city as blighted, a city of the second class shall not designate an area larger than 50 percent of the city as blighted, and a village shall not designate an area larger than 100 percent of the village as blighted.

With Study Area #7, the City of McCook remains beneath the 35 percent threshold for first class cities. With Study Area #7, a total of 1,368.03 acres is designated as blighted. Of that total, 1,217.61 acres are within McCook's corporate limits which equals 33.1 percent of the municipality's total area (Figure 1).

**TABLE 1 - Redevelopment Areas and Number of Acres  
in McCook, Nebraska**

Redevelopment Area	Acres (Inside Corporate Limits)	Acres (Outside Corporate Limits)
1	30.13	—
2	263.69	—
3*	672.08	30.55
4*	13.60	—
5	169.65	5.26
6	41.97	114.61
7	26.49	—
<b>Total</b>	<b>1,217.61</b>	<b>150.42</b>

\* = Study area boundaries have been amended.  
McCook Corporate Boundaries = 3,678.82 Acres.

This study intends to provide the city's elected officials a basis for determining whether blighted and substandard conditions exist within the City of McCook's corporate limits. Through the process, the city attempts to eliminate economic and/or social concerns which are detrimental to public health, safety, morals, and general welfare of the entire community.

Findings of this blight and substandard study provide the structure of the redevelopment plan for the community. The redevelopment plan contains in accordance with provisions of *Nebraska Community Development Law* local objectives regarding appropriate land uses, improved traffic circulation, trails and bike paths, economic development activities, public infrastructure, public utilities, and other public improvements.

## What is Blight?

In this analysis, it is important to know and understand what is being discussed. In this case, neighborhoods showing social and physical decay are called blighted (or blight) areas (Berkman 1969; Thomlinson 1969). Chapin (1947) long ago referred to blight as both an “acute and crucial” problem. One that included not only the physical, social, and economic concerns (congestion, slums, declining property values) but also fundamental concerns that constitute a healthy and vibrant neighborhood or community. Kaplan *et al.* (2004) add that blight is a term often associated with inner-city housing. Much of the housing, for example, in the urban core was physically deteriorating prior to World War II. Those issues were exacerbated after World War II with the rapid increase in suburbanization.

Yet early on Chapin (1947) recognized as others did that the problem was not geographically limited to one area of the country, nor was it resigned to only large metropolitan regions. Smaller communities and even rural communities wrestled with—and continue to struggle—problems associated with blight as well. Eisenberg (2018) writes that vacant, abandoned, and dilapidated buildings plague rural communities across the country. Many small towns across the country are faced with difficult choices and have limited financial and/or legal measures to address issues related to blight, including safety, health, economics, aesthetics, and a general quality of life.

For decades legislation at both the state- and federal-level has attempted to deal with blight. Illinois, for instance, in 1947 passed the Blighted Areas Redevelopment Act (Berkman 1969). In that particular case, slum clearance was part of housing programs and redevelopment primarily in the Chicago metropolitan area. Just a few years later, the Housing Act of 1949 sought to address the problem on the national scale and demolition was the tool frequently used (Kaplan *et al.* 2004). The 1949 legislation provided a “mechanism by which public and private capital could collaborate in the elimination of certain forms of urban blight and the redevelopment of older sections of cities with more adequate housing” (Berkman 1969, 585). A few years later, the Federal Housing Act of 1954 broadened the scope even further, with a strong emphasis on public participation and rehabilitation for areas not deteriorated beyond restoration.

For decades eminent domain was used to at least attempt to alleviate the problems associated with blight (Kaplan *et al.* 2004; Pritchett 2003). With that, as certain areas were cleared, expansion of downtown anchors (hospitals or universities, for instance) often spilled into nearby blighted neighborhoods. In the 1960s and 1970s the term “urban redevelopment” caught hold. A term that is still in use today, urban development includes a variety of “tools” to assist communities dealing with blight. Rehabilitation remains a viable option for some blighted locations, for others it is not.

# SECTION 2 — BLIGHT & SUBSTANDARD ANALYSIS

## Blight and Substandard Eligibility Analysis

The evaluation that the City of McCook, Nebraska is eligible for a blight and substandard analysis was made on the basis that existing blighted and substandard factors must be present to an extent that would lead a reasonable person to conclude public intervention is appropriate and necessary to assist with any redevelopment activities.

Substandard areas are defined by *Nebraska Revised State Statute §18-2103.10* as areas in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of:

- Dilapidation or deterioration.
- Age or obsolescence.
- Inadequate provision for ventilation, light, air, sanitation, or open spaces.
- High density of population and overcrowding.
- The existence of conditions which endanger life or property by fire and other causes.
- Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals, or welfare.

Blighted areas are defined by *Nebraska Revised State Statute §18-2103.11* as areas which by reason of the presence of a substantial number of the following:

- Defective or inadequate street layout.
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- Unsanitary or unsafe conditions.
- Deterioration of site or other improvements.
- Diversity of ownership.
- Tax or special assessment delinquency exceeding the fair value of the land.
- Defective or unusual conditions which endanger life or property by fire and other causes.
- Any combination of such factors, substantially impairs or arrests the sound growth of the community, slows the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

And in which there is at least one of the following conditions:

- Unemployment in the designated area is at least 120 percent of the state or national average.
- The average age of the residential or commercial units in the area is at least forty years.
- More than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time.
- The per capita income of the area is lower than the average per capita income of the city or city in which the area is designated.
- That the area has had either stable or decreasing population based on the last two decennial censuses.

Because of these definitions, Study Area #7 in the City of McCook, Nebraska was deemed eligible for a blight and substandard analysis and public intervention is appropriate or necessary to assist with redevelopment within the community.

## Contributing Factors

Table 2 provides population data for McCook, Nebraska and Red Willow County (Figure 2). McCook, Nebraska—named in honor of Alexander McDowell McCook who was a general in the Union Army during the Civil War—is located in southwest Nebraska in Red Willow County and registered 7,446 residents in the 2020 census (Table 2) (Perkey 1982). Originally platted by the Lincoln Land Company, McCook was organized in 1883 and at the first census in 1890 tallied 2,346 residents (Perkey 1982). McCook went on to peak in population in 1980 at 8,404 but has since lost 958 or 11.4 percent of its total population. Red Willow County has experienced a similar population trend (Table 2). The county peaked in population in 1930 at 13,859 citizens and has since declined to 10,702 in 2020 (-22.8 percent). Based on census data, population decline is a contributing blight factor for McCook.

**TABLE 2 - Population Totals  
1880-2020**

Year	McCook	Red Willow County
1880	—	3,044
1890	2,346	8,837
1900	2,445	9,604
1910	3,765	11,056
1920	4,303	11,434
1930	6,688	13,859
1940	6,212	11,951
1950	7,678	12,977
1960	8,301	12,940
1970	8,285	12,191
1980	8,404	12,615
1990	8,112	11,705
2000	7,996	11,450
2010	7,698	11,055
2020	7,446	10,702

**Source:** Bureau of the Census, U.S. Federal Statistical System, [www.census.gov](http://www.census.gov).

## Structure Age

Structure obsolescence or age is a contributing factor of blighted and substandard conditions in Study Area #7. Study Area #7 contains twenty-three properties, of that number only nine have structures. Of the nine, seven were constructed prior to 1985—one in 1980, two in the 1950s, one in the 1930s, two in the 1920s, and one in the 1910s.

## Structure Condition

Structure dilapidation, deterioration, and/or existence of conditions that endanger life or property by fire and other causes, or any combination of such factors, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and are detrimental to the public health, safety, morals, or welfare of the community. All are contributing factors of blighted and substandard conditions in the study area.

The structural survey inspected the exterior conditions through a “windshield survey.” Meaning that a structural survey only evaluated physical conditions of structures and immediate surroundings as visible from the public right-of-way.

Exterior conditions of structures were evaluated and rated in accordance with the following guidelines:

- Sound Condition—a unit that appears new or well maintained and structurally intact. The foundation appears structurally undamaged and has straight roof lines. Siding, windows, and doors are in good repair along with good exterior conditions. Minor problems such as small areas of peeling paint and/or other maintenance items are allowable under this category.
- Minor Repairs Needed—a unit that shows signs of deferred maintenance or that needs only one major component.
- Major Repairs Needed—a unit in need of replacement of one or more major components and other repairs.
- Dilapidated—a unit suffering from excessive neglect, where the building appears structurally unsound and maintenance is nonexistent, not fit for human habitation in its current condition, may be considered for demolition, or that major rehabilitation is required.

Study Area #7 has twenty-three properties. Of that total, 2 are listed as “Sound,” 7 are labeled as “Minor Deficit,” and 14 are categorized as “Major Deficit.” Several parcels throughout the area show signs of distress and demonstrate the need for either minor or major repairs (Appendix A—Supporting Images). Concerns include poor siding and roofing conditions, untended landscaping, deteriorated fencing in certain locations, drainage concerns, and overgrown vegetation.

## Lot Layout

Faulty lot layout in relation to size and other conditions is a contributing factor to blight. Many lots within the study area are of inadequate size, configuration, accessibility, and usefulness in the present layout (Figure 2). The present layout—which lacks appropriate land use planning—provides limited access for some lots which impedes potential development and growth of the Study Area.

## Diversity of Ownership

The study area comprises approximately 26.49 acres on McCook’s eastern side. Ownership varies, with fourteen different owners including the City of McCook and the local VFW.

## Public Infrastructure Analysis

This section analyzes the condition of water, sewer, sidewalks, streets, along with curb and gutter and stormwater drainage. These main components comprise public infrastructure in the study area. Public infrastructure, where possible, was analyzed and rated in a fashion similar to the structure conditions analysis.

### Curb and Gutter

Most of the study area does not have adequate curb and gutter infrastructure which creates significant drainage concerns (Appendix A—Supporting Images). The lack of stormwater infrastructure is evident throughout the area and severely impedes further development.

### Street and Sidewalk Conditions

Streets within the study area were analyzed for condition and status in relation to the provision of safe and efficient public circulation and access. Street conditions—as the ability (or inability) of those streets to move traffic in and through the study area—is a contributing factor to the area’s blighted and substandard conditions. Additionally, most of Study Area #7 lacks sidewalk infrastructure (Appendix A—Supporting Images).

### Undeveloped and Vacant Lots

There are several undeveloped and/or vacant lots in the study area which contribute to concerns related to accessibility, usefulness, unsanitary conditions, and overall site deterioration. Eleven parcels in Study Area #7 are currently vacant (Appendix A—Supporting Images).

### Wastewater Utility Infrastructure

The condition of Study Area #7’s public sanitary sewer system was analyzed and found to be maintained and operating as designed. Existing 8”, 12”, and 15” sanitary sewer mains, for instance, are throughout Study Area #7. Average depths of the existing sanitary sewer would provide development structures to have basements if desired. Development of the area, however, may cause additional wastewater utility infrastructure demands on the system and play a critical role in the development or growth of Study Area #7.

### Fire Hydrant Protection

An existing 8” water main provides fire protection and domestic service east-west throughout Study Area #7 with connectivity to 12” and 16” water mains for redundancy. The analysis of fire protection coverage involved drawing a 350 foot radius buffer (a typical city residential block length) around each fire hydrant. Findings reveal areas within the study area that need additional fire protection/hydrants. Further development of Study Area #7 may create the need for additional fire hydrants and valves for isolation and maintenance. Note that water flow (gallons per minute) is an extremely important factor in determining appropriate distances between fire hydrants and structures.

## Blight and Substandard Study Findings

Of the blighted factors set forth in the *Nebraska Community Development Law*, ten are present to a strong extent in the study area.

Blighted Conditions Present in the study area:

- Population decline.
- Substantial number of deteriorating structures.
- Unsanitary or unsafe conditions.
- Deterioration of site or other improvements.
- Defective or unusual conditions that endanger life or property by fire and other causes.
- Factors that substantially impair or arrest the sound growth of the community.
- Structures in the area at least forty years old.
- Faulty lot layout in relation to size and other conditions.
- Trash and other debris throughout the area.
- Economic or social liability detrimental to health, safety, and welfare of the community.

Substandard Conditions Present in the study area:

- Dilapidation, deterioration, old age, or obsolescence of structures.
- Existence of conditions that endanger life or property by fire and other causes.
- Property structures forty years or older.

Issues not included in the analysis due to a lack of data, confidentiality, and/or other potential disclosure concerns include the following:

- Tax delinquency greater than fair value of the land.
- Underemployment that equals 120 percent of the state or national average.
- Per capita income less than city-wide average.
- High population density or overcrowding.

## General Redevelopment Plan

*Nebraska Revised State Statute §18-2105* grants legal authority to the governing body to formulate a redevelopment program. The statute reads as follows:

The governing body of a city or an authority at its direction for the purposes of sections 18-2101 to 18-2144 may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of substandard or blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof.

*Nebraska Revised State Statute §18-2111* requires the inclusion of a general planning element. The statute reads:

The authority may itself prepare or cause to be prepared a redevelopment plan or any person or agency, public or private, may submit such a plan to an authority. A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area, and shall include without being limited to:

- The boundaries of the redevelopment project area, with a map showing the existing uses and condition of the real property therein.
- A land use plan showing proposed uses of the area.
- Information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment.
- A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances.
- A site plan of the area.
- A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment. Any redevelopment plan may include a proposal for the designation of an enhanced employment area.

## Recommendations

In determining whether or not any area is blighted and substandard, *Nebraska Community Development Law §18-2102* requires that the area's condition must be such that the remedy of the blighted and substandard conditions within the area be beyond the control of the city's use of regulatory control and exercise of police power and cannot be effectively dealt with by the ordinary operations of private enterprise without the aids provided under the law. McCook, Nebraska could deem public intervention as essential or appropriate. For this reason, each factor being evaluated in the context of the extent of its presence and the combined impact of all factors found in Study Area #7, this study finds that public intervention is needed for redevelopment efforts.

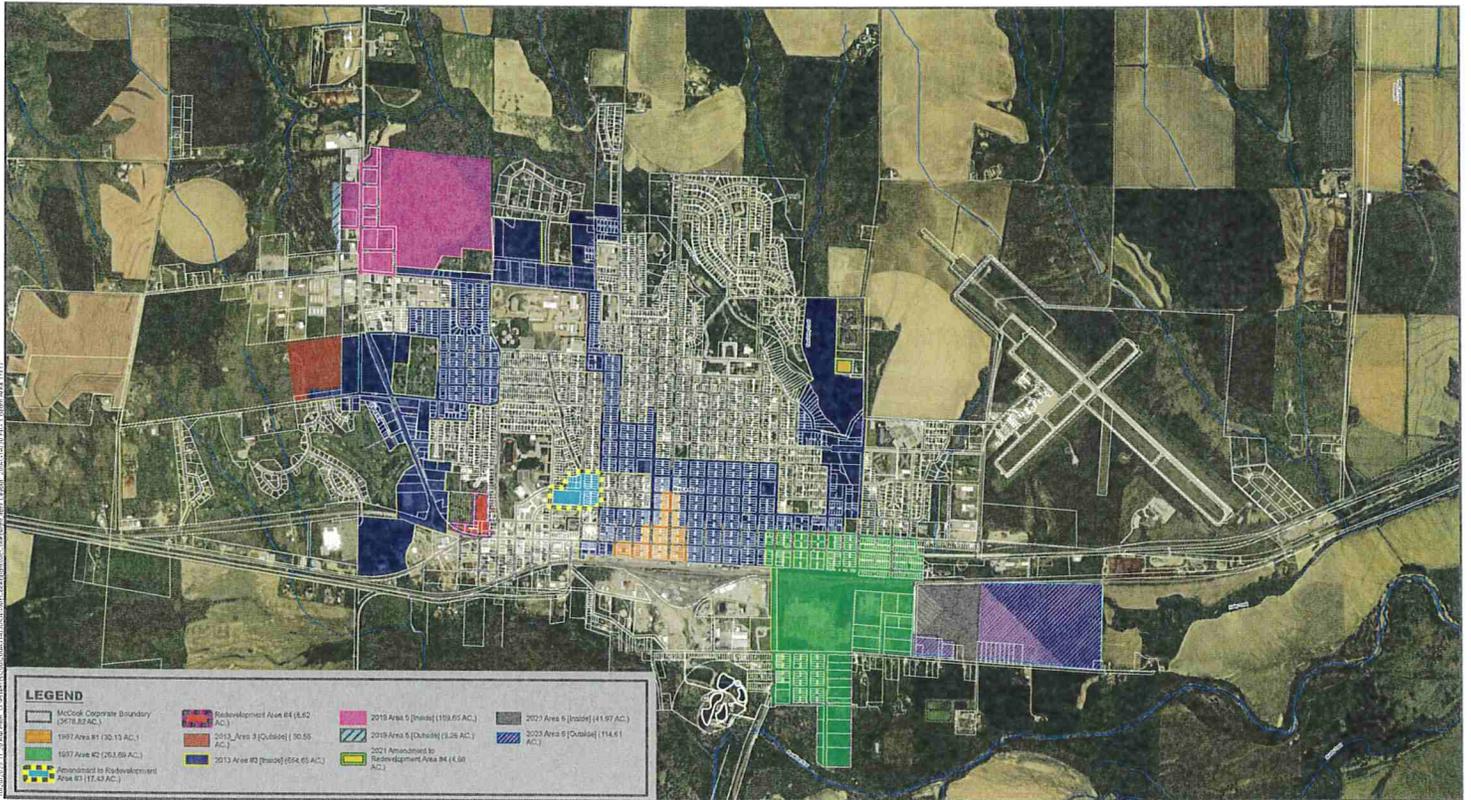
This blighted and substandard conditions evaluation indicates that McCook, Nebraska can and should encourage long-term improvements within the study area. Improvements and conditions can be accomplished through applications of zoning regulations, nuisance abatement, infrastructure improvements, pedestrian accessibility improvements, dilapidated building demolition, rehabilitation, and debris removal. Increasing taxes or assessments, however, to achieve these goals would be problematic for area residents.

Existing conditions are deterrents and discourage private redevelopment and investment. As a result, the community cannot achieve improvements without aid made available through the *Community Development Law*. In summary, if Blighted and Substandard conditions were remedied within a reasonable time, redevelopment of the area would improve the economic climate and prevent further decline of the study area. Working to remedy and repair blighted and substandard conditions has been determined to be essential, warranted, and vital to the area's redevelopment.

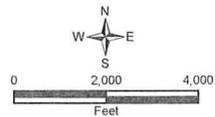
One development option to consider is Tax Increment Financing or TIF. TIF is an economic development tool available to communities throughout Nebraska. For TIF to be utilized, a blight and substandard study must first be completed. This study demonstrates the need for and redevelopment potential of Study Area #7 in McCook, Nebraska. Many lots in the study area are of inadequate size, configuration, accessibility, and usefulness in the present layout which is a contributing factor for blight (Figure 3). The layout, which lacks appropriate land use planning, impedes potential development. In addition to faulty lot layout, connectivity is an issue throughout the study area. There is limited access and connectivity between E. 11th Street on the west to Airport Road on the east (Figure 3). Not only does accessibility impede future development, it appears to be a liability for those who currently reside in the study area. The area is also plagued by a general lack of infrastructure development, including water and sewer mains as well as storm water drainage (Appendix A—Supporting Images).

## SECTION 3 — REFERENCES

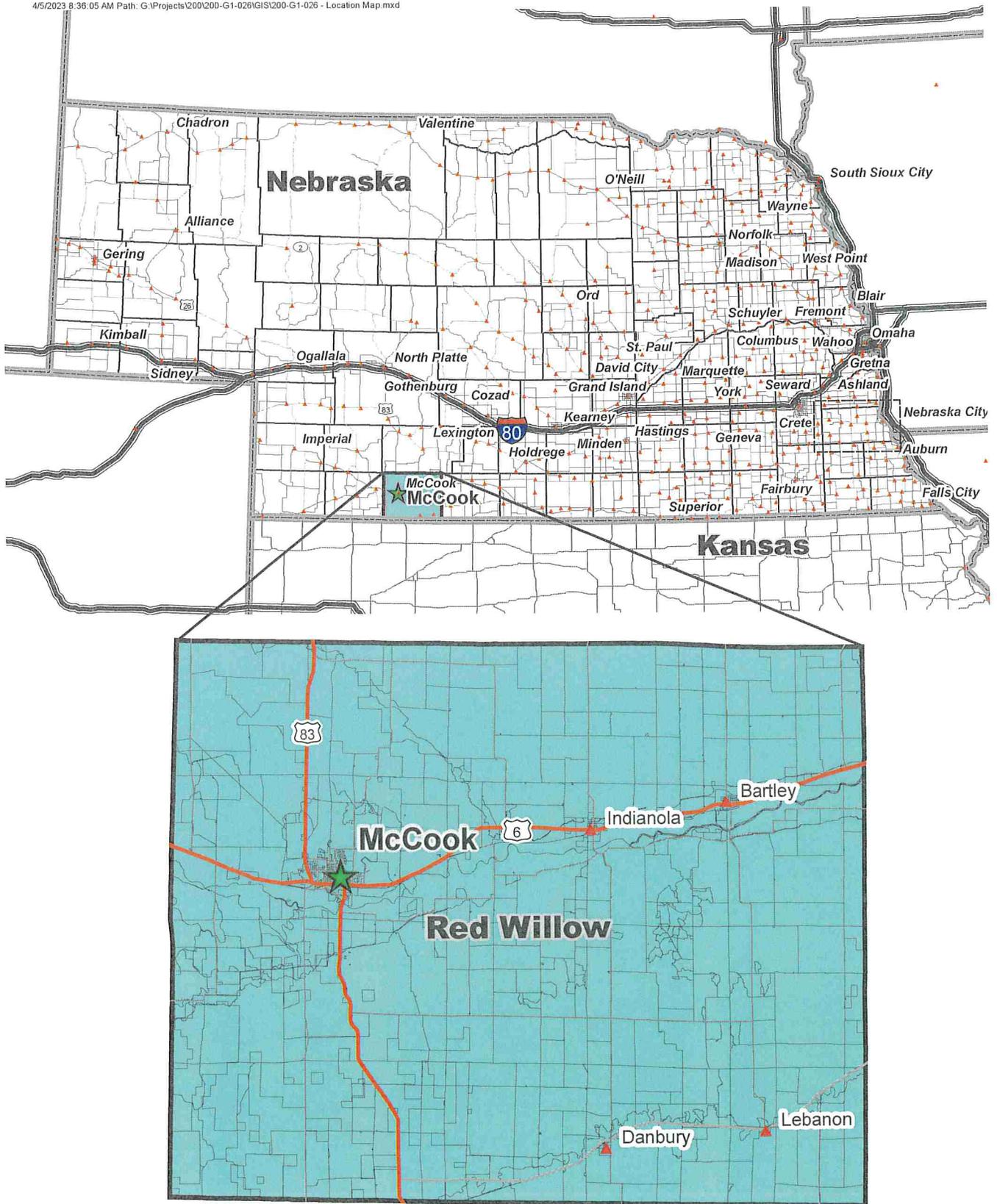
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10/20/2025  
 Prepared By:  
**MA**  
 Miller & Associates  
 CONSULTING ENGINEERS, P.C.  
 Kearney, NE - (308) 234-6456



**Figure 1**  
**Overall Blight Map**  
 McCook, Nebraska



4/5/2023  
Prepared By:

**MA**  
**Miller & Associates**  
CONSULTING ENGINEERS, P.C.  
Kearney, NE – (308) 234-6456

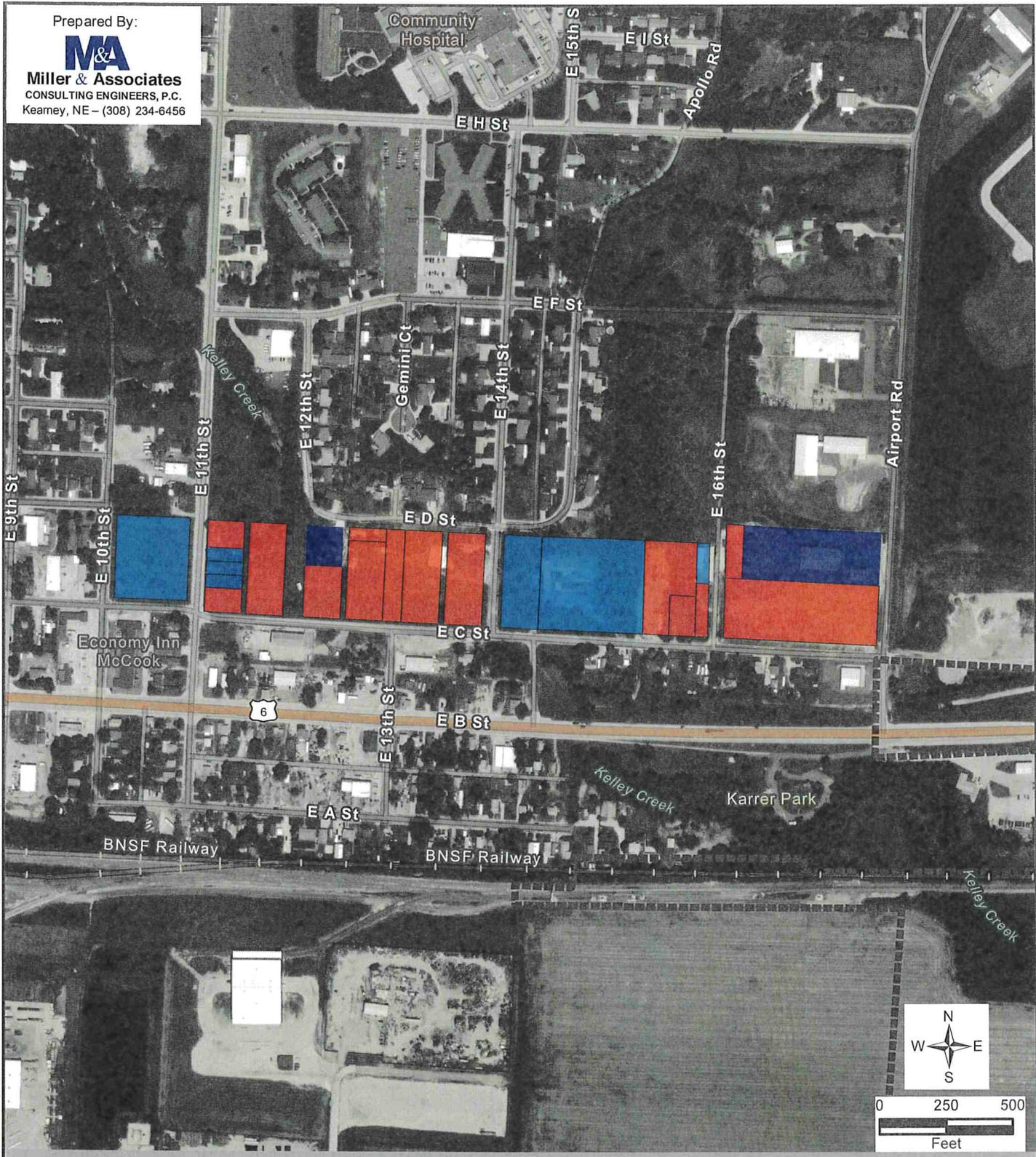


**Figure 2**  
**Location Map**

Prepared By:



**Miller & Associates**  
CONSULTING ENGINEERS, P.C.  
Kearney, NE – (308) 234-6456



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**LEGEND**



McCook Corporate  
Boundary (3672.65 AC.)

Sound

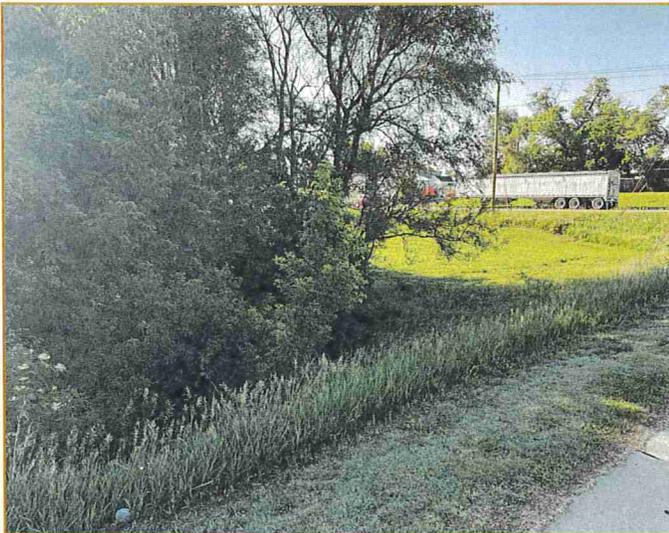
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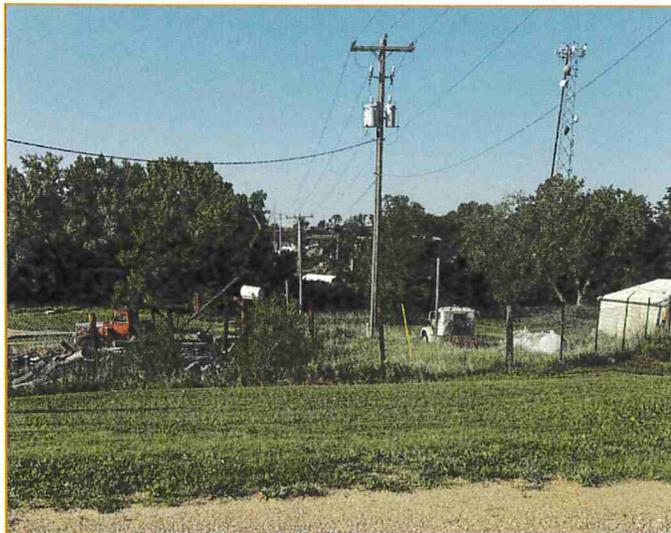
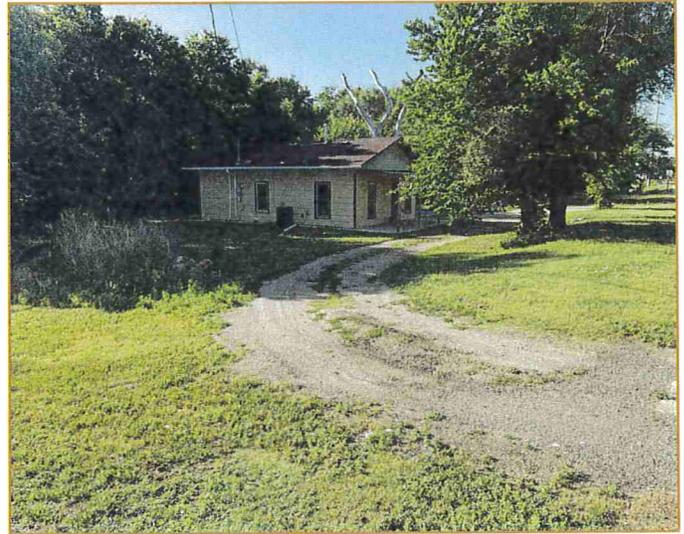
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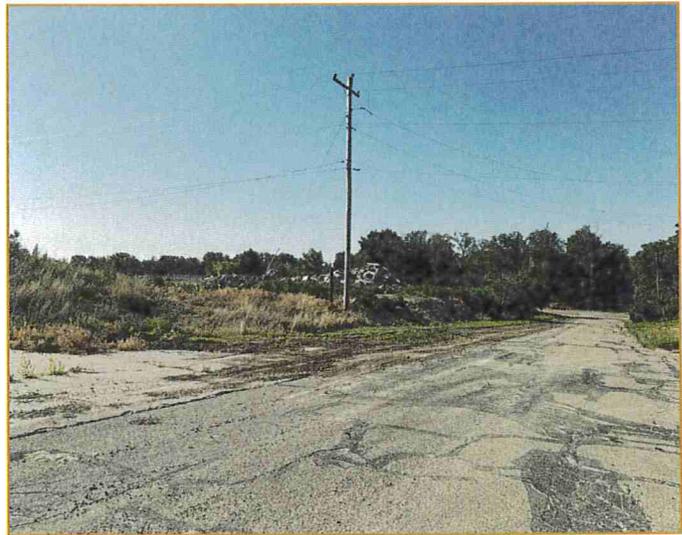
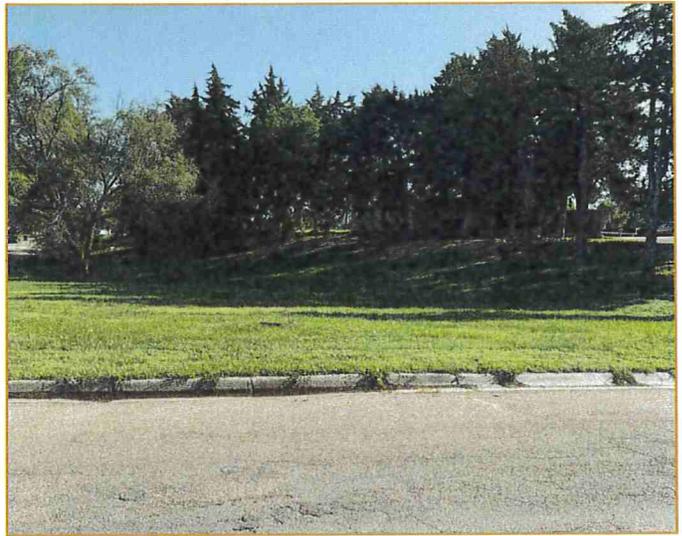
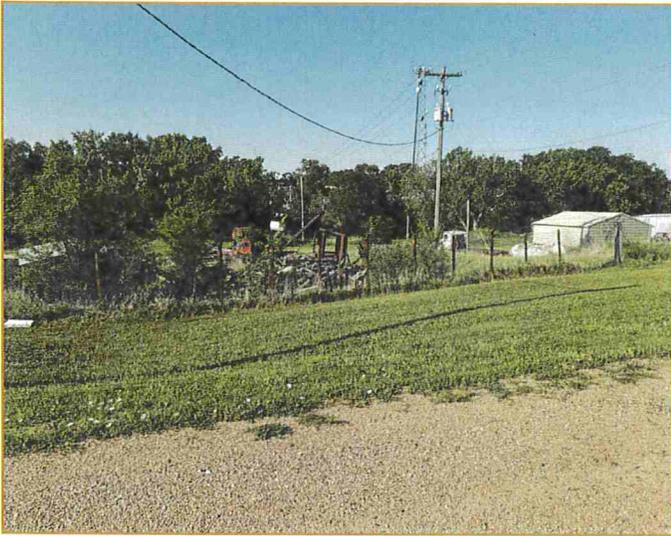
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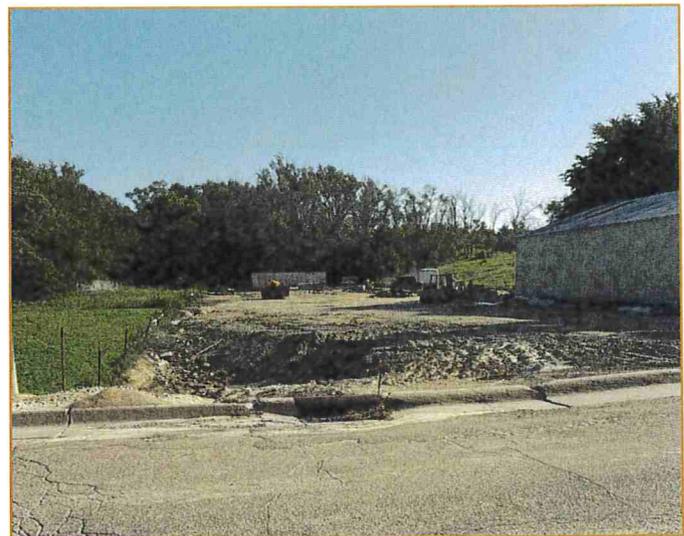
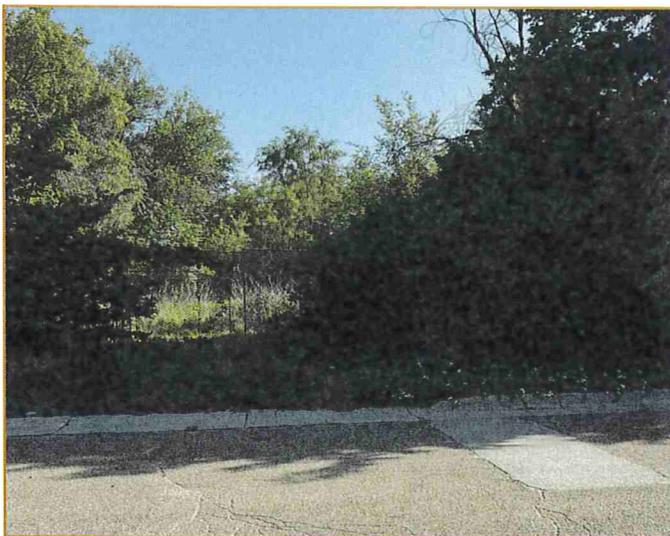
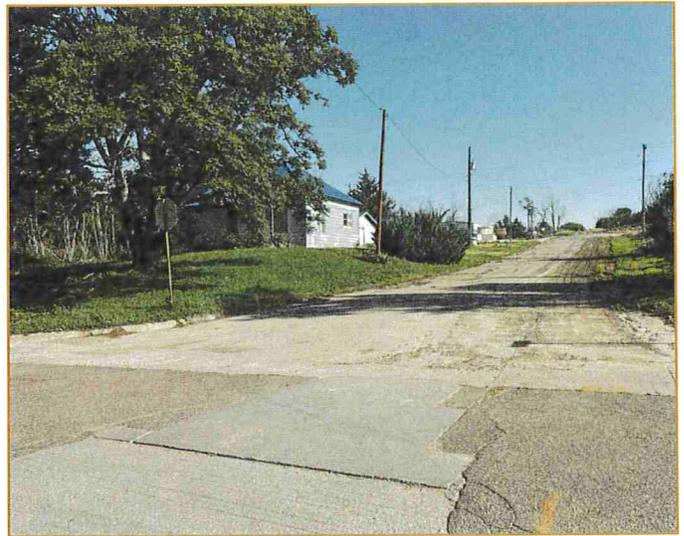
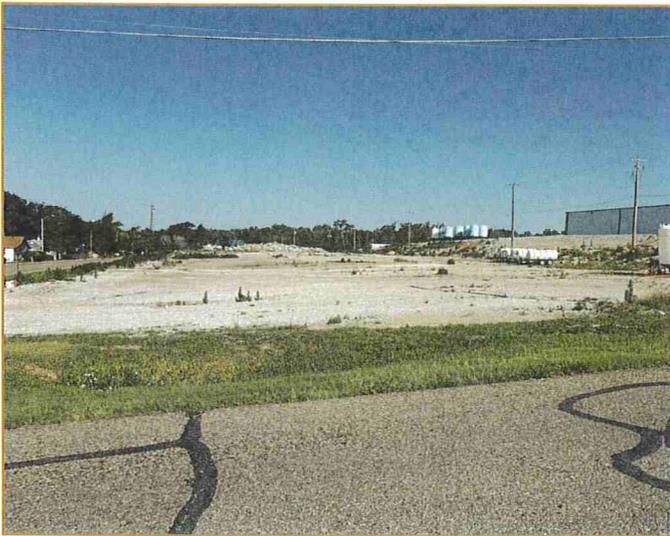
**Figure 3**  
**Study Area #7 Existing Conditions**

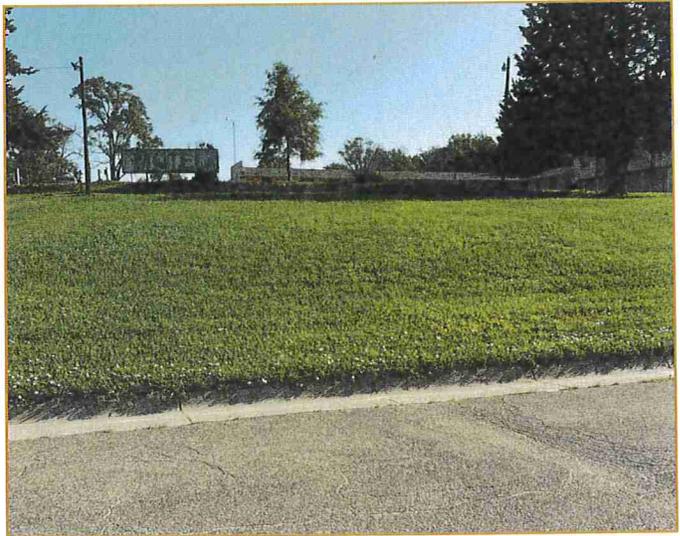
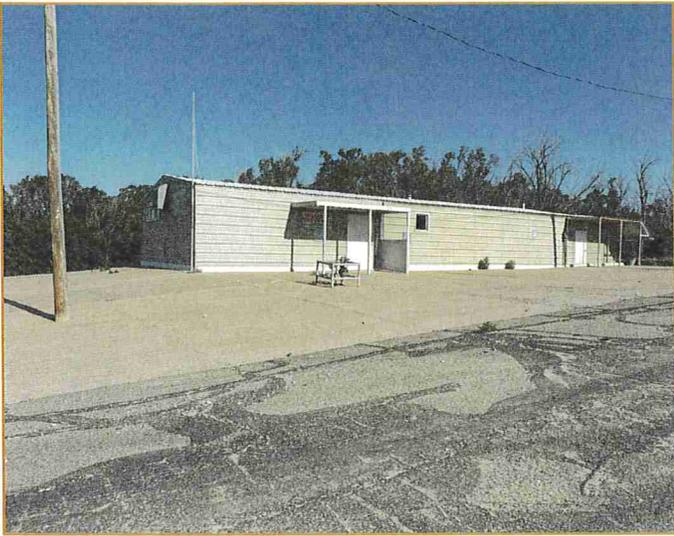
# APPENDIX A — SUPPORTING IMAGES











**PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. PC 2025-03  
(Redevelopment Area #7)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA, MAKING A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, TO CREATE REDEVELOPMENT AREA #7 OF THE CITY OF MCCOOK.**

**RECITALS**

A. The City Council of the City of McCook, Nebraska has submitted the question of whether Redevelopment Area #7 should be created and declared as blighted and substandard and in need of redevelopment pursuant to the Nebraska Redevelopment Law.

B. Notice of public hearing regarding the question of whether the creation of Redevelopment Area #7 should be recommended to the City Council and ultimately be adopted and approved by the City was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

C. On December 8, 2025, the Planning Commission held a public hearing relating to the question of whether the creation of Redevelopment Area #7 should be recommended to the City Council and ultimately be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

D. The Planning Commission has reviewed Redevelopment Area #7 and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, it is found and recommended by the Planning Commission of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the "Act"), as follows:

1. Based on the criteria set forth in the Blight and Substandard Study, it is reasonably necessary to create Redevelopment Area #7 to accomplish the implementation of the CDA's existing plan for redevelopment.

2. Redevelopment Area #7 will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.

3. Redevelopment Area #7 is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.

**EXHIBIT #6**

**PAGE(S) - 2**

BE IT RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission does hereby recommend approval of Redevelopment Area #7 by the City Council as the governing body for the City of McCook.

Passed and approved by the Planning Commission on this 8<sup>th</sup> day of December, 2025.

PLANNING COMMISSION OF  
THE CITY OF MCCOOK, NEBRASKA

By: \_\_\_\_\_  
Chad Lyons, Chair

ATTEST:

By: \_\_\_\_\_  
Camy Bradley, Secretary

**CITY MANAGER'S REPORT  
DECEMBER 8, 2025 MCCOOK PLANNING COMMISSION MEETING**

**ITEM NO. 2.F.** Public Hearing - Regarding a Blight and Substandard Study for Redevelopment Area #8, comprised of land described as a tract being part of, the Northeast Quarter and the Southeast Quarter, of Section 24, Township 3 North, Range 30 West of the 6<sup>th</sup> P.M., Lot 1 and Lot 2, Block 1, Lashley-Tucker Subdivision, and Lot 2 and Lot 3, A.M. Bishop Addition, all in Red Willow County, Nebraska..

**ITEM NO. 2.G.** Approve Planning Commission Resolution No. 2025-04 accepting the Blight and Substandard Study for Redevelopment Area #8 and recommending acceptance by the McCook City Council of said Blight and Substandard Study for the creation of Redevelopment Area #8.

---

**BACKGROUND:**

At the direction of the McCook City Council, Miller & Associates Consulting Engineers, P.C., conducted a Blight and Substandard Study to determine whether a proposed area located in the area stated above, qualifies for substandard characterization per the Nebraska Community Development Act. A blighted study lets a city guide development and redevelopment inside the study area. Per the Act, blighted is a legal term meaning that the land included in the area displays dilapidated, unsafe, and/or unsightly conditions. It does not mean that the area is uncared-for. The presence of deteriorated structures, defective or inadequate street layout, faulty lot layout, unsafe conditions, improper subdivisions, and the existence of conditions which endanger life or property can lead to the determination that a property is blighted. Substandard is defined as an area that contains properties that have deteriorated; are aged or obsolescent; experience inadequate light, air, sanitation, or ventilation; and/or display conditions which endanger life or property by fire and other causes.

If an area is determined to be blighted and substandard, developers have the ability to access Tax Increment Financing in order to improve the properties within the redevelopment area, which in turn will improve the blighted and substandard conditions currently affecting the properties. The Community Development Law was developed to assist communities with economic growth and promote redevelopment activities in areas where development has stagnated due to unfavorable conditions. To use the Community Development Law, an area must first be declared blighted and substandard. To date, the City of McCook has declared 6 areas blighted and substandard, with amendments made to some of the designated areas. The present study would create an eight redevelopment area (assuming Redevelopment Area #7 is approved).

Attached to this report is the Blight and Substandard Study conducted by Miller & Associates for the area in question. Based on Miller & Associates comprehensive study, it has been concluded that the study area is blighted and substandard for purposes of the Nebraska Community Development Law.

**EXHIBIT #1**

**PAGE(S) - 2**

Please review the Blight and Substandard Study. Miller & Associates and McCook staff members will be available to answer any questions regarding the determinations contained within the study.

**APPROVALS:**

*prepared by*

December 2, 2025

Nathan A. Schneider, City Manager

*Lea Ann Doak*

December 2, 2025

Lea Ann Doak, City Clerk

PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING  
PLANNING COMMISSION  
CITY OF McCOOK, NEBRASKA

NOTICE IS HEREBY GIVEN that a public hearing of the Planning Commission of McCook, Nebraska, will be held at 5:15 P.M. on December 8, 2025 in the City Council Chambers, 505 West "C" Street, McCook, Nebraska. Said meeting is open to the public.

Purpose of the meeting is a public hearing to consider Blight Study/Redevelopment Areas #7 & #8 as defined by *Nebraska Community Development Law §18-2102*.

/s/ Lea Ann Doak, City Clerk-Treasurer

Publish: November 21 and 28, 2025.

**EXHIBIT #2**

**PAGE(S) - 1**

COPY OF NOTICE MAILED TO:

McCook Community College  
President  
1205 East 3rd  
McCook, NE 69001

Chair of the Board  
Educational Service Unit No 15  
344 Main  
PO Box 398  
Trenton, NE 69044

Chair of the Board  
Middle Republican NRD  
208 Center Ave  
PO Box 81  
Curtis, NE 69025

Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook, NE 69001

Board President  
McCook School District  
700 West 7th  
McCook, NE 69001

**EXHIBIT #3**

**PAGE(S) - 1**



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

November 28, 2025

CERTIFIED MAIL

McCook Community College  
President  
1205 East 3<sup>rd</sup> Street  
McCook, NE 69001

Enclosed, please find a copy of a published notice of public hearing on blight determinations under the Nebraska Community Development Law. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street in McCook, Nebraska, on December 8, 2025 at 5:15 P.M. for the McCook Planning Commission and on December 15, 2025 at 5:30 P.M. for the McCook City Council.

The purpose of the public hearing is to obtain public comment prior to consideration of the declaration of an area of the City as blighted and substandard and in need of redevelopment pursuant to the Nebraska Community Development Law. A copy of the blight and substandard study for Area #7 and Area #8 are available for public review at the office of the City Clerk.

This notice is provided to your organization pursuant to law.

Respectfully,

Lea Ann Doak  
City Clerk-Treasurer

Enclosures

**EXHIBIT #4**

**PAGE(S) - 5**



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

November 28, 2025

CERTIFIED MAIL

Chair of the Board  
Education Service Unit No. 15  
344 Main  
PO Box 398  
Trenton NE 69044

Enclosed, please find a copy of a published notice of public hearing on a blight determination under the Nebraska Community Development Law. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street in McCook, Nebraska, on December 9, 2019 at 5:15 P.M. for the McCook Planning Commission and on December 16, 2019 at 5:30 P.M. for the McCook City Council.

The purpose of the hearing is to receive comments on a proposal to declare portions of the City of McCook blighted and substandard for purposes of the Community Development Law. A map of the area affected is enclosed with this letter.

This notice is provided to your organization pursuant to law.

Respectfully,

Lea Ann Doak  
City Clerk-Treasurer

Enclosures



P.O. BOX 1059 · 505 West C Street · McCook, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

November 28, 2025

CERTIFIED MAIL

Chair of the Board  
Middle Republican NRD  
208 Center Avenue  
PO Box 81  
Curtis NE 69025

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This notice is provided to your organization pursuant to law.

Respectfully,

Lea Ann Doak  
City Clerk-Treasurer

Enclosures



P.O. BOX 1059 · 505 West C Street · McCOOK, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

November 28, 2025

CERTIFIED MAIL

Chairman  
Red Willow County Commissioners  
502 Norris Avenue  
McCook NE 69001

Enclosed, please find a copy of a published notice of public hearing on a blight determination under the Nebraska Community Development Law. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street in McCook, Nebraska, on December 9, 2019 at 5:15 P.M. for the McCook Planning Commission and on December 16, 2019 at 5:30 P.M. for the McCook City Council.

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This notice is provided to your organization pursuant to law.

Respectfully,

Lea Ann Doak  
City Clerk-Treasurer

Enclosures



P.O. BOX 1059 · 505 West C Street · McCook, NE 69001 · PHONE (308) 345-2022 · FAX (308) 345-1461

November 28, 2025

CERTIFIED MAIL

Board President  
McCook School District  
700 West 7<sup>th</sup> Street  
McCook, NE 69001

Enclosed, please find a copy of a published notice of public hearing on blight determinations under the Nebraska Community Development Law. The hearings will be held in the City Council Chambers at the McCook Municipal Center, 505 West "C" Street in McCook, Nebraska, on December 8, 2025 at 5:15 P.M. for the McCook Planning Commission and on December 15, 2025 at 5:30 P.M. for the McCook City Council.

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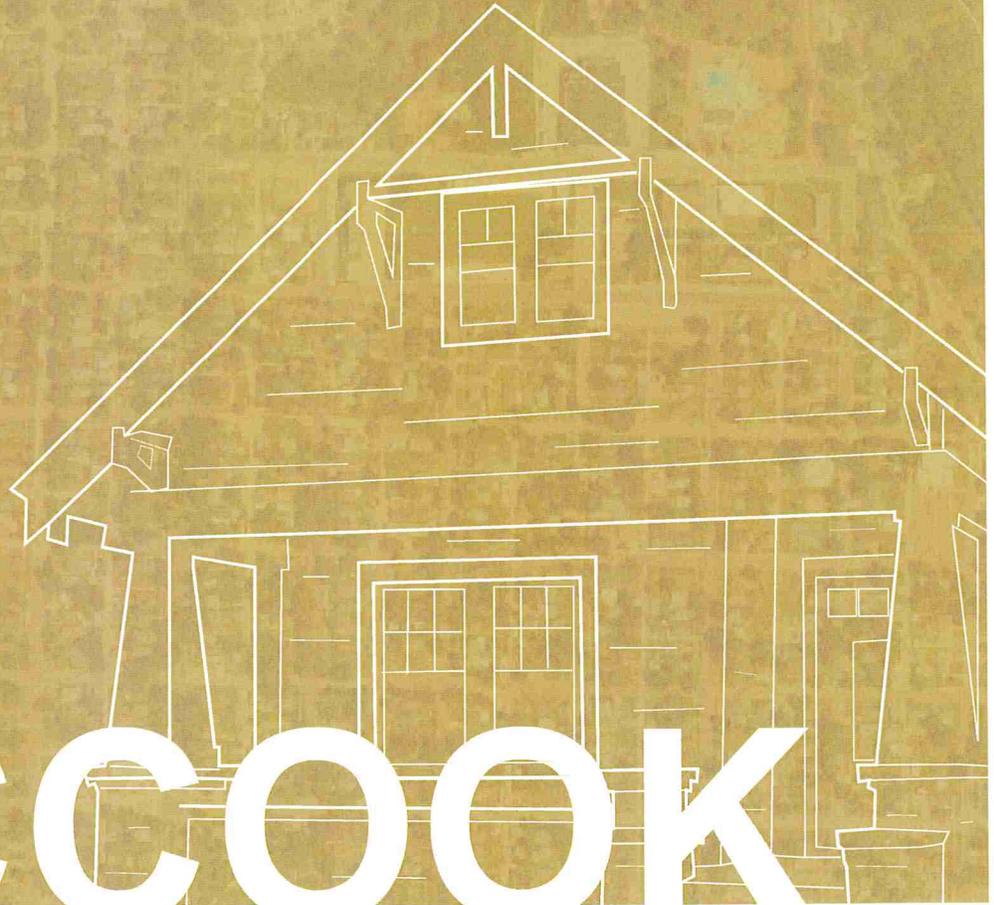
This notice is provided to your organization pursuant to law.

Respectfully,

Lea Ann Doak  
City Clerk-Treasurer

Enclosures

Project No. 200-G1-030



CITY OF  
**MCCOOK**

**NEBRASKA**

**SUBSTANDARD & BLIGHT DETERMINATION**

*STUDY AREA #8*

October 2025

*Prepared by:*

**MA** **Miller & Associates**  
**CONSULTING ENGINEERS, P.C.**

1111 CENTRAL AVENUE, KEARNEY, NEBRASKA 68847

**EXHIBIT #5**

[www.miller-engineers.com](http://www.miller-engineers.com)

*phone:* 308-234-6456

**PAGE(S) - 19**

[jcombs@miller-engineers.com](mailto:jcombs@miller-engineers.com)

*fax:* 308-234-1146

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# SECTION 1 — INTRODUCTION

## Redevelopment Study Area #8

The City of McCook, Nebraska contracted Miller & Associates to complete a Blighted and Substandard Study for Study Area #8. The legal description for Study Area #8 is described as follows.

A tract of land being part of, the Northeast Quarter (NE1/4) and the Southeast Quarter (SE1/4), of Section Twenty-four (24), Township Three (3) North, Range Thirty (30) West of the 6th Principal Meridian, Lot 1 and Lot 2, Block 1, Lashley-Tucker Subdivision, and Lot 2 and Lot 3, A.M. Bishop Addition, all in Red Willow County, Nebraska, and all more particularly described as follows:

Beginning at the Center 1/4 Corner of said Section 24; thence Northerly on the West line of the Northeast Quarter of said Section 24 to the North 1/4 Corner of said Section 24; thence East on the North line of said Northeast Quarter to the Northwest corner of a parcel described in Inst. No. 2016-00601 of the records to said Red Willow County; thence Southerly on the West line of said Inst. No. 2016-00601 to the Southwest Corner of said parcel; thence Easterly on the South line of said Inst. No. 2016-00601 to the West line of Four Corners Addition; thence Southerly on the West line of said Four Corners Addition to the North line of Bish Addition; thence Westerly on said North line of Bish Addition to the Northwest Corner of said Bish Addition; thence Southerly on the West line of said Bish Addition to the North line of a perpetual easement as described in A.M. Bishop Addition; thence Easterly on said North line of perpetual easement to the Southwest Corner of Block 1, of said A.M. Bishop Addition and the Northerly extension of the West line of the Replat of Block 17, Four Corners Addition; thence Southerly on the West line of said Block 17 to the South line of Drive 716; thence Westerly on the South line of said Drive 716 to the West line of the Southeast Quarter of said Section 24; thence North on said West line to the Point of Beginning. Containing 106.85 acres, more or less.

The study reasonably suggests Blighted and Substandard conditions exist as defined under the *Nebraska Community Development Law*. The use of *Community Development Law* provisions to assist with remedies and actions for the (re)development of the Study Area in McCook, Nebraska is warranted and essential. The conclusions presented in this Executive Summary are supported by the analysis and data included in the report titled “Substandard and Blight Determination for McCook, Nebraska.”

## Purpose of Study

The purpose of this study is to determine whether an area within the corporate limits of McCook, Nebraska qualifies as Blighted and Substandard within the definition set forth in the *Nebraska Community Development Law*.

*Nebraska Revised State Statute §18-2101.01* allows a municipality to declare that blight and substandard conditions exist. The statute reads:

The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with sound needs of the city to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under sections 18-2101 to 18-2144, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements.

*Nebraska Revised State Statute §18-2103* also provides:

In no event shall a city of the metropolitan, primary, or first class designate more than 35 percent of the city as blighted, a city of the second class shall not designate an area larger than 50 percent of the city as blighted, and a village shall not designate an area larger than 100 percent of the village as blighted.

Including Study Area #8, the City of McCook remains beneath the 35 percent threshold for first class cities. With Study Area #8, a total of 1,474.82 acres is designated as blighted. Although, only 1,217.61 acres of the total blighted area are within McCook's corporate area which equals 33.1 percent. Study Area #8 is outside the corporate boundaries, in McCook's extra territorial jurisdiction (ETJ). (Figure 1).

**TABLE 1 - Redevelopment Areas and Number of Acres  
in McCook, Nebraska**

Redevelopment Area	Acres (Inside Corporate Limits)	Acres (Outside Corporate Limits)
1	30.13	—
2	263.69	—
3*	672.08	30.55
4*	13.60	—
5	169.65	5.26
6	41.97	114.61
7	26.49	—
8	—	106.85
<b>Total</b>	<b>1,217.61</b>	<b>257.21</b>

\* = Study area boundaries have been amended.  
McCook Corporate Boundaries = 3,678.82 Acres.

This study intends to provide the city’s elected officials a basis for determining whether blighted and substandard conditions exist within the City of McCook’s corporate limits. Through the process, the city attempts to eliminate economic and/or social concerns which are detrimental to public health, safety, morals, and general welfare of the entire community.

Findings of this blight and substandard study provide the structure of the redevelopment plan for the community. The redevelopment plan contains in accordance with provisions of *Nebraska Community Development Law* local objectives regarding appropriate land uses, improved traffic circulation, trails and bike paths, economic development activities, public infrastructure, public utilities, and other public improvements.

## What is Blight?

In this analysis, it is important to know and understand what is being discussed. In this case, neighborhoods showing social and physical decay are called blighted (or blight) areas (Berkman 1969; Thomlinson 1969). Chapin (1947) long ago referred to blight as both an “acute and crucial” problem. One that included not only the physical, social, and economic concerns (congestion, slums, declining property values) but also fundamental concerns that constitute a healthy and vibrant neighborhood or community. Kaplan *et al.* (2004) add that blight is a term often associated with inner-city housing. Much of the housing, for example, in the urban core was physically deteriorating prior to World War II. Those issues were exacerbated after World War II with the rapid increase in suburbanization.

Yet early on Chapin (1947) recognized as others did that the problem was not geographically limited to one area of the country, nor was it resigned to only large metropolitan regions. Smaller communities and even rural communities wrestled with—and continue to struggle—problems associated with blight as well. Eisenberg (2018) writes that vacant, abandoned, and dilapidated buildings plague rural communities across the country. Many small towns across the country are faced with difficult choices and have limited financial and/or legal measures to address issues related to blight, including safety, health, economics, aesthetics, and a general quality of life.

For decades legislation at both the state- and federal-level has attempted to deal with blight. Illinois, for instance, in 1947 passed the Blighted Areas Redevelopment Act (Berkman 1969). In that particular case, slum clearance was part of housing programs and redevelopment primarily in the Chicago metropolitan area. Just a few years later, the Housing Act of 1949 sought to address the problem on the national scale and demolition was the tool frequently used (Kaplan *et al.* 2004). The 1949 legislation provided a “mechanism by which public and private capital could collaborate in the elimination of certain forms of urban blight and the redevelopment of older sections of cities with more adequate housing” (Berkman 1969, 585). A few years later, the Federal Housing Act of 1954 broadened the scope even further, with a strong emphasis on public participation and rehabilitation for areas not deteriorated beyond restoration.

For decades eminent domain was used to at least attempt to alleviate the problems associated with blight (Kaplan *et al.* 2004; Pritchett 2003). With that, as certain areas were cleared, expansion of downtown anchors (hospitals or universities, for instance) often spilled into nearby blighted neighborhoods. In the 1960s and 1970s the term “urban redevelopment” caught hold. A term that is still in use today, urban development includes a variety of “tools” to assist communities dealing with blight. Rehabilitation remains a viable option for some blighted locations, for others it is not.

# SECTION 2 — BLIGHT & SUBSTANDARD ANALYSIS

## Blight and Substandard Eligibility Analysis

The evaluation that the City of McCook, Nebraska is eligible for a blight and substandard analysis was made on the basis that existing blighted and substandard factors must be present to an extent that would lead a reasonable person to conclude public intervention is appropriate and necessary to assist with any redevelopment activities.

Substandard areas are defined by *Nebraska Revised State Statute §18-2103.10* as areas in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of:

- Dilapidation or deterioration.
- Age or obsolescence.
- Inadequate provision for ventilation, light, air, sanitation, or open spaces.
- High density of population and overcrowding.
- The existence of conditions which endanger life or property by fire and other causes.
- Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals, or welfare.

Blighted areas are defined by *Nebraska Revised State Statute §18-2103.11* as areas which by reason of the presence of a substantial number of the following:

- Defective or inadequate street layout.
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- Unsanitary or unsafe conditions.
- Deterioration of site or other improvements.
- Diversity of ownership.
- Tax or special assessment delinquency exceeding the fair value of the land.
- Defective or unusual conditions which endanger life or property by fire and other causes.
- Any combination of such factors, substantially impairs or arrests the sound growth of the community, slows the provision of housing accommodations or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

And in which there is at least one of the following conditions:

- Unemployment in the designated area is at least 120 percent of the state or national average.
- The average age of the residential or commercial units in the area is at least forty years.
- More than half of the platted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time.
- The per capita income of the area is lower than the average per capita income of the city or city in which the area is designated.
- That the area has had either stable or decreasing population based on the last two decennial censuses.

Because of these definitions, Study Area #8 in the City of McCook, Nebraska's ETJ was deemed eligible for a blight and substandard analysis and public intervention is appropriate or necessary to assist with redevelopment within the community.

## Contributing Factors

Table 2 provides population data for McCook, Nebraska and Red Willow County (Figure 2). McCook, Nebraska—named in honor of Alexander McDowell McCook who was a general in the Union Army during the Civil War—is located in southwest Nebraska in Red Willow County and registered 7,446 residents in the 2020 census (Table 2) (Perkey 1982). Originally platted by the Lincoln Land Company, McCook was organized in 1883 and at the first census in 1890 tallied 2,346 residents (Perkey 1982). McCook went on to peak in population in 1980 at 8,404 but has since lost 958 or 11.4 percent of its total population. Red Willow County has experienced a similar population trend (Table 2). The county peaked in population in 1930 at 13,859 citizens and has since declined to 10,702 in 2020 (-22.8 percent). Based on census data, population decline is a contributing blight factor for McCook.

**TABLE 2 - Population Totals 1880-2020**

Year	McCook	Red Willow County
1880	—	3,044
1890	2,346	8,837
1900	2,445	9,604
1910	3,765	11,056
1920	4,303	11,434
1930	6,688	13,859
1940	6,212	11,951
1950	7,678	12,977
1960	8,301	12,940
1970	8,285	12,191
1980	8,404	12,615
1990	8,112	11,705
2000	7,996	11,450
2010	7,698	11,055
2020	7,446	10,702

**Source:** Bureau of the Census, U.S. Federal Statistical System, [www.census.gov](http://www.census.gov).

## Structure Age

Structure obsolescence or age is a contributing factor of blighted and substandard conditions in Study Area #8. Even though over 100 acres in size, Study Area #8 has only five distinct properties and only one residential structure. Said residential structure was built in 1964.

## Structure Condition

Structure dilapidation, deterioration, and/or existence of conditions that endanger life or property by fire and other causes, or any combination of such factors, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and are detrimental to the public health, safety, morals, or welfare of the community. All are contributing factors of blighted and substandard conditions in the study area.

The structural survey inspected the exterior conditions through a “windshield survey.” Meaning that a structural survey only evaluated physical conditions of structures and immediate surroundings as visible from the public right-of-way.

Exterior conditions of structures were evaluated and rated in accordance with the following guidelines:

- Sound Condition—a unit that appears new or well maintained and structurally intact. The foundation appears structurally undamaged and has straight roof lines. Siding, windows, and doors are in good repair along with good exterior conditions. Minor problems such as small areas of peeling paint and/or other maintenance items are allowable under this category.
- Minor Repairs Needed—a unit that shows signs of deferred maintenance or that needs only one major component.
- Major Repairs Needed—a unit in need of replacement of one or more major components and other repairs.
- Dilapidated—a unit suffering from excessive neglect, where the building appears structurally unsound and maintenance is nonexistent, not fit for human habitation in its current condition, may be considered for demolition, or that major rehabilitation is required.

Study Area #8 contains five parcels. Of that total, 2 are listed as “Major Deficit” and the remaining 3 are categorized as “Minor Deficit.” Parcels throughout the area show signs of distress and demonstrate the need for either minor or major repairs (Appendix A—Supporting Images). Concerns include poor siding and roofing conditions, untended landscaping, deteriorated fencing in certain locations, drainage concerns, and overgrown vegetation.

## Lot Layout

Faulty lot layout in relation to size and other conditions is a contributing factor to blight. Though adequate in regard to size, the present layout in Study Area #8 presents accessibility and usefulness concerns (Figure 3). The present layout—which lacks appropriate land use planning—provides limited access for some lots which impedes potential development and growth of the study area.

## Diversity of Ownership

The study area comprises approximately 106.85 in McCook’s ETJ just northwest of the corporate boundaries. Ownership varies, with four different owners for the five parcels in Study Area #8.

## Public Infrastructure Analysis

This section analyzes the condition of water, sewer, sidewalks, streets, along with curb and gutter and stormwater drainage. These main components comprise public infrastructure in the study area. Public infrastructure, where possible, was analyzed and rated in a fashion similar to the structure conditions analysis.

### Soil Erosion

Study Area #8 shows signs of soil erosion as runoff from the entire study area flows north. If more intense development occurs in the future, curb and gutter infrastructure should be considered to control run-off (Appendix A—Supporting Images). The lack of stormwater infrastructure is evident throughout the area and will severely impede future development.

### Undeveloped and Vacant Lots

There are several undeveloped and/or vacant areas or lots in the study area which contribute to concerns related to accessibility, drainage, usefulness, and overall site deterioration. One of the parcels is listed as “agricultural land,” another has an older “farm utility building,” two have repair/service facilities, and one has a residential structure that was built in 1964 (Appendix A—Supporting Images).

### Wastewater Utility Infrastructure

Analysis of the public sanitary sewer system revealed an absence of existing sanitary sewer infrastructure within the study boundary. Development of Study Area #8 may cause additional wastewater utility infrastructure demands on the system and play a critical role in the development or growth of the area. Just east of Study Area #8 is the new sports complex/subdivision development which provides opportunities for gravity sanitary sewer within most of the study area if extended west of Highway 83 approximately 400 feet to the east edge of Study Area #8.

### Fire Hydrant Protection and Water Infrastructure

Existing 4” and 16” water main are located within approximately 400 feet of the property and would require a public infrastructure extension to serve Study Area #8. Fire protection and domestic service do not currently exist within Study Area #8 but would be required for development. To the east, the new sports complex along with commercial and residential development provides opportunities for redundant circulation if extended approximately 400 feet west of Highway 83. Note that water flow (gallons per minute) is an extremely important factor in determining appropriate distances between fire hydrants and structures. Study Area #8 may require a booster pumping station for domestic and fire protection, depending on future development requirements.

## Blight and Substandard Study Findings

Of the blighted factors set forth in the *Nebraska Community Development Law*, ten are present to a strong extent in the study area.

Blighted Conditions Present in the study area:

- Population decline.
- Substantial number of deteriorating structures.
- Unsanitary or unsafe conditions.
- Deterioration of site or other improvements.
- Defective or unusual conditions that endanger life or property by fire and other causes.
- Factors that substantially impair or arrest the sound growth of the community.
- Structures in the area at least forty years old.
- Faulty lot layout in relation to size and other conditions.
- Trash and other debris throughout the area.
- Economic or social liability detrimental to health, safety, and welfare of the community.

Substandard Conditions Present in the study area:

- Dilapidation, deterioration, old age, or obsolescence of structures.
- Existence of conditions that endanger life or property by fire and other causes.
- Property structures forty years or older.

Issues not included in the analysis due to a lack of data, confidentiality, and/or other potential disclosure concerns include the following:

- Tax delinquency greater than fair value of the land.
- Underemployment that equals 120 percent of the state or national average.
- Per capita income less than city-wide average.
- High population density or overcrowding.

## General Redevelopment Plan

*Nebraska Revised State Statute §18-2105* grants legal authority to the governing body to formulate a redevelopment program. The statute reads as follows:

The governing body of a city or an authority at its direction for the purposes of sections 18-2101 to 18-2144 may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of substandard or blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof.

*Nebraska Revised State Statute §18-2111* requires the inclusion of a general planning element. The statute reads:

The authority may itself prepare or cause to be prepared a redevelopment plan or any person or agency, public or private, may submit such a plan to an authority. A redevelopment plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area, and shall include without being limited to:

- The boundaries of the redevelopment project area, with a map showing the existing uses and condition of the real property therein.
- A land use plan showing proposed uses of the area.
- Information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment.
- A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances.
- A site plan of the area.
- A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment. Any redevelopment plan may include a proposal for the designation of an enhanced employment area.

A redevelopment plan should also demonstrate that proposed efforts align with the comprehensive development plan for the City of McCook, Nebraska. Also, a plan should demonstrate through its design and implementation the efficient use of public funds and the mitigation of blighted and substandard conditions.

## Recommendations

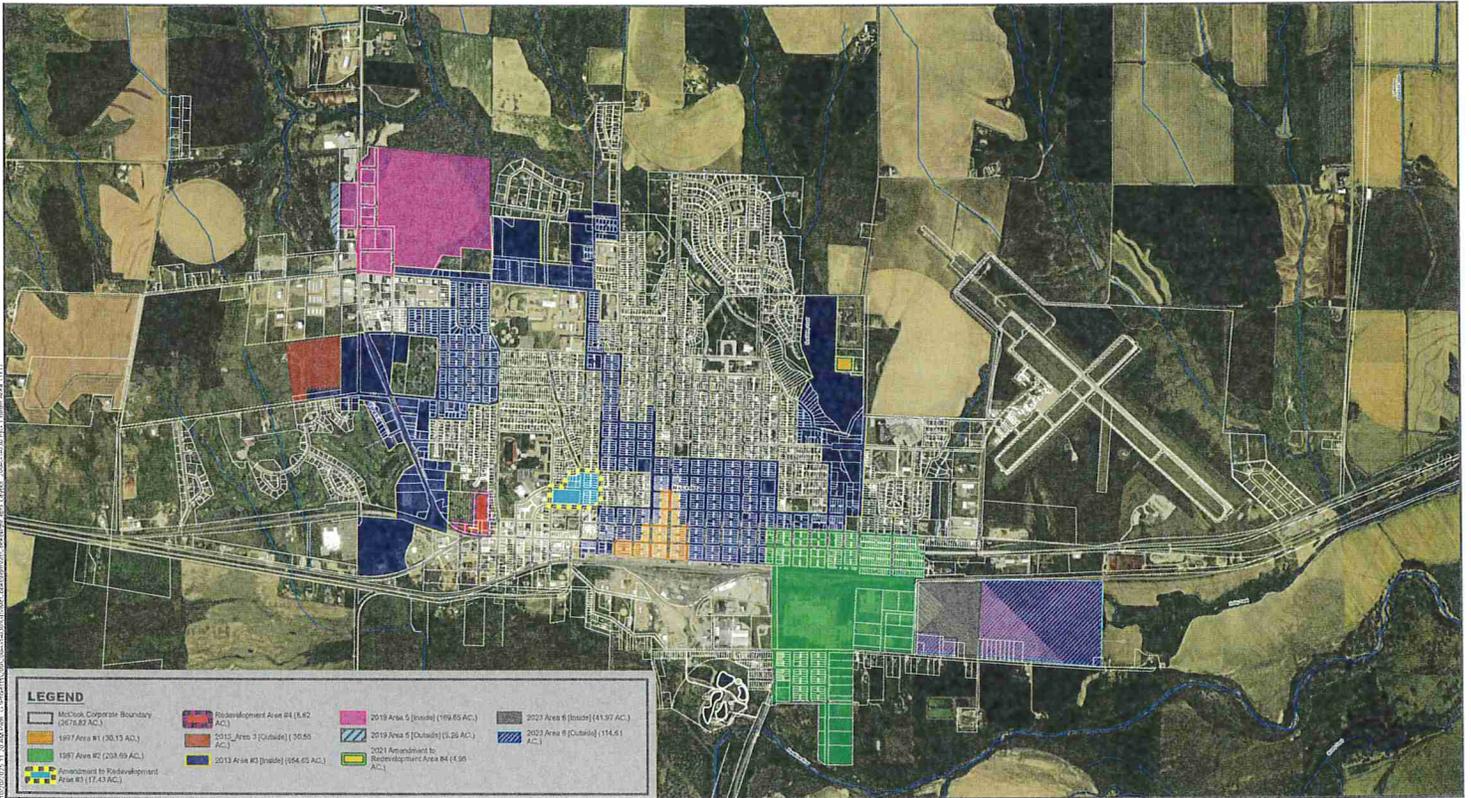
In determining whether or not any area is blighted and substandard, *Nebraska Community Development Law §18-2102* requires that the area's condition must be such that the remedy of the blighted and substandard conditions within the area be beyond the control of the city's use of regulatory control and exercise of police power and cannot be effectively dealt with by the ordinary operations of private enterprise without the aids provided under the law. McCook, Nebraska could deem public intervention as essential or appropriate. For this reason, each factor being evaluated in the context of the extent of its presence and the combined impact of all factors found in Study Area #8, this study finds that public intervention is needed for redevelopment efforts.

This blighted and substandard conditions evaluation indicates that McCook, Nebraska can and should encourage long-term improvements within the study area. Improvements and conditions can be accomplished through applications of zoning regulations, nuisance abatement, infrastructure improvements, pedestrian accessibility improvements, dilapidated building demolition, rehabilitation, and debris removal. Increasing taxes or assessments, however, to achieve these goals would be problematic for area residents.

As a result, the community cannot achieve improvements without aid made available through the *Community Development Law*. In summary, if blighted and substandard conditions were remedied within a reasonable time, redevelopment of the area would improve the economic climate and prevent further decline of the study area. Working to remedy and repair blighted and substandard conditions has been determined to be essential, warranted, and vital to the area's redevelopment. One development option to consider is Tax Increment Financing or TIF. TIF is an economic development tool available to communities throughout Nebraska. For TIF to be utilized, a blight and substandard study must first be completed. This study accomplishes that and demonstrates the need for and redevelopment potential of Study Area #8 in McCook, Nebraska.

## SECTION 3 — REFERENCES

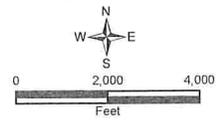
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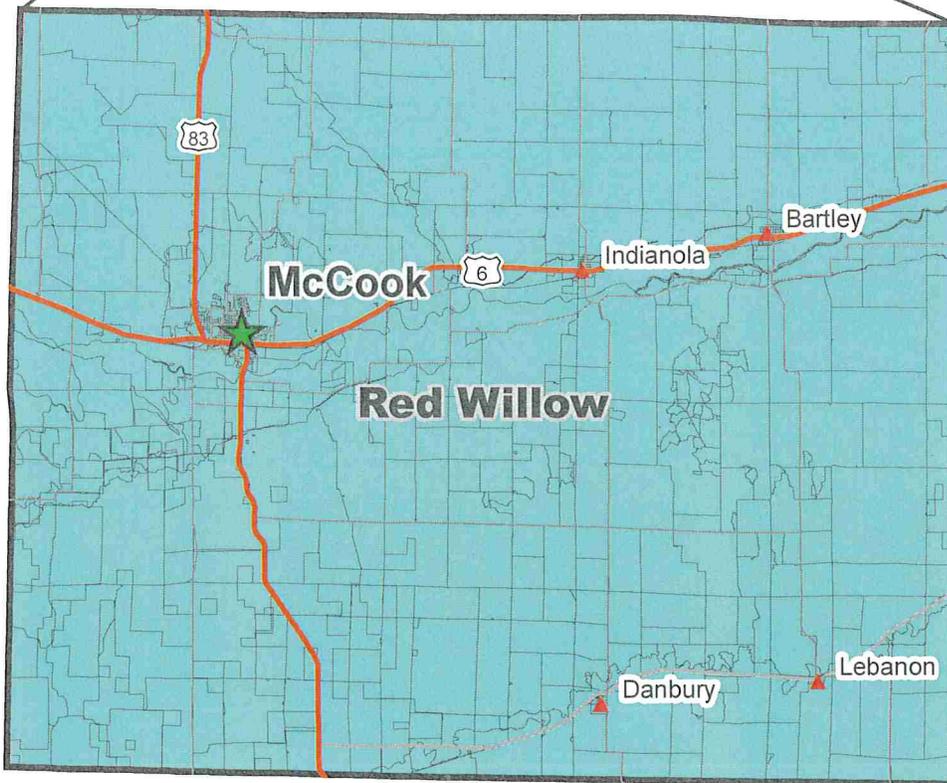
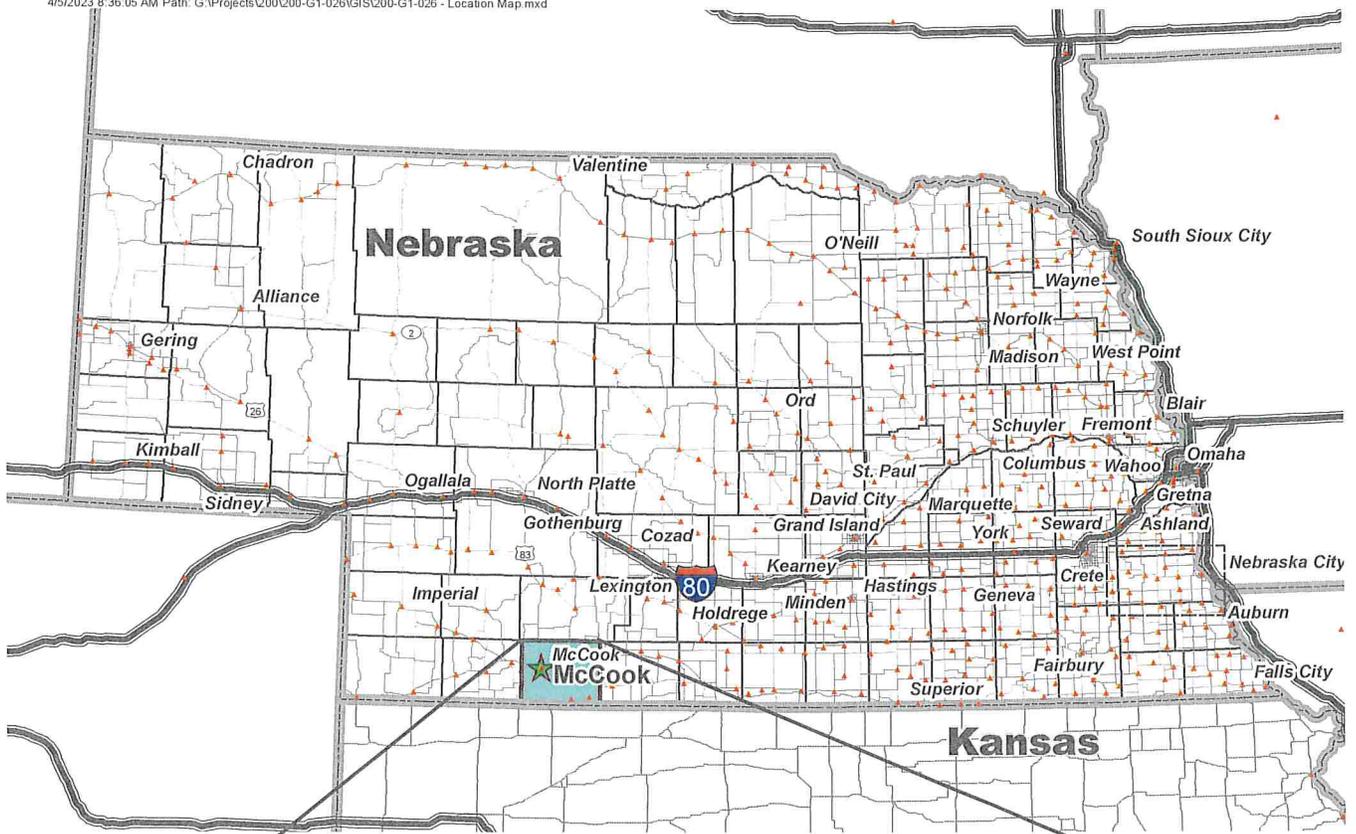
10/20/2025

Prepared By:

**MA**  
**Miller & Associates**  
 CONSULTING ENGINEERS, P.C.  
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**Figure 1**  
**Overall Blight Map**  
 McCook, Nebraska



4/5/2023  
Prepared By:

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**Figure 2**  
**Location Map**

Prepared By:



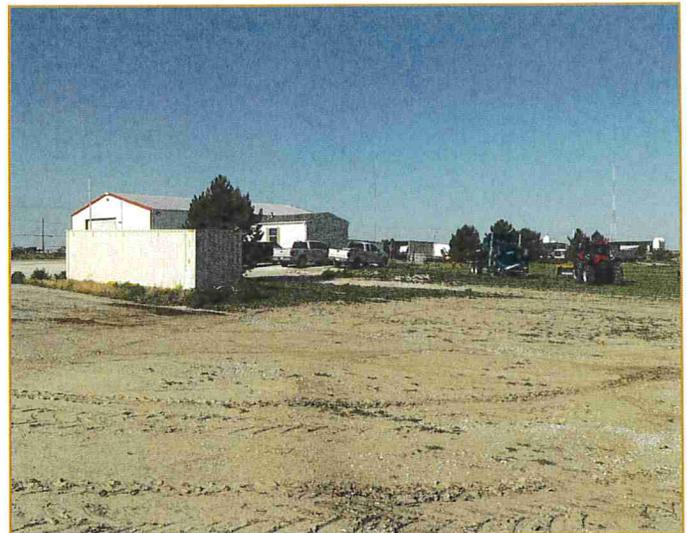
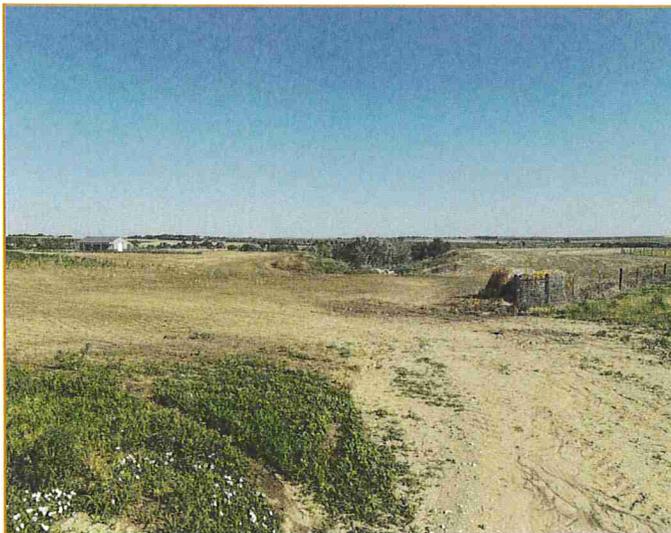
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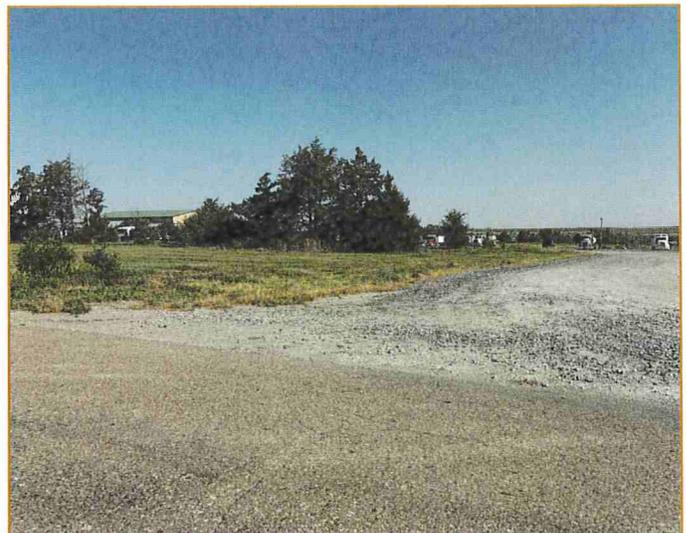
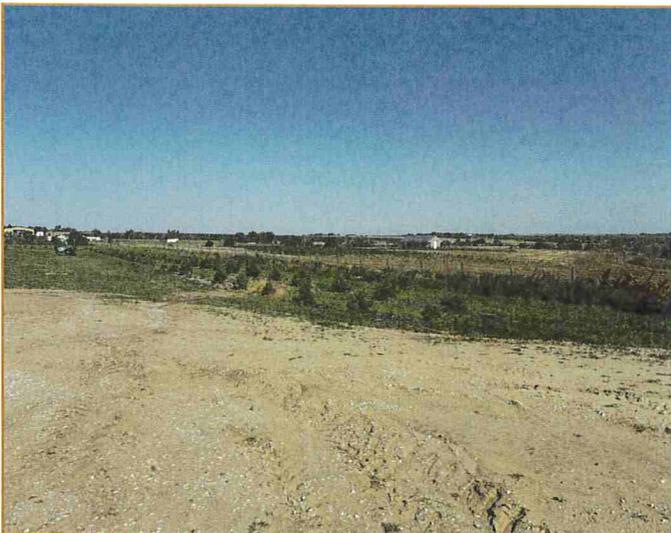
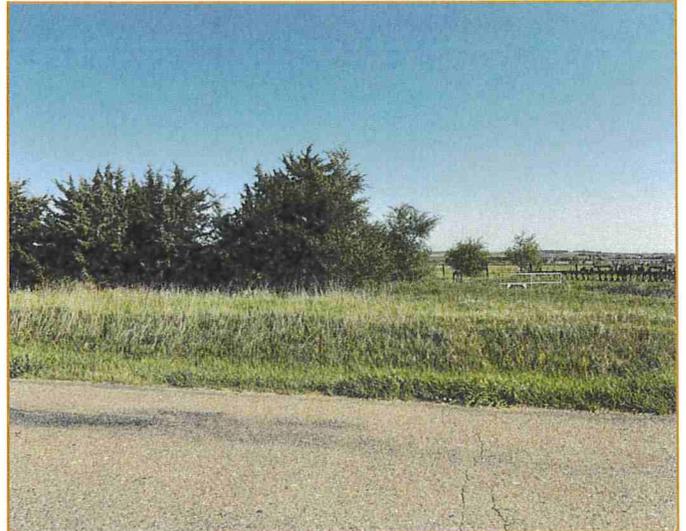
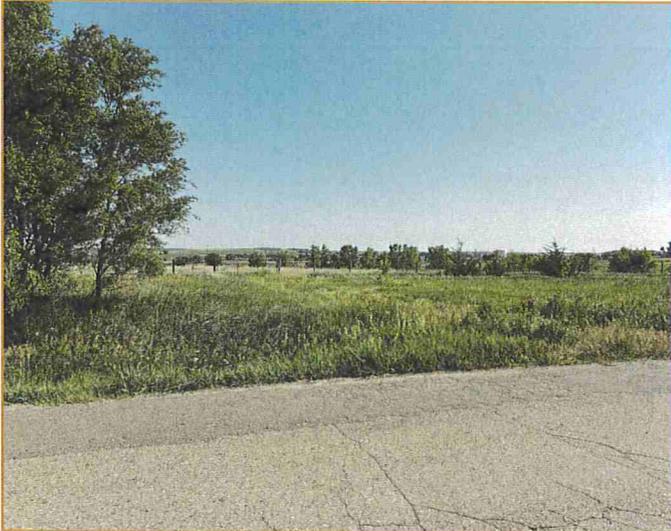
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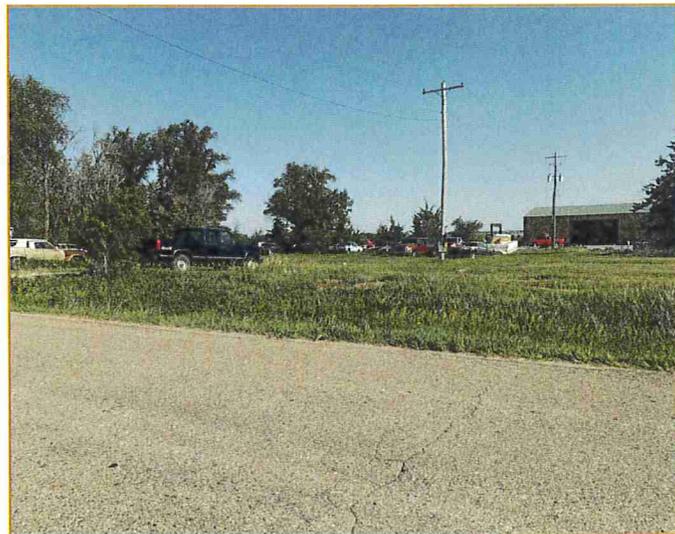
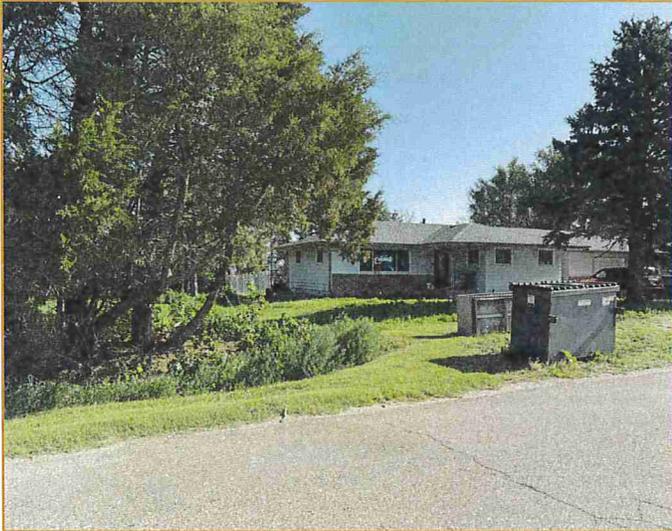


**Figure 3**  
**Study Area #8 Existing Conditions**

# APPENDIX A — SUPPORTING IMAGES







**PLANNING COMMISSION  
CITY OF MCCOOK, NEBRASKA**

**RESOLUTION NO. PC 2025-04  
(Redevelopment Area #8)**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCCOOK, NEBRASKA, MAKING A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF MCCOOK, NEBRASKA, TO CREATE REDEVELOPMENT AREA #8 OF THE CITY OF MCCOOK.**

**RECITALS**

A. The City Council of the City of McCook, Nebraska has submitted the question of whether Redevelopment Area #8 should be created and declared as blighted and substandard and in need of redevelopment pursuant to the Nebraska Redevelopment Law.

B. Notice of public hearing regarding the question of whether the creation of Redevelopment Area #8 should be recommended to the City Council and ultimately be adopted and approved by the City was provided in conformity with the Open Meetings Act, Neb. Rev. Stat. § 84-1407 et seq., the Community Development Law, Neb. Rev. Stat. §§ 18-2115 and 18-2115.01, and Nebraska law.

C. On December 8, 2025, the Planning Commission held a public hearing relating to the question of whether the creation of Redevelopment Area #8 should be recommended to the City Council and ultimately be adopted and approved by the City. All interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting the submitted question.

D. The Planning Commission has reviewed Redevelopment Area #8 and has duly considered all statements made and material submitted related to the submitted question.

NOW THEREFORE, it is found and recommended by the Planning Commission of the City of McCook, Nebraska, in accordance with the Community Development Law, Neb. Rev. Stat. §§ 18-2101 through 18-2154 (the "Act"), as follows:

1. Based on the criteria set forth in the Blight and Substandard Study, it is reasonably necessary to create Redevelopment Area #8 to accomplish the implementation of the CDA's existing plan for redevelopment.

2. Redevelopment Area #8 will, in accordance with the present and future needs of the City of McCook, promote the health, safety, morals, order, convenience, prosperity, and the general welfare of the community in conformance with the legislative declarations and determinations set forth in the Act.

3. Redevelopment Area #8 is in conformance with the general plan for development of the City of McCook as a whole, as set forth in the City of McCook Comprehensive Plan, as amended.

**EXHIBIT #6**

**PAGE(S) - 2**

BE IT RESOLVED, that pursuant to the provisions of the Act and in light of the foregoing findings and determinations, the Planning Commission does hereby recommend approval of Redevelopment Area #8 by the City Council as the governing body for the City of McCook.

Passed and approved by the Planning Commission on this 8<sup>th</sup> day of December, 2025.

PLANNING COMMISSION OF  
THE CITY OF MCCOOK, NEBRASKA

By: \_\_\_\_\_  
Chad Lyons, Chair

ATTEST:

By: \_\_\_\_\_  
Camy Bradley, Secretary

**CITY MANAGER'S REPORT  
DECEMBER 8, 2025 MCCOOK PLANNING COMMISSION MEETING**

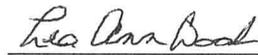
**ITEM: 2.H** Review and discuss the proposed Public Use District (P), Floodway Overlay District (FW), and Planned Development District (PD) proposed in the City of McCook's new zoning regulations.

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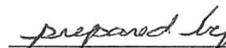
**BACKGROUND:**

Staff has reviewed, and is prepared to present the P, FW, and PD Districts to the Planning Commission. Attached to the report are the recommendations. The Floodway Overlay District must remain as is, per the State of Nebraska's rules and regulations.

**APPROVALS:**

  
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Lea Ann Doak, City Clerk

December 2, 2025

  
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Nathan A. Schneider, City Manager

December 2, 2025

## ARTICLE 17

### PUBLIC USE DISTRICT (P)

#### Article 17 - Public Use District

##### **Section 1701. Design.**

The Public Use District (P) is designed and intended to be a special purpose zoning district. This district is intended to accommodate many of the city's public, semi-public and governmental facilities. It is intended for use in areas of the city which have been assigned a public/semi-public or parks/open space future land use designation in the Comprehensive Plan. Federal, State and local governmental bodies are the only entities allowed to build and occupy space within the Public Use Districts. The three (3) principal purposes of this district are:

1. To provide suitable locations for governmental and educational facilities which serve a public need in the community;
2. To accommodate the unique operational needs of public buildings, facilities and uses which are owned, controlled or used by the City of McCook or other governmental bodies; and
3. To insure that sufficient land area, open space, buffering and access control are provided by public uses so as to minimize potential adverse impacts on adjacent land uses. Entities shall notify the city of any new development and shall follow all federal, state, and local building and licensing requirements.

##### **Section 1702. Permitted Uses in the Public Use District (P).**

A building or premises owned by any governmental entity, including local, county, state, federal governmental units and their subdivisions, and in some form of public use, shall be permitted to be located in the Public Use District (P). The provisions of this chapter shall not apply to land in private ownership, even if leased to or the subject of an easement of a governmental entity, or describe the future location of such public uses.

##### **Section 1703. Height and Yard Requirements.**

Setback distance is twenty (20) feet from the property line.

Maximum height allowed is eighty (80) feet.

1. This Limitation shall not apply to water towers, chimneys, flues, stacks, fire escapes, elevator enclosures, equipment penthouses, rooftop support lighting or other appurtenances needed to operate and maintain the building on which they are located. Communication towers and rooftop antennas shall not be subject to this height limit but shall be subject to the requirements in Article 21.

## ARTICLE 18

### FLOODWAY OVERLAY DISTRICT (FW)

#### Article 18 - Floodway Overlay District

#### DIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES

##### **Section 1801. Statutory Authorization.**

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare and property of the people of the state. The Legislature, in Neb. Rev. Stat. Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city or village with zoning jurisdiction over the flood prone area. Therefore, the City Council of the City of McCook, Red Willow County, Nebraska, ordains as follows:

##### **Section 1802. Findings of Fact.**

- A. Flood Losses Resulting from Periodic Inundation. The flood hazard areas of the City of McCook, Red Willow County, Nebraska, are subject to inundation that results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. General Causes of the Flood Losses. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

##### **Section 1803. Statement of Purpose.**

It is the purpose of these regulations to promote the public health, safety and general welfare and to minimize those losses described in Section 1702(A) of these regulations, by applying the provisions of these regulations to:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities.
- B. Require that uses vulnerable to floods, including public facilities that service such uses, be provided with flood protection at the time of initial construction.
- C. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

##### **Section 1804. Adherence to Regulations.**

These regulations are in compliance with the National Flood Insurance Program Regulations as

published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1.

## **DIVISION 2. GENERAL PROVISIONS**

### **Section 1805. Lands to Which Ordinance Applies.**

These regulations shall apply to all lands within the jurisdiction of the City of McCook, Red Willow County, Nebraska identified on the Flood Insurance Rate Map (FIRM) panels {31145C0050C, 31145C0075C, 31145C0185C, 31145C0200C, 31145C0205C, 31145C0215C, 31145C0225C} dated {2/4/2009} as Zones A, A1-30, AE, AO, or AH and within the Zoning Districts FW and FF established in Division 3 of these regulations. In all areas covered by these regulations, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the City of McCook or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Division 4 and 5 of these regulations.

### **Section 1806. Rules for Interpretation of District Boundaries.**

The boundaries of the floodway and the flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Board of Zoning Adjustment and to submit their own technical evidence, if so desired.

### **Section 1707. Compliance .**

Within identified floodplains of this community, no development shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

### **Section 1808. Abrogation and Greater Restrictions.**

These regulations do not intend to repeal, abrogate or impair any existent easements, covenants or deed restrictions. However, where these regulations imposes greater restrictions, the provisions of these regulations shall prevail. All other ordinances inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.

### **Section 1809. Interpretation.**

In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

### **Section 1810. Warning and Disclaimer of Liability.**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or

flood damage. These regulations shall not create liability on the part of the City of McCook or any officer or employee thereof for any flood damages that may result from reliance on these regulations or any administrative decision lawfully made thereunder.

**Section 1811. Severability.**

If any section, clause, provision or portion of these regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

**DIVISION 3. ESTABLISHMENT OF ZONING DISTRICTS**

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study dated {11/16/2011} and on accompanying FIRM panels as established in Division 2, Section 1705. The flood Fringe overlay district shall correspond to flood zones A, AE, A1-30, AH, AO, AR, A99, and floodway areas in Zone AE that are identified on FIRM panels. The floodway overlay district shall correspond to the floodway areas in Zone AE that are identified on the FIRM panels. Within these districts, all uses not meeting the standards of these regulations and those standards of the underlying zoning district shall be prohibited.

**DIVISION 4. FLOODPLAIN MANAGEMENT ADMINISTRATION**

**Section 1812. Designation of Floodplain Administrator.**

The floodplain administrator (e.g. clerk, engineer, zoning administrator, etc.) of the community is hereby designated as the community's local floodplain administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of these regulations. If the local floodplain administrator position is unfilled, the city manager shall assume the duties and responsibilities herein.

**Section 1813. Permits Required.**

A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

**Section 1814. Duties of the Floodplain Administrator.**

- A. Duties of the floodplain administrator shall include, but not be limited to the following:
  - 1. Review, approve, or deny all applications for floodplain development permits.
  - 2. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of these regulations have been satisfied.
  - 3. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.

4. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
5. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
6. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
7. Verify, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
8. Verify, record, and maintain the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
9. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
10. Ensure comprehensive development plan as amended is consistent with these regulations.
11. In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance with these regulations.

**Section 1815. Application for Permit and Demonstration of Compliance.**

- A. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
  1. Identify and describe the proposed development and estimated cost to be covered by the floodplain development permit.
  2. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
  3. Indicate the use or occupancy for which the proposed development is intended.
  4. Be accompanied by plans and specifications for proposed construction.
  5. Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
- B. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to

determine that:

1. All such proposals are consistent with the need to minimize flood damage;
  2. All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
  3. Structures will be anchored to prevent flotation, collapse, or lateral movement;
  4. Construction materials are flood resistant;
  5. Appropriate practices to minimize flood damage have been utilized; and
  6. Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
- C. For all new and substantially improved structures, and elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.
- D. When floodproofing is utilized for an applicable structure, a floodproofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.
- E. For all development proposed in the floodway, no-rise certification shall be provided to the floodplain administrator and be completed by a licensed professional engineer.
- F. Any other such information as reasonably may be required by the {floodplain administrator} shall be provided.

#### **Section 1816. Flood Data Required.**

- A. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of these regulations. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
- B. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.

**Section 1817. Variances and Appeals.**

**Variance and Appeals Procedures.**

- A. The Board of Zoning Adjustment as established by the City of McCook shall hear and decide appeals and requests for variances from the requirements of these regulations.
- B. The Board of Zoning Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of these regulations.
- C. Any person aggrieved by the decision of the Board of Zoning Adjustment or any taxpayer may appeal such decision to the District Court as provided in Neb. Rev. Stat .Section 19-912.
- D. In evaluating such appeals and requests, the Board of Zoning Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of these regulations, and:
  - 1. The danger to life and property due to flooding or erosion damage;
  - 2. The danger that materials may be swept onto other lands to the injury of others;
  - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners and neighboring properties;
  - 4. The importance of the services provided by the proposed facility to the community;
  - 5. The necessity to the facility to have a waterfront location, where applicable;
  - 6. The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
  - 7. The compatibility of the proposed use with existing and anticipated development;
  - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - 10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - 11. The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges.

**Conditions for Variances.**

- A. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.

- B. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
- C. Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in sized contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items E-I below have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.
- E. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.
- G. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- H. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty-five (\$25) dollars for one hundred (\$100) dollars of insurance coverage and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by these regulations.
  - 1. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

**Section 1818. Enforcement.**

- A. Violations.  
Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of these regulations shall constitute a violation. A structure or other development without a floodplain development permit, elevation certificated, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.
- B. Notices.  
When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of these regulations, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

1. Be in writing;
2. Include an explanation of the alleged violation;
3. Allow a reasonable time for the performance of any remedial act required;
4. Be served upon the property owner or their agent as the case may require; and
5. Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of these regulations.

C. Penalties.

1. Violation of the provisions of these regulations or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, corporation, or other entity that violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred (\$500) dollars, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
2. The imposition of such fines or penalties for any violation or non-compliance with these regulations shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.
3. Nothing herein contained shall prevent the City of McCook or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

## **DIVISION 5. STANDARDS FOR FLOODPLAIN DEVELOPMENT**

### **Section 1819. General Provisions.**

A. Alteration or Relocation of a Watercourse.

1. A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
2. No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.

B. Encroachments.

1. When proposing to permit any of the following encroachments, the standards in Division 5, Section 1719(B)2 shall apply:
  - (a) Any development that will cause a rise in the base flood elevations within the

floodway; or

(b) Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one (1) foot in the base flood elevation; or

(c) Alteration or relocation of a stream; then

2. The applicant shall:

(a) Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and

(b) Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.

C. Floodway Overlay District.

1. Standards for the Floodway Overlay District

(a) New structures for human habitation are prohibited.

(b) All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Division 5.

(c) In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Division 5, Section 1721(H) "Subdivisions", in meeting the standards of this section.

3. Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway Overlay District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway Overlay District:

(a) Agricultural uses such as general farming, pasture, nurseries, and forestry

(b) Residential uses such as lawns, gardens, parking, and play areas

(c) Nonresidential uses such as loading areas, parking, and airport landing strips

(d) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.

## **Section 1820. Elevation and Floodproofing Requirements.**

A. Residential Structures.

1. In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
2. In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
3. In the floodway, new structures for human habitation are prohibited.

B. Nonresidential Structures.

1. In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
  - (a) The structure is watertight with walls substantially impermeable to the passage of water and
  - (b) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator.

2. In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
  - (a) The structure is watertight with walls substantially impermeable to the passage of water and
  - (b) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator.

C. Space Below Lowest Floor.

1. Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.

2. Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
  - (b) The bottom of all openings shall not be higher than one (1) foot above grade, and
  - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

D. Appurtenant Structures.

1. Structures accessory to a principal building may have the lowest floor below one (1) foot above base flood elevation provided that the structure complies with the following requirements:
  - (a) The structure shall not be used for human habitation.
  - (b) The use of the structure must be limited to parking of vehicles or storage of items readily removable in the event of a flood warning.
  - (c) The floor area shall not exceed four hundred (400) square feet.
  - (d) The structure shall have a low damage potential.
  - (e) The structure must be adequately anchored to prevent flotation, collapse, or other lateral movement.
  - (f) The structure shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic forces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    - (1) A minimum of two (2) openings having a net area of not less than one (1) square inch for every one (1) square foot of enclosed space,
    - (2) The bottom of all openings shall not be higher than one (1) foot above grade, and
    - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.
  - (g) No utilities shall be installed except electrical fixtures in the structure, which must be elevated or floodproofed to one (1) foot above base flood elevation.
  - (h) The structure shall be constructed and placed on the building site so as to offer the

minimum resistance to the flow of floodwaters.

- (i) If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

E. Manufactured Homes.

1. Require that all manufactured homes to be placed or substantially improved within floodplains on sites:
  - (a) Outside of a manufactured home park or subdivision,
  - (b) In a new manufactured home park or subdivision,
  - (c) In an expansion to an existing manufactured home park or subdivision, or
  - (d) In an existing manufactured home park or subdivision on which a manufactured home as incurred substantial damage as the result of a flood,

Be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.

2. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Division 5, Section 1720(C)2(b) be elevated so that either;
  - (a) The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
  - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Division 5, Section 1720(E)(4).
3. New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow the standards of Division 5, Section 1721(H) "Subdivisions".
4. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
  - (a) Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
  - (b) Frame ties be provided at each corner of the manufactured home with five (5)

additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;

(c) Any additions to the manufactured home be similarly anchored.

#### F. Existing Structures.

1. The provisions of these regulations do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of Division 5, Section 1720(F)2-4 shall apply.
2. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50%) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
3. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of Division 5, Section 1719(C).
4. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.

### **Section 1821. Design and Construction Standards.**

#### A. Anchoring.

1. All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

#### B. Building Materials and Utilities.

1. All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
2. All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### C. Drainage.

1. Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

#### D. Water Supply and Sanitary Sewer Systems.

1. All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
2. All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
3. On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

E. Other Utilities.

1. All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

F. Storage of Materials.

1. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
2. The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

G. Recreational Vehicles.

1. Recreational vehicles to be placed on sites within the floodplain shall:
  - (a) Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
  - (b) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of these regulations if used as a permanent residence.

H. Subdivisions.

1. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance that:
  - (a) All such proposals are consistent with the need to minimize flood damage;
  - (b) All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
  - (c) Adequate drainage is provided so as to reduce exposure to flood hazards; and
  - (d) Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic

analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for Conditional Letters of Map Revision and a Letters of Map Revision.

#### **DIVISION 6. NON-CONFORMING USE**

- A. A structure or use of a structure or premises that was lawful before the passage or amendment of these regulations, but that is not in conformity with the provisions of these regulations may be continued subject to the following conditions:
  - 1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to these regulations.
  - 2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as Non-conforming uses.
- B. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50%) percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of these regulations. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

#### **DIVISION 7. AMENDMENTS**

- A. The regulations, restrictions and boundaries set forth in these regulations may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be taken until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of McCook. At least ten (10) days shall elapse between the date of this publication and the public hearing.
- B. A copy of such amendments will be provided to the Nebraska Department of Natural Resources and the Federal Emergency Management Agency for review and approval before being adopted.

#### **DIVISION 8. DEFINITIONS**

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations its most reasonable application:

0.2% Annual Chance Floodplain - the floodplain that would be inundated by the 0.2% annual chance flood and delineated on the Flood Insurance Rate Maps.

0.2% Annual Chance Flood Elevation - the elevation to which floodwaters are expected to rise during a 0.2% annual chance flood.

Appurtenant Structure - a structure on the same parcel of property as the principal structure, the

use of which is incidental to the use of the principal structure. Also shall be known as "accessory structure."

Area of Shallow Flooding - a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one (1%) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood - means the flood having one (1%) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation - the elevation to which floodwaters are expected to rise during the base flood.

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

Building - means "structure." See definition for "structure."

Critical Facility - means any property that, if flooded, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to: facilities that produces, use, or store hazardous materials; hospital, nursing homes, and housing likely to contain vulnerable populations; emergency support function facilities like police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers; public and private utility facilities vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

Development - any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

Existing Manufactured Home Park or Subdivision- a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Fringe - is that area of the floodplain, outside of the floodway, that has a one (1%) percent chance of flood occurrence in any one year.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Area Boundaries and the risk premium zones applicable

to the community.

Flood Insurance Study (FIS) - the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

Floodplain - any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this Ordinance.

Floodproofing - any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their content.

Floodway or Regulatory Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure - any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (a) By an approved state program as determined by the Secretary of the Interior or (b) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or modified so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction - for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Obstruction - any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (Nebraska Revised Statutes 46-1601 to 46-1670 as amended).

Overlay District - a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Post-FIRM Structure - means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated {FIRM effective date}, whichever is later.

Pre-FIRM Structure - means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated {FIRM effective date}, whichever is later.

Principally Above Ground - that at least fifty-one (51%) percent of the actual cash value of the structure is above ground.

Recreational Vehicle - a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation - means the base flood elevation (BFE) plus a freeboard factor as specified in these regulations.

Special Flood Hazard Area (SFHA) - the land in the floodplain within a community subject to one (1%) percent or greater chance of flooding in any given year.

Start of Construction - means the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure - a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

Subdivision - means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance - a grant of relief to a person from the requirements of these regulations that allows construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

Violation - means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other certifications, or other evidence of compliance required in these regulations is presumed to be in violation until such time as that documentation is provided.

Watercourse - means any depression two (2) feet or more below the surrounding land that serves to give direction to a current of water at least nine (9) months of the year and that has a bed and well- defined banks.

## ARTICLE 19

### PLANNED DEVELOPMENT DISTRICT (PD)

#### Article 19 - Planned Development District (PD)

##### **Section 1901. Intent and Purpose.**

The provisions of this article are to be applied in instances where tracts of land of considerable size are developed, redeveloped or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this Ordinance. Planned Development Overlay Districts utilize the existing residential, commercial or industrial zoning district and supplement the base district by allowing combinations of other zones to increase the density of development, while allowing multiple districts to be used on the same parcel of land. A planned development to be eligible under this Article must be:

- A. In accordance with the comprehensive plans of the City, including all plans for redevelopment and renewal;
- B. Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the City;
- C. So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the City; and
- D. So arranged as to provide a minimum of three hundred (300) square feet of usable open space per dwelling unit on the tract.

##### **Section 1902. General Requirements**

Interior lots and general development of the tract may vary according to several site design practices as influenced by existing topography. In general, the following guidelines shall apply:

- A. Every single-family structure shall have access to a public street, or if group or courtyard parking is used, each unit shall be provided with an easement. If a public street is not provided in the "PD" district, then it shall be under the control of a homeowners or development association.
- B. All open spaces shall be protected by fully recorded covenants running with the land.
- C. The street layout for internal roads shall be submitted in the form of road engineering plans.
- D. If unavailable, the developer shall provide central water and sewerage facilities for the "PD" district. These shall be submitted as approved written agreements.
- E. All "PD" Plans shall provide for maintenance of common open space facilities and any areas which are to be held in common by the residents or occupants.

**Section 1903. Procedures for Review and Approval.**

- A. When a property owner or developer intends to develop a tract of land containing at least the minimum area and involving more than two (2) commercial establishments, or in the case of a residential area, more than two (2) dwelling units, application may be made for zoning the property to a "PD" Planned Development District.
- B. The zoning change, if approved, shall be an amendment to the official Zoning Map.
- C. An applicant for a change in zoning to "PD" Planned Development District must satisfy the Planning Commission and the City Council that the applicant has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction.
- D. Such applicant also shall prepare and submit a Preliminary Development Plan for review and approval by the Planning Commission and the City Council. A complete plan package including all the elements listed below shall be submitted to provide a complete representation of the development project. All plans shall be drawn to scale.
  - 1. Three sets of full size plans (minimum scale: 1" - 100').
  - 2. One set of reduced plans (11" X 17")
  - 3. **200-Foot Radius Map.**
    - (a) All improvements, streets, drives, parking areas, land uses and zoning within 200 feet of the boundary of the site.
  - 4. **Site Plan.**
    - (a) Major environmental site features/concerns such as tree masses, drainage ways, 100-year floodplains, floodways, wetlands, steep slopes, and problematic soils.
    - (b). Footprint of all proposed buildings including square footage, number of stories and finish floor elevation.
    - (c). All property lines with dimensions and all building setback lines.
    - (d) Internal and external transportation and circulation systems including location and dimensions of existing and proposed streets, alleys, driveways, curb cuts, parking lots, parking spaces including ADA handicap spaces, and pedestrian and bicycle paths.
    - (e) Location of existing and proposed utilities including, sanitary sewers, manholes, storm water facilities, municipal water, gas and electrical distribution systems and all associated easements of record or proposed easements, along with proposed connections for each unit.
    - (f) Location and design of proposed site lighting. Sharp cut-off fixtures only.
    - (g) Location of any signs to be placed on site.
    - (h) Location of all trash enclosures and loading docks.

5. **Building Elevations.**

- (a) Exterior architectural building elevations and floor plans, including height, building materials, and other information necessary to describe the project and use of the building.

6. **Site Grading and Drainage Plan.**

- (a) Shall demonstrate site grading and drainage by showing existing contours at 2-foot intervals and proposed grading at 2-foot intervals with spot elevations at critical locations.
- (b) Shall show location and approximate size and depth of stormwater detention facilities.

7. **Erosion and Sediment Control Plan.** (May be combined with Site Grading and Drainage Plan if all information legible)

- (a) Shall demonstrate erosion control and sediment control in compliance with NPDES requirements.

8. The full legal description of the boundaries of the properties to be included in the area to be zoned "PD" Planned Development.

9. A description of specific modifications to the zoning ordinance deemed necessary by the applicant.

10. A description of specific adjustments to zoning ordinance.

E. The applicant may further be asked to furnish other information such as typical building floor plans, building elevations to show the general architectural character of the buildings, some indications as to size and type of landscape plant materials, pavements, and other major site improvements.

F. The applicant may be asked to submit the tentative financial plan and description of the intended means of financing any proposed common areas of common improvements and statements covering ownership and maintenance of common easements or other common areas, such as open space or recreational facilities.

G. Within sixty (60) days after the filing of a preliminary application, a public hearing shall be held after proper notice before the Planning Commission.

H. Following the hearing, but within sixty (60) days, the Planning Commission may recommend approval, modify, or recommend disapproval of the preliminary plan.

I. If the recommendation of the preliminary plan is disapproved, the Planning Commission shall set forth their reasons, in writing, to the applicant.

J. Upon recommended approval of the Preliminary Development Plan by the Planning Commission, the applicant shall prepare and submit a final Development Plan which shall incorporate any changes or alterations requested. The final Development Plan and the

Planning Commission's recommendations shall be forwarded to the City Council for their review and final action.

- K. All plans and documents shall become a part of the amendment and shall form the basis for issuance of a zoning permit in conformity therewith.
- L. Changes in the Development Plan, which increase the number of dwelling units or establishments, the arrangement of buildings, the number of parking stalls, any increase in the size or number of other improvements, and the alignment of driveways or roadways shall require a resubmission for approval of the application for rezoning. Any minor changes or adjustments or decrease in the number of dwelling units, common facilities, and recreation facilities may be approved by the Building Inspector without resubmission.
- M. Upon approval of the final plan, the City Council shall specify the stages of the "PD" district. The City Council shall also place on the record all agreements for performance, covenants, restrictions, and zoning ordinance modifications. **The City Council may request a final plan plat prepared as specified in the City of McCook Subdivision Regulations for recording.**
- N. In the event that within twenty-four (24) months following approval by the City Council, the applicant does not proceed with construction in accordance with the plan so approved, the Planning Commission may initiate action to re-zone the property to the original zoning district. If initiation for rezone occurs, a public hearing, as required by law, shall be advertised and held at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall make a recommendation to the City Council.

#### **Section 1904. Subsequent Performance.**

The Official Zoning Map shall carry a notation of the location and boundaries of any Planned Development or Planned Development District approved as above.

- A. After the approval of the Application and General Plans, the applicant shall file Detailed for review by the Planning Commission, showing the details of the proposed development as fully as possible and including elevations and perspectives of proposed construction. If the applicant later wishes to change any of the details of the proposed development, further Detailed Plans shall be filed for review by the Planning Commission. No building permit for the proposed development or any part thereof shall be issued until the Planning Commission has determined that the pertinent Detailed Plans are satisfactory and compliant with the intent stated in Section 1901 above. If any Detailed Plans are not acted upon by the Planning Commission within sixty (60) days after they are submitted to it, they shall be deemed to be Approved and such recommendation shall be forwarded to the City Council.
- B. If construction of improvements is not begun and diligently prosecuted to completion within a reasonable time established by the Planning Commission at the time of approval of Detailed Plans, and if an extension of time is not given by the Planning Commission and City Council for good cause shown, then the modifications or amendments of this Ordinance shall become null and void, and the tract shall revert to all the requirements of its previous zoning. No certificate of zoning compliance shall be issued until a detailed report is submitted by the applicant to the Planning Commission and City Council showing the outcome of construction and the Planning Commission certifies that all requirements of this Article 19 relating to planned developments have been met.

**CITY MANAGER'S REPORT  
DECEMBER 10, 2025 MCCOOK PLANNING COMMISSION MEETING**

**ITEM: 2.1.** Update and discussion regarding the City of McCook's progress on a new Comprehensive Plan.

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**BACKGROUND:**

The finishing touches are being added to McCook's new Comprehensive Plan. Staff intends to present the first draft of the Comprehensive Plan to the Planning Commission. Craig Bennett and Jason Combs of Miller & Associates will be present via zoom to give a refresher on the contents of the Comprehensive Plan and its importance to future planning/development efforts.

**APPROVALS:**

  
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Lea Ann Doak, City Clerk

December 2, 2025

  
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Nathan A. Schneider, City Manager

December 2, 2025